

INTERNATIONAL LABOUR
CONFERENCE

SEVENTY-SECOND SESSION
GENEVA, 1986

RECORD OF PROCEEDINGS

INTERNATIONAL LABOUR OFFICE
GENEVA

Interpretation from Spanish: The PRESIDENT—We are now called upon to start the final vote on the instrument of amendment to the ILO Constitution, the amendment to article 17 of the Standing Orders of the Conference and on the consequential amendments to the Standing Orders and to the Constitution.

Our first task is therefore to proceed to the final vote on the Instrument for the Amendment of the Constitution of the ILO.

This instrument of amendment contained in the *Provisional Record*, No. 36, prepared by the Drafting Committee after two preliminary votes held on Friday, 13 and Monday, 23 June 1986, incorporates draft amendments on the four items on the agenda, namely: article 8 (appointment of the Director-General); article 17 (the quorum); article 36 (procedure of amendment to the Constitution) and article 7 (composition of the Governing Body).

You will have noted that the Drafting Committee, in compliance with its mandate under article 47, paragraph 6, of the Standing Orders, has included in one single instrument of amendment the set of amendments to the various articles of the Constitution, as well as the consequential amendments to be made to other constitutional provisions. In accordance with article 47, paragraph 8, of the Standing Orders, the Conference is to proceed to one single final vote on the whole of this instrument. This vote will be a record vote. In accordance with article 36 of the Constitution the adoption of the instrument of amendment calls for a two-thirds majority.

Before I ask the Clerk of the Conference to proceed to the final record vote on the Instrument for the Amendment of the Constitution, I shall call upon Mr. Kostine, Government delegate, USSR, who has asked for the floor.

Interpretation from Russian: Mr. KOSTINE (*Government delegate, USSR*)—The tripartite delegations of the group of socialist countries have requested me to take the floor to make a statement on their behalf.

During the course of the very long years of work on the review of the structure of the ILO, the representatives of socialist countries continuously showed their good will, made constructive proposals and tried, in a spirit of co-operation, to find in the form of a package a comprehensive and generally acceptable solution to this problem which is so very important to the Organisation. With our direct participation preliminary agreements were reached on most questions. At the same time, the socialist countries showed flexibility in their approach, good will, and readiness to accept compromises, basing themselves on the fact that the future of the ILO depended to a considerable extent on the results of the work on the reform of structure and the fact that its activities should become universal. We note with satisfaction the proposed amendments which are aimed at increasing the role of the developing countries and the role of the General Conference in the activities of the Organisation.

At the same time, however, we are obliged, with deep regret, to note that the many years of efforts to reform the structure have come up against the obstructionist position of the so-called majority of

the group of Employers, which stubbornly refuses to recognise the obvious right of the directors of the socialist undertakings to be duly represented in the Governing Body, and to participate in all the activities of the Organisation on an equal footing and a non-discriminatory basis. This was further confirmed by the events that took place during this Conference in connection with the question of the setting up of committees as you very well know.

For many years, and also during this Conference, the majority of the Employers' group has repeatedly rejected concrete proposals made by the directors of socialist undertakings. This majority showed neither a spirit of co-operation nor a spirit of good will. As a result, the talks made no progress whatsoever, particularly as regards the group of Employers. The position of the "majority" of the Employers is in full contradiction with the kind of structural reform that would really be needed to satisfy the requirements of modern times, meet generally accepted standards of international relations and co-operation, reflect the social, economic and political realities of our times, and take into account the changes that have occurred world-wide since the establishment of the ILO.

Amendments to the ILO Constitution and the Standing Orders of the Conference—in particular article 17—are before us for a final vote, but no agreeable and generally acceptable decisions have been reached on one of the most important elements of the reform of structure, namely the problem of the group of Employers. This undermines the very basis for the talks which have lasted for many years, namely the elaboration of a comprehensive package and a generally acceptable solution to all problems. This also reflects the unwillingness of certain forces in the Organisation to take into account the legitimate interests of an entire group of member States with equal rights, and the interests of the whole social system which they represent. This background sharply contrasts with the extreme efforts undertaken by these forces—especially the Western countries and the secretariat—to satisfy the ambitions of Israel whose policy led, inter alia, to a situation in which its neighbours refused to accept it as a country in the region. In this connection I would once again like to emphasise that the problem of including in the Governing Body countries that are not parties to the election protocols is nothing to do with the socialist countries of Eastern Europe.

