

**INTERNATIONAL LABOUR
CONFERENCE**

**EIGHTY-SECOND SESSION
GENEVA, 1995**

RECORD OF PROCEEDINGS

**INTERNATIONAL LABOUR OFFICE
GENEVA**



Report of the Standing Orders Committee

1. The Standing Orders Committee, set up by the Conference at its first sitting on 6 June 1995, held a single sitting on 8 June 1995. It was composed of 71 members (36 Government members, 13 Employers' members and 22 Workers' members).

2. The Committee elected its officers as follows:

Chairperson and Reporter: Ms. Laura Thompson Chacón (Government member, Costa Rica);

Vice-Chairpersons: Miss Cornélie Hak (Employer member, Netherlands); Mr. Khurshid Ahmed (Worker member, Pakistan).

3. The Committee had before it the Note concerning Standing Orders Questions placed by the Governing Body of the International Labour Office before the Conference at its 82nd Session (*Provisional Record* No. 1). The Note proposed certain amendments to the Standing Orders of the International Labour Conference and derogations from the rules governing respectively the next Maritime Session of the Conference and the Fifth European Regional Conference.

I. Amendments to the Standing Orders of the International Labour Conference

4. The Chairperson noted that the Governing Body had referred to the Conference two sets of proposed amendments to the Standing Orders of the International Labour Conference, the first dealing with the use of electronic voting at the Conference and the second with the composition of the Governing Body pending entry into force of the 1986 Amendment to the Constitution of the ILO. She asked the representative of the Secretary-General, the Legal Adviser, to explain the proposals to be examined in relation to each point.

A. Electronic voting at the International Labour Conference

5. The Legal Adviser noted that the proposals to amend article 19 of the Standing Orders were designed simply to codify the ad hoc practice that had been followed, with satisfactory results, since the 80th Session of the Conference. As with manual votes, the electronic voting system permitted different types of votes to be taken (vote by a show of hands, a secret ballot or a record vote). The

amendment addressed the use of electronic voting only in the plenary of the Conference, but it would also be available on a voluntary basis for use in determining the priority of resolutions and in the electoral colleges if so desired.

6. The Chairperson recalled that the Governing Body had unanimously approved the proposed amendments to add two new paragraphs to article 19 of the Standing Orders. The Employers' Vice-Chairperson declared support for the proposed changes. She stated, however, that despite the savings achieved, the Employers still regretted that, contrary to expectations, the costly electronic voting system was not being used by any other organization; had this been foreseeable, the Employers might never have approved its installation. They were pleased that the system would not be used in technical committees, where they thought the results should be based on consensus so as to produce realistic instruments.

7. The Workers' Vice-Chairperson recalled the consensus in the Governing Body on use of electronic voting in the plenary of the Conference, with the possibility of employing it in the Resolutions Committee and the electoral colleges. They welcomed the savings in time and money the system brought to the Conference. They also hoped other organizations would use the system. The Chairperson noted that negotiations for this were under way with the United Nations.

8. The Committee agreed by consensus to recommend that the following two new paragraphs be added to article 19 ("Methods of voting") of the Standing Orders of the International Labour Conference:

15. *Unless the Officers otherwise decide in special circumstances, the Conference shall vote by electronic means.*

16. When the Conference votes by electronic means, paragraphs 7 and 12 above¹ shall not apply. In the case of a vote by show of hands, the individual votes cast by the delegates shall be accessible during the sitting at which the vote is taken, but only the final result of the vote shall be announced and recorded. In the case of a record vote, the individual votes cast by the delegates shall be recorded and published and the final result of the vote shall be announced and recorded. In the case of a vote by secret ballot, the individual votes cast by the delegates shall in no case be recorded or accessible and only the final result of the vote shall be announced and recorded.

B. Interim proposals concerning the composition of the Governing Body pending the entry into force of the Instrument for the Amendment of the Constitution of the ILO, 1986

9. The Chairperson introduced these proposals by noting that they would result, on a provisional basis, in an increase of ten Government deputy members

¹ These paragraphs read as follows:

"7. Record votes shall be taken by calling upon each delegation voting in turn in the French alphabetical order of the names of the Members of the International Labour Organization. A further and final call shall immediately be made, in the same alphabetical order, of delegates who did not respond to the first call.

...
12. Votes by secret ballot shall be counted by the secretariat under the direction of three returning officers nominated respectively by the Government, Employers' and Workers' groups."

and five new deputy members each for the Employers' and Workers' groups in the ILO Governing Body. The proposed changes to the numbers in article 49, paragraph 4, and article 50, paragraph 2, of the Standing Orders would mean that there would be 28 instead of 18 Government deputy members and 19 instead of 14 deputy members for the Employers' and Workers' groups. The document serving as the basis for discussion had described the additional cost to implement the interim measures, which had been included in the proposed Programme and Budget for 1996-97 in the amount of \$225,000.

