

Instruments for the Amendment of the Constitution of the International Labour Organisation, Adopted by the International Labour Conference at Its 48th Session

(Geneva, 1964)

Instrument for the Amendment of the Constitution of the International Labour Organisation (No. 1), 1964¹ (Substitution for Article 35 of the Constitution of the International Labour Organisation of the Proposals Referred to the Conference by the Governing Body at Its 157th Session)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-eighth Session on 17 June 1964, and

Having decided upon the substitution for article 35 of the Constitution of the International Labour Organisation of the proposals referred to the Conference by the Governing Body at its One hundred and fifty-seventh Session, a question which is the ninth item on the agenda of the session,

adopts this sixth day of July of the year one thousand nine hundred and sixty-four the following instrument for the amendment of the Constitution of the International Labour Organisation, which may be cited as the Constitution of the International Labour Organisation Instrument of Amendment (No. 1), 1964.

Article 1

As from the date of the coming into force of this Instrument of Amendment, article 19 of the Constitution of the International Labour Organisation shall be amended by the addition of the following paragraph:

“9. With a view to promoting the universal application of Conventions to all peoples, including those who have not yet attained a full measure of self-government, and without prejudice to the self-governing powers of any territory, Members ratifying Conventions shall accept their provisions so far as practicable in respect of all territories for whose international relations they are responsible.

(a) Where the subject-matter of the Convention is within the self-governing powers of any territory, the obligation of the Member

¹ Adopted on 6 July 1964 by 300 votes to 0, with 31 abstentions.

responsible for the international relations of that territory shall be to bring the Convention to the notice of the government of the territory as soon as possible with a view to the enactment of legislation or other action by such government ; if the government of the territory so agrees, the Member shall communicate to the Director-General of the International Labour Office a declaration accepting the obligations of the Convention on behalf of such territory.

- (b) A declaration accepting the obligations of any Convention may be communicated to the Director-General of the International Labour Office—
- (i) by two or more Members of the Organisation in respect of any territory which is under their joint authority ; or
 - (ii) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.
- (c) Acceptance of the obligations of a Convention in virtue of subparagraph (a) or subparagraph (b) of this paragraph shall involve the acceptance on behalf of the territory concerned of the obligations stipulated by the terms of the Convention and the obligations under the Constitution of the Organisation which apply to ratified Conventions.
- (d) Each Member or international authority which has communicated a declaration in virtue of this paragraph may, in accordance with the provisions of the Convention relating to the denunciation thereof, communicate a further declaration terminating the acceptance of the obligations of the Convention on behalf of any territory specified in the declaration.
- (e) With a view to encouraging the universality of application envisaged above, the Member or Members or international authority concerned shall, as requested by the Governing Body, report to the Director-General of the International Labour Office the position of the law and practice of territories for which the Convention is not in force in regard to the matters dealt with in the Convention and the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the acceptance of the Convention.
- (f) This transitory paragraph shall cease to be applicable to the peoples of dependent territories as they become independent. ”

Article 2

As from the coming into force of the amendment to article 19 provided for in the preceding article, article 35 of the Constitution of the International Labour Organisation shall cease to have effect.

Article 3

On the coming into force of this Instrument of Amendment, the Director-General of the International Labour Office shall cause an official

text of the Constitution of the International Labour Organisation as modified by the provisions of this Instrument to be prepared in two original copies, duly authenticated by his signature. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the text to each of the Members of the International Labour Organisation.

Article 4

Two copies of this Instrument of Amendment shall be authenticated by the signatures of the President of the Conference and of the Director-General of the International Labour Office. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the Instrument to each of the Members of the International Labour Organisation.

Article 5

1. The formal ratifications or acceptances of this Instrument of Amendment shall be communicated to the Director-General of the International Labour Office, who shall notify the Members of the Organisation of the receipt thereof.

2. This Instrument of Amendment will come into force in accordance with the provisions of article 36 of the Constitution of the Organisation.

3. On the coming into force of this Instrument, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation and the Secretary-General of the United Nations.

The foregoing is the authentic text of the Constitution of the International Labour Organisation Instrument of Amendment (No. 1), 1964, duly adopted by the General Conference of the International Labour Organisation during its Forty-eighth Session which was held at Geneva and declared closed the ninth day of July 1964.

The English and French versions of the text of this Instrument of Amendment are equally authoritative.

IN FAITH WHEREOF we have appended our signatures this thirteenth day of July 1964.

The President of the Conference,
ANDRÉS AGUILAR MAWDSLEY.

The Director-General of the International Labour Office,
DAVID A. MORSE.

Instrument for the Amendment of the Constitution of the International Labour Organisation (No. 2), 1964¹ (Inclusion in the Constitution of the International Labour Organisation of a Provision Empowering the Conference to Suspend from Participation in the International Labour Conference Any Member Which Has Been Found by the United Nations to Be Flagrantly and Persistently Pursuing by Its Legislation a Declared Policy of Racial Discrimination Such as "Apartheid")

The General Conference of the International Labour Organisation, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-eighth Session on 17 June 1964, and

Having decided upon the inclusion in the Constitution of the International Labour Organisation of a provision empowering the Conference to suspend from participation in the International Labour Conference any Member which has been found by the United Nations to be flagrantly and persistently pursuing by its legislation a declared policy of racial discrimination such as *apartheid*, a question which is the twelfth item on the agenda of the session,

adopts this ninth day of July of the year one thousand nine hundred and sixty-four the following instrument for the amendment of the Constitution of the International Labour Organisation, which may be cited as the Constitution of the International Labour Organisation Instrument of Amendment (No. 2), 1964 :

