

**Constitution of the  
International Labour Organisation  
and  
selected texts**

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**Constitution de l'Organisation  
internationale du Travail  
et  
textes sélectionnés**

INTERNATIONAL LABOUR OFFICE GENEVA  
2010

BUREAU INTERNATIONAL DU TRAVAIL GENÈVE  
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**CONSTITUTION OF THE INTERNATIONAL  
LABOUR ORGANISATION**



**CONSTITUTION DE L'ORGANISATION  
INTERNATIONALE DU TRAVAIL**

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## Text of the Constitution\*

### PREAMBLE

Whereas universal and lasting peace can be established only if it is based upon social justice;

And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required; as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of equal remuneration for work of equal value, recognition of the principle of freedom of association, the organisation of vocational and technical education and other measures;

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

The High Contracting Parties, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, and with a view to attaining the objectives set forth in this Preamble, agree to the following Constitution of the International Labour Organisation:

### CHAPTER I – ORGANISATION

#### *Article 1*

##### Establishment

1. A permanent organisation is hereby established for the promotion of the objects set forth in the Preamble to this Constitution and in the Declaration concerning the aims and purposes of the International Labour Organisation adopted at Philadelphia on 10 May 1944, the text of which is annexed to this Constitution.

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\* Ed. note: The original text of the Constitution, established in 1919, has been modified by the amendment of 1922 which entered into force on 4 June 1934; the Instrument of Amendment of 1945 which entered into force on 26 September 1946; the Instrument of Amendment of 1946 which entered into force on 20 April 1948; the Instrument of Amendment of 1953 which entered into force on 20 May 1954; the Instrument of Amendment of 1962 which entered into force on 22 May 1963; and the Instrument of Amendment of 1972 which entered into force on 1 November 1974.

## Constitution

Arts. 2, 3

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- Membership** 2. The Members of the International Labour Organisation shall be the States which were Members of the Organisation on 1 November 1945, and such other States as may become Members in pursuance of the provisions of paragraphs 3 and 4 of this article.
3. Any original member of the United Nations and any State admitted to membership of the United Nations by a decision of the General Assembly in accordance with the provisions of the Charter may become a Member of the International Labour Organisation by communicating to the Director-General of the International Labour Office its formal acceptance of the obligations of the Constitution of the International Labour Organisation.
4. The General Conference of the International Labour Organisation may also admit Members to the Organisation by a vote concurred in by two-thirds of the delegates attending the session, including two-thirds of the Government delegates present and voting. Such admission shall take effect on the communication to the Director-General of the International Labour Office by the government of the new Member of its formal acceptance of the obligations of the Constitution of the Organisation.
- Withdrawal** 5. No Member of the International Labour Organisation may withdraw from the Organisation without giving notice of its intention so to do to the Director-General of the International Labour Office. Such notice shall take effect two years after the date of its reception by the Director-General, subject to the Member having at that time fulfilled all financial obligations arising out of its membership. When a Member has ratified any international labour Convention, such withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto.
- Readmission** 6. In the event of any State having ceased to be a Member of the Organisation, its readmission to membership shall be governed by the provisions of paragraph 3 or paragraph 4 of this article as the case may be.

**Organs**

### *Article 2*

The permanent organisation shall consist of:

- (a) a General Conference of representatives of the Members;
- (b) a Governing Body composed as described in article 7;  
and
- (c) an International Labour Office controlled by the Governing Body.

**Conference**

### *Article 3*

- Meetings and delegates** 1. The meetings of the General Conference of representatives of the Members shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four representatives of each of the Members, of whom two shall be Government

## Constitution

Art. 4

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delegates and the two others shall be delegates representing respectively the employers and the workpeople of each of the Members.

**Advisers** 2. Each delegate may be accompanied by advisers, who shall not exceed two in number for each item on the agenda of the meeting. When questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman.

**Advisers from non-metropolitan territories** 3. Each Member which is responsible for the international relations of non-metropolitan territories may appoint as additional advisers to each of its delegates:

- (a) persons nominated by it as representatives of any such territory in regard to matters within the self-governing powers of that territory; and
- (b) persons nominated by it to advise its delegates in regard to matters concerning non-self-governing territories.

4. In the case of a territory under the joint authority of two or more Members, persons may be nominated to advise the delegates of such Members.

**Nominations of non-governmental representatives** 5. The Members undertake to nominate non-Government delegates and advisers chosen in agreement with the industrial organisations, if such organisations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.

**Status of advisers** 6. Advisers shall not speak except on a request made by the delegate whom they accompany and by the special authorisation of the President of the Conference, and may not vote.

7. A delegate may by notice in writing addressed to the President appoint one of his advisers to act as his deputy, and the adviser, while so acting, shall be allowed to speak and vote.

8. The names of the delegates and their advisers will be communicated to the International Labour Office by the government of each of the Members.

**Credentials** 9. The credentials of delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two-thirds of the votes cast by the delegates present, refuse to admit any delegate or adviser whom it deems not to have been nominated in accordance with this article.

**Voting rights**

### *Article 4*

1. Every delegate shall be entitled to vote individually on all matters which are taken into consideration by the Conference.



## Constitution

Arts. 5-7

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2. If one of the Members fails to nominate one of the non-Government delegates whom it is entitled to nominate, the other non-Government delegate shall be allowed to sit and speak at the Conference, but not to vote.

3. If in accordance with article 3 the Conference refuses admission to a delegate of one of the Members, the provisions of the present article shall apply as if that delegate had not been nominated.

Place of meetings  
of the Conference

### *Article 5*

The meetings of the Conference shall, subject to any decisions which may have been taken by the Conference itself at a previous meeting, be held at such place as may be decided by the Governing Body.

Seat of the  
International  
Labour Office

### *Article 6*

Any change in the seat of the International Labour Office shall be decided by the Conference by a two-thirds majority of the votes cast by the delegates present.

Governing Body

### *Article 7*

Composition

1. The Governing Body shall consist of fifty-six persons:

Twenty-eight representing governments,  
Fourteen representing the employers, and  
Fourteen representing the workers.

Government  
representatives

2. Of the twenty-eight persons representing governments, ten shall be appointed by the Members of chief industrial importance, and eighteen shall be appointed by the Members selected for that purpose by the Government delegates to the Conference, excluding the delegates of the ten Members mentioned above.

States of chief  
industrial  
importance

3. The Governing Body shall as occasion requires determine which are the Members of the Organisation of chief industrial importance and shall make rules to ensure that all questions relating to the selection of the Members of chief industrial importance are considered by an impartial committee before being decided by the Governing Body. Any appeal made by a Member from the declaration of the Governing Body as to which are the Members of chief industrial importance shall be decided by the Conference, but an appeal to the Conference shall not suspend the application of the declaration until such time as the Conference decides the appeal.

Employers'  
and Workers'  
representatives

4. The persons representing the employers and the persons representing the workers shall be elected respectively by the Employers' delegates and the Workers' delegates to the Conference.

## Constitution

Arts. 8, 9

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**Term of office** 5. The period of office of the Governing Body shall be three years. If for any reason the Governing Body elections do not take place on the expiry of this period, the Governing Body shall remain in office until such elections are held.

**Vacancies, substitutes, etc.** 6. The method of filling vacancies and of appointing substitutes and other similar questions may be decided by the Governing Body subject to the approval of the Conference.

**Officers** 7. The Governing Body shall, from time to time, elect from its number a chairman and two vice-chairmen, of whom one shall be a person representing a government, one a person representing the employers, and one a person representing the workers.

**Procedure** 8. The Governing Body shall regulate its own procedure and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least sixteen of the representatives on the Governing Body.

### Director-General

#### *Article 8*

1. There shall be a Director-General of the International Labour Office, who shall be appointed by the Governing Body, and, subject to the instructions of the Governing Body, shall be responsible for the efficient conduct of the International Labour Office and for such other duties as may be assigned to him.

2. The Director-General or his deputy shall attend all meetings of the Governing Body.

### Staff

#### *Article 9*

**Appointment** 1. The staff of the International Labour Office shall be appointed by the Director-General under regulations approved by the Governing Body.

2. So far as is possible with due regard to the efficiency of the work of the Office, the Director-General shall select persons of different nationalities.

3. A certain number of these persons shall be women.

**International character of responsibilities** 4. The responsibilities of the Director-General and the staff shall be exclusively international in character. In the performance of their duties, the Director-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organisation. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organisation.

5. Each Member of the Organisation undertakes to respect the exclusively international character of the responsibilities of the Director-General and the staff and not to seek to influence them in the discharge of their responsibilities.

## Constitution

Arts. 10-12

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### Functions of the Office

#### *Article 10*

1. The functions of the International Labour Office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labour, and particularly the examination of subjects which it is proposed to bring before the Conference with a view to the conclusion of international Conventions, and the conduct of such special investigations as may be ordered by the Conference or by the Governing Body.

2. Subject to such directions as the Governing Body may give, the Office shall:

- (a) prepare the documents on the various items of the agenda for the meetings of the Conference;
- (b) accord to governments at their request all appropriate assistance within its power in connection with the framing of laws and regulations on the basis of the decisions of the Conference and the improvement of administrative practices and systems of inspection;
- (c) carry out the duties required of it by the provisions of this Constitution in connection with the effective observance of Conventions;
- (d) edit and issue, in such languages as the Governing Body may think desirable, publications dealing with problems of industry and employment of international interest.

3. Generally, it shall have such other powers and duties as may be assigned to it by the Conference or by the Governing Body.

### Relations with governments

#### *Article 11*

The government departments of any of the Members which deal with questions of industry and employment may communicate directly with the Director-General through the representative of their government on the Governing Body of the International Labour Office or, failing any such representative, through such other qualified official as the government may nominate for the purpose.

### Relations with international organisations

#### *Article 12*

1. The International Labour Organisation shall cooperate within the terms of this Constitution with any general international organisation entrusted with the coordination of the activities of public international organisations having specialised responsibilities and with public international organisations having specialised responsibilities in related fields.

## Constitution

Art. 13

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2. The International Labour Organisation may make appropriate arrangements for the representatives of public international organisations to participate without vote in its deliberations.

3. The International Labour Organisation may make suitable arrangements for such consultation as it may think desirable with recognised non-governmental international organisations, including international organisations of employers, workers, agriculturists and cooperators.

Financial and  
budgetary  
arrangements

### *Article 13*

1. The International Labour Organisation may make such financial and budgetary arrangements with the United Nations as may appear appropriate.

2. Pending the conclusion of such arrangements or if at any time no such arrangements are in force:

- (a) each of the Members will pay the travelling and subsistence expenses of its delegates and their advisers and of its representatives attending the meetings of the Conference or the Governing Body, as the case may be;
- (b) all other expenses of the International Labour Office and of the meetings of the Conference or Governing Body shall be paid by the Director-General of the International Labour Office out of the general funds of the International Labour Organisation;
- (c) the arrangements for the approval, allocation and collection of the budget of the International Labour Organisation shall be determined by the Conference by a two-thirds majority of the votes cast by the delegates present, and shall provide for the approval of the budget and of the arrangements for the allocation of expenses among the Members of the Organisation by a committee of Government representatives.

3. The expenses of the International Labour Organisation shall be borne by the Members in accordance with the arrangements in force in virtue of paragraph 1 or paragraph 2(c) of this article.

Arrears in  
payment of  
contributions

4. A Member of the Organisation which is in arrears in the payment of its financial contribution to the Organisation shall have no vote in the Conference, in the Governing Body, in any committee, or in the elections of members of the Governing Body, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years: Provided that the Conference may by a two-thirds majority of the votes cast by the delegates present permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

## Constitution

Arts. 14-16

12

Financial  
responsibility of  
Director-General

5. The Director-General of the International Labour Office shall be responsible to the Governing Body for the proper expenditure of the funds of the International Labour Organisation.

### CHAPTER II – PROCEDURE

#### *Article 14*

Agenda for  
Conference

1. The agenda for all meetings of the Conference will be settled by the Governing Body, which shall consider any suggestion as to the agenda that may be made by the government of any of the Members or by any representative organisation recognised for the purpose of article 3, or by any public international organisation.

Preparation  
for Conference

2. The Governing Body shall make rules to ensure thorough technical preparation and adequate consultation of the Members primarily concerned, by means of a preparatory conference or otherwise, prior to the adoption of a Convention or Recommendation by the Conference.

Transmission  
of agenda and  
reports for  
Conference

#### *Article 15*

1. The Director-General shall act as the Secretary-General of the Conference, and shall transmit the agenda so as to reach the Members four months before the meeting of the Conference, and, through them, the non-Government delegates when appointed.

2. The reports on each item of the agenda shall be despatched so as to reach the Members in time to permit adequate consideration before the meeting of the Conference. The Governing Body shall make rules for the application of this provision.

Objections  
to agenda

#### *Article 16*

1. Any of the governments of the Members may formally object to the inclusion of any item or items in the agenda. The grounds for such objection shall be set forth in a statement addressed to the Director-General who shall circulate it to all the Members of the Organisation.

2. Items to which such objection has been made shall not, however, be excluded from the agenda, if at the Conference a majority of two-thirds of the votes cast by the delegates present is in favour of considering them.

Inclusion of  
new items by  
Conference

3. If the Conference decides (otherwise than under the preceding paragraph) by two-thirds of the votes cast by the delegates present that any subject shall be considered by the Conference, that subject shall be included in the agenda for the following meeting.

## Constitution

Arts. 17-19

13

Officers  
of Conference,  
procedure  
and committees

### *Article 17*

1. The Conference shall elect a president and three vice-presidents. One of the vice-presidents shall be a Government delegate, one an Employers' delegate and one a Workers' delegate. The Conference shall regulate its own procedure and may appoint committees to consider and report on any matter.

Voting

2. Except as otherwise expressly provided in this Constitution or by the terms of any Convention or other instrument conferring powers on the Conference or of the financial and budgetary arrangements adopted in virtue of article 13, all matters shall be decided by a simple majority of the votes cast by the delegates present.

Quorum

3. The voting is void unless the total number of votes cast is equal to half the number of the delegates attending the Conference.

Technical experts

### *Article 18*

The Conference may add to any committees which it appoints technical experts without power to vote.

Conventions and  
Recommendations

### *Article 19*

Decisions of the  
Conference

1. When the Conference has decided on the adoption of proposals with regard to an item on the agenda, it will rest with the Conference to determine whether these proposals should take the form: (a) of an international Convention, or (b) of a Recommendation to meet circumstances where the subject, or aspect of it, dealt with is not considered suitable or appropriate at that time for a Convention.

Vote required

2. In either case a majority of two-thirds of the votes cast by the delegates present shall be necessary on the final vote for the adoption of the Convention or Recommendation, as the case may be, by the Conference.

Modifications  
for special local  
conditions

3. In framing any Convention or Recommendation of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organisation, or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

Authentic texts

4. Two copies of the Convention or Recommendation shall be authenticated by the signatures of the President of the Conference and of the Director-General. Of these copies one shall be deposited in the archives of the International Labour Office and the other with the Secretary-General of the United Nations. The Director-General will communicate a certified copy of the Convention or Recommendation to each of the Members.

## Constitution

Art. 19

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Obligations  
of Members  
in respect  
of Conventions

5. In the case of a Convention:

- (a) the Convention will be communicated to all Members for ratification;
- (b) each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than 18 months from the closing of the session of the Conference, bring the Convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action;
- (c) Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring the Convention before the said competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them;
- (d) if the Member obtains the consent of the authority or authorities within whose competence the matter lies, it will communicate the formal ratification of the Convention to the Director-General and will take such action as may be necessary to make effective the provisions of such Convention;
- (e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing 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 ratification of such Convention.

Obligations  
of Members  
in respect of  
Recommendations

6. In the case of a Recommendation:

- (a) the Recommendation will be communicated to all Members for their consideration with a view to effect being given to it by national legislation or otherwise;
- (b) each of the Members undertakes that it will, within a period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than 18 months after the closing of the Conference, bring the Recommendation before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action;

## Constitution

Art. 19

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- (c) the Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring the Recommendation before the said competent authority or authorities with particulars of the authority or authorities regarded as competent, and of the action taken by them;
- (d) apart from bringing the Recommendation before the said competent authority or authorities, no further obligation shall rest upon the Members, except that they shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them.

Obligations  
of federal States

7. In the case of a federal State, the following provisions shall apply:

- (a) in respect of Conventions and Recommendations which the federal government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States;
- (b) in respect of Conventions and Recommendations which the federal government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent states, provinces, or cantons rather than for federal action, the federal government shall:
  - (i) make, in accordance with its Constitution and the Constitutions of the states, provinces or cantons concerned, effective arrangements for the reference of such Conventions and Recommendations not later than 18 months from the closing of the session of the Conference to the appropriate federal, state, provincial or cantonal authorities for the enactment of legislation or other action;
  - (ii) arrange, subject to the concurrence of the state, provincial or cantonal governments concerned, for periodical consultations between the federal and the state, provincial or cantonal authorities with a view to promoting within the federal State co-ordinated action to give effect to the provisions of such Conventions and Recommendations;



## Constitution

Arts. 20, 21

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- (iii) inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring such Conventions and Recommendations before the appropriate federal, state, provincial or cantonal authorities with particulars of the authorities regarded as appropriate and of the action taken by them;
- (iv) in respect of each such Convention which it has not ratified, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent States, provinces or cantons in regard to the Convention, showing 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;
- (v) in respect of each such Recommendation, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as have been found or may be found necessary in adopting or applying them.