10. The Legal Adviser explained that the purpose of the amendments was to provide for a more representative Governing Body to reflect substantial increase in ILO membership in recent years. This could be achieved as from 1996 by an amendment to the Standing Orders, without having to wait for the entry into force of the 1986 amendment to the ILO Constitution. He noted that this interim arrangement would follow as closely as possible the 1986 amendment as concerns the composition of the Government group (which would, it should be recalled, no longer include a distinction between regular and deputy members). The 1986 amendment would distribute the 56 Government seats (including so-called rotating seats) as follows: 15 for Asia, 13-and-a-half for Africa, 12-and-a-half for the Americas, and 15 for Europe. Although the Constitution and Standing Orders did not now provide for geographical distribution, the intention was to apply the amended Standing Orders so that the total number of Government seats available to each of the regions could be the same as under the constitutional amendment.

11. In declaring the Employers' support for the proposed changes to the Standing Orders, the Employers' Vice-Chairperson said that they reflected two realities: the increased number of ILO Members and the unlikelihood of the 1986 constitutional amendment coming into force soon. The Workers' members recalled the lengthy debate on reforming the structure of the Organization that had culminated in the 1986 constitutional amendment. They supported the more democratic participation that the proposed changes to the Standing Orders would achieve.

12. The Government member of Spain supported the proposed amendments to increase the size of the Governing Body. Nevertheless, he wished to make several observations with regard to paragraph 8 of *Provisional Record* No. 1, according to which the Conference, in approving the proposed amendments, needed to take into account that the Government electoral college would have to establish a geographical distribution of the new total of titular and deputy members between the various regions identical to that foreseen in the Instrument of Amendment of 1986. In fact, the distribution by region of the new total of titular and deputy members, although numerically identical to that foreseen in the constitutional amendment, would not reflect the same situation as provided for in that instrument, taking into account in particular the fact that at present, and until the amendment entered into force, the number of elective members in the Governing Body was 46 rather than 56. Thus the geographical distribution would need to be different, especially for regions in which there were more Members of chief industrial importance, which would mean fewer elective members. In addition, the substantial change in the geopolitical situation since the adoption of the Instrument of Amendment only accentuated the differences between the

configuration of the Government electoral college as it would be under the constitutional amendment and as it would be under the changed Standing Orders of the Governing Body. For these reasons, and since it did not appear that there would be the requisite number of ratifications for the Instrument of Amendment to enter into force in the immediate future, it would be necessary to reach new electoral arrangements within each region and, where appropriate, within the subregion, with a view to reflecting the new situation and permitting a greater degree of representation.

13. The Legal Adviser recalled that the purpose of paragraph 8 in the document on Standing Orders questions had not been to apply the provisions of the 1986 amendment literally, which would be impossible. Rather, its intent was to follow the numerical goal of the constitutional amendment as closely as possible, particularly as regards the overall geographical distribution of seats between the regions in order to avoid a debate over the allocation of newly created deputy seats between regions in the Governing Body. That was in fact why the Conference was being asked to take note of the considerations sketched out in paragraph 8 of *Provisional Record No. 1*.

14. In reply to the Legal Adviser's statement, the Government member of Spain reiterated that the problem was not one of numbers, but rather one involving the situation in each region as regards abiding by the informal agreements that had been made. As from the next Governing Body election in 1996, it would be necessary to have a more equitable distribution based on criteria more appropriate to current circumstances.

15. The Employers' Vice-Chairperson expressed the view that this was an internal problem to be resolved by Governments, thus falling outside the scope of the document under discussion by the Committee.

16. The Workers' Vice-Chairperson recalled the unanimous support the 1986 amendment had had from the three groups. Currently, the more developed regions had a greater number of non-elective seats than lesser developed ones; this would be corrected once all seats became elective. If more Governments had ratified the 1986 amendment, the Committee would not be facing the problem raised by the member of Spain. They urged more Governments to ratify the instrument.

17. In the absence of further comments, the Chairperson noted a consensus to recommend to the Conference the following proposed amendments to two of the three figures appearing in article 49, paragraph 4, and article 50, paragraph 2, of the Standing Orders of the International Labour Conference:²

Article 49, paragraph 4: The Government electoral college shall also select [18] 28 other Members of the Organization, the governments of which shall be entitled to appoint deputy Government members of the Governing Body.

Article 50, paragraph 2: The Employers' and Workers' electoral colleges shall each elect by name 14 persons as regular members of the Governing Body and [14] 19 persons as deputy members of the Governing Body.

18. In approving this proposed amendment, the Committee observed that the Conference should take note that the ballot papers for the Government electoral

² Figures proposed for deletion appear in square brackets; proposed insertions are in italics.

college would have to be drawn up and dealt with by it in such manner as to guarantee an overall distribution of regular and deputy seats among the regions corresponding to that envisaged in the Instrument for the Amendment of the Constitution of the ILO, 1986.

