



Governing Body

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Working Party on the Functioning of the Governing Body and the International Labour Conference

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SECOND ITEM ON THE AGENDA

Improving the functioning of the International Labour Conference

Comprehensive review of the Standing Orders of the Conference

1. At its 325th Session (November 2015), the Governing Body decided “to request the Office to undertake a comprehensive review of the Standing Orders of the Conference with a view to submitting to the 328th Session (November 2016) draft amendments to the Standing Orders of the International Labour Conference”.¹ The document later submitted by the Office was divided in two parts, one containing amendments aimed at adapting the rules of procedure to the two-week format of the Conference and another outlining the main elements of a more comprehensive review of the Standing Orders aimed at their simplification and modernization.² Upon the recommendation of the Working Party on the Functioning of the Governing Body and the International Labour Conference, the Governing Body requested the Office to review and report to its 329th Session (March 2017) on a first set of amendments to the Standing Orders aimed at ensuring the effective functioning of the International Labour Conference in its reduced duration.³
2. At its 329th Session (March 2017), the Governing Body took note of the first set of amendments submitted to it and requested the Office to “prepare additional amendments for the simplification and modernization of the Standing Orders for its consideration at its 331st Session”.⁴

¹ [GB.325/INS/14](#) and [GB.325/PV](#), para. 279.

² [GB.328/WP/GBC/1/1](#).

³ [GB.328/INS/16](#), para. 9 and [GB.328/PV](#), para. 256.

⁴ [GB.329/PV](#), para. 370(b) and (d).

3. The proposals below identify areas for improvement with a view to rendering the Standing Orders more concise, coherent and accessible.⁵

Scope and purpose of the comprehensive review

4. The Standing Orders of the International Labour Conference were originally adopted on 21 November 1919 at the very first session of the International Labour Conference.⁶ As such, the Standing Orders have been considered as “the first set of international standing orders ever framed”.⁷ It then consisted in a set of 20 articles dealing with the most important aspects of the procedure governing the functioning of the Conference, spanning from its composition, the verification of credentials, the setting up of commissions, voting, the moving of amendments and the Governing Body elections. Most of these provisions, although they have been amended on several occasions, can still be found in the Standing Orders as they read today.
5. Throughout their almost one hundred years of existence, the Standing Orders of the Conference have been amended on numerous occasions so as to adapt to the changing realities and practices of the Organization. These changes took the form of successive rounds of amendments, most of which were required to ensure the effective running of the Conference but did not address the overall structure and logic of the Standing Orders. The last comprehensive review of the Standing Orders undertaken by the Organization dates back to 1945, when the Governing Body prepared a systematic revision of their arrangement and form with a view to facilitating their consultation and to eliminate some of the misunderstandings with regard to procedure.⁸
6. Since then, the Standing Orders have been amended on 34 occasions. As a result of these successive changes, and while bearing in mind the particular importance of the Standing Orders in the unique tripartite context, they may in many respects be considered as the most complex and lengthiest of all procedural rules for international conferences.
7. As noted in previous documents, a comprehensive review aiming at enhancing the relevance and transparency of the rules of procedure of the Organization’s supreme policy-making organ may be articulated around four themes: (1) deletion of obsolete provisions; (2) codification of current practices; (3) simplification of processes; and (4) rationalization of the overall structure of the Standing Orders.

⁵ In preparing these proposals, the following documents were consulted: Food and Agriculture Organization of the United Nations (FAO): *General Rules of the Organisation*; International Atomic Energy Agency (IAEA): *Rules of Procedure of the General Conference*; International Maritime Organisation: *Revised Rules of Procedure*; International Telecommunication Union (ITU): *General Rules of Conferences, Assemblies and Meetings of the Union*; International Organization for Migration (IOM): *Rules of Procedure of the Council*; Organisation for the Prohibition of Chemical Weapons (OPCW): *Rules of Procedure of the Conference of the States Parties*; United Nations: *Rules of Procedure of the United Nations General Assembly*; United Nations Educational, Scientific and Cultural Organization (UNESCO): *Rules of Procedure of the General Conference*.