Effect of  
Conventions and  
Recommendations  
on more  
favourable  
existing provisions

8. In no case shall the adoption of any Convention or Recommendation by the Conference, or the ratification of any Convention by any Member, be deemed to affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for in the Convention or Recommendation.

Registration  
with the  
United Nations

### *Article 20*

Any Convention so ratified shall be communicated by the Director-General of the International Labour Office to the Secretary-General of the United Nations for registration in accordance with the provisions of article 102 of the Charter of the United Nations but shall only be binding upon the Members which ratify it.

Conventions  
not adopted by  
the Conference

### *Article 21*

1. If any Convention coming before the Conference for final consideration fails to secure the support of two-thirds of the votes cast by

## Constitution

Arts. 22-26

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the delegates present, it shall nevertheless be within the right of any of the Members of the Organisation to agree to such Convention among themselves.

2. Any Convention so agreed to shall be communicated by the governments concerned to the Director-General of the International Labour Office and to the Secretary-General of the United Nations for registration in accordance with the provisions of article 102 of the Charter of the United Nations.

Annual reports  
on ratified  
Conventions

### *Article 22*

Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request.

Examination and  
communication of  
reports

### *Article 23*

1. The Director-General shall lay before the next meeting of the Conference a summary of the information and reports communicated to him by Members in pursuance of articles 19 and 22.

2. Each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22.

Representations  
of non-  
observance  
of Conventions

### *Article 24*

In the event of any representation being made to the International Labour Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party, the Governing Body may communicate this representation to the government against which it is made, and may invite that government to make such statement on the subject as it may think fit.

Publication  
of representation

### *Article 25*

If no statement is received within a reasonable time from the government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

Complaints of  
non-observance

### *Article 26*

1. Any of the Members shall have the right to file a complaint with the International Labour Office if it is not satisfied that any other

## Constitution

Arts. 27-29

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Member is securing the effective observance of any Convention which both have ratified in accordance with the foregoing articles.

2. The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Inquiry, as hereinafter provided for, communicate with the government in question in the manner described in article 24.

3. If the Governing Body does not think it necessary to communicate the complaint to the government in question, or if, when it has made such communication, no statement in reply has been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may appoint a Commission of Inquiry to consider the complaint and to report thereon.

4. The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a delegate to the Conference.

5. When any matter arising out of article 25 or 26 is being considered by the Governing Body, the government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the government in question.

Cooperation with  
Commission  
of Inquiry

### *Article 27*

The Members agree that, in the event of the reference of a complaint to a Commission of Inquiry under article 26, they will each, whether directly concerned in the complaint or not, place at the disposal of the Commission all the information in their possession which bears upon the subject-matter of the complaint.

Report  
of Commission  
of Inquiry

### *Article 28*

When the Commission of Inquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

Action on report  
of Commission  
of Inquiry

### *Article 29*

1. The Director-General of the International Labour Office shall communicate the report of the Commission of Inquiry to the Governing Body and to each of the governments concerned in the complaint, and shall cause it to be published.

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Arts. 30-34

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2. Each of these governments shall within three months inform the Director-General of the International Labour Office whether or not it accepts the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the International Court of Justice.

Failure to submit  
Conventions or  
Recommendations  
to competent  
authorities

### *Article 30*

In the event of any Member failing to take the action required by paragraphs 5(b), 6(b) or 7(b)(i) of article 19 with regard to a Convention or Recommendation, any other Member shall be entitled to refer the matter to the Governing Body. In the event of the Governing Body finding that there has been such a failure, it shall report the matter to the Conference.

Decisions  
of International  
Court of Justice

### *Article 31*

The decision of the International Court of Justice in regard to a complaint or matter which has been referred to it in pursuance of article 29 shall be final.

### *Article 32*

The International Court of Justice may affirm, vary or reverse any of the findings or recommendations of the Commission of Inquiry, if any.

Failure to  
carry out  
recommendations  
of Commission of  
Inquiry or ICJ

### *Article 33*

In the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Inquiry, or in the decision of the International Court of Justice, as the case may be, the Governing Body may recommend to the Conference such action as it may deem wise and expedient to secure compliance therewith.

Compliance with  
recommendations  
of Commission of  
Inquiry or ICJ

### *Article 34*

The defaulting government may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Inquiry or with those in the decision of the International Court of Justice, as the case may be, and may request it to constitute a Commission of Inquiry to verify its contention. In this case the provisions of articles 27, 28, 29, 31 and 32 shall apply, and if the report of the Commission of Inquiry or the decision of the International Court of Justice is in favour of the defaulting government, the Governing Body shall forthwith recommend the discontinuance of any action taken in pursuance of article 33.

CHAPTER III – GENERAL

*Article 35*

**Application of  
Conventions to  
non-metropolitan  
territories**

1. The Members undertake that Conventions which they have ratified in accordance with the provisions of this Constitution shall be applied to the non-metropolitan territories for whose international relations they are responsible, including any trust territories for which they are the administering authority, except where the subject-matter of the Convention is within the self-governing powers of the territory or the Convention is inapplicable owing to the local conditions or subject to such modifications as may be necessary to adapt the Convention to local conditions.

2. Each Member which ratifies a Convention shall as soon as possible after ratification communicate to the Director-General of the International Labour Office a declaration stating in respect of the territories other than those referred to in paragraphs 4 and 5 below the extent to which it undertakes that the provisions of the Convention shall be applied and giving such particulars as may be prescribed by the Convention.

3. Each Member which has communicated a declaration in virtue of the preceding paragraph may from time to time, in accordance with the terms of the Convention, communicate a further declaration modifying the terms of any former declaration and stating the present position in respect of such territories.

4. Where the subject-matter of the Convention is within the self-governing powers of any non-metropolitan territory, the Member responsible for the international relations of that territory shall 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. Thereafter the Member, in agreement with the government of the territory, may communicate to the Director-General of the International Labour Office a declaration accepting the obligations of the Convention on behalf of such territory.

5. A declaration accepting the obligations of any Convention may be communicated to the Director-General of the International Labour Office:

- (a) by two or more Members of the Organisation in respect of any territory which is under their joint authority; or
- (b) 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.

6. Acceptance of the obligations of a Convention in virtue of paragraph 4 or paragraph 5 shall involve the acceptance on behalf of the territory concerned of the obligations stipulated by the terms of the

## Constitution

Arts. 36, 37

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Convention and the obligations under the Constitution of the Organisation which apply to ratified Conventions. A declaration of acceptance may specify such modification of the provisions of the Conventions as may be necessary to adapt the Convention to local conditions.

7. Each Member or international authority which has communicated a declaration in virtue of paragraph 4 or paragraph 5 of this article may from time to time, in accordance with the terms of the Convention, communicate a further declaration modifying the terms of any former declaration or terminating the acceptance of the obligations of the Convention on behalf of the territory concerned.

8. If the obligations of a Convention are not accepted on behalf of a territory to which paragraph 4 or paragraph 5 of this article relates, the Member or Members or international authority concerned shall report to the Director-General of the International Labour Office the position of the law and practice of that territory in regard to the matters dealt with in the Convention and the report shall show 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 shall state the difficulties which prevent or delay the acceptance of such Convention.

### Amendments to Constitution

#### *Article 36*

Amendments to this Constitution which are adopted by the Conference by a majority of two-thirds of the votes cast by the delegates present shall take effect when ratified or accepted by two-thirds of the Members of the Organisation including five of the ten Members which are represented on the Governing Body as Members of chief industrial importance in accordance with the provisions of paragraph 3 of article 7 of this Constitution.

### Interpretation of Constitution and Conventions

#### *Article 37*

1. Any question or dispute relating to the interpretation of this Constitution or of any subsequent Convention concluded by the Members in pursuance of the provisions of this Constitution shall be referred for decision to the International Court of Justice.

2. Notwithstanding the provisions of paragraph 1 of this article the Governing Body may make and submit to the Conference for approval rules providing for the appointment of a tribunal for the expeditious determination of any dispute or question relating to the interpretation of a Convention which may be referred thereto by the Governing Body or in accordance with the terms of the Convention. Any applicable judgement or advisory opinion of the International Court of Justice shall be binding upon any tribunal established in virtue of this paragraph. Any award made by such a tribunal shall be circulated to the Members of the Organisation and any observations which they may make thereon shall be brought before the Conference.

## Constitution

Arts. 38-40, Annex

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### Regional Conferences

#### *Article 38*

1. The International Labour Organisation may convene such regional conferences and establish such regional agencies as may be desirable to promote the aims and purposes of the Organisation.

2. The powers, functions and procedure of regional conferences shall be governed by rules drawn up by the Governing Body and submitted to the General Conference for confirmation.

### CHAPTER IV – MISCELLANEOUS PROVISIONS

### Legal status of Organisation

#### *Article 39*

The International Labour Organisation shall possess full juridical personality and in particular the capacity:

- (a) to contract;
- (b) to acquire and dispose of immovable and movable property;
- (c) to institute legal proceedings.

### Privileges and immunities

#### *Article 40*

1. The International Labour Organisation shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.

2. Delegates to the Conference, members of the Governing Body and the Director-General and officials of the Office shall likewise enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organisation.

3. Such privileges and immunities shall be defined in a separate agreement to be prepared by the Organisation with a view to its acceptance by the States Members.

### ANNEX

#### **Declaration concerning the aims and purposes of the International Labour Organisation**

The General Conference of the International Labour Organisation, meeting in its Twenty-sixth Session in Philadelphia, hereby adopts, this tenth day of May in the year nineteen hundred and forty-four, the present Declaration of the aims and purposes of the International Labour Organisation and of the principles which should inspire the policy of its Members.

## I

The Conference reaffirms the fundamental principles on which the Organisation is based and, in particular, that:

- (a) labour is not a commodity;
- (b) freedom of expression and of association are essential to sustained progress;
- (c) poverty anywhere constitutes a danger to prosperity everywhere;

(d) the war against want requires to be carried on with unrelenting vigour within each nation, and by continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare.

## II

Believing that experience has fully demonstrated the truth of the statement in the Constitution of the International Labour Organisation that lasting peace can be established only if it is based on social justice, the Conference affirms that:

(a) all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity;

(b) the attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy;

(c) all national and international policies and measures, in particular those of an economic and financial character, should be judged in this light and accepted only in so far as they may be held to promote and not to hinder the achievement of this fundamental objective;

(d) it is a responsibility of the International Labour Organisation to examine and consider all international economic and financial policies and measures in the light of this fundamental objective;

(e) in discharging the tasks entrusted to it the International Labour Organisation, having considered all relevant economic and financial factors, may include in its decisions and recommendations any provisions which it considers appropriate.

## III

The Conference recognises the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve:

(a) full employment and the raising of standards of living;

(b) the employment of workers in the occupations in which they can have the satisfaction of giving the fullest measure of their skill and attainments and make their greatest contribution to the common well-being;

(c) the provision, as a means to the attainment of this end and under adequate guarantees for all concerned, of facilities for training and the transfer of labour, including migration for employment and settlement;



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(d) policies in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of such protection;

(e) the effective recognition of the right of collective bargaining, the co-operation of management and labour in the continuous improvement of productive efficiency, and the collaboration of workers and employers in the preparation and application of social and economic measures;

(f) the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care;

(g) adequate protection for the life and health of workers in all occupations;

(h) provision for child welfare and maternity protection;

(i) the provision of adequate nutrition, housing and facilities for recreation and culture;

(j) the assurance of equality of educational and vocational opportunity.

## IV

Confident that the fuller and broader utilisation of the world's productive resources necessary for the achievement of the objectives set forth in this Declaration can be secured by effective international and national action, including measures to expand production and consumption, to avoid severe economic fluctuations, to promote the economic and social advancement of the less developed regions of the world, to assure greater stability in world prices of primary products, and to promote a high and steady volume of international trade, the Conference pledges the full cooperation of the International Labour Organisation with such international bodies as may be entrusted with a share of the responsibility for this great task and for the promotion of the health, education and well-being of all peoples.

## V

The Conference affirms that the principles set forth in this Declaration are fully applicable to all peoples everywhere and that, while the manner of their application must be determined with due regard to the stage of social and economic development reached by each people, their progressive application to peoples who are still dependent, as well as to those who have already achieved self-government, is a matter of concern to the whole civilised world.



**STANDING ORDERS OF THE  
INTERNATIONAL LABOUR CONFERENCE**

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**RÈGLEMENT DE LA  
CONFÉRENCE INTERNATIONALE DU TRAVAIL**

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### NOTE FOR MARITIME SESSIONS OF THE INTERNATIONAL LABOUR CONFERENCE

# Text\* of the Standing Orders<sup>1</sup>

## PART I

### General Standing Orders

#### ARTICLE 1

##### *Composition of the Conference*

1. The Conference consists of all the delegates duly appointed by the Members of the International Labour Organization.
- Const.* 2. Each delegate may be accompanied by advisers who shall not exceed  
3, 2-7 two in number for each item on the agenda of the meeting.
3. (1) In accordance with article 3 of the Constitution of the Organization a delegate may by notice in writing addressed to the President appoint an accompanying adviser to act as a substitute.  
(2) Such notice must be addressed to the President before the sitting, unless a new question comes up for discussion in the course of the sitting.  
(3) The notice shall specify the sitting or sittings at which the substitute will act.  
(4) Substitutes may take part in the debates and may vote under the same conditions as delegates.

#### ARTICLE 2

##### *Right of admission to sittings of the Conference*

1. The sittings of the Conference shall be public except in cases in which it has been expressly decided to the contrary.
2. Seats in the Conference hall shall be assigned to the delegates and their advisers by the Secretary-General.
3. Apart from delegates and advisers the only persons permitted to enter the body of the hall shall be:
  - (a) ministers whose departments deal with the questions discussed by the Conference and who are not delegates or advisers;
  - (b) representatives of official international organizations which have been invited by the Conference or the Governing Body to be represented at the Conference;

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\* Ed. note: Adopted on 21 November 1919 at the First Session of the Conference. Revised and consolidated at the 27th Session. The present text includes all amendments adopted up to the 99th Session (2010). The figures in the margin refer to the relevant provisions of the Constitution of the International Labour Organisation. *Articles* are indicated in bold type, *paragraphs* in light type.

<sup>1</sup> The ILO is committed to promoting gender equality. Amendments to this effect were adopted at the 97th Session of the International Labour Conference (Geneva, 2008).

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Arts. 3, 4

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- (c) members of the Governing Body who are not delegates or advisers;
- (d) representatives of a state or province of a federal State who have been appointed to accompany a delegation by the Government of a Member of the Organization;
- (e) persons appointed as observers by a State invited to attend the Conference;
- (f) the Director-General of the International Labour Office and the officials of the Secretariat of the Conference;
- (g) one secretary or interpreter for each delegation;
- (h) the secretaries of the Employers' and Workers' groups;
- (i) persons appointed by Members of the Organization to occupy advisers' posts which may fall vacant in their delegations;
- (j) representatives of non-governmental international organizations with which it has been decided to establish consultative relationships and with which standing arrangements for such representation have been made and representatives of other non-governmental international organizations which have been invited by the Governing Body to be represented at the Conference;
- (k) representatives of liberation movements recognized by the African Union or the League of Arab States which have been invited by the Conference or the Governing Body to be represented at the Conference.

4. Requests from non-governmental international organizations for an invitation to be represented at the Conference shall be made in writing to the Director-General of the International Labour Office and shall reach him at least one month before the opening of the session of the Governing Body preceding the session of the Conference. Such requests shall be referred to the Governing Body for decision in accordance with criteria established by the Governing Body.

5. Arrangements shall be made by the Secretary-General for the accommodation at public sittings of specifically authorized individuals and the press.

### ARTICLE 3

#### *Officers of the Conference*

*Const.* 17, 1 1. The Conference shall elect as Officers a President and three Vice-Presidents, who shall all be of different nationalities.

2. The Government, Employers' and Workers' groups shall each nominate one of their number for election by the Conference as Vice-President.

### ARTICLE 4

#### *Selection Committee*

1. The Conference shall appoint a Selection Committee consisting of twenty-eight members nominated by the Government group, fourteen members nominated by the Employers' group and fourteen members nominated by



## Conference

Arts. 5, 6

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the Workers' group. In none of these categories shall a country have more than one member.

2. It shall be the duty of the Selection Committee to arrange the programme of the Conference, to fix the time and agenda for the plenary sittings, to act on behalf of the Conference with respect to decisions on non-controversial questions of a routine nature and to report to the Conference on any other questions requiring a decision for the proper conduct of its business, in accordance with the Conference Standing Orders. Where appropriate, the Committee may delegate any of these functions to its Officers.

### ARTICLE 5

#### *Credentials Committee*

1. The Conference shall appoint a Credentials Committee consisting of one Government delegate, one Employers' delegate and one Workers' delegate.

2. The Credentials Committee shall examine, in accordance with the provisions of section B of Part II:

- (a) the credentials as well as any objection relating to the credentials of delegates and their advisers or to the failure to deposit credentials of an Employers' or Workers' delegate;
- (b) any complaint of non-observance of paragraph 2(a) of article 13 of the Constitution;
- (c) any complaint regarding an act or omission of a government by which an accredited delegate or adviser has been prevented from attendance at the Conference in line with article 3, paragraphs 1 and 2, of the Constitution;
- (d) the monitoring of any situation with regard to the observance of the provisions of article 3 or article 13, paragraph 2(a), of the Constitution about which the Conference has requested a report.

