



## FOR INFORMATION

### FOURTH ITEM ON THE AGENDA

## Composition of the Governing Body

### Criteria for geographical and country representation within the Governing Body

#### Background

1. At its 299th Session (June 2007), the Governing Body requested the Director-General to prepare for its information a “comprehensive document on the matter of criteria for geographical and country representation within the Governing Body”.<sup>1</sup> As indicated by the Legal Adviser at that session, this requires examination of the current situation against its historical background.
2. The request to the Governing Body resulted from a resolution adopted by the 11th African Regional Meeting, held in Addis Ababa from 24 to 27 April 2007, which, inter alia, called for urgent action to be undertaken to ensure that Africa’s representation corresponded to its numerical and strategic importance in the context of the International Labour Organization.<sup>2</sup>

## Composition of the Governing Body

3. Article 7 of the Constitution of the Organization provides for a Governing Body composed of 56 persons, 28 representing Governments, 14 representing the Employers, and 14 representing the Workers. These are commonly referred to as regular members. Of the 28 regular members representing the Governments, ten are appointed by the Members of chief industrial importance. The remaining 18 Government regular Governing Body members are appointed by the Government members selected by the Government electoral college, which consists of all Government delegates to the International Labour Conference except

<sup>1</sup> GB.299/5, para. 4.

<sup>2</sup> The full report of the Meeting is contained in a report to the Governing Body at the current session (GB.300/6), to which the resolution on Africa’s representation on the Governing Body of the International Labour Office, adopted by the 11th African Regional Meeting, is annexed.

those of the ten Members of chief industrial importance (see article 49 of the Standing Orders of the International Labour Conference).

4. In addition, as provided by article 1.1.1 of the Standing Orders of the Governing Body and articles 49(4) and 50(2) of the Standing Orders of the Conference, there are 66 deputy members. Thus the current total number of Governing Body members is 122 (56 regular and 66 deputy members). The Government electoral college selects another 28 members (other than those already designated) which are entitled to appoint deputy members, and an additional 19 deputy members each are selected by the Employers and by the Workers. Rules governing deputy members are set out in articles 1.5.1 to 1.5.5 of the Standing Orders of the Governing Body.
5. The 14 regular members and 19 deputy members representing the Employers, and the same numbers representing the Workers, are elected respectively by the Employers' electoral college, which consists of all Employers' delegates to the Conference, and by the Workers' electoral college, which consists of all Workers' delegates to the Conference. The selection method used by these groups is determined by section G of the Standing Orders of the Conference and articles 1.4.2 to 1.4.5 of the Standing Orders of the Governing Body.

## Evolution over time

6. The composition of the Governing Body has changed several times. The present composition of 56 regular and 66 deputy members reflects the provisions of the Constitution together with an amendment to the Standing Orders of the Conference adopted by the International Labour Conference at its 82nd Session (1995). The idea of expanding the Governing Body was rooted in an Instrument of Amendment of the Constitution of the ILO, which was adopted by the Conference in 1986 but which has not yet entered into force.<sup>3</sup> When it appeared unlikely that the 1986 Instrument of Amendment would attain the necessary ratifications within the near future, after examining interim measures, the Conference in 1995 amended the Standing Orders of the Conference to permit election of deputy members and a regional distribution of regular and deputy seats that reflected as far as possible the 1986 Amendment as regards the composition of the Government group. This resulted in the current composition of the Governing Body membership.
7. The Instrument of Amendment adopted by the Conference in 1986 would, upon entry into force, change various articles of the ILO Constitution.<sup>4</sup> Those relevant to this paper are the provisions concerning the composition and governance of the Governing Body of the International Labour Office. In particular, if the Instrument of Amendment entered into force, it would result in a constitutionally based change in the size of the Governing Body to 112 members (56 Government, 28 Employer and 28 Worker seats, all occupied by "regular" members). Moreover, the current constitutional provision that reserves seats on the Governing Body for ten persons appointed by the Members of chief industrial importance would be amended to provide as follows in draft article 7, paragraph 2:

<sup>3</sup> See articles 49 and 50 of the Standing Orders of the International Labour Conference.

<sup>4</sup> The full text of the Instrument of Amendment and accompanying proposals to amend the Standing Orders of the Conference and those of the Governing Body appear in International Labour Conference, 72nd Session (1986), *Provisional Record* No. 3, Annex. The Instrument of Amendment as published in the *Official Bulletin* is reproduced at:

- [www.ilo.org/public/english/bureau/leg/download/amend/1986e.pdf](http://www.ilo.org/public/english/bureau/leg/download/amend/1986e.pdf) and
- [www.ilo.org/public/french/bureau/leg/download/amend/1986f.pdf](http://www.ilo.org/public/french/bureau/leg/download/amend/1986f.pdf).

2. Its [the Governing Body's] composition shall be as representative as possible, taking into account the various geographical, economic and social interests within its three constituent groups, without, however, impairing the recognised autonomy of the groups.

