

INTERNATIONAL LABOUR ORGANISATION

MEETING OF GOVERNMENT MEMBERS OF THE
WORKING PARTY ON STRUCTURE

(Geneva, 22 November-3 December 1976)

Summary of the Proceedings submitted by the Chairman and
adopted by the Government members of the Working Party on Structure

1. The Government members of the Working Party on Structure met in Geneva on 22 November 1976 under the chairmanship of Ambassador Azimi (Iran). The list of participants at the meeting is given in Appendix I. In accordance with the mandate given by the International Labour Conference at its 61st Session, June 1976 (see Provisional Record No. 27), they examined the memorandum submitted by the Asian Government group (attached as Appendix II).
2. The Government members took the view that the main questions were those posed by articles 7 and 36 of the Constitution of the ILO and decided to begin by dealing with those two articles. They also took the view that in the event of it proving possible to reach agreement on article 7 of the Constitution as regards the non-elective seats on the Governing Body, the problem of article 36 involving an amendment to the Constitution could be easily settled. They therefore began their discussions by examining article 7.
3. With a view to facilitating discussions and accelerating the proceedings, the Government members set up a restricted group in which those members who wished could participate. In the course of the work of this group, those members from countries belonging to the Group of 77 and the members from industrialised market-economy countries held several meetings with the object of bringing their respective positions closer. Alongside these meetings many unofficial consultations took place among members belonging to the same region (Asia, America, Latin America, Africa, Europe, Eastern European Socialist countries) with the object of examining the proposals of the countries belonging to the Group of 77. Contacts also took place between individual members with a view to furthering the discussions.
4. The restricted group held numerous meetings between 23 November and 2 December. At its first meeting the members from industrialised market-economy countries invited the members from countries belonging to the Group of 77 to submit a proposal in writing for examination by the restricted group.
5. The members from countries belonging to the Group of 77 subsequently held three meetings following which they submitted on 25 November a new proposal in writing seeking to reconcile, on the basis of the proposal of the Asian Government group, the principle of the elimination of the non-elective seats on the Governing Body with the principle of continuity (see Appendix III).
6. The members from industrialised market-economy countries, while stating their appreciation of the efforts expended by the members from countries belonging to the Group of 77 in order to present a new proposal, considered that they required more time to consider the matter.
7. At the meeting of the restricted group on 29 November, the members from the industrialised market-economy countries put several questions to the members belonging to the Group of 77 concerning their proposal; after receiving replies to each of their questions, they requested further time for reflection to examine the answers among themselves and to submit proposals from their side.



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8. At the restricted group's meeting on 2 December, the members from industrialised market-economy countries stated that some of them were as yet unable to present their views on the proposal by the Group of 77 and that as a whole they were not yet in a position to present proposals. Under these circumstances, they wished to continue studying the question until the next meeting of the Government members of the Working Party on Structure scheduled for February 1977. The members from Socialist countries considered that the new proposal of the members from countries belonging to the Group of 77 constituted a basis for examining article 7 of the Constitution. They however expressed the view that the composition of the Governing Body as a whole should also be examined. The members from industrialised market-economy countries and the members from countries belonging to the Group of 77 considered it desirable that the examination of this question should be postponed to the March 1977 session of the tripartite Working Party. The Socialist countries also supported the idea of regionalisation and considered that it should be the object of closer study.

9. In the light of the spirit of mutual understanding and absence of constraint in the atmosphere which prevailed throughout the discussions, the Government members considered it desirable, in order to carry out the mandate conferred on the Working Party on Structure by the Conference, to continue its work from 7-11 February 1977 with the object of arriving at an agreement on article 7 of the Constitution, taking as a starting point the proposal of the Asian Government group and the new proposal submitted by the members from countries belonging to the Group of 77 or other formulae. It was understood that a report on the entire work of the Government members during both parts of its session would be drawn up at the end of the February 1977 session for submission to the tripartite Working Party on Structure which is to be held from 7-11 March 1977 following the 202nd Session of the Governing Body.

10. The members from countries belonging to the Group of 77, bearing in mind that the results achieved during the discussions of questions of structure in recent years, and up till now, were disproportionate to the time and money expended, considered that if next February it did not prove possible to achieve a compromise concerning articles 7 and 36 of the Constitution, they should seek other means to secure the revision of the Constitution of the International Labour Organisation.

Geneva, 3 December 1976.

