

Fifth meeting of the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance

► Summary record of proceedings

Introduction

1. The tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance (TWGD), established by the Governing Body at its 337th Session (October-November 2019) and the duration of which was extended for an additional 12 months by the Governing Body at its 341st Session (March 2021), held its fifth meeting in two sittings on 3 and 14 February 2022. The meeting was held virtually due to the ongoing restrictions related to the COVID-19 pandemic.
2. The list of members and other participants is in Appendix I.

First sitting

3. **One of the Co-Chairpersons, Switzerland**, recalled that the TWGD had been established 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, in the spirit of the ILO Centenary Declaration for the Future of Work. Since the TWGD was about to complete its work and to submit a final report to the March 2022 Session of the Governing Body, the working group should focus on submitting a set of recommendations to the Governing Body.
4. **One of the Co-Chairpersons, Nigeria**, recalled that a draft agenda of the meeting had been circulated by the Office, at the Co-Chairpersons' request, in November 2021 and again in January 2022. This draft agenda included an item concerning the experience of India and Italy as the two Members of chief industrial importance having so far ratified the 1986 Instrument of Amendment to the ILO Constitution (1986 Amendment). The Office had later been informed that neither of the two governments would take the floor at the meeting.
5. The TWGD adopted the following agenda:
 - Update on the status of ratification of the 1986 Amendment and ratification prospects;
 - Exchange of information on the status of regional protocols and any initiatives for their revision;
 - Recommendations of the tripartite working group to the Governing Body on next steps to be included in the final report;
 - Any other business.

Update on the status of ratification of the 1986 Amendment and ratification prospects

6. **One of the Co-Chairpersons, Switzerland**, stated that since the beginning of the work of the TWGD, the Co-Chairpersons tried to meet bilaterally with as many governments as

possible. Unfortunately, those bilateral meetings, like the TWGD meetings in general, had taken place virtually, which was not helpful for discussing such a complex topic. That had also prevented the Co-Chairpersons from completing their consultations in time. So far, the Co-Chairpersons had met mainly with a number of European countries, notably from the Eastern European region or Members of chief industrial importance, but additional consultations were still expected to take place until the March 2022 session of the Governing Body.

7. Turning to the update on the status of ratification of the 1986 Amendment, she indicated that it had been ratified by 117 Member States. Ireland had deposited the 117th instrument of ratification on 17 September 2021, which brought to eight the number of further ratifications necessary for the entry into force of the 1986 Amendment, including at least three ratifications from Members of chief industrial importance.
8. As regards prospects of ratification, the Co-Chairperson indicated that most developments since the TWGD's fourth meeting concerned the four Member States of the African region which had not yet ratified the 1986 Amendment, namely Liberia, Cabo Verde, the Gambia and Sao Tome and Principe. Liberia had informed that the ratification of the 1986 Amendment had been approved by the Liberian Parliament and subsequently by the President. At the Government's request, the Office was providing assistance for the finalization of the process, and the deposit of the instrument of ratification was expected to follow shortly. In Cabo Verde, the ratification of the 1986 Amendment had been adopted by its National Assembly on 27 January 2022 and the deposit of the instrument of ratification was expected to follow soon after promulgation by the President and publication in the Official Bulletin. The Gambia, in turn, had reported that the ratification of the 1986 Amendment had been approved by the Cabinet and would soon be submitted to the National Assembly. Lastly, Sao Tome and Principe had informed the Office that following the approval by the Parliament, the internal process for the ratification of the 1986 Amendment was now in its final steps.
9. In addition, the Office and the Co-Chairpersons had received information from four Member States from other regions. Brazil had conveyed to the Office that although there was no concrete progress to report, internal consultations on the ratification of the 1986 Amendment had continued. The Islamic Republic of Iran had indicated that efforts were being made to complete the ratification process by June 2022, with the goal of formally announcing the ratification at the 110th Session (2022) of the International Labour Conference. The Philippines had informed that ratification documents were under preparation by the Department of Foreign Affairs. Finally, the Government of Turkmenistan had communicated that it was considering ratification and taking steps towards obtaining parliamentary approval.
10. **The representative of the secretariat of the Workers' group** noted the willingness of governments to ratify the 1986 Amendment and recalled that its entry into force required ratification from three Members of chief industrial importance.
11. **The representative of the secretariat of the Employers' group** acknowledged the efforts undertaken by the two Co-Chairpersons and the Office since the November 2021 Session of the Governing Body to approach Member States from all regions and to understand their needs in terms of assistance and support towards the ratification of the 1986 Amendment.
12. **The Government member of Italy** recalled that Italy had been one of the first Member States to ratify the 1986 Amendment and welcomed the announced progress. Since Italy's ratification was more than 30 years old, consultations were being undertaken between

different ministries to update the country's position and attune it to discussions currently taking place at the level of the European Union.

13. **The Government member of the Philippines** commended the Co-Chairpersons for their outreach efforts in bilateral settings with Member States that had yet to ratify the 1986 Amendment and considered that her country had made remarkable progress towards its ratification.
14. **The Government member of Indonesia** noted with satisfaction the positive developments in different countries, which demonstrated the momentum for the entry into force of the 1986 Amendment.