The adoption of amendments to the Constitution and Standing Orders while the socialist enterprise directors are still being discriminated against is completely unacceptable to us, because such a decision would in fact be tantamount to a refusal to recognise, in this Organisation, the existing social and economic system in the socialist countries. This is something that we cannot accept.

In the light of what I have just said, we are obliged to vote against the adoption of the proposed document. Furthermore, in view of the vital importance attached by the socialist countries to the just solution of the problem posed by the group of Employers, we confirm our earlier decision to withhold, as from January 1986, the share of our contributions allocated to financing of the entrepreneurial activities of the ILO.

For our part, we did our best to find a solution to the problems of structure on a basis of general agreement. Last year, in the Declaration of the

socialist countries regarding the situation in the ILO, we expressed the readiness of our countries to cooperate with a view to improving substantively the activities of the Organisation. This also applied to the question of the democratisation of its methods of work. We showed good will, a constructive approach, patience and flexibility.

We have already said that the texts of the amendments to the Constitution and the Standing Orders as such could—within the famous package—be acceptable to us. However we are obliged to vote against the amendments because they fail to take into account the interests of the socialist countries on the issue which is vital to us, namely, the reform of structure regarding the situation of the Employers' group. Responsibility for the situation that has developed is to be borne by those who, in furtherance of their selfish political objectives, have stubbornly wished to maintain the discriminatory situation in the ILO. The question of the normalisation of the situation and relations in the group of Employers is still pending, and we have to settle it. We once again appeal to everyone interested in the fate of this Organisation to reconsider this matter.

Mr. von HOLTEN (*Employers' delegate, Sweden*)—Although it is perhaps not absolutely necessary, I have asked for the floor in order to assure the Conference that the Employers in the great majority are going to vote for the constitutional amendments and also for the consequential amendments to the Standing Orders of the Conference. We shall do so knowing that the new paragraph 2 of article 7 of the Constitution which relates to the future composition of the Governing Body is applicable also to the Employers' group. The paragraph does not impair our autonomy. We shall thus continue to elect as members of the Governing Body persons who are to represent the Employers which means that they must be willing and able to promote the interests of the group in the ILO without receiving instructions from elsewhere. This consideration apart, however, we shall be bound by the new paragraph to compose our Governing Body team in a manner which is as representative as possible, taking into account geographical, economic and social interests. To implement the new paragraph when it comes into force, we have adopted internal rules for our elections as required by the consequential paragraph 4 of article 52 of the Standing Orders of the Conference. These rules are so designed that they have to be reviewed before every election with a view to their re-adoption by a simple majority of the group with or without amendments. Unfortunately, the Employers' representatives of the Eastern European socialist countries and of Cuba and Mongolia have not yet been able to accept these rules. They are not satisfied with this conditional guarantee contained in the new paragraph 2 of article 7 but want an unconditional guarantee, which we cannot give them, as we do not wish to create what in practice would amount to non-elective seats in our group. In my plenary statement of Saturday, 7 June, I quoted an interpretation of our rules which was formally approved by the majority of the Employers' group at the 68th (1982) Session of the Conference. We stand by that interpretation. Thus we hope one day to achieve a degree of cooperation with our socialist colleagues at meetings of the ILO and of the Conference, in particular, enabl-

ing the majority to elect candidates of theirs to the Governing Body.

This problem is an old one; it existed before the Structure debate began and it will certainly survive that debate. Whether the amendment now before us is adopted or not, we of course hope it is, the Employers cannot stop considering the problem. We already now have election rules which, like the future ones, have to be reviewed before every election. The next election will, as you know, take place in 1987. There are also various matters concerning the organisation of the work of the Conference which need to be discussed within our group. On this need for the Employers to continue their internal discussions, I am happy to tell you that we and our socialist colleagues are in complete agreement.