S. Azimi,
Chairman of the Government group
of the Working Party on Structure.

APPENDIX I

List of participants

I. Members appointed by the Conference

Government members:

Algeria (Mr. Briki, Mr. Cherief)
Belgium (Miss Marquegnies, Mr. Noterdaeme)
Czechoslovakia (Mr. Drabes, Mrs. Molkova)
Norway (Mr. Utheim, Mr. Høstmark)
Pakistan (Mr. Yunus, Mr. Hashmi)
Venezuela (Mr. Azpúrua Ayala, Mr. Griffin)

Substitutes:

Congo
Egypt (Mr. Fahim, Mr. Khalifa)
Hungary (Mr. Szénási)
New Zealand (Mr. Ross, Miss Grainger)
Peru (Mr. Chavez Godoy, Miss Cebberos)
Sierra Leone

II. Members appointed by the Governing Body

Government members:

Italy (Mr. Ago, Mr. Occhipinti)
Japan (Mr. Nomiya, Mr. Kamo, Mr. Seo)
Mexico (Mr. Lombera Pallares, Mr. Vallarta)
Nigeria (Mr. Pepple, Mr. Williams)
United States (Mr. Quackenbush, Mr. Pfeiffer)
USSR (Mr. Malikov)

Substitutes:

Argentina (Mr. Jimenez Davila, Miss Guevara Achaval)
Canada (Mr. Mainwaring, Mrs. Caron, Mr. Thibault, Mr. Moher)
Iran (Mr. Azimi)
Mauritania
Poland (Mr. Naszkowski)
United Kingdom (Mr. Hess, Mr. Callway)

APPENDIX II

ILO structure

The Asian Government group, concerned that the Working Party on Structure had concluded its work in February in an atmosphere of apparent deadlock and stalemate, has produced the attached paper for consideration in the Committee on Structure. The group wishes to emphasise that it is simply a thinkpiece which, it is hoped, will stimulate discussion in the Committee. The circulation of this paper does not imply that any of the Governments represented on the group subscribe to all the ideas and proposals contained in it.

Susanta de Alwis,

Chairman,
Asian Government group.

June 1976.

ILO structure

1. The Asian Government group addressed itself mainly to what it regarded as the key issue, namely article 7 of the ILO Constitution which deals with the membership of the Governing Body, and in particular to paragraph 2 of that article which deals with the states of chief industrial importance. In treating this matter the group was concerned only with the question of the representation of governments on the Governing Body and in no way sought to impinge on the autonomy of the Employers' and Workers' groups.

2. The group took into account the proceedings in the last session of the Working Party on Structure. In particular it took into account that, on the one hand, the countries of the Group of 77 are firm on the question of the abolition of the non-elective seats on the Governing Body and that, on the other hand, the industrialised countries insist on maintaining their permanent representation on the Governing Body. It was also understood that during the last session of the Working Party a certain measure of understanding had been reached on the following two principles:

- (i) that all seats on the Governing Body should be elective; and
- (ii) that as far as possible some continuity in the work of the Governing Body should be ensured.

In connection with the latter principle the group was aware that for the Group of 77 continuity means continuity of the work of the Governing Body and for the States of chief industrial importance their continued presence on the Governing Body.

3. The group was aware that it was tackling issues which are highly complex, which have been under discussion for many years and on which there is a profound division of opinion. It felt that even if it was unable to find any final solutions it hoped that it could open up fresh lines of thought which could form the basis of further discussion by interested parties.

4. With all the above considerations in mind the group, in order to avoid the creation of new problems, was of the view that changes in the structure of the ILO should at this stage be kept to a minimum.

5. The group began its work by considering the present composition of the Government members of the Governing Body, which is:

	<u>Titular</u>	<u>Deputy</u>	<u>Total</u>
A. Africa	6	6	12
B. Americas	7	4	11
C. Asia	6	3	9
D. Europe	8	5	13
E. Others (i.e. member States not included in the above four groupings)	1	-	1
	<u>28</u>	<u>18</u>	<u>46</u>

(The non-elected ten States of chief industrial importance are of course included in the 28 titular members.)

6. It seems to the group that there were certain inequities in the above distribution, and it therefore asked the Secretariat whether there was a rational basis for it. From the information provided by the Secretariat - see Annex - the group concluded that there was not.