Exchange of information on the status of regional protocols and any initiatives for their revision

15. While noting that the members of the TWGD had no specific information to share under this item, **one of the Co-Chairpersons, Nigeria**, recalled that the members of the TWGD had discussed at the group's fourth meeting a background paper prepared by the Office on measures necessary to implement the 1986 Amendment upon its entry into force. These measures included, first, amendments to the Standing Orders of the International Labour Conference and of the Governing Body, and second, the adoption or revision of protocols by the governments of each of the four regional electoral colleges on the process for the distribution of seats for the purposes of Governing Body elections. At the time, the Office had circulated the texts of the protocols which had been concluded by the regional groups prior to the adoption of the 1986 Amendment. The TWGD had found the information useful in terms of the preparatory work that would have to be undertaken not only by the Office with regard to amendments to Standing Orders, but also by governments with a view to revisiting the existing regional protocols.

Recommendations of the working group to be included in the final report

16. **One of the Co-Chairpersons, Switzerland**, recalled that the Governing Body had requested the TWGD to submit its final report at the 344th Session (March 2022). On behalf of the Co-Chairpersons, she proposed three draft recommendations to be included in the report. First, the TWGD would recall the resolution on the Centenary Declaration for the Future of Work, which called for the completion, at the earliest opportunity, of the process of ratification of the 1986 Amendment in order to definitively democratize the functioning and composition of the governing bodies of the ILO. Second, the TWGD would recall the resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance adopted on 18 June 2021, which called upon Member States, and in particular the States of chief industrial importance, which had not yet ratified the 1986 Amendment to examine the ratification of the instrument as a matter of priority. And third, the TWGD would invite the Governing Body to follow-up the progress made at each of its sessions; to continue to provide its guidance to the Director-General; to include on its agenda - when the entry into force of the 1986 Amendment would be foreseeable - an item for making the necessary amendments to the Standing Orders of the Conference and of the Governing Body; and to invite the Co-Chairpersons to continue in their expert capacity talks, bilateral or other, on the issue of democratization of the tripartite governance and report to the Director-General by the end of 2022.
17. **The representative of the secretariat of the Employers' group** stated that the proposed recommendations appeared reasonable but she needed time to carefully review them.

18. **The representative of the secretariat of the Workers' group** noted that the proposal appeared to be in line with the position of her group, which was fully committed to the 1986 Amendment. In this respect, the Governing Body should also request the Director-General to continue the promotional efforts.
19. **The Government member of Indonesia** stated that internal consultations would be needed regarding the draft recommendations proposed by the Co-Chairpersons. The final report should express support for the Director-General's promotional efforts for the ratification of the 1986 Amendment. All the Member States that had not yet ratified it, especially the Members of chief industrial importance, should update the Office on their position regarding ratification.
20. While acknowledging the Co-Chairpersons' efforts towards the common goal of the democratization of the ILO's governance, **the Government member of France** indicated that the proposed recommendations would require further study. With respect to the proposed recommendation regarding the continuation of consultations by the Co-Chairpersons, it was not clear whether the consultations would relate broadly to the democratization of the ILO's governance in a broad sense or only to the 1986 Amendment. Additionally, it was not clear why the Co-Chairpersons would report to the Director-General or to the Governing Body.
21. **One of the Co-Chairpersons, Switzerland**, clarified that the consultations were not limited to the 1986 Amendment. The objective was to enable the Co-Chairpersons to meet the multiple requests for bilateral discussions, which might not be completed before the March 2022 session of the Governing Body. The Co-Chairpersons considered that it would be important and appropriate to continue those bilateral discussions until the end of 2022 and then report either to the Director-General or the Governing Body, as appropriate. She recalled that 2022 was a year of transition and that a new Director-General would take office in October.
22. While welcoming the proposals and acknowledging the Co-Chairpersons' work, **the Government member of Belgium** agreed that proposals put forward called for further consideration.
23. **One of the Co-Chairpersons, Switzerland**, concluded that the proposed recommendations required further consultations and suggested that in light of the discussion, the Office circulate a draft final report, including proposed recommendations, to the members of the TWGD for their comments.

Any other business

24. **The Government member of Morocco**, speaking on behalf of the Africa group, welcomed the growing interest in the process of ratification of the 1986 Amendment, which remained a precondition for the real democratization of the ILO's bodies, in particular the Governing Body. An important resolution, proposed by the TWGD, had been adopted by the Conference in 2021. The Africa group also recognized the efforts of the Office as regards both its promotional activities and the support to the TWGD, which had contributed to highlight the legal and operational roadmap for the implementation of the 1986 Amendment upon its entry into force. A questionnaire had also usefully gathered the views of the TWGD members on the scope of democratization. It was hoped that more tangible progress could be made towards a true equality of the Member States in their participation in the decision-making of the ILO. The work of the TWGD should take into account the discussion at the 343rd Session (November 2021) of the Governing Body, during which the possibility of other topics being discussed at the fifth meeting of the TWGD had been

raised. The mandate of the TWGD should be extended and perhaps also expanded. Should the mandate be renewed, the Office should compile a list of stumbling blocks in the way towards the reform of the composition of the Governing Body which was the main aspect of democratization. The Office should develop a roadmap of activities to be intensified, mainly to promote the ratification and entry into force of the 1986 Amendment. As proposed previously, awareness-raising events should be organized, especially with Members of chief industrial importance. The question of the update of the regional protocols should continue to be discussed in relation to the main purpose of the TWGD, which was to discuss ways and means to ensure the entry into force of the 1986 Amendment.