⁶ League of Nations: International Labour Conference, [First Annual Meeting](#), 1919, pp. 213–221.

⁷ Harold B. Butler: “The Washington Conference”, in James T. Shotwell (ed.): *The Origins of the International Labor Organization* (Vol. I, 1934), p. 315.

⁸ ILO: [Minutes](#), Governing Body, 95th Session, June 1945, p. 49.

8. The proposed comprehensive review encompasses in principle all aspects of the functioning of the Conference regulated by the Standing Orders with the exception of section E on the Convention and Recommendation procedure where it is proposed to limit the review to questions concerning the procedural handling of standard-setting items at the Conference and to drafting issues. The review at this stage will in particular not cover the provisions on the preparatory stages of standard-setting discussions (articles 37–38) and the question whether special provisions are still needed in case of revisions of a Convention or Recommendation (articles 44–45) given that they have fallen into disuse. While there may be room for improvement of the preparatory stages procedure in the light of experience with the two-week Conference format, any review of the Standing Orders in this respect would have to be preceded by substantive discussions in another forum.

Removal of obsolete provisions

9. As they currently read, the Standing Orders contain a number of clearly outdated provisions. Certain provisions of the Standing Orders appear to have lost their purpose and have long ceased to reflect Conference business practices. For instance, article 23(4), which reproduces without modification the provision included in the first version of the Standing Orders in 1919, provides that the verbatim reports shall be signed by the President of the Conference and the Secretary-General. In light of the Conference's modern practice with regard to the adoption of publishing verbatim reports, one may question the usefulness of this provision and consider its removal from the Standing Orders.
10. In the same vein, article 9(b) provides for the appeal of a delegate to the Selection Committee for not having been nominated to a committee. While this provision was inserted in the Standing Orders in April 1932,⁹ no such appeal has been made to the Selection Committee to challenge the absence of a nomination at least since the 1950s.¹⁰ This provision having fallen therefore into desuetude, it could be removed from the Standing Orders.
11. Another example would include article 58(5), which provides for the request by one fifth of committee members for additional interpretation into another language. This provision was introduced in the Standing Orders in 1933 and was last amended in 1946. As there is no evidence of any recent request for additional interpretation being made by members of a committee, and in light of the secretariat current practice with regard to interpretation, this provision could also be deleted.
12. Moreover, in light of the Conference's practice concerning the use of non-official languages by the speakers and the interpretation services provided (in Russian, Arabic and Chinese), article 24(4), which provides that a delegate may speak in another non-official language if the relevant delegation provides for a summarized translation of the speech by an interpreter attached to the delegation, unless an interpreter of the Conference can be placed at its disposal by the secretariat, seems to serve no purpose.
13. Other obsolete provisions would need to be revised rather than deleted. For instance, articles 24(1) and 58(1) which identify only the French and English languages as the official languages of the Conference plenary and the Conference Committees could be amended to

⁹ ILO: *Record of Proceedings*, International Labour Conference, 16th Session, 1932, pp. 29 ss.

¹⁰ The last time this provision was invoked dates back to 1959, see ILO: *Record of Proceedings*, International Labour Conference, 43rd Session, 1959, pp. 52 ss.

include Spanish. Consequentially, articles 24(2) and (3) and 58(2) and (3) should be deleted as they are no longer relevant.

