

Governing Body

335th Session, Geneva, 14–28 March 2019

GB.335/INS/14/3

Institutional Section

INS

Date: 20 February 2019

Original: English

FOURTEENTH ITEM ON THE AGENDA

Report of the Director-General

Third Supplementary Report: Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO

Purpose of the document

This document provides an update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO and action taken to promote further ratification since the last report to the Governing Body in November 2018 (see draft decision at paragraph 5).

Relevant strategic objective: None.

Main relevant outcome/cross-cutting policy driver: Enabling outcome B: Effective and efficient governance of the Organization.

Policy implications: None.

Legal implications: No immediate implications.

Financial implications: No immediate implications.

Follow-up action required: None.

Author unit: Office of the Legal Adviser (JUR).

Related documents: GB.334/INS/PV; GB.334/INS/13/2; GB.332/INS/PV; GB.332/INS/12; GB.332/WP/GBC/1; GB.331/PV; GB.331/INS/17; GB.331/WP/GBC/1; GB.329/PV; GB.329/INS/18; GB.329/WP/GBC/1.

Introduction

1. At its 334th Session (October–November 2018), the Governing Body continued discussing the question of the composition of the Governing Body. The Governing Body requested the Director-General to continue promotional efforts for the ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO (the 1986 Amendment) and to report at future Governing Body sessions on the results obtained, including outcomes of visits to non-ratifying member States, and the feedback from Members on the reasons that prevented or delayed ratification.¹
2. As at 14 February 2019, 109 ratifications and acceptances have been registered, including two from Members of chief industrial importance (India and Italy). Since the last report to the Governing Body in November 2018, one new ratification has been registered (Panama). A further 16 ratifications or acceptances, including at least three from Members of chief industrial importance (from among Brazil, China, France, Germany, Japan, Russian Federation, United Kingdom and United States), are required for the 1986 Amendment to enter into force.²
3. The Office has received no further replies from governments to the Director-General's letter of 7 December 2017 inviting them to provide information regarding the reasons which prevent or delay the ratification of the 1986 Amendment. The total number of replies thus stands at 27, which represents 33 per cent of the governments to whom letters were sent.
4. The Office has continued its promotional activities for the ratification of the 1986 Amendment. It displayed promotional materials and showed a media presentation during the 19th American Regional Meeting, the 334th Session of the Governing Body and continued to maintain the dedicated website.³ The Office has requested its regional and country offices to seize every opportunity to promote further ratification, following up with non-ratifying member States and obtaining feedback from them on reasons that prevented or delayed ratification. In addition, the Director-General and other officials take advantage of appropriate opportunities to raise this matter including in discussions when on mission.

Draft decision

5. *The Governing Body requested the Director-General to continue promotional efforts for the ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO in accordance with the decision taken at its 334th Session (October–November 2018) and to report on the results obtained at future Governing Body sessions.*

¹ [GB.334/INS/PV](#), para. 485.

² GB.335/INS/14, paras 4 and 5.

³ https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/departments-and-offices/jur/legal-instruments/WCMS_448693/lang--en/index.htm.