- 25. The Government representative of Pakistan**, speaking also on behalf of a number of Asian countries, commended the Co-Chairpersons for their important contribution to the promotion of democratization at the ILO, thanked the Member States which had ratified the 1986 Amendment and encouraged those in the process of doing so to expedite that process. The pursuit and full realization of democratization remained a priority. Achieving democratization in the ILO governance structure was a work-in-progress, and the countries on behalf of which she spoke were committed to the early entry into force of the 1986 Amendment. However, pending the achievement of that goal, other ways to further democratization should be included in the mandate of the TWGD. As had been stated at the 343rd Session (November 2021) of the Governing Body, including by Pakistan, on behalf of a number of countries belonging to ASPAG,¹ there were governance structures where democratic principles should be promoted. A platform was needed to discuss issues such as the multiple representation of some governments in the Screening Group, speaking rights of observer countries in their role as regional coordinators, chairpersonship of the Government group, and representation of the chairperson of the Government group among the officers of the Governing Body. She thus proposed to extend and expand the mandate of the TWGD to ensure the goal of full, equal and democratic participation in the ILO's tripartite governance, and requested that the proposal be included in the Co-Chairpersons' proposed recommendations.
- 26. The Government member of Brazil**, speaking on behalf of GRULAC, recalled his region's traditional support for regional balance, equal representation and democratic governance at the ILO, now enshrined in the TWGD mandate. While the discussions that had taken place within the TWGD and the working group's achievements, including the adoption of a Conference resolution, were valuable, more work could be done to enable further progress towards the common objective of full, equal and democratic participation in the ILO's tripartite governance. Recalling his group's statement at the 343rd Session (November 2021) of the Governing Body,² he reiterated that there was an imbalance in the national and regional representation within the current structure of the Governing Body since some countries and regions were overrepresented. This resulted in a group being favoured at the detriment of other groups. As the TWGD was an appropriate forum to address such issues and reach consensus on proposals for the consideration of the Governing Body, GRULAC supported the extension of its mandate for an additional year.
- 27. The Government member of the Philippines** supported the statement made by the Government representative of Pakistan. As long as the issue of unequal representation was not substantially addressed, it would remain necessary to maintain the TWGD as a

¹ GB.343/INS/PV, para 170.

² Ibid. para 169.

forum to discuss and submit proposals to the Governing Body for the full, equal and democratic participation in the ILO's tripartite governance. Aside from the entry into force of the 1986 Amendment, there were other ways to promote the democratization of the ILO's tripartite governance. The mandate of the TWGD should be extended and expanded to allow for such discussions.

- 28. The Government member of Bangladesh** commended the TWGD and the Co-Chairpersons for the results achieved so far, which demonstrated eagerness for the democratization of the ILO but the Member States should expedite their ratification processes of the 1986 Amendment. The mandate of the TWGD should be extended and expanded, as proposed by the Africa group and by the Government representative of Pakistan also on behalf of a number of Asian countries.
- 29. The Government member of the Islamic Republic of Iran** supported the statement by the Government representative of Pakistan and the proposal to extend and expand the mandate of the TWGD. The ILO's governance could be significantly improved, most notably in relation to the equal and fair representation of Member States and geographical groups. The TWGD was an appropriate venue to discuss those issues in a tripartite manner. Continuing the discussions would demonstrate the shared commitment of the members to the democratization of the ILO's governance.
- 30. The Government member of Algeria** supported the statement made on behalf of the Africa group and noted the commitment of the members of the TWGD to further democratization. A majority of the members of the TWGD agreed that the democratization of the ILO's governance was anchored in the 1986 Amendment, which remained the most cost-effective tool to reach that goal. The TWGD was the key forum to discuss and make proposals to improve the ILO's governance, especially considering that the strategic objective of democratization of the ILO's tripartite governance had not yet been achieved. It would be appropriate to renew the mandate of the TWGD so it could continue its work in line with its initial mandate. The Office should pursue its promotional and awareness-raising work regarding the 1986 Amendment and, in anticipation of its entry into force, the Office could provide assistance to Member States with a view to updating the regional protocols.
- 31. The Government member of Lebanon** supported the proposal by the Africa group to extend and expand the mandate of the TWGD.
- 32. The representative of the secretariat of the Employers' group** considered that the proposals to extend the mandate of the TWGD and to include new topics for discussion were important, positive and made in the spirit of the Centenary Declaration. The Employers' group would probably not object to the proposals. However, more time was needed for the group to carefully consider them.
- 33. The representative of the secretariat of the Workers' group** recalled that the mandate she had received from the Workers' group to take part in the TWGD was to make progress in respect of the ratification of the 1986 Amendment. Therefore, she was not in a position to support the extension of the TWGD's mandate along the lines proposed by certain governments. She recalled that the resolution accompanying the Centenary Declaration called for "the completion, at the earliest opportunity, of the process of ratification of the Instrument of Amendment to the ILO Constitution, 1986, in order to definitively democratize the functioning and composition of the governing bodies of the ILO". She expressed the concern that, if the TWGD's mandate were to be expanded along the lines proposed by a number of governments, there would be a risk of losing track of the priority on the ratification and entry into force of the 1986 Amendment. Some of the

important issues now proposed for discussion during a possible extended mandate of the TWGD had indeed been raised during the 343rd Session (November 2021) of the Governing Body but no consensus appeared to exist in that respect.