8. In light of the conditions prevailing in 1986, of the 56 seats reserved for Governments, 54 of those seats would be distributed among four geographic regions (identified as "Africa, America, Asia and Europe"), weighted by taking into account the number of member States within the region, their total population and their economic activity assessed by appropriate criteria (gross national product or contributions to the budget of the Organization), with a minimum of 12 seats and a maximum of 15 for each region. For Europe two separate electoral colleges are foreseen. One of the two remaining seats would rotate between Africa and America and the other would be occupied alternately by Europe and Asia (see article 7, paragraph 3(a), as might be amended by the 1986 Instrument).
9. To enter into force, the 1986 Amendment will need to be ratified or accepted by two-thirds of the ILO member States, including at least five of the ten Members of chief industrial importance. As at September 2007, 89 ratifications or acceptances had been registered, of which two were from countries of chief industrial importance (India and Italy). With an ILO membership of 181 States, 121 ratifications (including three additional ones from Brazil, China, France, Germany, Japan, Russian Federation, United Kingdom, United States) would be required for this Amendment to enter into force.
10. Were the 1986 Amendment to enter into force, there would no longer be a need for deputy members, and the Standing Orders of the Conference and of the Governing Body would require amendment accordingly.

### **Members of chief industrial importance and criteria for their designation**

11. As regards the determination of Members of chief industrial importance, article 7, paragraph 3, of the Constitution, currently provides that:

The Governing Body shall as occasion requires determine which are the Members of the Organization of chief industrial importance and shall make rules to ensure that all questions relating to the selection of the Members of chief industrial importance are considered by an impartial committee before being decided by the Governing Body. Any appeal made by a Member from the declaration of the Governing Body as to which are the Members of chief industrial importance shall be decided by the Conference, but an appeal to the Conference shall not suspend the application of the declaration until such time as the Conference decides the appeal.

12. Article 1.3.1 of the Standing Orders of the Governing Body states that, "the Governing Body shall not decide any question relating to the selection of the Members of chief industrial importance unless the question of modification of the list of such Members has been included in the agenda of the session as a specific item and the Governing Body has before it a report by its Officers on the question to be decided". It is further stipulated in article 1.3.2 of the Standing Orders that, "the Officers of the Governing Body shall, before recommending to the Governing Body any modification of the list of Members of chief industrial importance, take the advice of a committee appointed by the Governing Body and including experts qualified to advise on the most appropriate criteria of industrial importance and on the relative industrial importance of States assessed on the basis of such criteria".

13. The number of seats to be appointed by the Members of chief industrial importance was originally eight, as determined by Article 393 of the Treaty of Versailles.<sup>5</sup> This number remained unchanged from 1919 until 1954, when an Amendment to the Constitution, which was adopted by the Conference at its 36th Session (1953), came into force and increased the number from eight to ten.
14. The list of Members of chief industrial importance has been reviewed by the Governing Body on several occasions. Since 1935, the Governing Body has followed the principle that it would deal with the matter “whenever a new development of sufficient importance occurs or at a request of a State which considers itself entitled to claim a place on the list”.<sup>6</sup>
15. The first eight Members of chief industrial importance designated by the First Session of the Conference (Washington, DC, 29 October to 29 November 1919) were Belgium, Denmark (pending the appointment of the United States), France, Germany, United Kingdom,<sup>7</sup> Italy, Japan and Switzerland. This designation was made by the Organising Committee of the 1919 Conference based on several criteria: industrial population in the narrow sense and its relation to the total population; total and per capita horse power; total length of railways and their length per 1,000 m<sup>2</sup>; and the development of the merchant marine.
16. Several Members (Canada, India, Netherlands,<sup>8</sup> Poland, and Sweden) objected to the results of the work of the Organising Committee. The matter was formally submitted by India to the Council of the League of Nations, which considered it between 1920 and 1922.
17. One of the important issues to be clarified before the designation of Members of chief industrial importance was the definition of the expression itself. A Memorandum officially submitted to the League of Nations in 1922 suggested that in the light of statements in the preparatory works of the Treaty of Versailles and of the object of the Governing Body, “The States of chief industrial importance, therefore, in the sense of Article 393, are those which present the greatest importance from the point of view of the regulation of the relations between capital and labour.”<sup>9</sup>
18. The expression “industrial” also required some clarification. The meaning of this term as used in the Treaty of Versailles, including in its Article 393, was examined by the Permanent Court of International Justice in its Advisory Opinion No. 2, of 12 August 1922. In that Advisory Opinion, the Permanent Court concluded that the word “industrial”

<sup>5</sup> The original text of the Treaty of Versailles also provided that any questions as to which are the Members of chief industrial importance was to be decided by the Council of the League of Nations. This was valid until the 1946 Amendments to the ILO Constitution.

<sup>6</sup> See Minutes of the 69th Session of the Governing Body (January 1935), p. 44 et seq., and Minutes of the fourth, fifth and first part of the ninth sitting (private) of the 69th Session of the Governing Body (29 January to 2 February 1935), p. 34.

<sup>7</sup> Listed as Great Britain.

<sup>8</sup> Listed as Holland.