14. A few other provisions may not be outdated but rather redundant as they are either repetitive or do not seem to serve a useful purpose. For instance, article 10 essentially reproduces the provisions of article 55 and could be removed. Similarly, article 11, which merely makes a cross-reference to other sections of Part II of the Standing Orders could be disposed of. Likewise, articles 72 and 74 which draw a distinction between official and non-official group meetings do not seem to reflect current practice and may be removed.
15. As regards article 73, it remains relevant only in relation to Governing Body elections as elections are no longer held for the appointment of Vice-Presidents and members of committees. However, the role of the representative of the President deriving from Governing Body elections is detailed in articles 52(2), (3) and (5) and, therefore, article 73 could be removed.
16. With regard to the standard-setting procedure, a number of provisions could also be removed as they do not seem to serve a useful purpose or unduly encumber the text of the Standing Orders. For instance, articles 34–36 and 43 may be removed as they simply reproduce provisions of the Standing Orders of the Governing Body for convenience of reference.
17. Finally, the Note for Maritime Sessions of the International Labour Conference, which was inserted at the end of the Standing Orders in 1993, seems to have lost its practical utility.¹¹ The Note basically enumerates the provisions of the Standing Orders which are not applicable to Maritime Sessions, for instance, the provisions on admission of new members and those relating to Governing Body elections. It also provides that two standing committees, the Committee on the Application of Conventions and Recommendations and the Finance Committee, are not to be appointed and the programme and budget may not be examined during Maritime Sessions.
18. The Conference has been adopting instruments for seafarers since its Second Session held in Genoa in 1920. Eleven Maritime Sessions have been held so far, the last being the 94th Session (February 2006) which adopted the Maritime Labour Convention, 2006 (MLC, 2006). Following the adoption of the MLC, 2006, there will no longer be any need for holding separate Maritime Sessions for two main reasons: first, the MLC, 2006, consolidates all existing maritime Conventions and Recommendations into a single comprehensive text so that any future standard setting for the maritime sector will necessarily take the form of an amendment, or amendments, to the MLC, 2006. Secondly, the MLC, 2006, provides for an amendment procedure of the Code (Standards and Guidelines) which consists in the adoption of amendments by the Special Tripartite Committee established under Article XIII of the Convention – at a meeting convened outside the Conference – and the subsequent approval of such amendments by the Conference. This amendment procedure has been put into practice on two occasions so far, in 2014 and in 2016, and the amendments to the MLC, 2006, have been approved by the required two-thirds majority vote without discussion.
19. As regards the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), which is one of the maritime instruments that have not been consolidated by the MLC, 2006, it provides for amendment of its technical annexes through a Conference decision based on the advice of a duly constituted tripartite maritime body. Such amendment(s) could be discussed in the context of the annual June session of the Conference (as was the case of the recent amendments to Convention No. 185, adopted by the Conference in June 2016) thus making the prospect of a special session highly improbable. The Note for Maritime Sessions

¹¹ ILO: *Record of Proceedings*, International Labour Conference, 80th Session, 1993, pp. 2/3 and 19/9.

at the end of the Standing Orders could therefore be deleted as having lost its purpose and practical utility.

Codification of current/modern practices

20. Business practices at the Conference have evolved through time, in particular as regards the voting procedure based on technological progress, and, to a large extent, the rules of the Standing Orders on this matter no longer reflect those practices. The clarity and simplicity of the rules governing voting and decision-making at the Conference, including in its committees, could be achieved by codifying the principle of consensus as the main decision-making method and the method of weighting of votes (article 65). References to consensus are included in a number of other rules of procedure of other international conferences.¹² While this decision-making method is of particular relevance for the ILO and is now reflected in the *Compendium of rules applicable to the Governing Body*, no mention to consensus is made in the Standing Orders of the Conference.
21. The term “consensus” refers to an established practice under which every effort is made to reach without vote an agreement that is generally accepted. Those dissenting from the general trend are prepared simply to make their position or reservations known and placed on the record.¹³ As defined in the Introductory note to the rules applicable to the Governing Body, “consensus is characterized by the absence of any objection presented by a Governing Body member as an impediment to the adoption of the decision in question” and “it is for the person chairing the sitting, in agreement with the spokespersons of the respective groups to note the existence of a consensus”.¹⁴
22. It is therefore proposed to modify article 19 of the Standing Orders on methods of voting to cover the most routinely used method of decision taking. The first paragraph could provide that “unless otherwise provided in the Standing Orders, the Conference shall make every effort to ensure that its decisions on all matters of substance are taken by consensus”.¹⁵ The meaning of consensus could be further specified in the provision in line with the above definition.
23. Modifications could be made to article 20 with a view, for instance, to reflecting technological changes in the determination of quorum, which can now be calculated in real time before each vote, without the need for the intervention or validation of the Credentials Committee. Consequently, article 20(2) could be removed from the Standing Orders.
24. Further adaptations of the rules to today’s practice would be required as regards the different categories of participants at the Conference, in particular the categories that have been created by practice such as the substitute delegates designated as such in the credentials, the persons accompanying ministers and the “other persons attending the Conference”, or the limitation in the number of persons appointed to occupy advisers’ posts which may fall