- 34. The Government member of France** stated that his government was not able to support the proposal to extend and expand the mandate of the TWGD at that stage, since it had been put forward for the first time at the meeting. That did not signify opposition but recognition of the fact that, for their importance, the proposals required collective discussion within each group so that an appropriate and well-thought response could be given. He recalled that while, at the beginning of the work of the TWGD, it had appeared possible for the working group to deal with democratization in all of its aspects, a majority of its members had eventually wished to focus on the important question of the 1986 Amendment.
- 35. The representative of the secretariat of the Workers' group** noted that it would be useful if those Government members who proposed an extension of the TWGD's mandate could indicate in writing the issues they wished the TWGD to discuss in the future. Such proposals should be circulated for consideration by its members.
- 36. The representative of the secretariat of the Employers' group** asked whether another meeting of the TWGD could be held before the March 2022 session of the Governing Body.
- 37. The Co-Chairpersons, Nigeria and Switzerland**, explained that the meeting could be suspended and resumed at a later date before the following session of the Governing Body provided that by that time, all proposals would have been circulated and the participants would have had the time to properly consider them.
- 38. The Government member of Brazil** stated that even if some nuances existed and different positions could be identified, the majority of the members of the TWGD seemed to be in favour of extending and expanding the group's mandate, although the precise terms of that expansion were not yet clear. For that, a written proposal would indeed be helpful.
- 39. The Government member of Morocco**, speaking on behalf of the Africa group, supported suspending the meeting to allow the preparation of clear and precise proposals. In response to the concerns expressed by the representative of the secretariat of the Workers' group, the speaker noted that the priority of an extended mandate of the TWGD would be to examine new ideas and proposals to encourage the ratification of the 1986 Amendment and accelerate its entry into force.
- 40. The Government representative of Pakistan** considered that the discussion so far was encouraging. All speakers agreed on the need to promote democratization and to achieve the principle of equality by ensuring the participation rights of every Member State in ILO governance. Responding to the statement of the representative of the secretariat of the Workers' group, she stated that the suggested areas for discussion would not divert attention from the ratification and entry into force of the 1986 Amendment. Other topics were proposed for discussion by the TWGD pending achievement of that goal. The speaker also noted with satisfaction that the proposal of extending the mandate of the TWGD was supported by the Africa group, GRULAC and a number of Asian States. While certain countries and groups had declared that they needed more time, no clear rejection of the proposals had been expressed. She agreed to submit a proposal in writing for the participants' consideration with a view to allowing a decision to be made when the meeting resumed.

- 41. The Government member of the Philippines** questioned whether an expansion of the TWGD's mandate as defined by the Governing Body was indeed necessary or whether the group could, under its present mandate, already examine the issues that had been proposed for discussion beyond the 1986 Amendment, such as regional and sub-regional representation in the Governing Body. In the latter case, the decision to be taken would simply be whether or not the extension of the TWGD's tenure should be recommended.
- 42. The Government member of Belgium** stated that the expansion of the TWGD's work should not have the effect of undermining the efforts towards the ratification and entry into force of the 1986 Amendment.
- 43. The Government member of Indonesia** supported extending the mandate of the TWGD. As there was momentum to continue the promotion of ratification of the 1986 Amendment and to expedite its entry into force, it would be unfortunate if the work of the TWGD was not continued. While noting the concern of the Workers' group, he concurred with the Africa group that the TWGD would continue to focus on the 1986 Amendment and on the question of equal representation in the Governing Body. Nonetheless, his country was willing to consider other issues.
- 44. The Government member of Brazil** expressed the view that extending the TWGD's mandate and expanding the scope of its work would not be detrimental to the discussions surrounding the 1986 Amendment. It would simply convey openness to examine other aspects that could lead to the democratization of the ILO's governance. This would be in line with the mandate given to the TWGD by the Governing Body, which was broad enough to encompass different possibilities to achieve democratization beyond the entry into force of the 1986 Amendment. On that basis, the TWGD could perhaps simply recommend an extension of its mandate, without seeking to formally rephrase the scope of its mandate.
- 45. One of the Co-Chairpersons, Nigeria,** stated that the TWGD should present convincing reasons to the Governing Body if the group decided to recommend an extension of its mandate. Therefore, if that were the case, the TWGD should agree at the second sitting of the fifth meeting on a clear set of issues it wished to discuss in the future.
- 46. The Government members of France and Slovenia** clarified that the absence of explicit rejection should not be understood as support to the proposals under discussion. They reserved the possibility of opposing the proposals after due reflection.
- 47. The Co-Chairpersons, Nigeria and Switzerland,** concluded that the fifth meeting would be suspended since no consensus had been reached either on the draft recommendations proposed by the Co-Chairpersons or on the new proposal presented by the Government member of Pakistan on behalf of a number of Asian countries. Even if the existing mandate of the TWGD could be considered broad enough to include a number of topics, it was important to understand, clearly and concretely, what would be dealt with by the TWGD in the event of an extension. Otherwise, it would be difficult to justify a recommendation to extend the mandate to the Governing Body for its final decision. The Government member of Pakistan and other Government members were invited to submit a written proposal addressing, first, the period for which extension was required, and second, a list of topics that would be discussed by the TWGD during that extension. The Office would circulate the proposal together with those presented earlier by the Co-Chairpersons allowing the participants to prepare clear positions for the second sitting of the meeting.