### ARTICLE 6

#### *Conference Drafting Committee*

1. The Conference shall appoint on the nomination of the Selection Committee a Conference Drafting Committee consisting of at least three persons who need not be either delegates or advisers.

2. The Committee Drafting Committee appointed by each committee under article 59(1) of these Standing Orders shall form part of the Conference Drafting Committee when any proposed Convention or Recommendation is submitted to the Conference by the committee concerned.

3. The Conference Drafting Committee shall have the functions entrusted to it by the rules concerning Convention and Recommendation procedure (Section E) and the rules concerning the procedure for the amendment of the Constitution of the Organization (Section F) and shall, in general, be responsible for expressing in the form of Conventions and Recommendations the decisions adopted by the Conference and for ensuring agreement between the English and French versions of the texts of all formal instruments submitted to the Conference for adoption.

## Conference

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### ARTICLE 7

#### *Committee on the Application of Conventions and Recommendations*

1. The Conference shall, as soon as possible, appoint a Committee to consider:
  - (a) the measures taken by Members to give effect to the provisions of Conventions to which they are parties and the information furnished by Members concerning the results of inspections;
  - (b) the information and reports concerning Conventions and Recommendations communicated by Members in accordance with article 19 of the Constitution, except for information requested under paragraph 5 (e) of that article where the Governing Body has decided upon a different procedure for its consideration;
  - (c) the measures taken by Members in accordance with article 35 of the Constitution.
2. The Committee shall submit a report to the Conference.

### ARTICLE 7 bis

#### *Finance Committee of Government Representatives*

1. The Conference shall, as soon as possible, appoint a Finance Committee consisting of one Government delegate from each Member of the Organization represented at the Conference.
2. The Finance Committee shall consider:
  - (a) the arrangements for the approval, allocation and collection of the budget of the Organization, including:
    - (i) the budget estimates;
    - (ii) the arrangements for the allocation of expenses among Members of the Organization;
  - (b) the audited financial statements of the Organization, together with the Auditor's report thereon;
  - (c) any request or proposal that the Conference should permit a Member which is in arrears in the payment of its contribution to vote in accordance with article 13, paragraph 4, of the Constitution;
  - (d) any other matter referred to it by the Conference.
3. The Committee shall elect a Chairperson and a Vice-Chairperson.
4. The Director-General, accompanied by a tripartite delegation from the Governing Body, shall be entitled to attend the meetings of the Committee.
5. The decisions of the Committee shall be taken by a two-thirds majority of the votes cast by the members of the Committee present at the meeting.
6. The Committee shall submit a report, or reports, to the Conference.

### ARTICLE 8

#### *Other committees*

*Const.* 17, 1 The Conference may appoint a committee to consider and report on any matter.

## ARTICLE 9

*Adjustments to the membership of committees*

The following rules shall apply to all committees appointed by the Conference with the exception of the Selection Committee, the Credentials Committee, the Finance Committee of Government Representatives and the Drafting Committee:

- (a) once the various committees have been established and their initial membership appointed by the Conference, it shall be for the groups to determine subsequent changes in the composition of such committees;
- (b) a delegate who has not been nominated by a group to sit on any committee may bring the matter to the notice of the Selection Committee which shall have power to place the delegate on one or more committees, enlarging the number of members of such committee or committees accordingly. Any such request shall be made to the Chairperson of the Selection Committee;
- (c) in accordance with article 18 of the Constitution of the Organization, the Conference may add to any committee to which these rules apply technical experts who shall have the right to take part in the discussions but not to vote.

## ARTICLE 10

*General provisions concerning committees*

The work of the committees of the Conference, with the exception of the Credentials Committee and the Drafting Committee, shall be governed by the Standing Orders for the committees of the Conference set forth in Section H of Part II.

## ARTICLE 11

*Procedure for the adoption, abrogation\* or withdrawal of Conventions and Recommendations, and the consideration of proposed amendments to the Constitution*

1. The procedure for the consideration of proposed Conventions and Recommendations, as well as the procedure applicable to the abrogation of a Convention in force or to the withdrawal of a Convention that is not in force or of a Recommendation, shall be governed by the rules concerning Convention and Recommendation procedure set forth in Section E of Part II.

2. The procedure for the consideration of proposed amendments to the Constitution of the Organization shall be governed by the rules concerning the procedure for the amendment of the Constitution of the Organization set forth in Section F of Part II.

ARTICLE 11 *bis**Procedure for the consideration of the Programme and Budget*

1. At its session preceding the beginning of each biennial financial period, the Conference shall, without prejudice to the provisions of article 13 of the Con-

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\* Ed. note: Only applicable upon the entry into force of the Constitution of the International Labour Organisation Instrument of Amendment, 1997.

## Conference

Arts. 11 *ter*-13

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stitution and of the Financial Regulations concerning the approval of the budget and the allocation of expenses amongst Members, and prior to the approval of the budget by the Finance Committee of Government Representatives and its adoption by the Conference, examine the Programme and Budget of the ensuing financial period.

2. For this purpose, the Conference may as appropriate appoint a tripartite committee to report to it.

### ARTICLE 11 *ter*

#### *Procedure for the consideration of items placed on the agenda for general discussion*

1. When a question has been placed on the agenda for general discussion, the International Labour Office shall communicate a report upon the question to the governments, so as to reach them not less than two months before the opening of the session of the Conference at which the question is to be discussed.

2. The question shall be referred by the Conference to a committee for report.

### ARTICLE 12

#### *Reports of the Chairperson of the Governing Body and the Director-General*

1. During the session at the times fixed by the Selection Committee, the Conference shall discuss the report of the Chairperson of the Governing Body on its work and the Report of the Director-General of the International Labour Office on the subjects specified in paragraph 2 below.

2. At each session of the Conference in the first year of a biennial financial period, the Director-General shall report on programme implementation and the activities of the Organisation during the preceding financial period, together with proposals for advance planning as well as information on the steps taken by the Governing Body and the Director-General to give effect to the decisions of the Conference at its previous sessions and the results achieved. At each session preceding the beginning of a financial period, the said report shall be devoted to a social policy theme of current interest chosen by the Director-General, without prejudice to other questions on which the Conference may have requested the Director-General to report to it on an annual basis.

3. One delegate representing the Government, one delegate representing the Employers and one representing the Workers may participate in the discussion in respect of each member State, provided that a visiting minister may speak in addition to the Government delegate. No speaker may intervene in the discussion more than once.

### ARTICLE 13

#### *Duties of the President*

1. The President shall declare the opening and close of the sittings. Before proceeding to the agenda, the President shall bring before the Conference any communication which may concern it.

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2. The President shall direct the debates, maintain order, ensure the observance of the Standing Orders by such means as circumstances may demand, accord or withdraw the right to address the Conference, put questions to the vote and announce the result of the vote.

3. The President shall not take part in the debates and shall not vote. A President who is a delegate may appoint a substitute in accordance with the provisions of article 1, paragraph 3.

4. In the absence of the President during a sitting or any part thereof one of the Vice-Presidents, taken in rotation, shall preside.

5. A Vice-President acting as President shall have the same rights and duties as the President.

### ARTICLE 14

#### *Right to address the Conference*

1. No delegate shall address the Conference without having asked and obtained permission of the President.

2. Speakers shall be called upon in the order in which they have signified their desire to speak.

3. No delegate shall speak more than once upon the same motion, resolution or amendment, without the special permission of the Conference, provided that the mover of a motion, resolution or amendment shall have the right to speak twice unless the closure has been adopted in accordance with article 16.

4. The President may require a speaker to stop speaking if the remarks are not relevant to the subject under discussion.

5. A delegate may at any time rise to a point of order, which shall be decided forthwith by the President.

6. Except with the special consent of the Conference, no speech, whether by a delegate, a visiting minister, an observer or a representative of an international organization, shall exceed ten minutes exclusive of the time for translation, and no speech concerning the reports of the Chairperson of the Governing Body and the Director-General referred to in article 12, paragraphs 1 and 2, shall exceed five minutes exclusive of the time for translation. The President may, after consultation with the Vice-Presidents, submit to the Conference for decision without debate a proposal to reduce the time limit for speeches on a specific topic before the opening of the discussion thereof.

7. Interruptions and audible conversations are not permitted.

8. Ministers whose departments deal with the questions discussed by the Conference and who are not delegates or advisers, members of the Governing Body who are not delegates or advisers at the Conference, and the Director-General of the International Labour Office, or a representative of the Director-General, may address the Conference if invited to do so by the President.

9. Representatives of official international organizations which have been invited to be represented at the Conference may participate, without vote, in the discussions.

10. The President may, in agreement with the Vice-Presidents, permit representatives of non-governmental international organizations with which the International Labour Organization has established consultative relationships

and with which standing arrangements for representation at the Conference have been made, and representatives of other non-governmental international organizations which have been invited to be represented at the Conference, to make or circulate statements for the information of the Conference on questions which are being considered by the Conference other than administrative and financial questions. If agreement cannot be reached the matter shall be referred to the meeting for decision without discussion.

11. Persons appointed as observers by a State invited to attend the Conference may, with the permission of the President, address the Conference during the general discussions.

12. Representatives of liberation movements which have been invited to attend the Conference may, with the permission of the President, address the Conference during the discussion of the reports of the Governing Body and of the Director-General.

#### ARTICLE 15

##### *Motions, resolutions and amendments*

1. No motion, resolution or amendment shall be discussed unless it has been seconded.

2. (1) Motions as to procedure may be moved verbally and without previous notice. They may be moved at any time except after the President has called upon a speaker and before the speaker has finished speaking.

(2) Motions as to procedure include the following:

- (a) a motion to refer the matter back;
- (b) a motion to postpone consideration of the question;
- (c) a motion to adjourn the sitting;
- (d) a motion to adjourn the debate on a particular question;
- (e) a motion that the Conference proceed with the next item on the agenda for the sitting;
- (f) a motion to ask for the opinion of the President, the Secretary-General or the Legal Adviser of the Conference;
- (g) a motion for the closure of the discussion.

3. All the resolutions and amendments other than motions as to procedure must be submitted in writing in one of the official languages or in Spanish.

4. (1) No resolution relating to an item on the agenda shall, unless it be a motion as to procedure, be moved at any sitting of the Conference unless a copy has been handed in to the Secretariat of the Conference at least two days previously.

(2) Any resolution thus handed in shall be translated and circulated by the Secretariat not later than the day following that on which it was received.

5. Resolutions relating to matters not included in the agenda of the Conference shall be subject, in addition to the applicable provisions of this article, to the special rules set forth in article 17.

6. Amendments to a resolution may be moved without previous notice if a copy of the text of the amendment is handed in to the Secretariat of the Conference before the amendment is moved.

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Arts. 16, 17

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7. (1) Amendments shall be voted on before the resolution to which they refer.

(2) If there are several amendments to a motion or resolution the President shall determine the order in which they shall be discussed and put to the vote, subject to the following provisions:

(a) every motion, resolution or amendment shall be put to the vote;

(b) amendments may be voted on either individually or against other amendments according as the President may decide, but if amendments are voted on against other amendments, the motion or resolution shall be deemed to be amended only after the amendment receiving the largest number of affirmative votes has been voted on individually and adopted;

(c) if a motion or resolution is amended as the result of a vote, that motion or resolution as amended shall be put to the meeting for a final vote.

8. (1) Any amendment may be withdrawn by the person who moved it unless an amendment to it is under discussion or has been adopted.

(2) Any amendment so withdrawn may be moved without previous notice by any other member of the Conference.

9. Any member may at any time draw attention to the fact that the Standing Orders are not being observed, and the President shall give an immediate ruling on any question so raised.

## ARTICLE 16

### *Closure*

1. Any delegate may move the closure of the discussion either on a particular resolution or amendment or on the general question.

2. The President shall put a motion for the closure of the discussion if it is supported by at least 30 delegates. Before putting it to the vote, however, the President shall call out the names of those delegates who had signified their wish to speak before the closure had been moved.

3. If application is made for permission to speak against the closure, it shall be accorded subject to the condition that no speaker shall be allowed to speak for more than five minutes.

4. The President shall permit each group which makes a request to that effect through its Chairperson to be heard on the question under discussion through one speaker appointed by the group, whether there has been a previous speaker or not representing the group.

5. Subject to the foregoing paragraphs no one shall be allowed to speak on a question after the closure has been voted.

## ARTICLE 17

### *Resolutions relating to matters not included in an item placed on the agenda*

1. (1) Subject to paragraph 2 below, no resolution relating to a matter not included in an item placed on the agenda by the Conference or the Governing Body shall be moved at the session of the Conference preceding the beginning

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Art. 17

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of a biennial financial period. Such resolutions may be moved at other sessions of the Conference provided that a copy of the resolution has been deposited with the Director-General of the International Labour Office at least 15 days before the opening of the session of the Conference, by a delegate to the Conference.

(2) Copies of all resolutions shall be available to delegates at the International Labour Office not more than 48 hours after the expiry of the time-limit laid down in the preceding subparagraph: Provided that the Director-General may decide to withhold circulation of the text of a particular resolution pending consultation of the Officers of the Governing Body.

(3) When circulation of a particular resolution has been withheld pending consultation of the Officers of the Governing Body, that resolution shall, unless the Officers decide unanimously to the contrary, be available to delegates not later than the date fixed for the opening of the session of the Conference.

2. The President may, with the approval of the three Vice-Presidents, permit a resolution relating to a matter not included in an item placed on the agenda by the Conference or the Governing Body to be moved, although it would not be otherwise receivable under paragraph 1(1), if it relates either to urgent matters or to matters of an entirely formal nature. If permission is given, the Officers shall also make a recommendation to the Conference as to the manner in which the said resolution is to be considered before submission to the Conference.

3. Subject to paragraph 2 above, all resolutions relating to matters not included in an item placed on the agenda by the Conference or the Governing Body shall be referred by the Conference for report to a Resolutions Committee unless the Conference, on the recommendation of the Selection Committee, decides that a particular resolution relates to a matter for which another committee is competent and refers it to that other committee.

4. The Resolutions Committee shall consider in respect of each resolution whether it satisfies the conditions of receivability set forth in paragraph 1.

5. The Resolutions Committee shall determine the order in which resolutions which have been declared receivable shall be examined, as follows:

(a) After having given the author, or one of the authors, of each resolution the possibility of moving it in a speech which shall not exceed ten minutes, the Committee shall, without discussion, determine by ballot the first five resolutions to be considered, in the following manner:

- (i) each member of the Committee shall receive a ballot paper on which the titles of all the resolutions to be considered appear, and shall indicate thereon the five resolutions which the member wishes to be discussed first, the first preference being marked "1", the second "2", and so forth; a ballot paper which does not indicate preferences for five resolutions shall be void;
- (ii) whenever a resolution is indicated as a first preference, it shall be allotted five points, whenever it is indicated as a second preference, four points, and so forth; resolutions for which no preference has been indicated will receive no points;



- (iii) where the Government, Employers' or Workers' members of the Committee are entitled to cast more than one vote, to take account of the unequal representation of the group on the Committee, the total number of points secured by each resolution shall be calculated separately for each group and multiplied by the multiplier applicable to the votes of members of the group;
  - (iv) the resolution obtaining the largest number of points, as determined in accordance with clauses (ii) and (iii), shall be discussed first, the resolution obtaining the second largest number of points shall be discussed second, and so forth for five resolutions; if the voting results in an equal number of points for each of two or more of the first five resolutions, priority shall be decided by lot in one or more castings, as appropriate.
- (b) The Committee shall, at the beginning of its proceedings, set up a Working Party composed of three Government members, three Employers' members and three Workers' members to make recommendations as to the order in which the resolutions which were not included in the first five as a result of the procedure set forth in subparagraph (a) should be examined.

6. The Resolutions Committee shall begin its work as soon as possible after the opening of the session of the Conference, in order to enable it to complete its agenda, and shall terminate its work not later than at 6 p.m. on the last Saturday of the session. If, nevertheless, any resolution has not been considered by the Committee by the date on which it terminates its work, the Conference shall not discuss or act upon that resolution.

7. (1) If members of the Resolutions Committee having not less than one-quarter of the voting power of the Committee move that the Committee should take the view that a resolution is not within the competence of the Conference, or that its adoption is inexpedient, this preliminary question shall be determined by the Committee after hearing the author, or, where there are several, one of the authors of the resolution, not more than one speaker for and against the motion from each group, and the reply of the author or one of the authors.

(2) A recommendation by the Resolutions Committee that a resolution is not within the competence of the Conference, or that its adoption is inexpedient, shall be accompanied by a report of the discussion in the Committee and shall be put to the vote in the Conference without debate.

8. The Resolutions Committee may, after hearing the author or authors of a resolution, amend it in form or substance in such manner as it may consider desirable.

9. It shall be the special duty of the Resolutions Committee to distinguish, by appropriate drafting, resolutions the adoption of which by the Conference would involve exact legal consequences from resolutions intended for consideration by the Governing Body, governments or any other body, but not creating any legal obligation.