Article 1

As from the date of the coming into force of this Instrument of Amendment, the Constitution of the International Labour Organisation shall be amended by the insertion at the end of the Constitution of a new article in the following terms :

"The General Conference of the International Labour Organisation may, at any session in the agenda of which the subject has been included and by a vote concurred in by two-thirds of the delegates attending the session, including two-thirds of the Government delegates present and voting, suspend from participation in the International Labour Conference any Member of the International Labour Organisation which has been found by the United Nations to be flagrantly and persistently pursuing by its legislation a declared policy of racial discrimination such as *apartheid* ; such suspension shall not affect the obligations of the Member under the Constitution and Conventions to which it is a party ; it shall continue until the Conference, on the

¹ Adopted on 9 July 1964 by 179 votes to 27, with 41 abstentions.

proposal of the Governing Body, finds by a vote concurred in by two-thirds of the delegates attending the session, including two-thirds of the Government delegates present and voting, that the Member has changed its policy.”

Article 2

On the coming into force of this Instrument of Amendment, the Director-General of the International Labour Office shall cause an official text of the Constitution of the International Labour Organisation as modified by the provisions of this Instrument to be prepared in two original copies, duly authenticated by his signature. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the text to each of the Members of the International Labour Organisation.

Article 3

Two copies of this Instrument of Amendment shall be authenticated by the signature of the President of the Conference and of the Director-General of the International Labour Office. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the Instrument to each of the Members of the International Labour Organisation.

Article 4

1. The formal ratifications or acceptances of this Instrument of Amendment shall be communicated to the Director-General of the International Labour Office, who shall notify the Members of the Organisation of the receipt thereof.

2. This Instrument of Amendment will come into force in accordance with the provisions of article 36 of the Constitution of the Organisation.

3. On the coming into force of this Instrument, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation and the Secretary-General of the United Nations.

The foregoing is the authentic text of the Constitution of the International Labour Organisation Instrument of Amendment (No. 3), 1964, duly adopted by the General Conference of the International Labour Organisation during its Forty-eighth Session which was held at Geneva and declared closed the ninth day of July 1964.

The English and French versions of the text of this Instrument of Amendment are equally authoritative.

IN FAITH WHEREOF we have appended our signatures this thirteenth day of July 1964.

The President of the Conference,
ANDRÉS AGUILAR MAWDSLEY.

The Director-General of the International Labour Office,
DAVID A. MORSE.

Instrument for the Amendment of the Constitution of the International Labour Organisation (No. 3), 1964¹ (Inclusion in the Constitution of the International Labour Organisation of a Provision Empowering the Conference to Expel or Suspend from Membership Any Member Which Has Been Expelled or Suspended from Membership of the United Nations)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-eighth Session on 17 June 1964, and

Having decided upon the inclusion in the Constitution of the International Labour Organisation of a provision empowering the Conference to expel or suspend from membership any Member which has been expelled or suspended from membership of the United Nations, a question which is the eleventh item on the agenda of the session,

adopts this ninth day of July of the year one thousand nine hundred and sixty-four the following instrument for the amendment of the Constitution of the International Labour Organisation, which may be cited as the Constitution of the International Labour Organisation Instrument of Amendment (No. 3), 1964.

Article 1

As from the date of the coming into force of this Instrument of Amendment, article 1 of the Constitution of the International Labour Organisation shall be amended by the insertion after paragraph 5 of the following new paragraph, the present paragraph 6 becoming paragraph 7 :

“6. The General Conference of the International Labour Organisation may, at any session in the agenda of which the subject has been included and by a vote concurred in by two-thirds of the delegates attending the session, including two-thirds of the Government delegates

¹ Adopted on 9 July 1964, by 238 votes to 0, with 2 abstentions.

present and voting, expel from membership of the International Labour Organisation any Member which the United Nations has expelled therefrom or suspend from the exercise of the rights and privileges of membership of the International Labour Organisation any Member which the United Nations has suspended from the exercise of the rights and privileges of membership ; suspension shall not affect the continued validity of the obligations of the Member under the Constitution and Conventions to which it is a party.”

Article 2

On the coming into force of this Instrument of Amendment, the Director-General of the International Labour Office shall cause an official text of the Constitution of the International Labour Organisation as modified by the provisions of this Instrument to be prepared in two original copies, duly authenticated by his signature. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the text to each of the Members of the International Labour Organisation.

Article 3

Two copies of this Instrument of Amendment shall be authenticated by the signature of the President of the Conference and of the Director-General of the International Labour Office. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the Instrument to each of the Members of the International Labour Organisation.

Article 4

1. The formal ratifications or acceptances of this Instrument of Amendment shall be communicated to the Director-General of the International Labour Office, who shall notify the Members of the Organisation of the receipt thereof.

2. This Instrument of Amendment will come into force in accordance with the provision of article 36 of the Constitution of the Organisation.

3. On the coming into force of this Instrument, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation and the Secretary-General of the United Nations.

The foregoing is the authentic text of the Constitution of the International Labour Organisation Instrument of Amendment (No. 2), 1964, duly adopted by the General Conference of the International Labour Organisation during its Forty-eighth Session which was held at Geneva and declared closed the ninth day of July 1964.

The English and French versions of the text of this Instrument of Amendment are equally authoritative.

IN FAITH WHEREOF we have appended our signatures this thirteenth day of July 1964.

The President of the Conference,
ANDRÉS AGUILAR MAWDSLEY.

The Director-General of the International Labour Office,
DAVID A. MORSE.