Second sitting

- 48. One of the Co-Chairpersons, Switzerland**, opened the second sitting by presenting the draft final report, which had been circulated by the Office, and which contained the recommendations initially proposed by the Co-Chairpersons, as well as a proposal made by Pakistan also on behalf of Bangladesh, Islamic Republic of Iran, Philippines, Thailand, and GRULAC. That proposal sought to include in the recommendations to the Governing Body a paragraph indicating that the TWGD had further scope to work under its mandate, and recommending that the Governing Body extend the duration of the TWGD for 12 more months with a view to discussing additional topics and developing proposals, including but not limited to the following: (i) ensuring fair, equitable and balanced geographical representation of all regions in the overall governance of the ILO; (ii) enhancing promotional activities by the Director-General to accelerate the pace of ratification of the 1986 Amendment; and (iii) striving to fully implement the principle of equality among the Member States including through addressing matters pertaining to equal representation of Member States in governance structures and processes of the ILO, including the Screening Group, speaking rights of observer governments in their role as regional coordinators or Chairperson of the Government Group, and representation of the Government Group Chairperson among the Governing Body Officers.
- 49. One of the Co-Chairpersons, Nigeria**, recalled that two options were presented: first, the TWGD could, without requesting an extension of its mandate, recommend that the Governing Body invite the Co-Chairpersons to continue to hold discussions with Member States on the issue of democratization; and second, the TWGD could recommend an extension of its duration to discuss the issues that had been listed by Pakistan on behalf of a number of countries. Before opening the debate on those options, he invited the members of the working group to approve the sections of the draft TWGD report concerning its establishment and mandate, its meetings as well as the progress made and the way forward,
- 50. The representative of the secretariat of the Employers' group** noted that she could support the conclusions recalling the Centenary Declaration and the Resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance, as initially proposed by the Co-Chairpersons. She also supported recommending that the Governing Body invite the Co-Chairpersons to continue to hold discussions with Member States, and did not see a contradiction between that proposal and the one made by Pakistan on behalf of a number of countries. Yet, she questioned whether it was useful to list specific topics for discussion, as some of the issues seemed to be more suitable for discussion within the Government group. Perhaps the TWGD could recommend an extension without defining a list of topics and set the agenda before each meeting.
- 51. The representative of the secretariat of the Workers' group** noted that she could also agree with the conclusions recalling the Centenary Declaration and the Resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance, both of which simply recalled the context of the discussions. She could also support the three recommendations initially proposed by the Co-Chairpersons. She recalled that while the initial proposal for the mandate of the TWGD had been strictly focused on the 1986 Amendment, it had subsequently been revised to use the text of the Centenary Declaration referring to the full, equal and democratic participation in the ILO's tripartite governance. The Workers' group had agreed on it in a spirit of compromise, while making it clear that the focus should remain on the ratification and entry into force of the 1986 Amendment. As a result, she could not support the proposal

made by Pakistan on behalf of a number of countries. It was important to give more time to the Co-Chairpersons to continue to hold discussions, bilateral or otherwise, on issues concerning democratization, since those conversations could lead to progress in the ratification and entry into force of the 1986 Amendment. If in March 2023, when the Co-Chairpersons would report to the Governing Body on their discussions, it was felt important to resume discussions in the TWGD, the Workers' group would consider such a proposal favourably.