Interpretation from Arabic: Mr. SALIM (*Government adviser, Syrian Arab Republic*)—The delegation of the Syrian Arab Republic, given the importance it attaches to the amendments to the Constitution and its approval in principle of the amendments to the articles in the relevant document, finds it necessary to place on record here that we have our reservations regarding the special section that does not refer to a specific country—which we consider a flagrant attempt to prevent the Arab countries from speaking of what is happening in the occupied territories—and, more specifically, regarding the implementation of article 17 of the Standing Orders. We are particularly concerned that the Director-General should have stated today that he will continue to examine the need for sending a mission to the occupied territories, which means that the decision will be left to the discretion of the Director-General. Therefore, my delegation wishes to express its reservations on the document under consideration, and, more specifically, on article 17.

Mr. HARE (*Government adviser, United States*)—Since rejoining the ILO in 1980, my Government has participated actively in the structure exercise. We join those who have expressed satisfaction that this long drawn-out exercise is now coming to a conclusion. We have no illusions that this is a perfect set of amendments; however, it is perhaps the best compromise that could have been achieved in view of all the competing interests in this Organisation. My Government sincerely regrets that the American region for various reasons has not yet been able to achieve an agreed protocol for the distribution of Governing Body seats equitably within the region. However, we are sure that, in the intervening period between the adoption of the text before us today and the ratification by the member States as provided for in the ILO Constitution, it will be possible to achieve such a protocol.

Mr. President, let me conclude by expressing thanks to you for your efforts in helping bring this exercise to a successful conclusion.

Interpretation from French: Mr. OECHSLIN (*Employers' delegate, France*)—I would simply like to say a few words in the light of the responsibilities placed on me at this Conference and those which will perhaps be assigned to me subsequently by the Employers' group. In the picture of the Employers' group, drawn by Mr. Kostine, the distinguished delegate of the Soviet Union, I did not recognise the

group I generally direct. I think that most of the members of this group who come from the developing countries, and particularly from developing countries which are not capitalist, will not recognise this Employers' group either; nor will many friends in the Government and Workers' group with whom we are accustomed to work. It seems that an attempt has been made to make this group out to be a sort of fortress, the entrance to which is reserved for those who have a diploma of integral capitalist. I do not think this is true. The Employers' group is an open house, open to many participants from different origins representing different enterprises and social systems. The only condition that is laid down is that those who wish to enter should leave their guns in the cloakroom.

Let us perhaps be a bit more serious. I would like to say that article 7, paragraph 2, of the Constitution, as amended according to the draft submitted to us and which we are going to vote on, does establish once and for all the autonomy of the groups.

It is thus in the groups that we must seek the principles embodied therein. The Employers' group, like the others, will try to pursue this internal dialogue so as to overcome any possible difficulties in the application of the new article of the Constitution. This dialogue remains open as of now. The future Chairman of the Employers' group of the Conference—and I fear that my colleagues, in their wisdom or lack of wisdom, contemplate re-electing me—will continue to be open to any discussion with the members and the Employers' group who might wish at any time, including in the period between now and the next Conference. I think that appropriate arrangements could easily be made with the assistance of the ILO provided, of course, that there is a genuine will to resolve through dialogue all the difficulties that may arise within the group, particularly at the 1987 Session of the Conference.

FINAL RECORD VOTE ON THE DRAFT INSTRUMENT OF AMENDMENT TO THE ILO CONSTITUTION

Interpretation from Spanish: The PRESIDENT—I now call upon the Clerk to proceed to the final record vote on the draft instrument of amendment to the ILO Constitution.

(A record vote is taken.)

(The detailed results of the vote will be found at the end of the record of the sitting.)

Interpretation from Spanish: The PRESIDENT—The result of the vote, the final record vote, on the instrument of amendment of the ILO Constitution, as contained in *Provisional Record* No. 36, is the following: 352 in favour; 44 against; 0 abstentions. The Conference has therefore adopted the instrument of amendment to the ILO Constitution.

