



Governing Body

309th Session, Geneva, November 2010

GB.309/LILS/1

Committee on Legal Issues and International Labour Standards

LILS

FOR DECISION

FIRST ITEM ON THE AGENDA

Measures relating to the representation of Employers and Workers at the International Labour Conference: Addressing tripartite imbalance within delegations

Overview

Issue covered

This document follows up on the discussion of the first item on the agenda of the LILS Committee at its last meeting (March 2010). The item had been placed on the agenda following a request by the Credentials Committee of the 98th Session (2009) of the Conference. The document concerns possible measures aimed at gaining a better understanding of the question concerning tripartite imbalance in Conference delegations and, ultimately, at improving the situation in this regard.

Policy implications

Need to keep the question under review.

Financial implications

None quantified.

Action/Decision required

Paragraph 9.

References to other Governing Body documents and ILO instruments

GB.307/LILS/1, GB.307/10/1(Rev.).

Background

1. At the request of the Credentials Committee of the 98th Session of the Conference (June 2009), the LILS Committee in March 2010 reviewed the question of tripartite imbalance in relation to advisers accompanying the respective tripartite delegations to the International Labour Conference.¹ It considered the factual and legal information submitted by the Office and the following measures which had been suggested as possible ways of improving the situation:
 - (a) the Credentials Committee could publish in its reports to the Conference figures showing the number of member States whose delegations it considers significantly imbalanced, and report on any explanations provided spontaneously by Governments concerned, or could consider identifying a limited number of the most serious cases of tripartite imbalance in order to invite the concerned Governments individually to state the reasons for such imbalance in their delegation;
 - (b) the Director-General could be requested to examine (for example through inquiries to Governments) to what extent and for what reasons Members are not fulfilling their obligation to send reasonably balanced tripartite delegations to the Conference and to report this information to the Governing Body;
 - (c) the Governing Body could propose amendments to the Standing Orders of the Conference to give the Credentials Committee the additional mandate to examine specific submissions based on alleged significant tripartite imbalance in a delegation.
2. While opinions differed on the options for action to be taken, speakers generally recognized that significant tripartite imbalance in delegations was incompatible with the principles of tripartism. Most of them also considered, however, that more information and data were needed to get a better understanding of what constituted a relevant imbalance and the reasons for its occurrence. There were also calls for awareness-raising measures and better information on the applicable rules and practices.
3. At the 99th Session of the Conference (June 2010), the Credentials Committee examined possible measures that it could take under the provisions of the Conference Standing Orders currently in force. It reported as follows:²

... In this regard, the Committee has restructured the presentation of the lists of registered and accredited delegates and advisers attached to its reports, in order to facilitate an easier identification of imbalances. It also examined the application of general criteria to measure imbalances, in particular through numeric formulas, and found their application unsatisfactory, due to their inability to take into account the particular circumstances of each case. [...] Consequently, the Committee observes that addressing situations of tripartite imbalance is best accomplished through the consideration of specific allegations, which allow for the identification of serious cases and the review of their particular circumstances. However, the provisions of the Standing Orders in force do not allow the Committee to fully address situations of imbalance other than those relating to the payment of advisers' expenses. The Committee would, therefore, like to request the Governing Body, through the Conference, to continue its consideration of the matter, including the possibility of extending the Committee's mandate to specific submissions based on alleged tripartite imbalance in a delegation.

¹ See GB.307/LILS/1 and GB.307/10/1(Rev.), paras 2–12.

² ILC, 99th Session (2010), *Provisional Record* No. 5C, para. 146.

Proposals

4. Considering the views expressed in the last meeting of the LILS Committee and in subsequent informal tripartite consultations carried out by the Office, it appears, on the one hand, that there would be currently no consensus in favour of amending the Standing Orders. On the other hand, there is interest in pursuing the examination of the question of tripartite imbalance in Conference delegations on the basis of enhanced information, as well as a request by the Credentials Committee in this regard.
5. Since all information available to the Office at this time has already been presented to the LILS Committee, it is proposed to continue monitoring the situation at forthcoming sessions of the Conference. This approach may permit a better understanding of the problem, in particular if Governments when accrediting delegations are fully aware of the requirement that their delegations should be balanced as regards the number of advisers accompanying the respective tripartite delegates (see paragraph 6 below) and if situations of possible significant tripartite imbalance are dealt with by the Credentials Committee to the extent possible under its current mandate (see paragraph 7 below).
6. The awareness of some Governments of the issue of tripartite imbalance will probably already have been increased due to the fact that it is being discussed and monitored by the Governing Body. In addition, the Office proposes to improve the information provided with the convocation letter. An express mention of the obligation to accredit a balanced delegation could be inserted in the convocation letter itself and a separate paragraph on it could appear in the *Conference Guide*, regrouping and expanding the information already included in last years' versions of the guide. Moreover, the explanatory note, *Submission of credentials to the International Labour Conference*, which accompanies the recommended form for credentials of delegations, could be revised so as to better explain the function of the different categories of participants, in particular the advisers. For example, as was suggested by one Government member at the last meeting of the LILS Committee,³ it could be stated that Governments should consider accrediting officials who will attend the Conference only during the last "political/ministerial" week and who do not need the right to speak, as "persons accompanying the Minister(s)" or as "other participants", as the case may be, rather than as advisers, in order to avoid the appearance of an imbalanced delegation.
7. As regards the possibility for the Credentials Committee to examine situations of possible significant tripartite imbalance, that Committee recalled (see above, paragraph 3) that it had currently no specific mandate to examine and reach conclusions on allegations concerning tripartite imbalance in delegations except in cases of complaints for non-payment of travelling and subsistence expenses of accredited advisers. It has, however, previously reported on communications it has received concerning allegations of tripartite imbalance, along with the comments that the concerned Government may have provided and other relevant information, including on the applicable principles. Pending a possible extension of its mandate, the Credentials Committee may therefore be inclined to pursue and further develop this practice were it to receive such communications at future sessions of the Conference.
8. Depending on the developments at future sessions of the Conference, including any observations by the Credentials Committee, the Office will report to the LILS Committee, with a view to allowing the Committee to examine additional measures, including possible amendments to the Conference Standing Orders.

³ See GB.307/10/1(Rev.), para. 8.

9. *The Committee may wish to recommend to the Governing Body that it request the Office to:*

- (a) review and, as appropriate, revise the information concerning the composition of Conference delegations relevant to the question of tripartite imbalance in delegations, which is provided with the letter of convocation of the Conference;***
- (b) bring the content of the debate on this question in the Governing Body to the attention of the Credentials Committee of the Conference; and***
- (c) keep the question of tripartite imbalance in Conference delegations under review and report relevant developments and findings to the LILS Committee at a future session of the Governing Body.***

Geneva, 22 October 2010

Point for decision: Paragraph 9