

Seventh 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) held its seventh meeting on Tuesday, 15 November 2022, in a hybrid format.
2. The list of members and other participants is in the Appendix.
3. The TWGD had before it a draft agenda.
4. **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. At its 344th Session (March 2022), the Governing Body had decided to extend the duration of the TWGD and in this context, had invited the Co-Chairpersons to continue to hold consultations, bilateral or otherwise, on the issue of democratization of the ILO's tripartite governance. The final report of the TWGD was due to the Governing Body at its 347th Session (March 2023).

Adoption of agenda

5. Following a proposal made by the **Government member of Namibia** to add a new item to the draft agenda, the TWGD adopted the following agenda:
 - Update on the status of ratification of the 1986 Amendment and ratification prospects.
 - Follow-up to the sixth meeting (oral presentation of Government group Chairperson concerning deliberations within the group).
 - Way forward on the 1986 Amendment.
 - Any other business.

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

6. **One of the Co-Chairpersons, Switzerland**, indicated that since its last meeting, three additional Member States had ratified the Instrument of Amendment to the ILO Constitution, 1986 (1986 Amendment), namely the Gambia, Peru and Sao Tome and Principe. The Co-Chairperson congratulated the Africa region for being the first region where all Member States had ratified the 1986 Amendment. This instrument had now been ratified by a total of 124 Member States, that is, nearly two thirds of the ILO Member States. 15 ratifications had

been received since the adoption of the ILO Centenary Declaration for the Future of Work in 2019. For its entry into force, three more ratifications from Members of chief industrial importance – from among Brazil, China, France, Germany, Japan, Russian Federation, United Kingdom of Great Britain and Northern Ireland, and United States of America – were required. The new Director-General had already sent letters to those Member States encouraging ratification. In addition, ahead of the 17th Asia and the Pacific Regional Meeting in December 2022, the Office was in contact with the Member States of that region that had not yet ratified the 1986 Amendment. Samoa was considering ratification and its instrument of ratification could possibly be delivered during that meeting. In this context, Member States that had not yet ratified the 1986 Amendment should seriously reconsider their positions towards ratification in the following months.

7. **One of the Co-Chairpersons, Nigeria**, recalled that a Member of chief industrial importance had previously informed the working group that the ratification of the 1986 Amendment was the subject of consultations. He invited the Member States that had not yet ratified, and especially the eight remaining Members of chief industrial importance, to convey their positions regarding possible ratification.
8. **The representative of the secretariat of the Workers' group** congratulated the Member States that had ratified the 1986 Amendment and encouraged others to do so as this was a necessary step to democratize the ILO.
9. **The representative of the secretariat of the Employers' group** noted of the most recent ratifications of the 1986 Amendment and looked forward to possible new ratifications, including by Samoa, prior to the following session of the Governing Body.
10. **The Government member of Belgium** congratulated the Co-Chairpersons for the number of ratifications of the 1986 Amendment received since the beginning of the TWGD. The ratification of the 1986 Amendment meant that most national parliaments had expressed themselves on this matter. It was now clear that the ILO could be democratized only through the entry into force of that instrument.
11. **The Government member of Bangladesh**, speaking also on behalf of a significant number of countries from the Asia and Pacific group (ASPAG), congratulated the Africa group for the ratification of the 1986 Amendment by all the Member States of that region. Although a one-size-fits-all approach could not respond to the different needs of Member States, there was no alternative to discussion to achieve democratization in all spheres of ILO governance. The promotion of the ratification of the 1986 Amendment should be continued, including through bilateral meetings between the Director-General and Members of chief industrial importance.
12. **The Government member of Morocco**, speaking on behalf of the Africa group, expressed pride and satisfaction for his region's commitment to democratization, demonstrated through the ratification of the 1986 Amendment. On the other hand, there was a lack of predictability as regards the three required ratifications by Members of chief industrial importance. He welcomed the actions taken by the Director-General aimed specifically at encouraging the Members of chief industrial importance to ratify the amendment.
13. **The Government member of Spain** thanked the Co-Chairpersons for their efforts and supported the call to Members of chief industrial importance to consider ratifying the 1986 Amendment. The Africa region had shown its commitment to the democratization of the ILO, and the Governing Body had elected for the first time a Director-General from that region. It was now the right time to take the final step towards the entry into force of the 1986

Amendment. With two-thirds of the ILO membership having ratified the 1986 Amendment, the balance was tilting towards democratization.