10. The Resolutions Committee shall submit a report to the Conference.

#### ARTICLE 17 bis

##### *Prior consultation in respect of proposals for new activities relating to matters of direct concern to the United Nations or other specialized agencies*

1. Where a proposal submitted to the Conference involves new activities to be undertaken by the International Labour Organization relating to matters

which are of direct concern to the United Nations or one or more specialized agencies other than the International Labour Organization, the Director-General shall enter into consultation with the organizations concerned and report to the Conference on the means of achieving coordinated use of the resources of the respective organizations. Where a proposal put forward in the course of a meeting for new activities to be undertaken by the International Labour Organization relates to matters which are of direct concern to the United Nations or one or more specialized agencies other than the International Labour Organization, the Director-General shall, after such consultation with the representatives of the other organization or organizations concerned attending the meeting as may be possible, draw the attention of the meeting to these implications of the proposal.

2. Before deciding on proposals referred to in the preceding paragraph, the Conference shall satisfy itself that adequate consultations have taken place with the organizations concerned.

ARTICLE 17 *ter*

*Time-limit for the submission of proposals  
for new activities*

1. Except as provided in paragraph 2 of the present article, no proposals for new activities to be undertaken by the International Labour Organization shall be placed before a session of the Conference unless such proposal has been deposited with the Director-General of the International Labour Office at least six weeks before the opening of the Conference.

2. The requirements of paragraph 1 do not apply to:

- (a) any proposal that a matter should be referred to the Governing Body or the Joint Maritime Commission for examination with a view to deciding whether action by the International Labour Organization in regard to the matter is desirable, or
- (b) matters of urgency in regard to which paragraph 2 of article 17 applies.

ARTICLE 18

*Proposals involving expenditure*

1. Any motion or resolution involving expenditure shall in the first instance, or in the case of resolutions referred to the Resolutions Committee as soon as that Committee is satisfied that the resolution is receivable and within the competence of the Conference, be referred to the Governing Body which, after consultation of its Programme, Financial and Administrative Committee, shall communicate its opinion to the Conference.

2. The opinion of the Governing Body shall be circulated to the delegates at least 24 hours before the motion or resolution is discussed by the Conference.

3. The Governing Body and the Programme, Financial and Administrative Committee may delegate the authority to carry out their responsibilities under this article to their officers.

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### ARTICLE 19

#### *Methods of voting*

1. The Conference shall vote by a show of hands, by a record vote or by secret ballot.

2. Voting shall be by a show of hands except as hereinafter provided.

3. Votes by a show of hands shall be counted by the Secretariat and the result announced by the President.

4. In case of doubt as to the result, the President may cause a record vote to be taken.

5. A record vote shall be taken in all cases in which a majority of two-thirds of the votes is required by the Constitution of the Organization, except when the Conference is voting on the inclusion in the agenda of the following session of an item already on the agenda of the session at which the decision is taken.

6. A record vote shall be taken on any question if the request is made by show of hands of not less than 90 delegates present at the sitting, or by the Chairperson of a group, or by a representative of the Chairperson duly appointed by notice in writing addressed to the President, whether such a request be made before or immediately after the vote by show of hands.

7. Record votes shall be taken by calling upon each delegation voting in turn in the French alphabetical order of the names of the Members of the International Labour Organization. A further and final call shall immediately be made, in the same alphabetical order, of delegates who did not respond to the first call.

8. The vote shall be recorded by the Secretariat and announced by the President.

9. The names of the delegates voting in a record vote shall be inserted in the verbatim report of the sitting.

10. Any vote on the election of the President shall be by secret ballot.

11. A vote by secret ballot shall also be taken on any question not covered by paragraph 5, if the request is made by show of hands of not less than 90 delegates present at the sitting or by the Chairperson of a group acting on behalf of that group.

12. Votes by secret ballot shall be counted by the Secretariat under the direction of three returning officers nominated respectively by the Government, Employers' and Workers' groups.

13. If, on the same question, requests are made both for a record vote in pursuance of paragraph 6 of this article and for a vote by secret ballot in pursuance of paragraph 11 of this article, the vote shall be taken by secret ballot if the Conference so decides by a simple majority vote by secret ballot.

14. The President shall permit any delegates who so request to explain their votes briefly immediately after the voting except where the vote is taken by secret ballot. The President may limit the time allowed for such explanations.

15. Unless the Officers otherwise decide in special circumstances, the Conference shall vote by electronic means.

## Conference

Arts. 20, 21

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16. When the Conference votes by electronic means, paragraphs 7 and 12 above shall not apply. In the case of a vote by show of hands, the individual votes cast by the delegates shall be accessible during the sitting at which the vote is taken, but only the final result of the vote shall be announced and recorded. In the case of a record vote, the individual votes cast by the delegates shall be recorded and published and the final result of the vote shall be announced and recorded. In the case of a vote by secret ballot, the individual votes cast by the delegates shall in no case be recorded or accessible and only the final result of the vote shall be announced and recorded.

### ARTICLE 20

#### *Quorum*

*Const.* 17, 3 1. (1) In accordance with article 17 of the Constitution of the Organization a vote is not valid if the number of votes cast for and against is less than half the number of delegates attending the Conference and entitled to vote.

(2) The number shall be provisionally fixed after the presentation of the brief report referred to in paragraph 2 of the rules of procedure concerning credentials set forth in article 26. It shall then be determined by the Credentials Committee.

(3) Any delegate who finally leaves the Conference before its termination and who gives formal notice of departure to the Secretariat without authorizing an adviser to act as a substitute shall be regarded as no longer attending the Conference for the purpose of calculating the quorum.

(4) If any delegate is not finally admitted, the number constituting the quorum shall be modified accordingly for the subsequent sittings.

2. (1) Where a quorum has not been obtained in a vote by a show of hands, the President may immediately take a record vote.

(2) The President shall do so if a record vote is called for by 20 members present.

3. (1) Where a quorum has not been obtained in a vote by a show of hands or in a record vote, the President may take a record vote on the same question at one of the two next following sittings.

(2) The preceding subparagraph does not apply to a final vote for the adoption of a Convention or Recommendation.

### ARTICLE 21

#### *Majority*

*Const.* 17, 2; 19, 1, 2 In order to determine the majorities by record vote all votes cast, for and against, shall be counted, so that, in order to be adopted, it is necessary that the proposal submitted to the Conference shall obtain more than one-half or two-thirds of the votes cast in accordance with the requirements of the Constitution, or of the Convention or other instrument conferring the powers which the Conference is exercising, or of the financial and budgetary arrangements adopted in virtue of article 13 of the Constitution.

ARTICLE 22

*Secretariat of the Conference*

- Const.*  
**10, 3**
1. The Director-General of the International Labour Office shall be the Secretary-General of the Conference and shall be responsible for the appointment and control of the Secretariat.
  2. The Secretariat of the Conference shall be responsible for:
    - (a) the receiving, printing, circulating and translation of documents, reports and resolutions;
    - (b) the interpretation of speeches at the sittings;
    - (c) the taking of shorthand notes;
    - (d) the printing and distribution of the reports of the proceedings;
    - (e) the custody of the records of the Conference; and
    - (f) generally, for all other work which the Conference may think fit to entrust to it.

ARTICLE 23

*Verbatim reports*

1. A verbatim report shall be printed at the conclusion of each sitting by the Secretariat. There shall be included in the report any texts adopted and the results of any votes taken.
2. Any delegate who has made a speech may demand the right to revise any part of the report containing that speech. Speeches or parts of speeches that have not been delivered during the sitting shall not be published in the report.
3. In order that any proposed corrections may be published, they should be communicated to the Secretariat, in writing, not later than ten days after the close of the Conference.
4. The verbatim reports shall be signed by the President of the Conference and the Secretary-General.

ARTICLE 24

*Languages*

1. The French and English languages shall be the official languages of the Conference.
2. Speeches made in French shall be summarized in English, and vice versa, by an interpreter belonging to the Secretariat of the Conference.
3. Speeches made in Spanish shall be summarized by the official interpreters, who shall also give a summary in Spanish of speeches made in English or French.
4. A delegate may speak in another non-official language, but the relevant delegation must provide for a summarized translation of the speech into one of the two official languages by an interpreter attached to the delegation, unless an interpreter of the Conference for the official languages can be placed at its disposal by the Secretariat of the Conference. This summarized translation shall then be rendered in the other official language by an interpreter belonging to the Secretariat.
5. The translation and circulation of documents shall be in the hands of the Secretariat and all such documents shall appear in English, French and Spanish.

## PART II

### Standing Orders concerning special subjects

#### SECTION A

##### Order of business at the opening of each session

###### ARTICLE 25

1. The Conference shall be opened by the Chairperson of the Governing Body of the International Labour Office, assisted by the other Officers of the Governing Body. These provisional Officers shall continue to act until the President of the Conference has assumed office.

2. The first business of the Conference shall be the election of the President. The Conference shall then receive the nominations made by the groups and shall proceed to elect the three Vice-Presidents and to set up the various committees and appoint their members on the basis of proposals from the groups.

3. (1) In order to facilitate the choice of Officers of the Conference who are all of different nationalities as required by article 3, paragraph 1, of the Standing Orders, the three groups share priority of nomination for the designation of Vice-Presidents of the Conference in the rotation indicated in the following table:

Session	1st priority group	2nd priority group
98th	Employers'	Workers'
99th	Workers'	Government
100th	Government	Employers'
101st	Employers'	Workers'
102nd	Workers'	Government
103rd	Government	Employers'
and so forth.		

(2) If a group nominates a Vice-President of the same nationality as the Vice-President nominated by a group possessing priority of nomination, such nomination shall be void.

4. In accordance with article 4, paragraph 1, of the Standing Orders, the Government group shall nominate twenty-eight members for the Selection Committee and the Employers' and Workers' groups shall each nominate fourteen members. In none of these groups shall any Member of the Organization have more than one member.

5. At the opening of the discussion on the Report of the Director-General, the Chairperson of the Governing Body shall report to the Conference on the work of the Governing Body during the preceding year.

#### SECTION B

##### Verification of credentials

###### ARTICLE 26

###### *Examination of credentials*

*Const.* 1. The credentials of delegates and their advisers and of all other accredited  
3, 8, 9 members of the delegation of a member State shall be deposited with the Inter-

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national Labour Office at least 15 days before the date fixed for the opening of the session of the Conference.

2. A brief report upon these credentials shall be drawn up by the Chairperson of the Governing Body. It shall, with the credentials, be made available for inspection on the day before the opening of the session of the Conference and shall be published on the day of the opening of the session.

3. The Credentials Committee appointed by the Conference in pursuance of article 5 of the Standing Orders of the Conference shall consider the credentials, as well as any objection, complaint or report concerning them.

### ARTICLE 26bis

#### *Objections*

1. An objection in pursuance of article 5, paragraph 2(a), shall not be receivable in the following cases:

- (a) if the objection is not lodged with the Secretary-General within 72 hours from 10 a.m. of the first day of the Conference, the date of publication in the *Provisional Record* of the official list of delegations, on the basis of the presence of a person's name or functions on this list, or its absence. If the objection is based on a revised list, the time limit shall be reduced to 48 hours;
- (b) if the authors of the objection remain anonymous;
- (c) if the author of the objection is serving as adviser to the delegate to whose nomination objection is taken;
- (d) if the objection is based upon facts or allegations which the Conference, by a debate and a decision referring to identical facts or allegations, has already discussed and recognized to be irrelevant or devoid of substance.

2. The procedure for the determination of whether an objection is receivable shall be as follows:

- (a) the Credentials Committee shall consider in respect of each objection whether on any of the grounds set forth in paragraph 1 the objection is irreceivable;
- (b) if the Committee reaches a unanimous conclusion concerning the receivability of the objection, its decision shall be final;
- (c) if the Credentials Committee does not reach a unanimous conclusion concerning the receivability of the objection, it shall refer the matter to the Conference which shall, on being furnished with a record of the Committee's discussions and with a report setting forth the opinion of the majority and minority of its members, decide without further discussion whether the objection is receivable.

3. The Credentials Committee shall consider whether every objection deemed to be receivable is well founded and shall as a matter of urgency submit a report thereon to the Conference.

4. If the Credentials Committee or any member thereof submits a report advising that the Conference should refuse to admit any delegate or adviser, the President shall submit this proposal to the Conference for decision, and the Conference, if it deems that the delegate or adviser has not been nominated in conformity with the requirements of the Constitution, may, in accordance with paragraph 9 of article 3 thereof, refuse by two-thirds of the votes cast by the delegates present to admit the delegate or adviser. Delegates who are in favour

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of refusing to admit the delegate or adviser shall vote “Yes”; delegates who are opposed to refusing to admit the delegate or adviser shall vote “No”.

5. Pending final decision of the question of their admission, any delegate or adviser to whose nomination objection has been taken shall have the same rights as other delegates and advisers.

6. If the Credentials Committee considers unanimously that the issues raised by an objection relate to a violation of the principles of freedom of association which has not already been examined by the Governing Body’s Committee on Freedom of Association, it may propose referral of the question to that Committee. The Conference shall decide, without discussion, on such proposals for referral.

7. When, in the light of the examination of an objection, the Credentials Committee unanimously considers that it is necessary to monitor the situation, it may propose this to the Conference, which shall decide, without discussion, on the proposal. If it is so decided, the Government concerned shall report on such questions that the Credentials Committee judges necessary, to the subsequent session of the Conference when it submits the delegation’s credentials.

### ARTICLE 26ter

#### *Complaints*

1. The Credentials Committee may consider complaints that a Member has failed to comply with paragraph 2(a) of article 13 of the Constitution where:

- (a) the Member is alleged to have failed to pay the travelling and subsistence expenses of one or more of the delegates that it has nominated in accordance with article 3, paragraph 1, of the Constitution; or
- (b) the complaint alleges a serious and manifest imbalance as between the number of Employer or Worker advisers whose expenses have been covered in the delegation concerned and the number of advisers appointed for the Government delegates.

2. The Credentials Committee may also consider complaints alleging that an accredited delegate or adviser has been prevented from attending the session of the Conference due to an act or omission of a government.

3. A complaint shall be receivable if:

- (a) it is lodged with the Secretary-General of the Conference before 10 a.m. on the seventh day following the opening of the Conference or, thereafter, in the case of a complaint referred to in paragraph 2, it is lodged within 48 hours of the alleged act or omission preventing attendance of the delegate or adviser concerned, and if the Committee considers that there is sufficient time to deal with it properly; and
- (b) it is lodged by an accredited delegate or adviser alleging the non payment of travel and subsistence expenses in the circumstances set out under (a) or (b) of paragraph 1, or alleging the act or omission of a government as referred to in paragraph 2, or it is lodged by an organization or person acting on behalf of such delegate or adviser.



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4. The Credentials Committee shall, in its report, present to the Conference any conclusions that it has unanimously reached on each complaint considered by it.

5. In the case of a complaint referred to in paragraph 2, if the Credentials Committee has been unable to resolve the matter, the Committee may refer the matter to the Officers of the Conference. The Officers of the Conference, soliciting the collaboration of the government concerned, may take any action they deem necessary and appropriate with a view to facilitating the attendance at the Conference of the delegate or adviser concerned. The Officers will inform the Credentials Committee of the outcome of any such action.

6. When, in the light of the examination of a complaint, the Credentials Committee unanimously considers that it is necessary to monitor the situation, it may propose this to the Conference, which shall decide, without discussion, on the proposal. If it is so decided, the government concerned shall report on such questions that the Credentials Committee judges necessary, to the subsequent session of the Conference when it submits the delegation's credentials.

### ARTICLE 26 *quater*

#### *Monitoring*

The Credentials Committee also monitors any situation relating to respect by a member State for the provisions of articles 3 or 13, paragraph 2(a), of the Constitution with regard to which the Conference has requested the government concerned to report. With this objective, the Committee shall report to the Conference on the evolution of the situation. It may unanimously propose any one of the measures contained in paragraphs 4 to 7 of article 26 *bis* or paragraphs 3 and 4 of article 26 *ter*. The Conference shall decide, without discussion, on such proposals.

## SECTION C

### Admission of new Members

#### ARTICLE 27

*Const.* 1, 3 1. The acceptance of membership of the International Labour Organization in pursuance of paragraph 3 of article 1 of the Constitution of the Organization by a Member of the United Nations shall take effect on receipt by the Director-General of the International Labour Office of a formal and unconditional acceptance of the obligations of the Constitution of the Organization.

2. The Director-General shall inform the Members of the Organization and the International Labour Conference of the acceptance of membership of the International Labour Organization by a Member of the United Nations.

#### ARTICLE 28

*Const.* 1, 4 1. The admission of new Members to the International Labour Organization by the General Conference, in accordance with article 1, paragraph 4, of the Constitution of the Organization, shall be governed by the provisions of the present article.

2. Each application for admission made to the Conference shall be referred in the first instance to the Selection Committee.

3. Unless the Selection Committee is of the opinion that no immediate action should be taken on the application, it shall refer the application to a subcommittee for examination.

4. Before submitting its report to the Selection Committee the subcommittee may consult any representative accredited to the Conference by the applicant.

5. The Selection Committee, after considering the report of the subcommittee, shall report on the question to the Conference.