¹² See e.g. United Nations Convention on the Law of the Sea, 1982, Article 161(7); Rules of procedure, Conference on Security and Co-operation in Europe, 1986, Rule 69.

¹³ See *United Nations Juridical Yearbook*, 1987, pp. 174–175.

¹⁴ ILO: [Introductory note to the rules applicable to the Governing Body](#), para. 46.

¹⁵ For a similar wording see, *Draft Standard Rules of Procedure for United Nations Conferences*, Report of the Secretary-General, UN doc. A/40/611 of 11 September 1985 (“UN Model Rules”), Rule 51.

vacant (article 2(3)(i) of the Standing Orders) following a recommendation of the Credentials Committee.

25. Article 40 on the procedure for considering Conventions and Recommendations could codify the Drafting Committee's responsibility to include standard final provisions in the text of Conventions, as established by several Conference decisions taken between 1928 and 1961 and subsequent practice.
26. Established practices in the framework of the elections to the Governing Body could be codified in the Standing Orders, such as the procedure for the submission of candidatures, the preparation of the ballots and the voting by regional government electoral colleges in line with the 1986 Instrument of Amendment to the ILO Constitution (not in force).
27. In committees dealing with the items on the agenda, the principle embodied in the Standing Orders is that of equal representation of the three groups in the Conference: Governments, Employers and Workers. As, in practice, governments desire representation on a committee in numbers which it is impossible for one or both of the other groups to equal, the principle of equality between the three groups on the committee can be maintained only by the adoption of special systems of voting. Paragraphs 2, 3 and 4 of article 65 set out two possible formulae of composition of committees and the corresponding weighting of votes. However, those systems have in practice been replaced since the early 1950s by a weighting formula that ensures equal voting power of the three groups, whatever may be their respective membership figure. It is proposed to replace the current provisions of article 65 by a codification of this practice.

Simplification of processes

28. Certain provisions of the Standing Orders seem to envisage manifestly impracticable processes that would call for simplification. For instance, article 40(5) and (6) (procedure for the consideration of texts) provides that the Conference may refer a single article of a draft Convention to a committee and may refer back to a committee the text of a draft Convention to consider its transformation into a Recommendation. As it appears practically unfeasible that there be recourse to these provisions in the context of a Conference of a two-week duration, it is proposed to delete these two paragraphs.
29. As another example, the process of establishing government membership of committees under the Standing Orders could be simplified in two respects. Firstly, in accordance with article 56(2) of the Standing Orders, each Government member of a committee has to communicate to the secretariat the name of its regular representative and that of any substitute appointed. It is proposed to delete this paragraph to draw the consequences from the flexibility that has in the past been given to governments as regards their representation in committees and to allow them to be represented by any accredited delegate or adviser without requiring any particular communication. Secondly, whereas article 9(a) provides that changes to the composition of committees are determined by the groups, in case of governments there is in practice no intervention from the Government group as governments decide for themselves to register and deregister for committees. Therefore, this provision would have to be adapted to the practice as well as article 72(1) on the business of the official group meetings. This would offer an opportunity to review the entire process of setting up committees, including whether there is a need to have the initial composition of committees approved by the Conference.
30. A further simplification of processes could be made by assigning the formal, programme-setting and steering functions of the Selection Committee to the Officers of the Conference, or their representatives or a small group of persons appointed by them for this purpose. There

would no longer necessarily be a meeting of the Selection Committee on the opening day, as it would be convened (possibly under a new name) only if a substantive question is referred to it for discussion.