- 52. The Government member of Morocco**, speaking on behalf of the Africa group, noted that his group could support the conclusions recalling the Centenary Declaration and the Resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance. The Africa group supported, in general, the proposal made by Pakistan on behalf of a number of countries, in particular as regards extending the TWGD's duration for 12 more months. The Africa group, however, remained flexible with regard to the scope of future discussions. It was equally flexible with regards to the proposal to include text stressing that the TWGD had "further scope to work under the mandate vested in it by the Governing Body decision to attain ILO-wide democratization". The Africa group considered that the priority of the TWGD should continue to be the ratification and the entry into force of the 1986 Amendment, noting that this focus had arisen from the questionnaire that had been circulated to Member States in the beginning of the TWGD's work.
- 53. The Government member of Chile**, speaking on behalf of GRULAC, expressed his group's support to extending the duration of the TWGD, as the working group's main goals had not been achieved. While the TWGD had worked intensely since its creation, focusing on the promotion of the ratification of the 1986 Amendment, there existed a need to address other topics regarding the equal treatment of all ILO constituents. The extension of the TWGD was not intended to deviate from the promotion of the 1986 Amendment. Rather, it would attempt to broaden the scope of the TWGD in order to strengthen democratization and lead to a more equal footing between constituents beyond the provisions contained in the 1986 Amendment. GRULAC therefore supported the proposal made by Pakistan on behalf of a number of countries, including the topics for discussion identified in that proposal.
- 54. The Government member of Canada**, speaking on behalf of IMEC, stated that there was a general preference within the group in support of the Co-Chairpersons' original proposal. The proposal made by Pakistan on behalf of a number of countries should nonetheless be included in the final report, possibly in its section on "Progress made and the way forward", not as a recommendation but as a proposal for further discussions in a forum collectively deemed appropriate. For example, the issues related to the equal representation of Member States could be first discussed within the Government group. Equal representation, inclusivity and transparency in the ILO's governance structure were critical issues, which needed to be clearly defined in advance and their discussion should not be rushed.
- 55. The Government member of Indonesia** noted that there was a momentum towards the entry into force of the 1986 Amendment and that the extension of the TWGD's mandate was pertinent to achieve full, equal and democratic participation in the ILO's governance. Indonesia therefore supported the proposal to extend the work of the TWGD for 12 months with a view to discussing additional topics and developing proposals (i) to ensure fair, equitable and balanced geographical representation of all regions in the overall governance of the ILO, and (ii) to enhance promotional activities by the Director-General to accelerate the pace of ratification of the 1986 Amendment. Priority for the future work

of the TWGD should remain the promotion of the ratification of the 1986 Amendment and of equal representation in the Governing Body. However, Indonesia was flexible with regard to the proposal made by Pakistan, on behalf of a number of countries, to include in the recommendations to the Governing Body certain other topics for discussion in the TWGD and it would not stand in the way of any consensus that could emerge in that regard.

- 56. The Government member of Pakistan**, speaking also on behalf of Bangladesh, Islamic Republic of Iran, Philippines and Thailand, recalled the Centenary Declaration and the mandate given to the TWGD by the Governing Body. Under the auspices of the TWGD, the promotion of the ratification of the 1986 Amendment had gained momentum, and remarkable progress had been made. It would be regrettable to discontinue the work of the TWGD when it was close to achieving its main goal. Thus, the Governing Body should again extend its duration for at least 12 months. There was no other platform in the ILO where Member States could discuss democratization issues and make proposals to the Governing Body. The existence of the TWGD was a positive demonstration of the ILO's seriousness and commitment to promote the equality of its Member States and fair representation in its tripartite governance. Nothing in the mandate of the TWGD, as defined by the Governing Body, precluded it from crafting proposals on issues independent of, or complementary to, the ratification of the 1986 Amendment.
- 57. The Government member of Bangladesh** reiterated his support to the proposal made by Pakistan. In the event of an extension, the following topics could be discussed by the TWGD: fair, equitable and balanced geographical representation of Member States; promotional activities to encourage Members of chief industrial importance to ratify the 1986 Amendment; the principle of equality among the Member States; representation of the governments through the chairperson of the Government group; and any topics that the TWGD's participants considered important for the full democratization in the ILO's governance. There was wide agreement from the Africa group, GRULAC and many countries from the Asia and Pacific region, regarding the need to promote inclusivity, fairness and transparency in the ILO's governance. The fact that India and Italy had already ratified the 1986 Amendment and that Brazil was considering ratification would hopefully encourage other Members of chief industrial importance to do the same. Bangladesh considered democratization as a bedrock principle and a top priority for the ILO's governance. Setbacks to establishing the principle of equality among Member States, in the form of selectivity, privilege and special rights, could lead to a lack of confidence and trust in the ILO as a standard-setting body.
- 58. The representative of the secretariat of the Employers' group** noted that there was wide support for the extension of the mandate of the TWGD. She reiterated that the meetings of the Co-Chairpersons with Member States and the group's regular work were not contradictory, but rather mutually reinforcing. She would therefore support recommending that the Co-Chairpersons be invited to continue their discussions, with a strong focus on the 1986 Amendment, alongside requesting an extension of the work of the TWGD, in line with its mandate. From the discussions thus far, it seemed possible to find a way to reflect the different perspectives in a consensual proposal.
- 59. The representative of the secretariat of the Workers' group** noted that there were two issues under discussion. The first was a proposal to extend the duration of the mandate of the TWGD, which she could support as long as the focus remained on the 1986 Amendment. Whereas the work of the TWGD had led to new ratifications, the entry into force still depended on further ratifications, including by Members of chief industrial importance. Therefore, the Co-Chairpersons should be invited to continue their discussions with Member States. The second issue, on which there was no consensus, was what the

TWGD should discuss. Many of the topics proposed by Pakistan on behalf of a number of countries should rather be discussed within the Government group. That would be a manifestation of true tripartism, through the recognition of the autonomy of the groups.