(The instrument of amendment is adopted.)

Interpretation from Spanish: The PRESIDENT—Four speakers have asked for the floor to explain their votes.

Mr. UTHEIM (*Government delegate, Norway*)—As I take the floor on behalf of the Western European Government group, let me first of all say that we were happy to be able to vote in favour of the constitutional amendments which have just been adopted.

The Western European Government group has always attached the greatest importance to a successful outcome of what has become known as the structure exercise. All groups and delegations in this hall have participated in the enormous effort deployed during this session of this issue. At the same time, we should also pay tribute to all those who have dedicated so much time and effort on the structure question in the past. It is thanks to them that it was at all possible for us to conclude successfully this arduous work today.

On this occasion I would also like, on behalf of my group, and myself personally, to pay a very special tribute to the Director-General of the ILO, Mr. Francis Blanchard, and his most competent legal advisers, Mr. Francis Wolf and Mr. Francis Maupain. Above all, I would like to express also our warmest thanks to you personally, Mr. President, for your untiring and never failing efforts, literally at every hour of the day, in the framework of your good offices, to bring parties together.

It goes without saying that the explanations of votes made on behalf of the Eastern European Government group reflect the interpretation of that group only.

Interpretation from Russian: Mr. KOUDRIAV-TSEV (*Government adviser, USSR*)—On behalf of the delegations of the group of socialist countries I wish to request that a vote be taken on the amendments to article 17 of the Standing Orders of the Conference and the other amendments which are part of the "package". We shall vote against these amendments for reasons already stated.

Interpretation from Spanish: Mr. CARVALHO LOPES (*Government adviser, Brazil*)—In accordance with its policy of participation in international organisations, at which it has frequently advocated the modernisation of their respective structures, the Government of Brazil has, since the beginning of the discussions on the reform of the ILO structure, given its unconditional—I repeat unconditional—support to this reform. After more than 20 years, we are fully aware of the fact that various provisions have been established which will no doubt improve the functioning of the Organisation and bring about a greater democratisation of its work.

The participation of the delegation of Brazil in the negotiations on the structure and reform of the ILO have invariably been constructive. In the negotiations on the regional protocol of the Americas, which has not yet been brought to a conclusion, the delegation of Brazil has never attempted to establish conditions for the participation of anyone. In view of the fact that the American region has not yet reached a decision on its protocol, the delegation of Brazil was not in a position to support the final adoption of the constitutional amendments. For this reason, the delegation of Brazil did not participate in any of the votes.

Interpretation from Arabic: Mr. AL-YAHYA (*Government delegate, Saudi Arabia*)—In the name of God, the Compassionate, the Merciful!

At a time when we have adopted the instrument of amendment to the ILO Constitution on behalf of the delegatin of Saudi Arabia, I have the privilege of paying tribute to the efforts made by the President, by the Director-General of the ILO and by all those who have contributed to the achievement of the structural reform of the ILO, which has crowned the efforts of more than 20 years. We hope that these constitutional amendments will soon take effect, after ratification by all member States.

I also wish to express my appreciation for the positive role played by the Group of 77 and, in particular, the delegations which have contributed so much to this Conference and particularly the Ambassador of Argentina, Mr. Jiménez Dávila, as well as the representative of the Asian group, Mr. Kirubanathan of Malaysia. I also wish to pay special tribute to our brother, Yahia Briki, Government delegate of Algeria, who honours us with his presence, and who has made great efforts and left us with the "Briki formula" which has led to such successful results today.

The changes in the structure of the ILO are an indication of the modernisation of this Organisation and will make it possible for the developing countries to make a greater contribution to the work of the ILO. In conclusion I therefore wish to express my appreciation and thanks to Mr. Briki and all his colleagues, as well as to the Director-General, for all their efforts.

AMENDMENTS TO ARTICLE 17 OF THE STANDING ORDERS OF THE CONFERENCE: ADOPTION

Interpretation from Spanish: The PRESIDENT—The second part of our task is the adoption of the amendments to article 17 of the Standing Orders of the Conference which deals with the resolutions procedure. The text of this is contained in the *Provisional Record* No. 3. The corrections introduced by the Drafting Committee are contained in the *Provisional Record* No. 36A.