14. **One of the Co-Chairpersons, Nigeria**, noted that had the ILO Constitution not given a special position to Members of chief industrial importance, the 1986 Amendment would have already entered into force. More awareness-raising was needed to promote ratification as some Member States might not be properly informed of the consequences of ratification, such as the lack of any reporting obligation.
15. **The Government member of Indonesia**, aligning herself with the statement made by the Government member of Bangladesh, welcomed the new ratifications received, which brought the ILO closer to the entry into force of the 1986 Amendment, and congratulated the Africa group for its achievement. The leadership of the Co-Chairpersons of the TWGD and the commitment by the Director-General to further promote the 1986 Amendment were appreciated. The Director-General should hold bilateral discussions with Member States that had not yet ratified the 1986 Amendment, especially the Members of chief industrial importance.
16. **The Government representative of the Netherlands** congratulated the Africa group. The 1986 Amendment was paramount, and its entry into force would allow for better regional representation. He supported the suggestion that the Director-General should hold bilateral meetings with Members of chief industrial importance not having ratified the 1986 Amendment and he called on those Member States to inform of their intentions or difficulties regarding ratification.
17. **The Government member of Zimbabwe** expressed pride in the Africa group's engagement to democratize ILO governance. The increasing number of ratifications of the 1986 Amendment showed the ILO's commitment to democratization, particularly important if the ILO wished to lead a Global Coalition for Social Justice. It was hoped that the Member States in the minority would increase their efforts to ratify the 1986 Amendment, and that the TWGD mandate could be fulfilled.
18. **The Government member of Algeria** noted with satisfaction that the Africa group had fulfilled its promises and welcomed in particular the statements by the Government members of Spain and the Netherlands. Governments that supported democratic principles needed to demonstrate that support everywhere, including in an organization that promoted peace and social justice.

Follow-up to the sixth meeting (oral presentation of Government group Chairperson concerning deliberations within the group)

19. **One of the Co-Chairpersons, Switzerland**, recalled that at its sixth meeting, the TWGD had discussed a background document prepared by the Office concerning the role and functioning of the tripartite Screening Group and the Officers of the Governing Body. On that occasion, the TWGD had been informed that discussions were to continue within the Government group. The Co-Chairperson invited the Government group Chairperson to report on those ongoing deliberations.
20. **The Government group Chairperson** stated that the discussions within the Government group had been rich and undertaken in a constructive spirit. While there was agreement on certain topics, others required further consideration. The issues discussed related to two main subjects: first, the strengthening of the Government group's voice in the ILO's tripartite structure, and second, regional balance, transparency and inclusiveness in fora. As regards the

first subject, the Government group had discussed issues such as the relationship between the Government group and the Governing Body Chairperson, and the representation of governments among the Officers of the Governing Body. The second subject – regional balance, transparency and inclusiveness in fora – related to the important question of how governments organized themselves in regional or other groups. In this regard, the Government group had agreed that every Member State had the right to freely participate in one or more groups.