- 60.** Following consultations, the **Co-Chairpersons, Switzerland and Nigeria**, proposed the following revised draft decision to be included in the TWGD's report:

The Governing Body:

- (a) took note of the report of the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance;
- (b) decided to extend the duration of the tripartite working group for a period of 12 months, and in this context, invited the Co-Chairpersons to continue to hold consultations, bilateral or otherwise, on the issue of democratization of ILO's tripartite governance;
- (c) requested the Director-General to pursue and further intensify the promotional activities in relation to the 1986 constitutional amendment pursuant to the resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance adopted at the June segment of the 109th Session (2021) of the International Labour Conference; and
- (d) requested the working group to present a final report for consideration at its 347th Session (March 2023).

- 61. One of the Co-Chairpersons, Switzerland**, explained that the proposal aimed at building on certain points of the proposal made by Pakistan on behalf of a number of countries, in particular the points referring to (i) ensuring fair, equitable and balanced geographical representation of all regions in the overall governance of the ILO and (ii) enhancing promotional activities by the Director-General to accelerate the pace of ratification of the 1986 Amendment. Since there did not appear to exist a general agreement on the other topics proposed for discussion, they were not included in the revised draft decision. The proposal made by Pakistan on behalf of a number of countries would be duly reflected in the report of the TWGD to the Governing Body, although not as part of its recommendations. Should the revised draft decision be adopted by the Governing Body, the Co-Chairpersons would continue their consultations and the TWGD would continue its work, including by determining collectively the agenda of its meetings.
- 62. The representative of the secretariat of the Employers' group** welcomed the revised draft decision, which seemed positive. However, she would express a position after the other TWGD members had taken the floor.
- 63. The representative of the secretariat of the Workers' group** thanked the Co-Chairpersons for their effort and explained that her group's questions regarding the proposal made by Pakistan on behalf of a number of countries was not linked to extending the duration of the TWGD itself, but to the topics that would be addressed during the extension. Discussions at the TWGD had shown that the question of democratization was complex, and it was important to have clarity on the implications of accepting the revised draft decision. She reserved her position until other members had shared their views.
- 64. The Government member of Morocco**, speaking on behalf of the Africa group, stated that, in a spirit of compromise, the revised draft decision could be included in the TWGD report.
- 65. The Government representative of Pakistan**, speaking also on behalf of a number of Asian countries, noted that while many members had indicated flexibility, no one had opposed the proposal made by Pakistan and other countries. Their proposal should thus

form the basis of the group's recommendation to the Governing Body, rather than the revised draft decision. She recalled that the Co-Chairpersons had requested, during the first part of the fifth meeting, a list of topics to be discussed by the TWGD should the duration of its mandate be extended. It was disappointing that the revised draft decision proposed by the Co-Chairpersons included no such list. Pakistan, alongside other countries, had presented issues they wanted to see discussed at the TWGD, and they would continue to raise them. Responding to a comment made by the representative of the secretariat of the Employers' group, she clarified that, while a number of topics appeared relevant only to the Government group, that was also the case of the ratification of the 1986 Amendment, which remained essentially a sovereign decision by ILO Member States. That however had not precluded the TWGD from focusing on the question of the ratification and entry into force of the 1986 Amendment since it dealt with the issue of fair representation of all regions. Her government and other governments had attempted to share their concerns and raise these questions within the Government group, but its composition had prevented solution from being found. It was thus necessary for these topics to be discussed in the TWGD.

- 66. The Government member of Brazil**, speaking on behalf of GRULAC, considered that the revised draft decision did not appear to cover all the points included in the proposal made by Pakistan on behalf of GRULAC and a number of countries. The purpose of extending the duration of the TWGD would be to discuss additional topics, and not be limited to the 1986 Amendment, which would remain the main focus of the TWGD. Since no objections had been made to the text proposed by those countries as regards the extension for 12 months to allow discussion on (i) ensuring fair, equitable and balanced geographical representation of all regions in the overall governance of the ILO and (ii) enhancing promotional activities by the Director-General to accelerate the pace of ratification of the 1986 Amendment, that text should be retained. As the first point was part of the TWGD mandate and the second reflected its objective, there should be no difficulties in including them in the revised draft decision, which could be a way forward to reach consensus.
- 67. One of the Co-Chairpersons, Switzerland**, reiterated that the points mentioned by Brazil were already reflected in the revised draft decision.
- 68. The Government member of Bangladesh** welcomed the apparent consensus on the extension of the duration of the TWGD. Supporting the statement made by the Government member of Pakistan, he noted that the topics listed in the proposal made by Pakistan and by a number of countries, including Bangladesh, should appear in the decision as no member had explicitly rejected that proposal.
- 69. The Government member of Canada**, speaking on behalf of IMEC, confirmed that discussions on equal representation, inclusivity and transparency in the ILO's governance structure were important and should be held, but questions remained regarding the appropriate forum for those discussions and regarding the focus of the TWGD. While IMEC had favoured the original proposal by the Co-Chairpersons, governments would present their own positions regarding the revised draft decision.
- 70. The representative of the secretariat of the Workers' group** welcomed the statements of the other members and the clarifications by the Co-Chairperson regarding the scope of the revised draft decision. While its language did not exactly correspond to her position, she was ready to support it in a spirit of compromise to enable the group to reach consensus.
- 71. The representative of the secretariat of the Employers' group** noted that although the revised draft decision did not reflect all of the views expressed by TWGD members, the Co-

Chairpersons seemed to have arrived at a proposition which could be agreed by everyone. She noted that, in any event, the draft agenda for each of the following meetings of the TWGD would be circulated beforehand and discussed at an appropriate time. Therefore, she could support the revised draft decision prepared by the Co-Chairpersons and hoped that the TWGD could build on the existing momentum. She noted the special role of the Co-Chairpersons and the Director-General to continue the necessary consultations and promotional efforts.