*Const.* 6. In accordance with article 1, paragraph 4, of the Constitution of the  
1, 4 Organization:

(a) a vote concurred in by two-thirds of the delegates attending the session, including two-thirds of the Government delegates present and voting, shall be necessary for the admission of a new Member by the Conference;

(b) the admission shall take effect on the communication to the Director-General of the International Labour Office by the Government of the new Member of its formal acceptance of the obligations of the Constitution of the Organization.

7. The readmission of former Members by the General Conference of the International Labour Organization shall be governed by the provisions of the preceding paragraphs of the present article. When the subcommittee provided for by paragraph 3 above has before it an application for readmission by a former Member which had ratified international labour Conventions before its withdrawal from the Organization, the subcommittee shall state in its report whether the applicant recognizes that the obligations resulting from those Conventions continue to be binding.

## SECTION D

### **Disqualification from voting of Members which are in arrears in the payment of their contributions to the Organization**

#### ARTICLE 29

##### *Notification to Member in arrears*

1. If the Director-General finds that the amount of the arrears due from a Member of the Organization which is in arrears in the payment of its contribution to the Organization will, in the event of no payment being received from the Member during the succeeding three months, increase so as to equal or exceed the amount of the contribution due from that Member for the two full years preceding the expiration of the said period of three months, the Director-General shall send to the Member in question a communication calling its attention to the terms of article 13, paragraph 4, of the Constitution.

*Const.* 2. When the amount of the arrears due to the International Labour Organ-  
13, 4 ization from a Member which is in arrears in the payment of its contribution to the Organization equals or exceeds the contribution due from that Member for the preceding two full years, the Director-General shall notify the Member in question of this fact and call its attention to the terms of article 13, paragraph 4, of the Constitution.

3. Contributions are due on 1 January of the year to which they relate, but the year in respect of which they are due shall be regarded as a period of grace

and a contribution shall be regarded as being in arrears for the purpose of this article only if it has not been paid by 31 December of the year in respect of which it is due.

ARTICLE 30

*Notification to Conference and Governing Body  
that Member is in arrears*

The notification provided for in paragraph 2 of article 29 shall be brought by the Director-General to the attention of the next sessions of the International Labour Conference, the Governing Body, and any other committee of the International Labour Organization in which the question of the right to vote of the Member concerned may arise, and to the attention of the electoral colleges provided for in Articles 49 and 50 of the Standing Orders of the Conference.

ARTICLE 31

*Procedure where proposal is made to permit Member  
in arrears to vote*

1. Any request or proposal that the Conference should nevertheless permit a Member which is in arrears in the payment of its contributions to vote in accordance with article 13, paragraph 4, of the Constitution shall be referred in the first instance to the Finance Committee of the Conference, which shall report thereon as a matter of urgency.

2. Pending a decision on the request or proposal by the Conference, the Member shall not be entitled to vote.

3. The Finance Committee shall submit to the Conference a report giving its opinion on the request or proposal.

4. If the Finance Committee, having found that the failure to pay is due to conditions beyond the control of the Member, thinks fit to propose to the Conference that the Member should nevertheless be permitted to vote in accordance with article 13, paragraph 4, of the Constitution, it shall in its report:

- (a) explain the nature of the conditions beyond the Member's control;
- (b) give an analysis of the financial relations between the Member and the Organization during the preceding ten years; and
- (c) indicate the measures which should be taken in order to settle the arrears.

5. Any decision which may be taken by the Conference to permit a Member which is in arrears in the payment of its contribution to vote notwithstanding such arrears may be made conditional upon the Member complying with any recommendations for settling the arrears which may be made by the Conference.

ARTICLE 32

*Period of validity of a decision to permit Member  
in arrears to vote*

1. Any decision by the Conference permitting a Member which is in arrears in the payment of its contributions to vote shall be valid for the session of the Conference at which the decision is taken. Any such decision shall be operative

in regard to the Governing Body and committees until the opening of the general session of the Conference next following that at which it was taken.

2. Notwithstanding the provisions of paragraph 1 of this article, after the Conference has approved an arrangement under which the arrears of a Member are consolidated and are payable in annual instalments over a period of years, the Member shall be permitted to vote provided that, at the time of the vote concerned, the Member has fully paid all instalments under the arrangement, as well as all financial contributions under article 13 of the Constitution that were due before the end of the previous year. For any Member which, at the close of the session of the Conference, has not fully paid all such instalments and contributions due before the end of the previous year, the permission to vote shall lapse.

#### ARTICLE 33

##### *Cessation of disqualification from voting*

When, as a result of the receipt by the Director-General of the International Labour Office of payments made by a Member, article 13, paragraph 4, of the Constitution ceases to be applicable to that Member:

- (a) the Director-General shall notify the Member that its right to vote is no longer suspended;
- (b) if the International Labour Conference, the Governing Body, the electoral colleges provided for in articles 49 and 50 of the Standing Orders of the Conference, or any committee concerned, has received the notification provided for in article 30 of the present section, the Director-General shall inform it that the right to vote of the Member is no longer suspended.

### SECTION E

#### **Convention and Recommendation procedure**

#### ARTICLE 34\*

##### *General provisions*

1. *When a proposal to place an item on the agenda of the Conference is discussed for the first time by the Governing Body, the Governing Body cannot, without the unanimous consent of the members present, take a decision until the following session.*

2. *When it is proposed to place on the agenda of the International Labour Conference an item which implies a knowledge of the laws in force in the various countries, the Office shall place before the Governing Body a concise statement of the existing laws and practice in the various countries relative to that item. This statement shall be submitted to the Governing Body before it takes its decision.*

3. *When considering the desirability of placing a question on the agenda of the International Labour Conference, the Governing Body may, if there are spe-*

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\* Ed. note: This article and the two following articles consist of provisions of the Standing Orders of the Governing Body which are included here for convenience of reference but are not part of the Standing Orders of the Conference.

*cial circumstances which make this desirable, decide to refer the question to a preparatory technical conference with a view to such a conference making a report to the Governing Body before the question is placed on the agenda. The Governing Body may, in similar circumstances, decide to convene a preparatory technical conference when placing a question on the agenda of the Conference.*

*4. Unless the Governing Body has otherwise decided, a question placed on the agenda of the Conference shall be regarded as having been referred to the Conference with a view to a double discussion.*

*5. In cases of special urgency or where other special circumstances exist, the Governing Body may, by a majority of three-fifths of the votes cast, decide to refer a question to the Conference with a view to a single discussion.*

#### ARTICLE 35

##### *Method of voting for placing items on the agenda*

*1. When agreement on the agenda of the Conference has not been reached without vote, the Governing Body shall decide by a first vote whether it will place all the questions proposed on the agenda. If it decides to insert all the questions proposed, the agenda of the Conference is considered as fixed. If it does not so decide, the procedure shall be as follows:*

*2. Each member of the Governing Body entitled to vote shall receive a voting paper on which a list of all the questions proposed is given, and shall indicate the order in which he wishes them to be considered for inclusion in the agenda by marking his first preference "1", his second "2" and so forth; a voting paper which does not indicate the order of preference for all the questions proposed shall be void. Each member shall place his voting paper in the ballot box as his name is called on the roll.*

*3. Whenever a question is indicated as a first preference, it shall be allotted one point, whenever it is indicated as a second preference, two points and so forth. The questions shall then be listed on the basis of the total points obtained, the question with the lowest total being regarded as the first in order of preference. If the voting results in an equal number of points for each of two or more questions, a vote by show of hands shall be taken as between them. If the voting is still equal, the order of preference shall be decided by lot.*

*4. The Governing Body shall then decide the number of questions to be placed on the agenda, in the order of priority established in accordance with paragraphs 2 and 3. For that purpose, it shall vote first on the total number of questions proposed minus one, second on the total number of questions proposed minus two, and so forth, until a majority is obtained.*

#### ARTICLE 36

##### *Preparatory conferences*

*1. When the Governing Body decides that a question shall be referred to a preparatory technical conference it shall determine the date, composition and terms of reference of the said preparatory conference.*

*2. The Governing Body shall be represented at such technical conferences which, as a general rule, shall be of a tripartite character.*

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3. *Each delegate to such conferences may be accompanied by one or more advisers.*

4. *For each preparatory conference convened by the Governing Body, the Office shall prepare a report adequate to facilitate an exchange of views on all the issues referred to it and, in particular, setting out the law and practice in the different countries.*

### ARTICLE 37

#### *Objections to items on the agenda*

*Const.* 16, 2 If an objection has been lodged against any item on the agenda by the government of any of the Members, the Conference, after hearing any report upon the subject which the Governing Body may have presented, shall, in accordance with article 16 of the Constitution of the Organization, decide whether such item is to be retained on the agenda or not.

### ARTICLE 38

#### *Preparatory stages of single-discussion procedure*

1. When a question is governed by the single-discussion procedure the International Labour Office shall communicate to the governments, so as to reach them not less than 18 months before the opening of the session of the Conference at which the question is to be discussed, a summary report upon the question containing a statement of the law and practice in the different countries and accompanied by a questionnaire drawn up with a view to the preparation of Conventions or Recommendations. This questionnaire shall request governments to consult the most representative organizations of employers and workers before finalizing their replies and to give reasons for their replies. Such replies should reach the Office as soon as possible and not less than 11 months before the opening of the session of the Conference at which the question is to be discussed. In the case of federal countries and countries where it is necessary to translate questionnaires into the national language the period of seven months allowed for the preparation of replies shall be extended to eight months if the government concerned so requests.

2. On the basis of the replies received the Office shall draw up a final report which may contain one or more Conventions or Recommendations. This report shall be communicated by the Office to the governments as soon as possible and every effort shall be made to secure that the report shall reach them not less than four months before the opening of the session of the Conference at which the question is to be discussed.

3. These arrangements shall apply only in cases in which the question has been included in the agenda of the Conference not less than 26 months before the opening of the session of the Conference at which it is to be discussed. If the question has been included in the agenda less than 26 months before the opening of the session of the Conference at which it is to be discussed, a programme of reduced intervals shall be approved by the Governing Body; if the Officers of the Governing Body do not consider it practicable for the Governing Body to approve a detailed programme it shall be in their discretion to agree on a programme of reduced intervals with the Director-General.

4. If a question on the agenda has been considered at a preparatory technical conference the Office, according to the decision taken by the Governing Body in this connection, may either:

- (a) communicate to the governments a summary report and a questionnaire as provided for in paragraph 1 above; or
- (b) itself draw up on the basis of the work of the preparatory technical conference the final report provided for in paragraph 2 above.

**ARTICLE 39***Preparatory stages of double-discussion procedure*

1. When a question is governed by the double-discussion procedure, the International Labour Office shall prepare as soon as possible a preliminary report setting out the law and practice in the different countries and any other useful information, together with a questionnaire. The report and the questionnaire requesting the governments to consult the most representative organizations of employers and workers before finalizing their replies and to give reasons for their replies shall be communicated by the Office to the governments so as to reach them not less than 18 months before the opening of the session of the Conference at which the question is to be discussed.

2. The replies should reach the Office as soon as possible and not less than 11 months before the opening of the session of the Conference at which the question is to be discussed. In the case of federal countries and countries where it is necessary to translate questionnaires into the national language, the period of seven months allowed for the preparation of replies shall be extended to eight months if the government concerned so requests.

3. The Office shall prepare a further report on the basis of the replies received indicating the principal questions which require consideration by the Conference. This report shall be communicated by the Office to the governments as soon as possible and every effort shall be made to secure that the report shall reach them not less than four months before the opening of the session of the Conference at which the question is to be discussed.

4. These reports shall be submitted to a discussion by the Conference either in full sitting or in committee, and if the Conference decides that the matter is suitable to form the subject of Conventions or Recommendations it shall adopt such conclusions as it sees fit and may either:

- (a) decide that the question shall be included in the agenda of the following session in accordance with article 16, paragraph 3, of the Constitution; or
- (b) ask the Governing Body to include the question in the agenda of a later session.

5. The arrangements referred to in paragraphs 1 to 4 shall apply only in cases in which the question has been included in the agenda of the Conference not less than 18 months before the opening of the session of the Conference at which the first discussion is to take place. If the question has been included in the agenda less than 18 months before the opening of the session of the Conference at which the first discussion is to take place, a programme of reduced intervals shall be approved by the Governing Body; if the Officers of the Governing Body do not consider it practicable for the Governing Body to approve a detailed programme it shall be in their discretion to agree on a programme of reduced intervals with the Director-General.

6. On the basis of the replies received to the questionnaire referred to in paragraph 1 and on the basis of the first discussion by the Conference, the Office may prepare one or more Conventions or Recommendations and communicate them to the governments so as to reach them not later than two months from the closing of the session of the Conference, asking them to state within three months, after consulting the most representative organizations of employers and workers, whether they have any amendments to suggest or comments to make.

7. On the basis of the replies received, the Office shall draw up a final report containing the text of Conventions or Recommendations with any necessary amendments. This report shall be communicated by the Office to the governments so as to reach them not less than three months before the opening of the session of the Conference at which the question is to be discussed.

8. The arrangements referred to in paragraphs 6 and 7 shall apply only in cases in which there exists a period of 11 months between the closing of the session of the Conference at which the first discussion took place and the opening of the next session of the Conference. If the period between the two sessions of the Conference is less than 11 months, a programme of reduced intervals shall be approved by the Governing Body; if the Officers of the Governing Body do not consider it practicable for the Governing Body to approve a detailed programme it shall be in their discretion to agree on a programme of reduced intervals with the Director-General.

#### ARTICLE 39 *bis*

##### *Consultation of the United Nations and other specialized agencies*

Where items are placed on the agenda of the Conference with a view to the adoption of a Convention or a Recommendation, the International Labour Office shall, at the same time as it is requesting governments for their comments on the proposed Convention or Recommendation, consult the United Nations and other specialized agencies in respect of any provision of the proposed Convention or Recommendation which affects the activities of such organization or organizations, and the comments of such organization or organizations shall be brought before the Conference, together with the comments received from governments.

#### ARTICLE 40

##### *Procedure for the consideration of texts*

1. The Conference shall decide whether it will take as the basis of discussion the Conventions or Recommendations prepared by the International Labour Office, and shall decide whether such Conventions or Recommendations shall be considered in full Conference or referred to a committee for report. These decisions may be preceded by a debate in full Conference on the general principles of the suggested Convention or Recommendation.

2. When the Conference has referred to a committee the text of a Recommendation only, a decision by the committee to propose a Convention to the Conference for adoption (in place of or in addition to the Recommendation) shall require a two-thirds majority of the votes cast.

3. If the Convention or Recommendation is considered in full Conference, each clause shall be placed before the Conference for adoption. During the debate and until all the clauses have been disposed of, no motion other than a



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motion to amend a clause of such Convention or Recommendation or a motion as to procedure shall be considered by the Conference.

4. If the Convention or Recommendation be referred to a committee, the Conference shall, after receiving the report of the committee, proceed to discuss the Convention or Recommendation in accordance with the rules laid down in paragraph 3. The discussions shall not take place before the day following that on which copies of the report have been circulated to the delegates.

5. During the discussion of the Articles of a Convention or Recommendation, the Conference may refer one or more Articles to a committee.

6. If a Convention contained in the report of a committee is rejected by the Conference, any delegate may ask the Conference to decide forthwith whether the Convention shall be referred back to the committee to consider the transformation of the Convention into a Recommendation. If the Conference decides to refer the matter back, the report of the committee shall be submitted to the approval of the Conference before the end of the session.

7. The provisions of a Convention or Recommendation as adopted by the Conference shall be referred to the Drafting Committee for the preparation of a final text. This text shall be circulated to the delegates.

8. No amendment shall be allowed to this text, but notwithstanding this provision the President, after consultation with the three Vice-Presidents, may submit to the Conference amendments which have been handed to the Secretariat before the final vote is taken.

*Const.*  
**19** 9. On receipt of the text prepared by the Drafting Committee and after discussion of amendments, if any, submitted in accordance with the preceding paragraph, the Conference shall proceed to take a final vote on the adoption of the Convention or Recommendation in accordance with article 19 of the Constitution of the Organization.

### ARTICLE 41

#### *Procedure if a Convention fails to obtain a two-thirds majority*

If a Convention on a final vote fails to obtain the necessary two-thirds majority, but obtains a simple majority, the Conference shall decide forthwith whether the Convention shall be referred to the Drafting Committee to be drafted in the form of a Recommendation. If the Conference approves the reference to the Drafting Committee, the proposals contained in the Convention shall be submitted for the approval of the Conference in the form of a Recommendation before the end of the session.

### ARTICLE 42

#### *Official translations*

After the adoption of the French and English authentic texts, official translations of the Conventions and Recommendations may, at the request of interested governments, be drawn up by the Director-General of the International Labour Office. It will be open to the Governments concerned to consider such translations as authoritative in their respective countries for the application of the Conventions and Recommendations.