21. Significant time had been spent discussing the tripartite Screening Group. Many governments felt that the additional responsibilities assumed by the tripartite Screening Group in the context of the COVID-19 pandemic should be reversed. Various governments had also made proposals to address the fact that some governments were represented in more than one group within the Screening Group. The Government group Chairperson highlighted that the discussions within the Government group would continue in a further meeting. In the meantime, governments had been invited to present their views by the end of November on a discussion paper prepared by the Government group Chairperson.
22. **The representative of the secretariat of the Workers' group** noted that the discussions within the Government group showed progress in respect of sensitive issues. It would be desirable to conclude that work before March 2023, when the TWGD would present its final report to the Governing Body. The speaker inquired whether a document summarizing the discussions within the Government group could be presented and asked for further details on the discussions regarding the participation of Member States in more than one group.
23. **The representative of the secretariat of the Employers' group** acknowledged the governments' efforts on this matter. As regards regional representation, including in the context of the Screening Group, she noted the shared aim of achieving coherence, efficiency and clarity, as there was an overlap of voices coming from different groups. As indicated by the secretariat of the Employers' group at the sixth meeting of the TWGD, the best approach was to allow representation only through the four geographical regional groups. She also inquired whether any proposal would be circulated, in particular as regards issues with implications beyond the Government group.
24. **The Government group Chairperson** agreed that some of the issues had repercussions on the tripartite structure of the ILO. As it was too early to foresee the outcome of the discussions within the group, no document would be circulated for the time being. The Government group would study how to facilitate discussions beyond the group in the future.
25. **The Government member of Morocco**, speaking on behalf of the Africa group, noted that the presentation by the Government group Chairperson accurately reflected the elements discussed within the Government group. Since discussions covered several issues, it was necessary to identify priorities. The Africa group was committed to remain engaged in that process.
26. **The Government member of Colombia**, speaking on behalf of the group of Latin America and Caribbean States (GRULAC), stated that the presentation by the Government group Chairperson reflected the richness and comprehensiveness of the discussions within the Government group. In those discussions, GRULAC had continued to address the question of the number of Vice-Chairpersons among the Officers of the Governing Body and had proposed to increase the number of coordinators within the tripartite Screening Group to correct an imbalance between regions while ensuring flexibility in the consultations between groups. GRULAC should continue to be able to express itself as a group and additional positions should be granted to currently underrepresented regions.

- 27. The Government member of Bangladesh**, speaking also on behalf of a significant number of countries of ASPAG, recalled the statement of the Government group Chairperson at the 344th Session (March 2022) of the Governing Body that the Government group would seek to build consensus on issues that were particularly relevant to the group as a whole, such as regional balance, representation of Member States and the participation of the Government group in the decision-making process. The issue of multiple, double or unequal representation, particularly within the tripartite Screening Group given its decision-making role, had been raised by various groups and should continue to be discussed. ASPAG represented 60 per cent of the global work force. As such, to address the challenges in the world of work, a formula should be found to allow ASPAG's voice and the voice of people in difficulty to be clearly heard. Conversely, perpetuating unjust practices in the ILO's governance would put the notions of decent work and social justice in jeopardy. The speaker suggested that the groups within the ILO could be aligned with the regional groups at the United Nations, namely: African States, Asia-Pacific States, Eastern European States, Latin American and Caribbean States, and Western European and other States. Lastly, the tripartite Screening Group should return to its original mandate.
- 28. The Government representative of Pakistan** aligned himself with the statement made by the Government member of Bangladesh and recalled the statements made at the 343rd (November 2021) and 344th (March 2022) Sessions of the Governing Body by a Government representative of Brazil on behalf of GRULAC, the Africa group and a substantial number of countries belonging to ASPAG and by the Government group Chairperson.¹ While the Standing Orders of the Governing Body referred only to geographical regions, the group of industrialized market economy countries (IMEC) played a dominant role in decision-making processes and enjoyed privileges due to its cross-regional nature. Such representational asymmetry was also reflected in the tripartite Screening Group, whose composition appeared to violate the Compendium of rules applicable to the Governing Body of the International Labour Office and in particular paragraph 3.1.1 of its Standing Orders. At the 343rd Session (November 2021) of the Governing Body, the Legal Adviser had explained that the recognition of two European subregional groups, and the participation and speaking rights of groupings, such as IMEC, established on criteria other than geographical, were part of long-standing practices and working methods that the Governing Body had not yet decided to codify in a binding set of rules. As imbalances in representation deprived some groups of the right to represent billions of people whose voices needed to be heard, the Government group should continue to address this issue. The speaker supported the idea of aligning the groups within the ILO with the regional groups at the United Nations.
- 29. The Government member of Indonesia** aligned herself with the statement made by the Government member of Bangladesh and considered that the ratification and entry into force of the 1986 Amendment continued to be a priority. There was a growing imbalance in the decision-making processes in the ILO partly because of the impact of the COVID-19 pandemic and the global dire political situation. Moreover, principles of multilateralism were replaced by a zero-sum game or a win-lose approach, often to the detriment of countries from the developing world. The TWGD should, therefore, also address the issue of multiple, double or unequal representation of Member States as a first step to ensure that the voice of all ILO constituents is heard and to ensure the full, equal and democratic participation of the Member States in the ILO's tripartite governance.