As I had an opportunity of pointing out before, the resolution adopted at the 71st Session of the Conference as to the agenda of the present session states clearly that the adoption of the amendments and their entry into force are subject to the coming into force of the instrument of amendment to the Constitution which you have just adopted.

Before proceeding to the vote on this question, it may perhaps be necessary to recall the consensus of the Working Party on Structure when it adopted the proposed amendment with respect to the Committee of 13 provided for in article 17, paragraph 4: "the Working Party considers that expansion of the membership of the Committee from seven to thirteen members should enable the Conference to establish the Committee in as "representative" a manner as possible taking into account various geographical, economic and social interests within all three groups of the Conference. These considerations should not, however, in any way inhibit the autonomy of the three groups of the Conference."

I now submit, for adoption, the proposed amendments to article 17 of the Standing Orders of the

Conference contained in the *Provisional Record*, No. 3, with the corrections indicated in the *Provisional Record*, No. 36A.

(A vote is taken by show of hands.)

Interpretation from Spanish: The PRESIDENT—The results of the vote on the amendments to article 17 of the Standing Orders are as follows: in favour, 287; 45 against; 0 abstentions. Consequently, the amendments to article 17 have been adopted. These amendments to article 17 will of course come into force only at the first session of the Conference following the entry into force of the instrument of amendment to the Constitution.

(The amendments to article 17 of the Standing Orders are adopted.)

CONSEQUENTIAL AMENDMENTS TO THE STANDING ORDERS OF THE CONFERENCE: ADOPTION

Interpretation from Spanish: The PRESIDENT—We shall now proceed to the adoption of the consequential amendments to the Standing Orders of the Conference which are the outcome of the instrument of amendment to the Constitution and of the amendments to article 17 of the Standing Orders. These amendments relate to various provisions of the Standing Orders which I shall list in the order in which they appear in the text.

Article 4 (Annex to *Provisional Record*, No. 3), changes resulting from the amendment to article 7 of the Constitution.

Article 7bis (*Provisional Record*, No. 36A), change resulting from the amendment to article 17 of the Constitution.

Articles 9 and 10 (Annex to *Provisional Record*, No. 3 and No. 36A, respectively), changes resulting from the amendment to article 17 of the Standing Orders of the Conference.

Article 12bis (Annex to *Provisional Record*, No. 3), changes resulting from the amendment to article 8 of the Constitution.

Article 19, paragraph 5 (Annex to *Provisional Record*, No. 3), changes resulting from the amendment to article 36 of the Constitution.

Article 20, quorum and deletion of article 21 (Annex to *Provisional Record*, No. 3), changes resulting from the amendment to article 17 of the Constitution.

Article 25 (Annex to *Provisional Record*, No. 3), changes resulting from the amendment to article 7 of the Constitution.

Articles 26 and 28 (Annex to *Provisional Record*, No. 3), changes resulting from the amendment to article 17 of the Constitution.

Articles 30 and 33 (Annex to *Provisional Record*, No. 3) changes resulting from the amendment to article 17 of the Constitution.

Articles 41 and 47 (Annex to *Provisional Record*, No. 3), changes resulting from the amendment to article 17 of the Constitution.

Articles 48, 49, 50, 51, 52, 53 and 54 (Annex to *Provisional Record*, No. 3), changes resulting from the amendments to article 7 of the Constitution.

Article 55 (Annex to *Provisional Record*, No. 3), change resulting from the amendment to article 17 of the Standing Orders.

Articles 65 and 66 (Annex to *Provisional Record*, No. 3), change resulting from the amendment to article 17 of the Constitution.

Article 70 (Annex to *Provisional Record*, No. 3), change resulting from amendment to article 7 of the Constitution.

I submit to the Conference all the amendments to the provisions of the Standing Orders of the Conference and state once again that these amendments will come into force only at the session of the Conference following the entry into force of the instrument of amendment to the Constitution of the ILO.