31. It is also proposed to simplify the procedure for suspending provisions of the Standing Orders under article 76 of the Standing Orders, in particular to eliminate the requirement that a proposal to suspend a provision cannot be adopted at the same sitting at which it is submitted to the Conference, which has in the past obliged the Conference to artificially split its opening sitting into two sittings.

Rationalization of the structure of the Standing Orders

32. In the context of a comprehensive review of the Standing Orders, the possibility should be envisaged to merge the rules of procedure which are common to plenary and committee discussions. The Standing Orders are in fact one of the very few examples of procedural rules which contain separate provisions governing the composition and functioning of committees.¹⁶ In accordance with articles 10 and 55 of the Standing Orders, the work of the committees is governed by section H of the Standing Orders, which contains 15 articles.
33. Committees are either ad hoc organs of the Conference appointed by the latter “to consider and report on any matter” (article 8), or permanent/standing bodies whose mandate is specifically defined in the first part of the Standing Orders, namely the Selection Committee (article 4), the Credentials Committee (article 5), the Conference Drafting Committee (article 6), the Committee on the Application of Conventions and Recommendations (article 7), the Finance Committee of Government Representatives (article 7bis) and the Resolutions Committee (article 17(3)).
34. The Standing Orders adopted by the International Labour Conference at its very first session in 1919 contained only one article governing the setting up of Committees, which at the time were called “commissions”.¹⁷ The provision did not contain any specific rule concerning the role, composition and functioning of such organs. In 1922, this provision was amended and rules concerning what is now referred to as “standing committees” were inserted (namely on the Committee of Selection, the Credentials Committee and the Drafting Committee).¹⁸ At the initiative of the Governing Body,¹⁹ the Conference adopted at its

¹⁶ See e.g. United Nations, *Rules of Procedure of the United Nations General Assembly* (doc. A/520/Rev.17), section XIII.

¹⁷ ILO: *Record of Proceedings*, Report of the Commission on Standing Orders, International Labour Conference, First Session, 1919, pp. 213–221.

¹⁸ ILO: *Record of Proceedings*, International Labour Conference, Fourth Session, June 1922, pp. 560 ss (see article 7).

¹⁹ See ILO: *Minutes*, Governing Body, 52nd Session, April 1931, p. 299. During the discussion at the Conference, it was stressed that the lack of definite rules impeded the regular work of the Committees and that it was not always possible to adapt the Standing Orders of the Conference to committees; ILC, *Record of Proceedings*, 15th Session, 1931, pp. 360–361. The matter was laid before the Committee on Standing Orders of the Conference, which considered that it would be desirable to establish Standing Orders of this kind and suggested the Conference to refer the question to the Governing Body and to its Standing Orders Committee. In order to facilitate the Committee’s work, the adviser to the Italian Employers’ delegate submitted a draft for the proposed Standing Orders; ILO: *Minutes*, Governing Body, 55th Session, October 1931, Appendix XX, Annex B, pp. 780–783.