7. It also appeared to the group that there was insufficient justification for maintaining the distinction between titular and deputy seats and that the latter could well be abolished. Deputies participate equally with titulars in Governing Body proceedings and committees of the Governing Body, the only limitations being that while they can hold office and vote on committees they are not eligible for the post of Chairman of the Governing Body and have no vote. (Voting however is very rare.)

8. Believing that the Government seats should continue to be distributed on a regional basis the group came to the conclusion that there were three criteria which would need to be taken into account in order that the distribution should be made more rational and equitable. These criteria were:

- (a) the economically active population in each region;
- (b) the number of member States in each region; and
- (c) the total national income from each region (or, which is approximately the same, the total contributions from each region to the ILO budget).

9. The group agreed that, in principle, the size of the Governing Body should not be increased above its present size of 102. It is already to an extent unwieldy, although this is no doubt inevitable given its unique tripartite character. To illustrate, at the last meeting of the Governing Body the actual number of those attending, including advisers, etc., was about 275 - an excessively large group for what is in fact the board of management. In the view of the sub-group a reasonable figure would be around 100, comprising 50 Government members, all of which would be titular; 25 Employer members; and 25 Worker members. If agreement could be reached on a smaller figure so much the better; it would however be unrealistic to expect that such an agreement could be reached.

10. Using statistics supplied by the Secretariat, and for national purposes assuming a total of 50 titular seats on the Governing Body as opposed to the present 46 titular and deputy seats, the following approximate results were achieved:

	<u>Population</u>	<u>States</u>	<u>Contributions</u>
A. Africa	5	14	1
B. Americas	7	11	17
C. Asia	26	8	7
D. Europe	11	13	24
E. Others	1	4	1
	<u>50</u>	<u>50</u>	<u>50</u>

11. It can readily be seen that there are significant differences in the above results. The group believes however that the application of all three criteria together would achieve a more rational distribution of seats than that existing at present.

12. The group believed that there was now substantial acceptance of the principle that all members of the Governing Body should be elected, and it fully endorsed this principle. The group considered that while all members should be elected by regional government electoral colleges such elections should be confirmed - or otherwise - by the government electoral college of the Conference. It would, however, be reasonable to make it hard for the government electoral college to request the regional college to reconsider its nominations. This could be achieved by making it a requirement that such a request would need a majority of two-thirds (or three-quarters?) in the government electoral college.

13. If the principle that all members of the Governing Body should be elected is accepted this means the abolition of the present privileged status of the ten States of chief industrial importance. The group was aware of the importance of having some form of continuity in the Governing Body. Taking into account also the importance of the principle of regional autonomy the group nevertheless thought that, as a possible basis for further discussion, each region could be required to have some representation from its most industrialised countries on its list of candidates. Lists of the most industrialised countries in each region could be drawn up by the ILO Secretariat on the basis of the criteria of working population and national income, both criteria to have equal weighting.

14. The group considered article 36 of the ILO Constitution which gives the power of veto to the States of chief industrial importance over constitutional amendments. It was of the view that the amendment of this article should pose no serious problem once agreement on article 7 had been reached. The group found itself in broad agreement with the conclusions and recommendations of the Third Session of the Working Party on Structure as set out in paragraph 24 of Provisional Record 2 of the 60th Session of the International Labour Conference.

Conclusions

15. The group is aware that it was not able to undertake its task in the depth that would have been possible had more time been available. It hopes however that should the Committee on Structure find merit in some or all of its ideas they could be discussed in the Committee during the 61st Session of the International Labour Conference.

Geneva,
20 May 1976.

ANNEX

NOTE CONCERNING CERTAIN HISTORICAL ASPECTS OF THE
COMPOSITION OF THE GOVERNING BODY OF THE ILO

1919

1. In 1919 the ILO had 42 member States.

(The list of "founder Members" comprised the 29 State signatories of the Treaty of Versailles which, by ratifying the Treaty, automatically became Members both of the League of Nations and of the ILO. The title, "Founder Member of the ILO", was moreover also granted to 13 other States invited to adhere to the Covenant of the League of Nations. The list of these 42 States is given in the Appendix to this Annex.)

2. The Governing Body was at that stage composed of 24 members (12 - 6 - 6). Of the 12 Government representatives, 8 were to be "appointed by the members of chief industrial importance" (article 393 of the Treaty of Versailles). The others were to be elected on a three-yearly basis by the government electoral college of the Conference.