## ARTICLE 43\*

*Procedure for placing on the agenda of the Conference the question of revising a Convention in whole or in part*

1. *When the Governing Body, in accordance with the provisions of a Convention, considers it necessary to present to the Conference a report on the working of the said Convention and to examine if it is desirable to place the question of its revision in whole or in part on the agenda of the Conference, the Office shall submit to the Governing Body all the information which it possesses, particularly on the legislation and practice relating to the said Convention in those countries which have ratified it and on the legislation relating to the subject of the Convention and its application in those which have not ratified it. The draft report of the Office shall be communicated to all Members of the Organisation for their observations.*

2. *After a lapse of six months from the date of circulation to members of the Governing Body and to Governments of the draft report the Office referred to in paragraph 1, the Governing Body shall fix the terms of the report and shall consider the question of placing the revision in whole or in part of the Convention on the agenda of the Conference.*

3. *If the Governing Body takes the view that it is not desirable to place the revision in whole or in part of the Convention on the agenda, the Office shall communicate the above-mentioned report to the Conference.*

4. *If the Governing Body takes the view that it is desirable that the question of placing the revision in whole or in part of the Convention on the agenda of the Conference should be further pursued, the Office shall send the report to the governments of the Members and shall ask them for their observations, drawing attention to the points which the Governing Body has considered specially worthy of attention.*

5. *The Governing Body shall, on the expiry of four months from the date of the despatch of the report to the governments, taking into account the replies of the governments, adopt the final report and define exactly the question or questions which it places on the agenda of the Conference.*

6. *If at any time other than a time at which the Governing Body, in accordance with the provisions of a Convention, considers it necessary to present to the Conference a report on the working of the said Convention, the Governing Body should decide that it is desirable to consider placing upon the agenda of the Conference the revision in whole or in part of any Convention, the Office shall notify this decision to the Governments of the Members and shall ask them for their observations, drawing attention to the points which the Governing Body has considered specially worthy of attention.*

7. *The Governing Body shall, on the expiry of four months from the date of the despatch of this notification to the governments, taking into account the replies of the governments, define exactly the question or questions which it places on the agenda of the Conference.*

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\* Ed. note: This article consists of provisions of the Standing Orders of the Governing Body which are included here for convenience of reference, but are not part of the Standing Orders of the Conference.

## ARTICLE 44

*Procedure in case of revision of a Convention*

1. When the revision in whole or in part of a Convention which has been previously adopted by the Conference is included in the agenda, the Conference shall proceed in accordance with the following provisions:

2. The International Labour Office shall submit to the Conference draft amendments drawn up in accordance with the conclusions of the report of the Governing Body recommending the revision in whole or in part of the Convention previously adopted and corresponding to the question or questions in respect of which a proposal for revision has been placed on the agenda.

3. The Conference shall decide whether it will take as the basis of discussion the draft amendments prepared by the International Labour Office, and shall decide whether they shall be considered in full Conference or referred to a committee for report. These decisions may be preceded by a debate in full Conference on the general principles of the proposed revision in whole or in part within the limits permitted by the agenda.

4. If the draft amendments are considered in full Conference, each of them shall be placed successively before the Conference for adoption. During the debate, and until all the draft amendments have been disposed of, no motion other than a motion to amend the text of one of them or a motion as to procedure shall be considered by the Conference.

5. If the draft amendments be referred to a committee, the Conference shall, after receiving the report of the committee, proceed to discuss the text of each draft amendment in succession, in accordance with the rules laid down in the last preceding paragraph. The discussion shall not take place before the day following that on which copies of the report have been circulated to the delegates.

6. During the discussion of the draft amendments the Conference may refer one or more of them to a committee.

7. The amendments together with consequential amendments of the unamended provisions of the Convention under revision, as adopted by the Conference, shall be referred to the Conference Drafting Committee, which shall combine with them the unamended provisions of the Convention under revision, so as to establish the final text of the Convention in the revised form. This text shall be circulated to the delegates.

8. No amendment shall be allowed to this text but, notwithstanding this provision, the President, after consultation with the three Vice-Presidents, may submit to the Conference amendments which have been handed to the Secretariat before the final vote is taken.

9. On receipt of the text prepared by the Drafting Committee and after discussion of the amendments, if any, submitted in accordance with the preceding paragraph, the Conference shall proceed to take a final vote on the adoption of the Convention in accordance with article 19 of the Constitution of the Organization.

10. In accordance with article 14 of the Constitution of the Organization and subject in the provisions of article 16, paragraph 3, of the said Constitution, the Conference shall not at any stage of the procedure of revision revise in whole or in part a Convention which has previously been adopted by it, save in respect of a question or questions placed by the Governing Body on the agenda of the session.

ARTICLE 45

*Procedure in case of revision of a Recommendation*

*Const.*  
14; 16, 3

1. When the revision in whole or in part of a Recommendation which has been previously adopted by the Conference is included in the agenda, the International Labour Office shall submit to the Conference draft amendments corresponding to the question or questions in respect of which a proposal for revision has been placed on the agenda.

2. The Conference shall decide whether it will take as the basis of discussion the draft amendments prepared by the International Labour Office, and shall decide whether they shall be considered in full Conference or referred to a committee for report. These decisions may be preceded by a debate in full Conference on the general principles of the proposed revision in whole or in part within the limits permitted by the agenda.

3. If the draft amendments are considered in full Conference, each of them shall be placed successively before the Conference for adoption. During the debate, and until all the draft amendments have been disposed of, no motion other than a motion to amend the text of one of them or a motion as to procedure shall be considered by the Conference.

4. If the draft amendments be referred to a committee, the Conference shall, after receiving the report of the committee, proceed to discuss the text of each draft amendment in succession, in accordance with the rules laid down in the last preceding paragraph. The discussion shall not take place before the day following that on which copies of the report have been circulated to the delegates.

5. During the discussion of the draft amendments the Conference may refer one or more of them to a committee.

6. The amendments, together with the consequential amendments of the unamended provisions of the Recommendation under revision, as adopted by the Conference, shall be referred to the Conference Drafting Committee, which shall combine with them the unamended provisions of the Recommendation under revision so as to establish the final text of the Recommendation in the revised form. This text shall be circulated to the delegates.

7. No amendment shall be allowed to this text but, notwithstanding this provision, the President, after consultation with the three Vice-Presidents, may submit to the Conference amendments which have been handed to the Secretariat before the final vote is taken.

8. On receipt of the text prepared by the Drafting Committee and after discussion of the amendments, if any, submitted in accordance with the preceding paragraph, the Conference shall proceed to take a final vote on the adoption of the Recommendation in accordance with article 19 of the Constitution of the Organization.

9. In accordance with article 14 of the Constitution of the Organization, and subject to the provisions of article 16, paragraph 3, of the said Constitution, the Conference shall not revise in whole or in part a Recommendation which has previously been adopted by it, save in respect of a question or questions placed by the Governing Body on the agenda of the session.

## ARTICLE 45 bis

*Procedure to be followed in the event of the abrogation\* or withdrawal of Conventions and Recommendations*

1. When an item to be placed on the agenda of the Conference concerns the abrogation of a Convention in force or the withdrawal of a Convention that is not in force or of a Recommendation, the Office shall place before the Governing Body a report containing all relevant information which the Office possesses on this subject.

2. When an item on abrogation or withdrawal is placed on the agenda of the Conference, the Office shall communicate to the governments, so as to reach them not less than 18 months before the opening of the session of the Conference at which the item is to be discussed, a short report and questionnaire requesting them to indicate within a period of 12 months their position, along with the reasons therefor, on the subject of the said abrogation or withdrawal, along with the relevant information. This questionnaire shall request governments to consult the most representative organizations of employers and workers before finalizing their replies. On the basis of the replies received, the Office shall draw up a report containing a final proposal which shall be distributed to governments four months before the session of the Conference.

3. The Conference may decide to examine this report and the proposal which it contains directly in a plenary sitting or send it to the Selection Committee. At the end of this examination in the plenary or in the light of the report of the Selection Committee, as appropriate, the Conference shall decide by consensus or, failing that, by a preliminary vote by a two-thirds majority to submit the formal proposal for the abrogation or withdrawal to a final vote. This record vote shall take place no earlier than the day following the preliminary decision.

**SECTION F****Procedure for the consideration by the Conference of proposed amendments to the Constitution of the Organization\*\***

## ARTICLE 46

*Inclusion of proposals for the amendment of the Constitution in the agenda*

1. Any proposal for the amendment of the Constitution of the Organization shall only be considered by the Conference if it has been included in the agenda of the Conference by the Governing Body at least four months before the opening of the session at which it is to be considered in accordance with article 14 of the Constitution, or has been included in the agenda of the Conference by the preceding session of the Conference in accordance with paragraph 3 of article 16 of the Constitution.

2. When including any proposal for the amendment of the Constitution in the agenda the Governing Body or the Conference, as the case may be, shall define exactly the question or questions which it includes in the agenda of the Conference.

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\* Ed. note: Only applicable upon the entry into force of the Constitution of the International Labour Organisation Instrument of Amendment, 1997.

\*\* Ed. note: The entry into force of amendments is governed by article 36 of the Constitution.

## ARTICLE 47

*Procedure for the consideration of proposed amendments to the Constitution by the Conference*

1. The International Labour Office shall submit to the Conference draft amendments corresponding to the question or questions in respect of which a proposal for amendment has been included in the agenda.

2. The Conference shall decide whether it will take as the basis of discussion the draft amendments prepared by the International Labour Office and shall decide whether they shall be considered in full Conference or referred to a committee for report. These decisions may be preceded by a general debate in full Conference on the question or questions in respect of which a proposal for amendment has been included in the agenda.

3. If the draft amendments are considered in full Conference, each of them shall be placed successively before the Conference for preliminary adoption by a two-thirds majority of the delegates present. During the debate, and until the draft amendments have been disposed of, no motion other than a motion to amend the text of one of them or a motion as to procedure shall be considered by the Conference.

4. If the draft amendments be referred to a committee, the Conference shall, after receiving the report of the committee, proceed to discuss the text of each draft amendment in succession, in accordance with the rules laid down in the last preceding paragraph. The discussion shall not take place before the day following that on which copies of the report have been circulated to the delegates.

5. During the discussion of the draft amendments the Conference may refer one or more of them to a committee.

6. The amendments as adopted by the Conference shall be referred to the Conference Drafting Committee which shall embody them, together with any necessary consequential amendments of the unamended provisions of the Constitution, in a draft instrument of amendment the text of which shall be circulated to the delegates.

7. No amendment shall be allowed to this text, but notwithstanding this provision the President, after consultation with the three Vice-Presidents, may submit to the Conference amendments which have been handed in to the Secretariat the day after the circulation of the text as revised by the Drafting Committee.

8. On receipt of the text prepared by the Drafting Committee and after discussion of the amendments, if any, submitted in accordance with the preceding paragraph, the Conference shall proceed to take a final vote on the adoption of the draft instrument of amendment in accordance with article 36 of the Constitution of the Organization.

**SECTION G****Governing Body elections**

## ARTICLE 48

*Periodicity of elections*

In accordance with article 7 of the Constitution of the Organization the period of office of the members of the Governing Body shall be three years and

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meetings of the electoral colleges for the selection of 18 States for representation on the Governing Body and for the election of the Employer and Worker members of the Governing Body shall be held every third year in the course of the Conference. The period of office of the Governing Body shall commence at the close of the session of the Conference in the course of which elections were held.

### ARTICLE 49

#### *Government electoral college*

1. Subject to the provisions of article 13, paragraph 4, of the Constitution and of Section D of the Standing Orders of the Conference, the Government electoral college shall consist of the government delegates of all Members of the Organization excepting those of the ten Members of chief industrial importance.

2. Each member of the electoral college shall be entitled to cast one vote.

3. The Government electoral college shall select 18 Members of the Organization, the governments of which shall be entitled to appoint Government members of the Governing Body.

4. The Government electoral college shall also select 28 other Members of the Organization, the governments of which shall be entitled to appoint deputy Government members of the Governing Body.

### ARTICLE 50

#### *Employers' and Workers' electoral colleges*

1. The Employers' and Workers' electoral colleges shall consist of the Employers' and Workers' delegates to the Conference respectively, excluding the Employers' and Workers' delegates of States disqualified from voting in pursuance of the provisions of article 13, paragraph 4, of the Constitution and of Section D of the Standing Orders of the Conference.

2. The Employers' and Workers' electoral colleges shall each elect by name 14 persons as regular members of the Governing Body and 19 persons as deputy members of the Governing Body.

### ARTICLE 51

#### *Notice of elections*

At least 24 hours' notice shall be given of meetings for election of members of the Governing Body.

### ARTICLE 52

#### *Procedure of voting*

1. Each electoral college shall vote by secret ballot.

2. The Chairperson of each electoral college shall ask the representative of the President of the Conference to read the list of delegates who have the right to vote. Each delegate shall come forward as their names are called and place their voting papers in the ballot box.

3. The counting of the votes shall be carried out under the direction of the representative of the President of the Conference assisted by two returning

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officers appointed by the electoral college from among its members. However, if an electoral college requests to vote by electronic means, the provisions of article 19, paragraph 16, concerning a vote by secret ballot shall apply.

4. No State or person shall be considered to be elected without having obtained more than half of the votes cast by the members of the electoral college present at the meeting. If after the first vote one or more seats remain to be filled, one or more further votes shall be taken as may be necessary, each member of the electoral college being entitled to vote for a number of candidates equal to the number of seats which still remain to be filled.

5. On the conclusion of the voting the Chairperson of the electoral college shall announce the result of the meeting and a report shall be drawn up for communication to the Conference and deposited in the archives of the International Labour Office. This report shall be signed by the Chairperson of the electoral college and countersigned by the representative of the President of the Conference.

### ARTICLE 53

*[Deleted]*

### ARTICLE 54

*Vacancies*

1. If a State ceases, at a time when the Conference is meeting in ordinary session, to occupy one of the seats on the Governing Body reserved for the 18 States selected by the Government electoral college, the Government electoral college shall meet during the course of the session to appoint, in accordance with the procedure laid down in this section, another State to take its place.

2. If a State ceases, during an interval between sessions of the Conference, to occupy one of the seats on the Governing Body reserved for the 18 States selected by the Government electoral college, the Government group of the Governing Body shall proceed to replace it. The appointment thus made must be confirmed by the Government electoral college and communicated by it to the Conference. If such an appointment is not confirmed by the electoral college in question, a new election shall immediately be held in accordance with the relevant provisions of this section.

3. If a vacancy occurs, at any time whatsoever, owing to the decease or resignation of a Government representative, but the State concerned retains its seat on the Governing Body, the seat in question shall be occupied by the person whom the Government appoints to replace that representative.

4. If a vacancy occurs among the Employer or Worker members of the Governing Body at a time when the Conference is meeting in ordinary session, the electoral college concerned shall assemble during the course of the session to fill the vacancy, in accordance with the procedure laid down in this section.

5. If a vacancy occurs among the Employer or Worker members of the Governing Body during an interval between sessions of the Conference, the Governing Body group concerned shall proceed freely to fill the vacancy, without being required to appoint the new member from among the deputy members of the Governing Body. The appointment thus made must be confirmed by the electoral college concerned at the next session of the Conference and com-



municated by it to the Conference. If such an appointment is not confirmed by the electoral college in question, a new election shall immediately be held in accordance with the provisions of this section.

## **SECTION H**

### **Committees of the Conference**

#### ARTICLE 55

##### *Scope*

1. These Standing Orders apply to all committees appointed by the Conference except the Credentials Committee and the Drafting Committee.

2. The following provisions do not apply to the Selection Committee:

(a) article 56, paragraphs 6, 8, 9 and 10;

(b) the words “in agreement with the Selection Committee” in article 60;

(c) article 63;

(d) paragraphs 3 and 4 of article 65.

3. These Standing Orders apply to the Finance Committee of Government Representatives, except in so far as they are inapplicable because that Committee is not tripartite in character and consists solely of Government representatives. In addition, the following provisions do not apply to the Finance Committee:

(a) Article 56, paragraphs 6 and 10;

(b) Article 57, paragraph 2;

(c) the words “from each group” in the first sentence of article 64, paragraph 3; and the second sentence in that paragraph;

(d) Article 65, paragraph 1.

4. These Standing Orders apply to the Resolutions Committee subject to the special provisions contained in articles 62, paragraph 4, and 64, paragraph 4.

#### ARTICLE 56

##### *Composition of committees and right to participate in their work*

1. The Conference shall designate the Governments to be represented on each committee by Government members and shall appoint the delegates or advisers to be Employers’ and Workers’ members of the said committee.

2. Each Government designated in accordance with the preceding paragraph shall communicate to the secretariat of the committee the name of its regular representative and that of any substitute appointed.

3. The Employers’ group and the Workers’ group shall decide whether, and if so on what conditions, those of their members appointed to committees may be replaced by personal substitutes; the said groups shall inform the secretariat of the committee of their decisions.

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4. When the need to maintain a balance between the groups represented on a committee does not permit the Conference to meet all requests for membership of the said committee, the Conference may designate governments who will be represented on the committee by Government deputy members nominated by them and may appoint Employers' and Workers' delegates or advisers to be Employers' and Workers' deputy members of the committee.

5. These deputy members shall have the same rights as the members of the committee except that they may vote only on the following conditions:

- (a) Government deputy members may vote when they are so authorized by a written notification to the secretariat of the committee from a Government regular member of the committee who is not voting and has not been replaced by a substitute;
- (b) Employers' and Workers' deputy members may vote in place of a regular Employers' or Workers' member on the conditions defined by their respective groups; the groups shall inform the secretariat of the committee of all decisions taken in this connection.

6. In addition to the members of the committee, any delegate or any adviser who has received a written authorization for the purpose from the delegate to whom the adviser is attached shall be entitled to be present at the meetings and shall have the full rights of the members of the committee except the right to vote.