17th Session (June 1933) separate Standing Orders for Committees of the Conference,²⁰ which in 1945 were incorporated into the Standing Orders of the Conference.²¹

35. While a certain number of provisions of section H of the Standing Orders address issues that are specific to the technical committees, especially with regard to their composition, other provisions are practically identical and could be easily streamlined in a single section. Detailed explanations of the specificities, if any, of each article composing section H are given below.
36. *Article 55 – Scope.* This article defines the scope of application of section H and therefore is specific to technical committees. The first paragraph excludes from the scope of application of this section the Credentials Committee and the Drafting Committee, thereby repeating the provision of article 10 of the Standing Orders. The following paragraphs excludes the application of specific provisions of section H to the Selection Committee (article 55(2)), the Finance Committee of Government Representatives (article 55(3)) and the Resolutions Committee (article 55(4)).
37. *Article 56 – Composition of committees and right to participate in their work.* A number of provisions of article 56 mirror to a large extent provisions governing the composition and right to participate in the plenary of the Conference. Paragraph 6 of article 56 reproduces the rules contained in articles 2.3(b) and 14(9), according to which international organizations that have been invited by the Conference or the Governing Body may be represented and participate in the debate of the plenary without the right to vote. In the same vein, paragraph 10 of article 56 and article 14(12) which relates to the participation of representatives of liberation movements could be merged in a single provision.
38. *Article 57 – Officers of committees.* This provision contains specific rules related to the opening of the first sitting of committees and the election of the chairperson and vice-chairpersons, together with the reporters of committees.
39. *Article 58 – Languages of committees.* The first three paragraphs of article 24 and of its corresponding article for committees of the Conference are strictly identical. Besides a minor linguistic difference, paragraphs 4 of the two articles are also identical.
40. Paragraphs 5 and 6 of article 58 have no equivalent in article 24 concerning the plenary of the Conference. The two paragraphs cover instances in which members of a committee request an interpretation into a language which is not an official language or Spanish. In light of the current interpretation services provided by the secretariat of the Conference, the clauses are now widely regarded as obsolete and could be removed from the Standing Orders.
41. Paragraph 5 of article 24 has no equivalent in article 58. In practice however, it is well-established that the translation and circulation of documents in committees shall also be in the hands of the secretariat and appear in English, French and Spanish. One may therefore consider that in practice, the rules of article 24 are applied mutatis mutandis to committees of the Conference.

²⁰ ILO: *Record of Proceedings*, International Labour Conference, 17th Session, June 1933, Appendix III: Standing Orders of the Conference, pp. 495 ss.

²¹ ILO: *Record of Proceedings*, International Labour Conference, 27th Session, 1945, pp. 34 and 328–329. The text of the consolidated Standing Orders can be found in: *Matters Arising out of the Work of the Constitutional Committee* – Part 2: Revision of the Form and Arrangement of the Standing Orders of the Conference, Report IV(2), International Labour Conference, 27th Session, 1945.

42. *Article 59 – Committee drafting committees; subcommittees.* In view of the proposed merger of the Conference Drafting Committee and Committee Drafting Committee, the first paragraph could be removed.
43. *Article 60 – Sitings.* Article 60 is specific to committees of the Conference. Indeed, under article 4(2) it is the exclusive duty of the Selection Committee to arrange the programme of the Conference and to fix the time for the plenary sittings. However, with a view to simplifying the structure of this section, this article could be inserted in the following article on the duties of the chairperson.
44. *Article 61 – Duties of the Chairperson.* The only substantive difference between the duties of the chairpersons of a committee and of the plenary concerns their speaking and voting rights (paragraphs 4 of articles 13 and 61). The other paragraphs of these articles are identical in substance.
45. *Article 62 – Right to address the committee.* Paragraphs 1 and 2 of article 62 mirror the provisions of article 14 on the right to address the Conference (paragraphs 1, 2 and 4). Paragraph 3 of article 62 embodies the same rule concerning the limitation of the length of speeches pronounced in the plenary. It is to be noted however that article 14 also provides that the president may, after consultation with the vice-presidents, submit to the Conference for decision a proposal to reduce the time limit for speeches on a specific topic. Paragraph 4 of article 62 deals with the limitation of the length of speeches in the Resolutions Committee. It is recalled that it is proposed to entrust the Selection Committee with the functions of the Resolutions Committee. This provision could therefore be deleted.
46. *Article 63 – Motions, resolutions and amendments.* Since 1945, the rules on the consideration of motions, resolutions and amendments applicable to the plenary of the Conference and to its committees have been rearranged in the same manner and have been amended with a view to make them “as nearly uniform as possible”.²² As articles 15 and 63 stand, besides some minor differences of terminology (article 63 does not refer to the “President” but rather to the “Chairperson” of the Committee), only four substantive differences can be noted:
- (i) Articles 15(4)(1) and 63(4): In plenary sessions of the Conference, a resolution can be moved only if a copy has been handed in to the secretariat at least two days in advance. The rule is more flexible in meetings of committees, as both resolution and amendments have to be handed in before 5 p.m. to be discussed on the following morning, or before 11 a.m. to be discussed at the meeting to be held in the afternoon of the same day.
 - (ii) Articles 15(4)(2) and 63(5): In plenary meetings, the text of a resolution must be translated and circulated no later than one day after it was received. In meetings of committees, the Standing Orders only require the text of the amendment or resolution to be translated and circulated before the discussion.
 - (iii) Article 15(5): The Standing Orders governing committees of the Conference do not refer to a specific provision regarding resolutions on a matter not included in the agenda.²³