3. In 1919 there was as yet no other provision in the Constitution expressly reserving seats for the States of certain regions, as was the case later.

4. An Organising Committee was set up by the Council of the Principal Allied and Associated Powers to prepare the first International Labour Conference (Washington, October-November 1919) which met in June 1919 to determine, on the basis of the statistics which the Committee had accepted, the eight Members of chief industrial importance.

The following States were designated: United States, Great Britain, France, Germany, Italy, Belgium, Japan, Switzerland and Spain.

(The reason why nine States were designated was that the Supreme Council left it to the Washington Conference to decide whether Germany would be admitted to the ILO. In fact Germany was admitted whereas the United States, as is known, did not enter the ILO until 1934.)

5. The nominations for the four elective seats took place during the Washington Conference on 22 November 1919.

The result was announced as follows:

"The following four States were chosen to be represented on the Governing Body: Spain, Argentina, Canada, Poland, these countries obtaining 29, 26, 20 and 16 votes respectively, out of a total of 31 votes.

Denmark and Romania each obtained 9 votes, Norway 4, India 3, Cuba and Sweden 1 each.

In the event of the Supreme Council of the League of Nations having to fill a vacancy in the number of the 12 States named or elected, the Government delegates, at the meeting referred to above, thought it necessary to recommend the name of a substitute member of the Governing Body who in their opinion should be one of the States of northern Europe and they agreed that the State in question should be Denmark."

6. For the detailed account of these initial nominations, including the objections to which they gave rise, see the Official Bulletin of the ILO, Volume I, pages 451-467.

7. To summarise, the composition of the Government group of the Governing Body in 1919 was as follows: Argentina, Belgium, Canada, Denmark, France, Great Britain, Italy, Japan, Poland, Spain, Switzerland.

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1922

8. In 1922, the list of the eight principal powers was amended, India replacing Switzerland. The four elected members were Spain, Chile, Finland and Poland (see Official Bulletin, Vol. VI).

9. The Conference moreover adopted in 1922 an instrument amending article 393 of the Treaty of Versailles. Under the terms of this instrument, the Governing Body should henceforward be composed of 16 Government representatives, 8 Employers' representatives and 8 Workers' representatives.

It was also provided that of the 16 Government members "six shall be non-European States".

Moreover, two Employers' representatives and two Workers' representatives were also to be from non-European States.

10. The Instrument of Amendment of 1922 did not, however, come into force until 1934.

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1934

11. In 1934, the composition of the Governing Body was as follows: Argentina, Belgium¹, Brazil, British Empire¹, Canada¹, China, Czechoslovakia, Finland, France¹, Germany, India¹, Italy¹, Japan¹, Mexico, Poland, Spain.

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Post-war period

12. After the war, a complete revision of the ILO Constitution was undertaken. The Conference delegation which had the task of preparing this revision had recommended the suppression of the provisions which only reserved for non-European representatives ten of the total number of seats on the Governing Body. This was because these provisions had become obsolete because of the geographical distribution already in fact existing in the Governing Body. The Governing Body already comprised a significantly higher number of non-European members (there were at this period approximately twice as many non-European as European members).

13. The 1953 Instrument of Amendment of the Constitution finally suppressed the provisions in question.

¹ States of chief industrial importance.

APPENDIX

List of the 29 Founder Members of the ILO

Belgium	Cuba	Nicaragua
Bolivia	Czechoslovakia	Panama
Brazil	France	Peru
British Empire	Greece	Poland
Canada	Guatemala	Portugal
Australia	Haiti	Romania
South Africa	Honduras	Serbo-Croatian-Slovene State
New Zealand	Italy	Siam
India	Japan	Uruguay
China	Liberia	

List of 13 other States to whom the designation
"Founder Member" was also granted

Argentina	Norway	Spain
Chile	Paraguay	Sweden
Colombia	Persia	Switzerland
Denmark	Salvador	Venezuela
Netherlands		

APPENDIX III

Introduction

The Government members of the Group of 77, members of the Working Party on Structure of the ILO, on the basis of the Asian Government group paper, submit the following proposal as basis for discussion in connection with article 7 of the Constitution.

1. Members of the Governing Body shall be elected by the Conference.
 2. The continuity of
 - the work of the Governing Body, and
 - the representation of a number of governments of the most industrialised countries in the Governing Body, according to the lists prepared by the ILO for this purposeshall be ensured by regional agreements.
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