¹ [GB.343/INS/PV](#), para. 169, and [GB.344/INS/PV](#), para. 319.

Way forward on the 1986 Amendment

30. **One of the Co-Chairpersons, Switzerland**, invited the members of the TWGD to make suggestions or recommendations on how the work to further the entry into force of the 1986 Amendment should continue after the completion of the TWGD's work.
31. **The Government member of Namibia** recalled that the Members of chief industrial importance had declined the invitation to clarify their positions regarding the 1986 Amendment. New ways for engaging in discussions with them should be sought, including through social dialogue. For example, social partners at the national level could engage in tripartite discussions regarding ratification. In addition, Member States could discuss with Members of chief industrial importance of their regions in the context of their regional groups.
32. **The Government member of Morocco**, speaking on behalf of the Africa group, supported the call to the employers' and workers' organizations from Members of chief industrial importance to join the effort to promote the ratification of the 1986 Amendment. The Members of chief industrial importance should lead by example rather than keeping the Organization hostage.
33. **The Government member of Algeria** stated that the Co-Chairpersons should continue their efforts and consultations, especially with Members of chief industrial importance. It was to be hoped that the small group of countries that prevented the 1986 Amendment to enter into force would change their positions.
34. **The Government representative of Botswana** noted that the campaign for the ratification of the 1986 Amendment had entered its last stage and hoped that the Director-General would be able to convince Member States that had not yet ratified it, especially Members of chief industrial importance, to do so. Nevertheless, others, including social partners, could assist in reaching that goal.
35. **One of the Co-Chairpersons, Nigeria**, responding to a question by the Government member of Namibia, confirmed that the Co-Chairpersons had held consultations with Members of chief industrial importance and that those discussions were ongoing.
36. **The representative of the secretariat of the Employers' group** stated that there were many ways to reach the entry into force of the 1986 Amendment. While she could not speak on behalf of the employers' organizations within the countries concerned, the secretariat of the Employers' group had encouraged its member organizations to engage in discussions at the national level regarding the ratification of the 1986 Amendment. New targeted invitations could be made to employers' organizations in key Member States to engage actively if they had not yet done so.
37. **The representative of the secretariat of the Workers' group** confirmed that they had underscored to workers' organizations the importance of ratification of the 1986 Amendment. The level of social dialogue was not however similar in every Member State that had yet to ratify the 1986 Amendment. It was also unclear whether the engagement of the workers' organizations could lead to actual change since the 1986 Amendment reflected issues broader than social dialogue and had repercussions in other international organizations. Accordingly, creative solutions might have to be found in other directions.
38. **The Government member of Namibia** reiterated that there was a place for the social partners engagement at the national level, even if the issues under discussion were political and within the remit of governments. In addition, ratifications should still be sought from Member States other than Members of chief industrial importance. The reasons for reforming the current structure of the ILO's tripartite governance had been advanced multiple times in the TWGD.

39. **The Legal Adviser** underlined that the importance attached by the Director-General to the ratification of the 1986 Amendment was demonstrated by his initiative, within the first month of his mandate, to write to those Members of chief industrial importance that had yet to ratify the 1986 Amendment. This was a first step that could be followed by other types of targeted action. Regarding future promotional efforts, he recalled that the ILO's tripartite governance would be kept updated through three channels: under the standing item on the agenda of the Governing Body on the status of ratification of the 1986 Amendment, in the reports that the Director-General presented at each session of the Governing Body, and in the annual report of the Chairperson of the Governing Body to the International Labour Conference, in accordance with the resolution on the principle of equality among ILO Member States and the fair representation of all regions in the ILO's tripartite governance adopted by the Conference in June 2021. Lastly, the Office was under the obligation to continue to promote the 1986 Amendment as instructed by the Governing Body and the Conference.