²² *Matters Arising out of the Work of the Constitutional Committee – Part 2*, op. cit, p. 47.

²³ As explained by the Legal Adviser in 1977, article 63 only refers to the manner of dealing with resolutions relating to a (technical) item which is already on the agenda; *Record of Proceedings*, International Labour Conference, 63rd Session, 1977, pp. 78–79.

- (iv) Article 63(6): The Standing Orders governing the plenary meetings of the Conference do not contain a provision on amendments to amendments.
47. *Article 64 – Closure.* Article 64(1), which provides that any member of a committee may move the closure of the discussion either on an amendment or on the general question, is virtually identical in substance to article 16(1), as the latter refers rather to “delegates” and also covers the case of discussions on a resolution.
48. The second paragraph of the two articles is almost identical. While in the case of the plenary, the motion for closure should be supported by 30 delegates, in a committee it should obtain the support from one fifth of the members. In addition, while in committee meetings any speaker having previously requested to speak on the discussion may do so after the closure has been voted upon, no such rule exists for plenary meetings, where the President may however permit each group to be heard on the question under discussion through only one speaker in accordance with article 16(4) and (5).
49. In accordance with the third paragraph of each article, in the plenary any delegate may take the floor and speak against the closure of the discussion, provided that such speech should not exceed five minutes, while in a committee only one speaker from each group may take the floor.
50. *Article 65 – Method of voting.* Most of the provisions of article 65 are not specific to committees and could be merged with article 19 of the Standing Orders. In committees dealing with items on the agenda, it is the practice of the Conference to give equal representation to the three groups in the Conference: Governments, Employers and Workers. One may argue that paragraphs 2, 3 and 4 of article 65 unduly burden the Standing Orders. It is therefore proposed to remove these provisions and simplify this procedure by simply stating that irrespective of the composition of a committee, an equal number of votes may be cast by each group.
51. *Article 66 – Quorum.* The rules provided for in article 66 and which relate to both the requirements for the quorum to be met and the consequences of a lack of quorum differ from those embodied in article 20.
52. *Article 67 – Amendments to text submitted by Committee Drafting Committee.* Article 67 of the Standing Orders has been regularly suspended over the recent sessions of the Conference. With a view to codifying current practice, it is suggested to remove this provision from the Standing Orders.
53. *Article 68 – Secretariat.* Article 68(1) provides that the Secretary-General of the Conference or any representative may, with the permission of the chairperson, address committees, including the Committee Drafting Committee. Article 68(2) of the Standing Orders further provides that the Secretary-General shall appoint an official to act as secretary to each committee and undertake any duties as requested by the said committee or its chairperson. These provisions reproduce without any modification the provisions originally included in the Standing Orders of Committees of June 1933. While these clauses are specific to committees, they could arguably be simplified or merged in article 22 on the secretariat of the Conference.
54. In conclusion, the difference between the rules applied in committees and in the plenary of the Conference are rather limited. In addition, a number of provisions contained in the rules for committees of the Conference can now be regarded as outdated and could be removed from the text of the Standing Orders.