II. Derogation from the Standing Orders for the next Maritime Session of the International Labour Conference

19. At the request of the Chairperson, the Legal Adviser explained that Maritime Sessions of the Conference, such as the one envisaged for January 1996, are governed by the Standing Orders of the International Labour Conference, subject to certain modifications that are reproduced at the end of the Standing Orders. To make savings, the Governing Body had decided to streamline the Maritime Session by forgoing reports from the Chairman of the Governing Body and from the Director-General and by making several adjustments in the procedure prior to and during the session, such as the deadline for the submission of resolutions and credentials. Since some of these steps involved preparations for that session of the Conference, they needed to be stipulated beforehand.

20. Expressing their support for the proposed adjustments, the Employers' members stressed the savings and slimming down that they would bring about. They noted the investment already made in holding a Maritime Session of the Conference. The Workers' members also supported the changes to the Standing Orders for the Maritime Session, since they would make it more efficient and would bring about savings.

21. The Committee agreed by consensus to recommend that the Conference adopt the resolution, reproduced as Appendix I(A) below, concerning provisions of the Standing Orders of the International Labour Conference applicable to its 83rd (Maritime) Session.

III. Fifth European Regional Conference: Procedures

22. Turning to the last item on the agenda, the Chairperson observed that the proposal to adopt simplified procedures for the Fifth European Regional Conference was in line with earlier practice for other ILO regional conferences. It would mean a reduction in the length and cost of the event. The Legal Adviser added that this was the last in the cycle of conferences that had been launched, in 1990, with a view to reducing formalities and expenses.

23. The Employers' members favoured the simplified procedures for this regional conference, on the assumption that once the cycle had been completed, the changes would be formalized to avoid a need for further ad hoc decisions. The Legal Adviser confirmed that this was the intention the Governing Body had expressed. Observing that the reduced length and cost had made regional conferences more efficient and productive, the Workers' Vice-Chairperson joined the Employers in supporting the proposed resolution concerning the Fifth European Regional Conference.

Resolutions adopted by the International Labour Conference at its 82nd Session

(Geneva, June 1995)

I

Resolution concerning provisions of the Standing Orders of the International Labour Conference applicable to its 83rd (Maritime) Session¹

The General Conference of the International Labour Organization,
Noting the proposal to hold a special Maritime Session of the Conference from
9 to 23 January 1996,

Noting also that a number of adjustments need to be made to the plan of work
and to the organization of proceedings at that session so as to enable it, despite the
short amount of time still available and the limited duration of the Maritime
Session, to complete its work in an efficient manner;

Decides that the following modifications of the Standing Orders of the Confer-
ence, as supplement by the *Note for Maritime Sessions of the International Labour
Conference*, shall apply to its 83rd (Maritime) Session, without prejudice to any
measures which that session may have to take in accordance with article 76 of its
Standing Orders:

- at the 83rd (Maritime) Session of the Conference, the Selection Committee
foreseen in article 4 and in article 25, paragraph 4, of the Standing Orders shall
not be constituted: the duties normally assigned to the Selection Committee in
accordance with those and other relevant provisions of the Standing Orders
and with usual practice shall be assigned to the Officers of the Conference, on
the understanding that it shall be for the Conference itself, at the opening of its
83rd (Maritime) Session: (i) to confer on its Officers the powers necessary to
enable them to take decisions on its behalf concerning the composition of
committees as well as any other uncontroversial decision relating to the orga-
nization of its proceedings or the functioning of the session; (ii) to specify the
conditions governing this delegation of authority (majority necessary for deci-
sions and publication of decisions in an appropriate manner);
- article 12 of the Standing Orders (reports of the Chairman of the Governing
Body and of the Director-General) shall not apply to the 83rd (Maritime)
Session of the Conference;
- the deadline for the deposit of resolutions specified in article 17, paragraph 1, of
the Standing Orders shall be modified to provide that only draft resolutions
deposited with the Director-General of the International Labour Office by a
delegate to the Conference by midnight, 11 December 1995, at the latest may
be moved to the 83rd (Maritime) Session of the Conference;
- article 26, paragraph 1, of the Standing Orders shall be so modified as to
require that the credentials of delegates to the 83rd (Maritime) Session of the
Conference and their advisers be deposited with the International Labour
Office by midnight, 11 December 1995, at the latest.

II

Resolution concerning the Fifth European Regional Conference¹

The General Conference of the International Labour Organization,
Recalling that, in the light of the reforms introduced on an experimental basis
at the Eleventh Asian Regional Conference, the Thirteenth Conference of Ameri-
can States Members of the ILO and the Eighth African Regional Conference to

¹ Adopted on 15 June 1995.