Any other business

40. **One of the Co-Chairpersons, Nigeria**, invited the views of the members of the TWGD on elements to be included in the final report of the working group, noting that it was unlikely that the TWGD would hold another meeting prior to the presentation of that report to the Governing Body in March 2023.
41. **The representative of the secretariat of the Workers' group** indicated that the report should reflect the debates that took place within the TWGD as comprehensively as possible. It would not be useful to conceal the tensions that existed. The report should also call for further ratifications of the 1986 Amendment. The speaker suggested that the report could be discussed before the Governing Body session in a final meeting or through consultations.
42. **The representative of the secretariat of the Employers' group** stated that the report should provide an update of the TWGD's work and present a detailed account of the views expressed. It should also describe what remained to be done to achieve the entry into force of the 1986 Amendment and propose ways of addressing other issues that had been raised in the context of the TWGD. Any further meeting should be held on the basis of a clear agenda.
43. **The Government member of Morocco**, speaking on behalf of the Africa group, suggested that at the very least an additional meeting of the TWGD should be held before the 347th Session (March 2023) of the Governing Body to consider important outstanding points under discussion by the Government group. The report to be presented to the Governing Body should address the difficulty of achieving the entry into force of the 1986 Amendment. Hopefully, it would also identify ways to address that difficulty.
44. **The Government member of Malawi** stated that the report should clearly delineate the current status of the 1986 Amendment considering that it had been ratified by two-thirds of the ILO Member States but not by five Members of chief industrial importance.
45. **The Government member of Colombia**, speaking on behalf of GRULAC, supported the proposal of holding an additional meeting of the TWGD.
46. **The Government member of Namibia** suggested that the report of the TWGD should reflect the different views expressed by its members. It should also present a clear direction of future discussions with Members of chief industrial importance.
47. **The Government member of Germany** considered that since discussions were still ongoing within the Government group, a presentation of those discussions to the TWGD prior to the March 2023 session of the Governing Body could be useful.

48. **The Government representative of the Netherlands** recalled that certain issues under discussion in the Government group were of interest to all tripartite constituents. For instance, an effort to engage with each Member of chief industrial importance not having ratified the 1986 Amendment could first be made within the Government group. The outcome of that effort could then be reported to the TWGD prior to the March 2023 session of the Governing Body.
49. **The Government member of Belgium** stated that the report should be prepared in line with the mandate of the TWGD to avoid diluting the importance of the ratification of the 1986 Amendment.
50. **The Co-Chairpersons, Nigeria and Switzerland,** emphasized that any additional meeting of the TWGD would need to have a substantial and concrete agenda, which did not appear to be possible pending further information on the discussions within the Government group. They recalled that, in accordance with its terms of reference and working methods, the TWGD reported to the Governing Body through its Co-Chairpersons. They noted that there was agreement within the TWGD to leave open the possibility of holding an additional meeting of the TWGD. Should any developments within the Government group so require, a meeting could be held in January 2023. They indicated that they would continue their bilateral engagements with Member States and would remain at the disposal of the Director-General until the expiry of their mandate in March 2023.

Appendix

List of members and other participants

Governments

Africa	Americas	Asia and the Pacific	Europe
Algeria	Argentina	Australia	Eastern Europe
Burkina Faso	Barbados	Bangladesh	Bulgaria
Cameroon	Brazil	India	Croatia
Egypt	Canada	Indonesia	Estonia
Ethiopia	Chile	Iran (Islamic Republic of)	Lithuania
Gabon	Colombia	Japan	Poland
Malawi	Costa Rica	Lebanon	Slovenia
Mali	Cuba	Nepal	Western Europe
Morocco	Ecuador	Philippines	Belgium
Namibia	Guatemala	Republic of Korea	France
Nigeria	Mexico	Saudi Arabia	Germany
Rwanda	Panama	Thailand	Italy
Uganda	Peru		Spain
Zimbabwe			Switzerland
			United Kingdom of Great Britain and Northern Ireland

Employers' group secretariat

- Ms María Paz Anzorreguy, International Organisation of Employers

Workers' group secretariat

- Ms Maité Llanos, International Trade Union Confederation

Other interested Governments

- Botswana
- Greece
- China
- Kenya
- Malaysia
- Netherlands
- Nicaragua
- Pakistan
- Portugal
- South Africa
- Sri Lanka
- Sudan
- Sweden
- Tunisia
- Türkiye
- United States of America