55. By way of comparison, most Rules of procedure of intergovernmental conferences stipulate that the rules applicable to plenary meetings apply to committees *mutatis mutandis* and provide for limited exceptions.²⁴ The exceptions are usually that the quorum for opening a meeting is smaller than the one required in plenary meetings and that the president or chairperson of the said committee has the right to vote. Several rules of procedure also provide that the rules governing plenary meetings apply to committees or subsidiary organs “as far as it is appropriate”, thus leaving an important margin of appreciation to the said committee, its chairperson of the committee and/or to the representative of the Legal Adviser of the Organization in determining the applicable rules, depending on the structure, function and practice of the said committee.²⁵
56. Consideration could therefore be given to rearranging the Standing Orders to comprise a general part governing matters of principles, questions of membership and the functioning of the plenary, followed by another part on committees and a general clause that the rules applied in the plenary are applicable to committees “unless otherwise provided” in that section.

Practical modalities for moving forward

57. In view of the extent of the scope of the revision exercise and the technical nature of the proposed amendments, the Working Party would need to consider the most suitable practical modalities for moving forward. In order to engage members of the Governing Body in the most efficient manner in a technical discussion and legal drafting, the Working Party may wish to set up a small ad hoc tripartite group to undertake a detailed examination of those amendments and prepare a consolidated text for its validation and submission to the Governing Body for possible approval.
58. The group could be composed of a limited number of members of the Working Party with experience in the conduct of the International Labour Conference and its committees, and familiar with the Standing Orders. It could meet during sessions of the Governing Body while steps would be taken to enable members to work in an interactive and flexible manner between these sessions. The group would be tasked to complete the review and present a comprehensive package of amendments for the approval of the Governing Body in March 2019, as part of the centenary Governance Initiative. The proposed timeframe would enable the Governing Body to reach consensus in good time before the centenary session of the Conference and ultimately reinforce its credibility through procedural clarity, transparency and legal certainty.

²⁴ See, for instance, International Telecommunication Union (ITU): *General Rules of Conferences, Assemblies and Meetings of the Union*, Rule 22; United Nations Office on Drugs and Crime (UNODC): *Rules of Procedure for the Conference of the States Parties to the United Nations Convention against Corruption*, Rule 2.2; United Nations Environment Programme (UNEP): *Rules of Procedure for the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal*, Rule 26.6; *Rules of Procedure for the Conference of the Parties to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade*, Rule 26; *Rules of Procedure for the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants*, Rule 26.

²⁵ See for instance International Atomic Energy Agency (IAEA): *Rules of Procedure of the General Conference*, Rule 82; Organisation for the Prohibition of Chemical Weapons (OPCW): *Rules of Procedure of the Conference of the States Parties*, Rule 86; Food and Agriculture Organization of the United Nations (FAO): *General Rules of the Organisation*, Rule XIII.5; International Maritime Organization (IMO): *Revised Rules of Procedure*, Rule 12.

Draft decision

59. *The Working Party on the Functioning of the Governing Body and the International Labour Conference recommends that the Governing Body:*

- (a) take note of the additional amendments for the simplification and modernization of the Standing Orders of the International Labour Conference;***
- (b) establish a small technical subgroup, composed of Government, Employer and Worker members of the Working Party to undertake an in-depth review of the proposed amendments and draft any additional amendments, as may be necessary;***
- (c) decide that the technical subgroup would meet on the occasion of the 332nd (March 2018), 334th (November 2018) and 335th (March 2019) Sessions of the Governing Body with a view to finalizing a comprehensive package of amendments to the Standing Orders of the International Labour Conference for validation by the Working Party and possible approval by the Governing Body in March 2019 as part of the Governance Initiative.***