7. Representatives of official international organizations which have been invited to be represented at the Conference shall be entitled to be present at the meetings of the committee and may participate, without vote, in the discussion.

8. The following persons shall be entitled to be present at the meetings of the committee and may participate in the discussions with the permission of the Chairperson:

- (a) persons appointed as observers by a State invited to attend the Conference;
- (b) technical experts appointed to the committee by the Conference as assessors in accordance with article 18 of the Constitution of the Organization.

9. Representatives of non-governmental international organizations with which the International Labour Organization has established consultative relationships and with which standing arrangements for representation at the Conference have been made, and representatives of other non-governmental international organizations which the Conference, or the Selection Committee within the limits set out in article 4, paragraph 2, has invited to be represented at the committee, may be present at the meetings of the committee. The Chairperson may, in agreement with the Vice-Chairpersons, permit such representatives to make or circulate statements for the information of the committee upon matters included in its agenda. If agreement cannot be reached the matter shall be referred to the meeting for decision without discussion. This paragraph does not apply to meetings dealing with administrative or financial matters.

10. Representatives of liberation movements which have been invited to attend the Conference and which the Conference has invited to be represented at the committee may participate, without vote, in the discussions.

ARTICLE 57

*Officers of committees*

1. The first sitting of each committee shall be opened by an official of the Secretariat of the Conference appointed for the purpose by the Secretary-General. This official shall conduct the business until the Chairperson or a Vice-Chairperson has been elected.
2. Each committee shall elect a Chairperson and two Vice-Chairpersons, chosen one from each of the three groups.
3. Each committee shall then elect from among its members one or more Reporters to present the result of its deliberations to the Conference on its behalf. Before presenting a report to the committee for its approval, the Reporter or Reporters shall submit it to the Officers of the committee.
4. The Chairperson, Vice-Chairpersons and Reporters may be either delegates or advisers.

ARTICLE 58

*Languages of committees*

1. The French and English languages shall be the official languages of the committees.
2. Speeches in French shall be summarized in English and vice versa by an interpreter belonging to the Secretariat of the Conference.
3. Speeches made in Spanish shall be summarized by the official interpreters, who shall also give a summary in Spanish of speeches made in English and French.
4. A delegate may speak in another non-official language, but the relevant delegation must provide for a summarized translation of the speech into one of the two official languages by an interpreter attached to the delegation, unless an interpreter of the Conference for the official languages can be placed at its disposal by the Secretariat of the Conference. This summarized translation shall then be rendered in the other official language by an interpreter of the Secretariat.
5. In cases where at least one-fifth of the members of a committee taking an actual part in its work either as regular members or as substitutes declare individually and in writing that it is difficult for them to take part in the proceedings of the committee in either of the official languages or in Spanish and ask for an additional interpretation into another language with which they are conversant, the committee shall accede to that request, provided that the Secretariat of the Conference is able to supply the necessary interpreters.
6. In cases where the number of members of a committee who ask for an additional interpretation into a non-official language in the conditions laid down in the above paragraph is less than one-fifth of the number of members, the committee shall decide whether it shall accede to the request as an exceptional measure, and provided that the Secretariat of the Conference is able to furnish the necessary interpreters.

ARTICLE 59

*Committee drafting committees; subcommittees*

1. Each committee to which the Conference, in accordance with article 40 of the rules of procedure for Conventions and Recommendations, refers as a

basis of discussion texts of proposed Conventions or Recommendations shall set up at an early sitting a committee drafting committee consisting of one Government delegate, one Employers' delegate and one Workers' delegate together with the Reporter or Reporters of the committee and the Legal Adviser of the Conference. In so far as may be possible the committee drafting committee shall comprise members conversant with both official languages. The committee drafting committee may be assisted by the officials of the Secretariat of the Conference attached to each committee as experts on the particular item of the agenda concerned. The committee drafting committee shall form part of the Conference Drafting Committee when any Convention or Recommendation is submitted to the Conference by the committee concerned.

2. Each committee shall have power to set up subcommittees after due notice has been given to the three groups in the committee.

3. The Chairperson of a committee shall be entitled to attend the meetings of the committee drafting committee and of the subcommittees set up by the committee.

#### ARTICLE 60

##### *Sittings*

The Chairperson of the committee shall fix the date and time of the sittings after consulting the Vice-Chairpersons and in agreement with the Selection Committee.

#### ARTICLE 61

##### *Duties of the Chairperson*

1. The Chairperson shall declare the opening and close of the sittings. Before proceeding to the agenda, the Chairperson shall bring before the committee any communications which may concern it.

2. The Chairperson shall direct the debates, maintain order, ensure the observance of the Standing Orders, accord or withdraw the right to address the committee in accordance with the provisions of the Standing Orders, put questions to the vote and announce the result of the vote.

3. The Chairperson shall have the right to take part in the discussions and to vote except when replaced on the committee by a substitute but shall not have a casting vote.

4. In the absence of a Chairperson during a sitting or any part thereof, the Vice-Chairpersons shall preside alternately.

5. A Vice-Chairperson acting as Chairperson shall have the same rights and duties as the Chairperson.

#### ARTICLE 62

##### *Right to address the committee*

1. No one shall be entitled to address a committee without having sought and obtained permission of the Chairperson, who shall call upon speakers in the order in which they have signified their desire to speak.

2. The Chairperson may withdraw the right to speak from any speaker whose remarks are not relevant to the subject under discussion.

3. Except with the special consent of the committee, no speech may exceed ten minutes, exclusive of the time for the translation.

4. In the case of the Resolutions Committee the Chairperson may, after consultation with the two Vice-Chairpersons, submit to the Committee for decision without debate a proposal to reduce the time-limit for speeches on a specific topic to five minutes.

ARTICLE 63

*Motions, resolutions and amendments*

1. No motion, resolution or amendment shall be discussed unless it has been seconded.

2. (1) Motions as to procedure may be moved verbally and without previous notice. They may be moved at any time except after the Chairperson has called upon a speaker and before the speaker has finished speaking.

(2) Motions as to procedure include the following:

- (a) a motion to refer the matter back;
- (b) a motion to postpone consideration of the question;
- (c) a motion to adjourn the sitting;
- (d) a motion to adjourn the debate on a particular question;
- (e) a motion that the committee proceed with the next item on the agenda for the sitting;
- (f) a motion to ask for the opinion of the Chairperson, the Secretariat or the Legal Adviser of the Conference;
- (g) a motion for the closure of the discussion.

3. All resolutions and amendments other than motions as to procedure must be submitted in writing in one of the official languages or Spanish.

4. Resolutions and amendments must be handed in to the secretariat of the committee before 5 p.m. to enable the resolution or amendment to be discussed at a meeting to be held on the following morning, or before 11 a.m. to enable the resolution or amendment to be discussed at the meeting to be held in the afternoon of the same day.

5. The texts of resolutions and amendments shall be translated and distributed before the discussion to all members of the committee present at the sitting.

6. Only amendments to amendments already submitted under the conditions referred to above may be submitted during a sitting of a committee for discussion at that sitting. Such amendments shall be submitted in writing in one of the official languages or in Spanish.

7. (1) Amendments shall be voted on before the resolution to which they refer.

(2) If there are several amendments to a motion or resolution the Chairperson shall determine the order in which they shall be discussed and put to the vote, subject to the following provisions:

- (a) every motion, resolution or amendment shall be put to the vote;
- (b) amendments may be voted on either individually or against other amendments according as the Chairperson may decide, but if amendments are

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voted on against other amendments, the motion or resolution shall be deemed to be amended only after the amendment receiving the largest number of affirmative votes has been voted on individually and adopted;

(c) if a motion or resolution is amended as the result of a vote, that motion or resolution as amended shall be put to the meeting for a final vote.

8. (1) Any amendment may be withdrawn by the person who submitted it unless an amendment to it is under discussion or has been adopted.

(2) Any amendment so withdrawn may be moved without previous notice by any other person entitled to take part in the discussions of the committee.

9. Any member may at any time draw attention to the fact that the Standing Orders are not being observed, and the Chairperson shall give an immediate ruling on any question so raised.

### ARTICLE 64

#### *Closure*

1. Any member of a committee may move the closure either on a particular amendment or on the general question.

2. The Chairperson shall put a motion for the closure if it is supported by at least one-fifth of the members of the committee present at the sitting. Before putting it to the vote, however, the Chairperson shall read out the names of those persons who have already signified their wish to speak and they shall still have the right to speak after the closure has been voted.

3. If application is made for permission to speak against the closure, it shall be accorded to one speaker from each group. If the closure is voted, one member from each group, no member of which has already signified the wish to speak under the conditions provided for in the preceding paragraph, may speak on the question under discussion.

4. In the case of the Resolutions Committee only the sponsor of the motion, resolution or amendment under discussion, or one of the sponsors if there were several, shall have the right to speak on the question under discussion after the closure has been voted.

### ARTICLE 65

#### *Method of voting*

1. Subject to article 40, paragraph 2, of these Standing Orders, decisions shall be taken by a simple majority of the votes cast by the members of the committee present at the sitting.

2. Each member of the committee shall, except in the cases provided for in paragraphs 3 and 4 of this article, be entitled to cast one vote.

3. If the Conference has appointed to a committee twice as many Government members as Employers' or Workers' members,\* each Government member shall be entitled to cast one vote and each Employers' or Workers' member shall be entitled to cast two votes.

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\* Ed. note: In committees dealing with the items on the agenda, it is the practice of the Conference to give equal representation to the three groups in the Conference: Governments, Employers and Workers. As it not infrequently happens that governments desire representation on a committee in numbers which it is impossible for one or both of the other groups to equal,

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4. If the Conference has appointed to a committee one-and-a-half times as many Government members as Employers' or Workers' members, each Government member shall be entitled to cast two votes and each Employers' or Workers' member shall be entitled to cast three votes.

5. Any vote on the election of the Chairperson shall be by secret ballot.

6. Committees shall vote by a show of hands or by a record vote.

7. If the result of a vote by a show of hands is challenged, the Chairperson shall cause a record vote to be taken.

8. A record vote shall also be taken if requested by show of hands by at least one-fifth of the members present at the sitting, whether such request be made before or immediately after the vote by show of hands.

9. The vote shall be recorded by the secretariat and announced by the Chairperson.

10. No resolution, amendment or motion shall be adopted if an equal number of votes are cast for and against.

11. The Chairperson shall permit any members of the committee who so request to explain their vote briefly immediately after the voting. The Chairperson may limit the time allowed for such explanations.

### ARTICLE 66

#### *Quorum*

1. A vote is not valid if the number of votes cast for and against is less than two-fifths of the total voting power.

2. Where a quorum has not been obtained in a vote by show of hands, the Chairperson may immediately take a record vote. The Chairperson shall be obliged to do so if a record vote is called for by not less than one-fifth of the members of the committee present at the sitting.

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*(continued from p. 68)*

the principle of equality between the three groups on the committee can be maintained only by the adoption of special systems of voting. Two systems are employed.

Under the first of these systems, the committee is constituted in the same proportions as the Conference, with twice as many Government members as there are Employers' or Workers' members, but each Government member casts one vote and each member of the other two groups casts two votes.

Under the second system, the Government members are one-and-a-half times as numerous as the Employers' or Workers' members, but each Government member casts two votes and each member of the other two groups casts three votes.

The composition of each committee is the subject of a proposal to the Conference by the Selection Committee, and the normal system of voting or one of two special systems is applied as the case may require.

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### ARTICLE 67

#### *Amendments to text submitted by committee drafting committee*

Amendments to a text submitted to a committee by its drafting committee may be admitted by the Chairperson after consultation with the Vice-Chairpersons.

### ARTICLE 68

#### *Secretariat*

1. The Secretary-General of the Conference or a representative of the Secretary-General may, with the permission of the Chairperson, address committees, subcommittees or committee drafting committees.

2. The Secretary-General shall appoint an official of the Secretariat of the Conference to act as Secretary to each committee. This official will be required to undertake such additional duties as may be decided upon by the committee or the Chairperson.

### ARTICLE 69

*[Deleted]*

## SECTION I

### Conference groups

#### ARTICLE 70

##### *Autonomy of groups*

Subject to the Standing Orders each group shall control its own procedure.

#### ARTICLE 71

##### *Officers of groups*

1. At its first meeting each group shall elect a Chairperson, at least one Vice-Chairperson and a Secretary.

2. The Chairperson and the Vice-Chairperson or Vice-Chairpersons shall be selected from among the delegates and advisers constituting the group; the Secretary may be elected from among persons outside the group.

#### ARTICLE 72

##### *Official meetings*

1. Each group shall hold official meetings for the transaction of the following business, in accordance with the Conference Standing Orders:

- (a) the nomination of a Vice-President of the Conference;
- (b) the nomination of members of the Selection Committee;
- (c) the nomination of members for other committees;



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(d) elections for the Governing Body;

(e) any other matters referred to groups by the Selection Committee or by the Conference.

2. At the first official meeting of each group, a representative of the Secretariat shall be present, if the group so desires, to inform the group as to procedure.

3. At official meetings only delegates shall vote, provided always that a delegate may, by notice in writing to the President, appoint an accompanying adviser to act as substitute, if the delegate is unable to be present, in accordance with the provisions concerning the meetings of the Conference contained in article 1, paragraph 3, of these Standing Orders.

4. The Secretary of each group shall report forthwith to the Officers of the Conference the results of all official meetings.

### ARTICLE 73

#### *Procedure of voting at elections*

The President of the Conference or a person nominated by the President shall direct the actual procedure of voting in elections required for the appointment of Vice-Presidents of the Conference, members of committees, and members of the Governing Body; the President shall convoke in due time the delegates who have a right to vote, shall see that the votes are regularly counted and shall communicate to the Conference the results of the election.

### ARTICLE 74

#### *Non-official meetings*

Groups may at any time hold non-official meetings for discussion or the transaction of non-official business.

### ARTICLE 75

*[Deleted]*

## SECTION J

### **Suspension of a provision of the Standing Orders**

### ARTICLE 76

Subject to the provisions of the Constitution, the Conference, on the unanimous recommendation of the President and three Vice-Presidents, may exceptionally decide to suspend any provision of the Standing Orders, for the purpose of dealing with a specific non-controversial question before it when this will contribute to the orderly and expeditious functioning of the Conference. A decision may not be taken until the sitting following that at which a proposal to suspend the Standing Orders has been submitted to the Conference.

**NOTE FOR MARITIME SESSIONS  
OF THE INTERNATIONAL LABOUR CONFERENCE**

The above Standing Orders apply to all sessions of the International Labour Conference. However, their application to maritime sessions of the Conference is subject to the adjustments set out below:

*Articles 7, 7 bis and 11 bis* of the Standing Orders are not applicable.

*Article 12, paragraph 2:* The Report of the Director-General deals with the activities of the Organization in the maritime sector and recent developments affecting that sector.

*Article 17, paragraph 1(1):* The first sentence of this paragraph does not apply to maritime sessions.

*Article 17, paragraph 6:* The time for completion of the work of the Resolutions Committee may have to be fixed by the Conference on the recommendation of the Selection Committee, having regard to the date fixed for the closing of the session.

*Article 25, paragraph 5:* The Chairperson of the Governing Body reports to the Conference on work in the maritime sector since the last maritime session of the Conference.

*Articles 27–28* (Admission of new Members) are not applicable.

*Article 31* is not applicable.

*Articles 48–54* (Governing Body elections) are not applicable.



**AGREEMENT BETWEEN THE UNITED NATIONS  
AND THE  
INTERNATIONAL LABOUR ORGANISATION**

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**ACCORD ENTRE LES NATIONS UNIES  
ET L'ORGANISATION  
INTERNATIONALE DU TRAVAIL**

## **Agreement between the United Nations and the International Labour Organisation**

Article 57 of the Charter of the United Nations provides that specialised agencies established by intergovernmental agreement and having wide international responsibilities as defined in their basic instruments in economic, social, cultural, educational, health and related fields shall be brought into relationship with the United Nations.

The International Labour Conference, meeting in its 27th Session in Paris on 3 November 1945, adopted a resolution confirming the desire of the International Labour Organisation to enter into relationship with the United Nations on terms to be determined by agreement.

Therefore, the United Nations and the International Labour Organisation agree as follows:

### ARTICLE I

The United Nations recognises the International Labour Organisation as a specialised agency responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purposes set forth therein.

### ARTICLE II

#### *Reciprocal representation*

1. Representatives of the United Nations shall be invited to attend the meetings of the International Labour Conference (hereinafter called the Conference) and its committees, the Governing Body and its committees, and such general, regional or other special meetings as the International Labour Organisation may convene, and to participate, without vote, in the deliberations of these bodies.

2. Representatives of the International Labour Organisation shall be invited to attend meetings of the Economic and Social Council of the United Nations (hereinafter called the Council) and of its commissions and committees and to participate, without vote, in the deliberations of these bodies with respect to items on their agenda in which the International Labour Organisation has indicated that it has an interest.

3. Representatives of the International Labour Organisation shall be invited to attend, in a consultative capacity, meetings of the General Assembly and shall be afforded full opportunity for presenting to the General Assembly the views of the International Labour Organisation on questions within the scope of its activities.