- 72. The Government member of Brazil**, speaking on behalf of GRULAC, highlighted that, since the revised draft decision did not contain the full extent of the proposal made by Pakistan on behalf of a number of countries, it was necessary to sufficiently reflect it in the report as well as to record the support it had received. He thus proposed that the report include a new paragraph to read: "The Government group agreed to carefully consider matters concerning the full and equal participation of all regional groups including: striving to fully implement the principle of equality among the Member States including through addressing matters pertaining to equal representation of Member States in governance structures and processes of the ILO, including the Screening Group, speaking rights of observer governments in their role as regional coordinators or chairpersonship of the Government group, representation of Government group Chairperson among the Governing Body Officers." He recalled that the proposal had not been met with specific objections, and IMEC had stated its openness to discuss those topics. Its inclusion in the report, rather than in the recommendation, could be a way forward. Turning to the revised draft decision, while noting that it included some aspects of the proposal made by Pakistan on behalf of a number of countries, he proposed to clarify that the extension of the duration of the TWGD for 12 months would be "with a view to discussing additional topics and developing proposals". With that modification, he could join the consensus.
- 73. One of the Co-Chairpersons, Switzerland**, noted that the report could not state that an agreement had been reached by the Government group, as no statement had been made on behalf of that group.
- 74. The Government member of France** stated that, in a spirit of compromise, he could support the revised draft decision proposed by the Co-Chairpersons. Democratization was a complex, technical and politically sensitive topic that required substantive reflection. He recalled that, at the beginning of the TWGD, it had quickly appeared clear that the 1986 Amendment would be the core topic of discussion, despite initial proposals to the contrary. If additional topics were considered, it seemed reasonable to request an extension of the duration and seek the views of the Governing Body, which had given a mandate to the TWGD, on the topics to be discussed as part of the group's future work.
- 75. The Government member of Brazil**, speaking on behalf of GRULAC, agreed that no reference could be made to an agreement by the Government group itself. Thus, he proposed to indicate rather that "the governments represented in the TWGD agreed to carefully consider" the topics in question.
- 76. The Government representative of Pakistan** asked the Co-Chairpersons to clarify what would be, in their view, the TWGD's workplan in case of an extension since, contrary to what the Co-Chairpersons had indicated at the first part of the meeting, the revised draft decision did not include a list of topics to be discussed. She suggested that the Co-Chairpersons could present a workplan at the following session of the Governing Body. She considered that Brazil's last proposal could bring the TWGD closer to an agreement.
- 77. The Co-Chairpersons, Switzerland and Nigeria**, confirmed that the proposal made by Pakistan on behalf of a number of countries would be textually reproduced in the report.

In any case, members would have the opportunity to clarify their positions or propose amendments to the decision point at the 344th session of the Governing Body. Responding to the points raised by the Government representative of Pakistan, the Co-Chairpersons confirmed that they would present their views on the way forward for the TWGD. Should the extension be approved by the Governing Body, they would, through the Office, circulate proposed agendas in advance of future meetings. As had always been the case, the agenda of TWGD meetings would continue to be determined through collective engagement.

78. One of the Co-Chairpersons, Switzerland, concluded by announcing that there was consensus on the revised draft decision, which would be appropriately reflected in the TWGD's report, and thanked all working group members for their active participation and spirit of compromise.

► Appendix I

List of members and other participants

Governments

Africa group

Algeria
Burkina Faso
Cameroon
Egypt
Ethiopia
Gabon
Malawi
Mali
Morocco
Namibia
Nigeria
Uganda
Rwanda
Zimbabwe

Americas group

Argentina
Barbados
Brazil
Canada
Chile
Colombia
Costa Rica
Cuba
Ecuador
Guatemala
Mexico
Panama
Peru

Asia and Pacific group

Australia
Bangladesh
India
Indonesia
Iran (Islamic Republic of)
Japan
Lebanon
Nepal
Philippines (the)
Republic of Korea
Saudi Arabia
Thailand

Europe

Eastern European Group

Bulgaria
Croatia
Estonia
Lithuania
Poland
Russian Federation
Slovenia

Western European Group

Belgium
France
Germany
Italy
Spain
Switzerland
United Kingdom of Great Britain and Northern Ireland

Employers' group secretariat

Ms Maria Paz Anzorreguy,
International Organisation of Employers

Workers' group secretariat

Ms Raquel Gonzalez,
International Trade Union Confederation

Other interested governments

Angola

Botswana

China

Honduras

Israel

Kenya

Lao People's Democratic Republic

Malaysia

Mozambique

Netherlands

Nicaragua

Niger

Norway

Pakistan

Portugal

Qatar

Senegal

Sri Lanka

Sudan

Syrian Arab Republic

Tunisia

Ukraine

United Republic of Tanzania

United States of America

Uruguay

Venezuela (Bolivarian Republic of)