<sup>9</sup> See report of the Committee appointed to consider the criteria to be adopted in the selection of eight States of chief industrial importance, C.410.M.316 1922. V., p. 10 et seq., esp. p. 12.

should be interpreted in the wide sense, pertaining to the various fields of productive labour.<sup>10</sup>

19. In the period between the two World Wars, the list of Members of chief industrial importance was modified four times: first in 1922, twice in 1935, and finally in 1940. The first modification, which became effective at the 17th Session of the Governing Body (January–February 1923), replaced Denmark and Switzerland by Canada and India. At the 70th Session (April 1935), Belgium and Canada were replaced by the United States and the Soviet Union. Canada was, however, reinstated as a State of chief industrial importance at the 73rd Session (October 1935), following the withdrawal of Germany from the ILO. In 1940, in the light of the withdrawal of Italy and the Soviet Union, Belgium and the Netherlands were included in the list of States of chief industrial importance.
20. Since the Second World War, the question of Members of chief industrial importance has been considered nine times and the list modified on six occasions: in 1944, 1948, 1954, 1978, 1980 and 1983. In 1944, China was added to the list to fill a post left vacant by Japan in 1940. In June 1948 Brazil replaced the Netherlands. In December 1948, it was decided that Italy would be added while Belgium would lose this status. In 1954, when the number of such Members increased to ten, the Federal Republic of Germany, Japan and the Soviet Union became Members of chief industrial importance while Brazil was removed from the list. Two verifications, in March 1963 and March 1969, resulted in no change in the composition of the Governing Body. In 1978, following the withdrawal of the United States from the ILO, Brazil was added to the list. In 1980, following its resumption of membership, the United States was once again designated as a Member of chief industrial importance.
21. The revision of composition was last done in 1983 following China's decision to resume its active participation in the Organization.<sup>11</sup> Aside from Russia succeeding to the membership of the USSR in 1992,<sup>12</sup> the composition of the Members of chief industrial importance has thereafter remained unchanged for some time: Brazil, China, Germany, France, India, Italy, Japan, Russia, United Kingdom and United States (these States are always listed in alphabetical order and not ranked in any other way).
22. After the first election of Government members on the Governing Body,<sup>13</sup> the criteria for determination of Members of chief industrial importance were defined each time by the impartial committees of experts appointed by the Governing Body. The consideration concerning the composition of such committees of experts "has always been to secure the highest level of statistical authority while not including in the Committee anyone from a State which may prove to be either just above or just below the line of demarcation between a State of chief industrial importance and other countries".<sup>14</sup>

<sup>10</sup> Permanent Court of International Justice, *Advisory Opinion of 12 August 1922 (including the text of the declaration of Judge Weiss)*, Series B, Dossier F.a.II.

<sup>11</sup> GB.222/3/9.

<sup>12</sup> GB.252/16/12.

<sup>13</sup> At which Argentina, Canada, Poland and Spain were designated by the Government delegates to the Conference in addition to the eight States of chief industrial importance listed in paragraph 15 above. See Proceedings of the First International Labour Conference, 19th Session, 25 November 1919, pp. 131–132.

<sup>14</sup> Minutes of the 172nd Session of the Governing Body (May–June 1968), p. 37.

23. A number of elements were used as criteria in the post-Second World War period, such as contribution to the ILO budget, national revenue, external trade, and economically active population. The criteria are often combined, with a relative weight given to each element.<sup>15</sup> For example, while the criterion of the contribution to the ILO budget was abandoned in 1978, the criteria of the national revenue and economically active population were replaced by a single criterion in 1983: the gross domestic product (GDP) (or gross national product (GNP)) at fixed international prices.<sup>16</sup> Noting that economic importance was not the same as economic welfare, the impartial committee of experts appointed by the Governing Body considered that this unique criterion measured the total value of goods and services within a country during a year, and that comparable statistics of GDP or GNP by themselves sufficed to identify the Members of chief industrial importance. When presenting the experts' report to the Governing Body, its Officers noted that the report was based essentially on the work of the International Comparison Project published in 1982 and that the data available took adequately into account the size of a country's labour force as reflected in the GDP, so that it was no longer necessary to consider separately labour force statistics as had been done by previous committees.

### Current regional distribution of Government seats on the Governing Body

24. The following table shows the current regional distribution of Government seats, taking into account the non-elective (i.e. Government members of chief industrial importance) and elective seats.<sup>17</sup>

Regions	Regular		Deputy	Total
	Non-elective	Elective		
Africa*	0	6	7	13
Americas*	2	5	6	13
Asia	3	4	8	15
Europe	5	3	7	15
Total	10	18	28	56

\* Africa and the Americas share a floating deputy member seat, which alternates between the two groups for each term of office of the Governing Body. This seat was assigned to the Americas group for the period 2005–08 and will be held by the Africa group for the 2008–11 term.

25. The procedures for the Governing Body elections to be held during the 97th Session of the International Labour Conference (2008) are set out in section G of the Conference Standing Orders.

Geneva, 4 October 2007.

*Submitted for information.*

<sup>15</sup> GB.213/2/11.

<sup>16</sup> GB.222/3/9.

<sup>17</sup> This table, which is presented in this document for ease of reference, is also published in ILO, *Compendium of rules applicable to the Governing Body of the International Labour Office*, Geneva, 2006, p. 4.