

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

▶ Questionnaire

At the first meeting of the Tripartite working group on full, equal and democratic participation in the ILO's tripartite governance (TWGD), which was held on 11 December 2020, it was agreed that the members of the working group would be invited to express their views on the understanding and scope of the notion of democratization of the ILO's governance for the purpose of informing the discussions of the second meeting of the working group to be held in January 2021 and developing a possible programme of future work.

Accordingly, the Office has prepared the following questionnaire, bearing in mind that the Centenary Declaration and its accompanying Resolution are the framework within which the TWGD should carry out its work. The Office would be grateful if the replies could be sent by Wednesday 6 January 2021 to JUR@ilo.org.

1. Do you consider that the notion of democratization refers to aspirations of Member States regarding specific aspects of the functioning of governance organs, such as composition, decision-making, voting power, organization and access to meetings? Please elaborate and provide concrete examples.

To address this issue, three basic instruments of the ILO should be taken into consideration: the Constitution of ILO, ILO DECLARATION OF PHILADELPHIA and 1986 Amendment. The study of the above instruments reveals that ILO has had significant concerns about democratization process. The 1986 Amendment has also admirably defined the necessary amendments for the purpose of promoting democratization process. Therefore, it could be expected that once the 1986 Amendment is fully put into effect, democratization notion, the way Member States adopted it in 1986, including various aspects of ILO such as the composition of the Governing Body, decision making, appointment of DG of Office, etc. could be put into practice and a major part of the Member States ambitions and aspirations could be achieved. To this end, it is important to refer to the ILO Centenary Declaration 2019 in a more specific manner. Centenary Declaration refers to democratization issue in two different parts: At the end of the preamble and at the end of the First Chapter of the declaration, which seems to follow diverse purposes. Democratization notion in the declaration's preamble is much related to 1986 Amendment that has been approved by the ILC and it is now expected to be effective. However, the notion of democratization at the end of the first part of declaration has been discussed in a new way, expanding the above notion. Thus, this new notion incorporates the functioning of various organs of ILO such as composition, decision making, voting power, organization and access to meetings. Overall, democratization process is related to all organs and constituents of ILO that even could associate ILO supervisory system, reporting system, technical working groups and committees with the same. But it is necessary to clarify what we consider by the two above

democratization notions. Also, it is necessary to make clear what we mean by equal participation; i.e. we mean to consider equal voting power for tripartite constituents? This issue needs to be addressed and decided anew by Member States since it is a new issue. Generally speaking, democratization based on 1986 Amendment has foreseen required process and its implementation will pave the way for promotion of democratization in ILO.

2. Do you consider that 'democratization of tripartite governance' concerns the ILO Governing Body only or should also cover the International Labour Conference and other aspects of ILO governance?

This question deals with the same issue as the previous question. Naturally, implementation of democratic process is related to all aspects of ILO governance.

3. Based on the above, which aspects of democratization – in addition to those addressed in the 1986 constitutional amendment – would you consider the TWGD should examine in priority? Please specify.

The procedures of review and study of subject matters, formulating agendas, technical working groups procedures, process of committees' work, negotiation process, decision-making process and supervisory mechanism process

4. In your view, which are the core principles that should be guiding ILO's action towards democratization of its governance? Please specify.

The following principles, process and items needs to be considered properly:

- Principles of democracy
- Paying attention to the international fundamental rights, transparency, accountability before members and joint tripartite responsibilities
- Paying attention to the ILO basic principles, including tripartism, freedom of association and collective bargaining
- Legal resources and master goals of ILO
- Defining clear definition regarding equal participation
- Tangible and concret criteria about democratization notion related to the basic goals and principles of ILO
- Process of guarantees related to the ILO master goals regarding democratization notion
- Institutional capacity of ILO organs and Member States
- Capacities of supervisory and reporting mechanisms
- Steps and process of technical and educational cooperation
- Democratization principles at the levels of ILO, Member States and enterprises
- Available and ideal capacities to put democratization into practice in ILO and by Member States.

5. Do you have any concrete proposals for the second meeting of the TWGD and/or its future programme of work?
- Review and identify status of ILO legal resources (Constitution, Philadelphia Declaration, 1986 Amendment) and other basic instruments of ILO (ILO Declaration on Fundamental Principles and Rights at Work, Social Justice Declaration and Centenary Declaration) and their relation with the issue of democratization;
 - Careful consideration of the notions related to democratization (full, equal and democratic participation) and their relationship with the master goals and basic instruments of ILO (especially the definition of equal participation);
 - Review and identify objective criteria for recognizing and scope of the notion of democratization based on the goals and legal resources adopted by the organization;
 - Identify and introduce gaps that slow down the democratization process;
 - Examining the position of the working group from the perspective of observing the principles of democratization (in terms of the number and adequacy of members, the work process and its results);
 - Reviewing the solutions for implementation of the 1986 amendment to the Constitution.