May I take it that the Conference adopts these amendments?

(The consequential amendments to the Standing Orders of the Conference are adopted.)

Interpretation from Spanish: The PRESIDENT—With the adoption of the whole of the amendments to the Standing Orders of the Conference which has just taken place the item concerning the amendment to the Constitution and the Standing Orders has been completed.

At the same time I would like to point out that the various consequential amendments concerning the Standing Orders of the Governing Body of the ILO do not require approval by the Conference. The Conference has merely to take note of these amendments and refer them to the Governing Body for consideration in due course.

(The Conference takes note of the amendments to the Standing Orders of the Governing Body.)

RESOLUTION CONCERNING DEVELOPMENT, FOREIGN DEBT AND THE SOCIAL OBJECTIVES OF THE ILO SUBMITTED BY THE RESOLUTIONS COMMITTEE: DISCUSSION AND ADOPTION

Interpretation from Spanish: The PRESIDENT—We shall now consider the resolution on development, foreign debt and the social objectives of the ILO, contained in the report of the Resolutions Committee.

Mr. SCHRADER (*Government adviser, United States*)—During the discussion in the Resolutions Committee on this particular resolution my Government associated itself with a statement presented on behalf of 16 governments which raised serious reservations about the scope of the resolution. I made a further statement raising objections that my Government had about the resolution which I would like to refer to now as an explanation of the United States Government's attitude towards the resolution concerning development, foreign debt and the social objectives of the ILO.

My Government is very much aware of the money problems associated with the debt burden of a number of countries throughout the world. The United States has taken the initiative to search for solutions to these problems on a bilateral basis and

on a multilateral basis, in collaboration with the appropriate international financial agencies.

During the general discussion of this resolution in the Committee, I stated that it is appropriate for the International Labour Organisation to consider the domestic labour and social effects in member countries of the pressures due to changing macro-economic conditions. The ILO focus should be specifically on the effects on employment and general labour conditions rather than on national economies, but in the view of my Government the resolution before us goes far beyond any realistic mandate for the ILO. My Government cannot support the extension of the ILO into the international financial arena. The resolution before us, in our view, is seriously flawed on a number of grounds. It portrays the current world economic situation in alarmist terms. It blames the industrialised countries and the international financial institutions where the developing countries were failing to give adequate emphasis to the necessity to pursue internal structural reform. It advocates various policies and mechanisms clearly at odds with the long-standing and time-tested approach to debt and other economic issues that the United States and other industrial countries have pursued. In addition, the resolution seeks to move the ILO into areas far beyond the purview of the Organisation's mandate and expertise.

For these reasons, my Government requests a vote on this resolution and will vote against it.

Interpretation from German: Mr. MUHR (*Workers' delegate, Federal Republic of Germany*)—On 11 June we had an opportunity of listening to the statement of the President of the Federal Republic of Germany, Mr. von Weizsäcker, which received a great deal of applause. In his statement, Mr. von Weizsäcker dealt with the issue which is embodied in the first resolution. The Government delegate of Venezuela has already referred to this fact. If you allow me, I should like to quote only two sentences from the statement by the President of the Federal Republic of Germany. He called upon us to cooperate with the other international organisations involved in these matters: the World Bank, the International Monetary Fund, the GATT, UNCTAD and the OECD. Secondly, he said that such cooperation will not dilute the responsibility of the various organisations but can contribute a harmonisation of the work done and to the concentrated and effective use of resources. I am therefore surprised to hear some of the statements that certain Government delegates have made this afternoon. On the one hand, they applauded President von Weizsäcker and, on the other hand, they argue that in this matter we have relinquished our own responsibility and competence. Of course we have only part of the total international responsibility in this matter, but we must be fully conscious of our share of responsibility. The resolution before us has attempted to do this. The resolution could have been taken literally from the statement made by the President of the Federal Republic of Germany if it had not been drafted before. I think that we are entitled to know just who is prepared to assist us in this very serious matter and, in view of the just claims of the developing countries, I ask on behalf of the Workers' group that a record vote be taken on this resolution.