4. Representatives of the International Labour Organisation shall be invited to attend meetings of the main committees of the General Assembly in which the International Labour Organisation has an interest and to participate, without vote, in the deliberations thereof.

5. Representatives of the International Labour Organisation shall be invited to attend the meetings of the Trusteeship Council and to participate, without vote, in the deliberations thereof with respect to items on the agenda in which the International Labour Organisation has indicated that it has an interest.

6. Written statements of the Organisation shall be distributed by the Secretariat of the United Nations to all Members of the General Assembly, the Council and its commissions and the Trusteeship Council as appropriate.

**ARTICLE III***Proposal of agenda items*

Subject to such preliminary consultation as may be necessary, the International Labour Organisation shall include in the agenda of the Governing Body items proposed to it by the United Nations. Similarly, the Council and its commissions and the Trusteeship Council shall include in their agenda items proposed by the International Labour Organisation.

**ARTICLE IV***Recommendations of the General Assembly and of the Council*

1. The International Labour Organisation, having regard to the obligation of the United Nations to promote the objectives set forth in article 55 of the Charter and the function and power of the Council, under article 62 of the Charter, to make or initiate studies and reports with respect to international economic, social, cultural, educational, health and related matters and to make recommendations concerning these matters to the specialised agencies concerned, and having regard also to the responsibility of the United Nations, under articles 58 and 63 of the Charter, to make recommendations for the coordination of the policies and activities of such specialised agencies, agrees to arrange for the submission, as soon as possible, to the Governing Body, the Conference or such other organ of the International Labour Organisation, as may be appropriate, of all formal recommendations which the General Assembly or the Council may make to it.

2. The International Labour Organisation agrees to enter into consultation with the United Nations upon request, with respect to such recommendations, and in due course to report to the United Nations on the action taken, by the Organisation or by its Members, to give effect to such recommendations, or on the other results of their consideration.

3. The International Labour Organisation affirms its intention of cooperating in whatever further measures may be necessary to make coordination of the activities of specialised agencies and those of the United Nations fully effective. In particular, it agrees to participate in, and to cooperate with, any body or bodies which the Council may establish for the purpose of facilitating such coordination, and to furnish such information as may be required for the carrying out of this purpose.

**ARTICLE V***Exchange of information and documents*

1. Subject to such arrangements as may be necessary for the safeguarding of confidential material, the fullest and promptest exchange of information and documents shall be made between the United Nations and the International Labour Organisation.

2. Without prejudice to the generality of the provisions of paragraph 1:
- (a) the International Labour Organisation agrees to transmit to the United Nations regular reports on the activities of the International Labour Organisation;
  - (b) the International Labour Organisation agrees to comply to the fullest extent practicable with any request which the United Nations may make for the furnishing of special reports, studies or information, subject to the conditions set forth in article XV; and
  - (c) the Secretary-General shall, upon request, consult with the Director regarding the provision to the International Labour Organisation of such information as may be of special interest to the Organisation.

**ARTICLE VI***Assistance to the Security Council*

The International Labour Organisation agrees to cooperate with the Economic and Social Council in furnishing such information and rendering such assistance to the Security Council as that Council may request including assistance in carrying out decisions of the Security Council for the maintenance or restoration of international peace and security.

**ARTICLE VII***Assistance to the Trusteeship Council*

The International Labour Organisation agrees to cooperate with the Trusteeship Council in the carrying out of its functions and in particular agrees that it will, to the greatest extent possible, render such assistance as the Trusteeship Council may request, in regard to matters with which the Organisation is concerned.

**ARTICLE VIII***Non-self-governing territories*

The International Labour Organisation agrees to cooperate with the United Nations in giving effect to the principles and obligations set forth in Chapter XI of the Charter with regard to matters affecting the well-being and development of the peoples of non-self-governing territories.

**ARTICLE IX***Relations with the International Court of Justice*

1. The International Labour Organisation agrees to furnish any information which may be requested by the International Court of Justice in pursuance of article 34 of the Statute of the Court.

2. The General Assembly authorises the International Labour Organisation to request advisory opinions of the International Court of Justice on legal questions arising within the scope of its activities other than questions concerning the mutual relationships of the Organisation and the United Nations or other specialised agencies.

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3. Such request may be addressed to the Court by the Conference, or by the Governing Body acting in pursuance of an authorisation by the Conference.

4. When requesting the International Court of Justice to give an advisory opinion, the International Labour Organisation shall inform the Economic and Social Council of the request.

### ARTICLE X

#### *Headquarters and regional offices*

1. The International Labour Organisation, having regard to the desirability of the headquarters of specialised agencies being situated at the permanent seat of the United Nations, and to the advantages that flow from such centralisation, agrees to consult the United Nations before making any decision concerning the location of its permanent headquarters.

2. Any regional or branch offices which the International Labour Organisation may establish shall, so far as practicable, be closely associated with such regional or branch offices as the United Nations may establish.

### ARTICLE XI

#### *Personnel arrangements*

1. The United Nations and the International Labour Organisation recognise that the eventual development of a single unified international civil service is desirable from the standpoint of effective administrative coordination, and, with this end in view, agree to develop common personnel standards, methods and arrangements designed to avoid serious discrepancies in terms and conditions of employment, to avoid competition in recruitment of personnel, and to facilitate interchange of personnel in order to obtain the maximum benefit from their services.

2. The United Nations and the International Labour Organisation agree to cooperate to the fullest extent possible in achieving these ends and in particular they agree to:

- (a) consult together concerning the establishment of an International Civil Service Commission to advise on the means by which common standards of recruitment in the secretariats of the United Nations and of the specialised agencies may be ensured;
- (b) consult together concerning other matters relating to the employment of their officers and staff, including conditions of service, duration of appointments, classification, salary scales and allowances, retirement and pension rights and staff regulations and rules with a view to securing as much uniformity in these matters as shall be found practicable;
- (c) cooperate in the interchange of personnel, when desirable, on a temporary or permanent basis, making due provision for the retention of seniority and pension rights,
- (d) cooperate in the establishment and operation of suitable machinery for the settlement of disputes arising in connection with the employment of personnel and related matters.



## ARTICLE XII

*Statistical services*

1. The United Nations and the International Labour Organisation agree to strive for maximum cooperation, the elimination of all undesirable duplication between them, and the most efficient use of their technical personnel in their respective collection, analysis, publication and dissemination of statistical information. They agree to combine their efforts to secure the greatest possible usefulness and utilisation of statistical information and to minimise the burdens placed upon national governments and other organisations from which such information may be collected.

2. The International Labour Organisation recognises the United Nations as the central agency for the collection, analysis publication, standardisation and improvement of statistics serving the general purposes of international organisations.

3. The United Nations recognises the International Labour Organisation as the appropriate agency for the collection, analysis, publication, standardisation and improvement of statistics within its special sphere, without prejudice to the right of the United Nations to concern itself with such statistics so far as they may be essential for its own purposes or for the improvement of statistics throughout the world.

4. The United Nations shall develop administrative instruments and procedures through which effective statistical cooperation may be secured between the United Nations and the agencies brought into relationship with it.

5. It is recognised as desirable that the collection of statistical information should not be duplicated by the United Nations or any of the specialised agencies whenever it is practicable for any of them to utilise information or materials which another may have available.

6. In order to build up a central collection of statistical information for general use, it is agreed that data supplied to the International Labour Organisation for incorporation in its basic statistical series or special reports should, so far as practicable, be made available to the United Nations.

## ARTICLE XIII

*Administrative and technical services*

1. The United Nations and the International Labour Organisation recognise the desirability, in the interest of administrative and technical uniformity and of the most efficient use of personnel and resources, of avoiding, whenever possible, the establishment and operation of competitive or overlapping facilities and services among the United Nations and the specialised agencies.

2. Accordingly, the United Nations and the International Labour Organisation agree to consult together concerning the establishment and use of common administrative and technical services and facilities in addition to those referred to in articles XI, XII and XIV, in so far as the establishment and use of such services may from time to time be found practicable and appropriate.

3. Arrangements shall be made between the United Nations and the International Labour Organisation in regard to the registration and deposit of official documents.

**ARTICLE XIV***Budgetary and financial arrangements*

1. The International Labour Organisation recognises the desirability of establishing close budgetary and financial relationships with the United Nations in order that the administrative operations of the United Nations and of the specialised agencies shall be carried out in the most efficient and economical manner possible, and that the maximum measure of coordination and uniformity with respect to these operations shall be secured.

2. The United Nations and the International Labour Organisation agree to cooperate to the fullest extent possible in achieving these ends and, in particular, shall consult together concerning the desirability of making appropriate arrangements for the inclusion of the budget of the Organisation within a general budget of the United Nations. Any such arrangements which may be made shall be defined in a supplementary agreement between the two organisations.

3. In the preparation of the budget of the International Labour Organisation the Organisation shall consult with the United Nations.

4. The International Labour Organisation agrees to transmit its proposed budget to the United Nations annually at the same time as such budget is transmitted to its Members. The General Assembly shall examine the budget or proposed budget of the Organisation and may make recommendations to it concerning any item or items contained therein.

5. Representatives of the International Labour Organisation shall be entitled to participate, without vote, in the deliberations of the General Assembly or any committee thereof at all times when the budget of the Organisation or general administrative or financial questions affecting the Organisation are under consideration.

6. The United Nations may undertake the collection of contributions from those Members of the International Labour Organisation which are also Members of the United Nations in accordance with such arrangements as may be defined by a later agreement between the United Nations and the International Labour Organisation.

7. The United Nations shall, upon its own initiative or upon the request of the International Labour Organisation, arrange for studies to be undertaken concerning other financial and fiscal questions of interest to the Organisation and to other specialised agencies with a view to the provision of common services and the securing of uniformity in such matters.

8. The International Labour Organisation agrees to conform as far as may be practicable to standard practices and forms recommended by the United Nations.

**ARTICLE XV***Financing of special services*

1. In the event of the International Labour Organisation being faced with the necessity of incurring substantial extra expense as a result of any request

which the United Nations may make for special reports, studies or assistance in accordance with articles V, VI or VII or with other provisions of this Agreement, consultation shall take place with a view to determining the most equitable manner in which such expense shall be borne.

2. Consultation between the United Nations and the International Labour Organisation shall similarly take place with a view to making such arrangements as may be found equitable for covering the costs of central administrative, technical or fiscal services or facilities or other special assistance provided by the United Nations.

**ARTICLE XVI***Interagency agreements*

The International Labour Organisation agrees to inform the Council of the nature and scope of any formal agreement between the International Labour Organisation and any other specialised agency or intergovernmental organisation and in particular agrees to inform the Council before any such agreement is concluded.

**ARTICLE XVII***Liaison*

1. The United Nations and the International Labour Organisation agree to the foregoing provisions in the belief that they will contribute to the maintenance of effective liaison between the two organisations. They affirm their intention of taking whatever further measures may be necessary to make this liaison fully effective.

2. The liaison arrangements provided for in the foregoing articles of this Agreement shall apply as far as appropriate to the relations between such branch or regional offices as may be established by the two organisations as well as between their central machinery.

**ARTICLE XVIII***Implementation of the Agreement*

The Secretary-General and the Director may enter into such supplementary arrangements for the implementation of this Agreement as may be found desirable in the light of the operating experience of the two organisations.

**ARTICLE XIX***Revision*

This Agreement shall be subject to revision by agreement between the United Nations and the International Labour Organisation.

**ARTICLE XX***Entry into force*

This Agreement shall come into force on its approval by the General Assembly of the United Nations and the General Conference of the International Labour Organisation.



**PRIVILEGES AND IMMUNITIES  
OF THE INTERNATIONAL LABOUR ORGANIZATION**



**LES PRIVILÈGES ET IMMUNITÉS  
DE L'ORGANISATION INTERNATIONALE DU TRAVAIL**

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**RESOLUTION CONCERNING  
THE PRIVILEGES AND IMMUNITIES  
OF THE INTERNATIONAL LABOUR ORGANISATION**

**Adopted on 10 July 1948 by the International Labour Conference  
at its Thirty-First Session**

Whereas the Constitution of the International Labour Organisation, as amended by the 1946 Instrument of Amendment, provides that the International Labour Organisation shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes and that delegates to the Conference, members of the Governing Body and the Director-General and officials of the Office shall likewise enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organisation; and

Whereas the General Assembly of the United Nations adopted on 13 February 1946 a resolution contemplating the unification as far as possible of the privileges and immunities enjoyed by the United Nations and the various specialised agencies; and

Whereas consultations concerning the implementation of the aforesaid resolution have taken place between the United Nations and the specialised agencies, including the International Labour Organisation; and

Whereas by a resolution adopted on 21 November 1947 the General Assembly of the United Nations approved a Convention on the privileges and immunities of the specialised agencies which is submitted to the specialised agencies for acceptance and to every Member of the United Nations and every other State Member of one or more of the specialised agencies for accession; and

Whereas the Convention on the privileges and immunities of the specialised agencies approved by the General Assembly of the United Nations consists of standard clauses applicable to all specialised agencies and of draft annexes relating to each of the agencies; and

Whereas this Convention becomes applicable to each specialised agency only when the final text of the annex relating to that agency has been adopted by it and transmitted to the Secretary-General of the United Nations; and

Whereas this Convention in no way limits or prejudices the privileges and immunities which have been or may hereafter be accorded by any State to any specialised agency by reason of the location in the territory of that State of its headquarters or regional offices:

The General Conference of the International Labour Organisation,

Desiring to define the privileges and immunities of the International Labour Organisation within the meaning of paragraph 3 of article 40 of the Constitution of the Organisation,

Accepts on behalf of the International Labour Organisation the standard clauses of the Convention on the privileges and immunities of the specialised agencies as modified by the annex relating to the International Labour Organisation attached to the present Resolution;

Authorises the Director-General of the International Labour Office to transmit to the Secretary-General of the United Nations the said annex and to inform him that the International Labour Organisation accepts the standard clauses as modi-

## **Privileges and immunities**

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fied by the said annex and undertakes to give effect to the provisions indicated in section 37 of the standard clauses in accordance with the terms thereof;

Invites the States Members of the International Labour Organisation to accede to the Convention on the privileges and immunities of the specialised agencies and to undertake to apply the provisions thereof to the International Labour Organisation; and

Authorises the Director-General to communicate the text of the Convention on the privileges and immunities of the specialised agencies, including the annex relating to the International Labour Organisation, to those of the Members of the International Labour Organisation which are not Members of the United Nations and to invite them to accede thereto in accordance with the terms of Article 42 of the Convention.



## **STANDARD CLAUSES OF THE CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALISED AGENCIES\***

*Whereas* the General Assembly of the United Nations adopted on 13 February 1946 a resolution contemplating the unification as far as possible of the privileges and immunities enjoyed by the United Nations and by the various specialized agencies; and

*Whereas* consultations concerning the implementation of the aforesaid resolution have taken place between the United Nations and the specialized agencies;

*Consequently* by resolution 179 (II) adopted on 21 November 1947, the General Assembly has approved the following Convention, which is submitted to the specialized agencies for acceptance and to every Member of the United Nations and to every other State member of one or more of the specialized agencies for accession.

### *Article I*

#### **Definition and scope**

##### *Section I*

In this Convention:

- (i) The words “standard clauses” refer to the provisions of articles II to IX.
- (ii) The words “specialized agencies” mean:
  - (a) The International Labour Organisation;
  - (b) The Food and Agriculture Organization of the United Nations;
  - (c) The United Nations Educational, Scientific and Cultural Organization;
  
  - (d) The International Civil Aviation Organization;
  - (e) The International Monetary Fund;
  - (f) The International Bank for Reconstruction and Development;
  - (g) The World Health Organization;
  - (h) The Universal Postal Union;
  - (i) The International Telecommunication Union; and
  - (j) Any other agency in relationship with the United Nations in accordance with Articles 57 and 63 of the Charter.
- (iii) The word “Convention” means, in relation to any particular specialized agency, the standard clauses as modified by the final (or revised) text of the annex transmitted by that agency in accordance with sections 36 and 38.
- (iv) For the purposes of article III, the words “property and assets” shall also include property and funds administered by a specialized agency in furtherance of its constitutional functions.

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\* Ed. note: The Standard Clauses originally published by the ILO are replaced in this edition by the official text found in the 1947 Convention on the Privileges and Immunities of the Specialized Agencies published by the United Nations.

## **Privileges and immunities**

Sections 2-7

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- (v) For the purposes of articles V and VII, the expression “representatives of members” shall be deemed to include all representatives, alternates, advisers, technical experts and secretaries of delegations.
- (vi) In sections 13, 14, 15 and 25, the expression “meetings convened by a specialized agency” means meetings: (1) of its assembly and of its executive body (however designated), and (2) of any commission provided for in its constitution; (3) of any international conference convened by it; and (4) of any committee of any of these bodies.
- (vii) The term “executive head” means the principal executive official of the specialized agency in question, whether designated “Director-General” or otherwise.

### *Section 2*

Each State party to this Convention in respect of any specialized agency to which this Convention has become applicable in accordance with section 37 shall accord to, or in connexion with, that agency the privileges and immunities set forth in the standard clauses on the conditions specified therein, subject to any modification of those clauses contained in the provisions of the final (or revised) annex relating to that agency and transmitted in accordance with sections 36 or 38.

## *Article II*

### **Juridical personality**

#### *Section 3*

The specialized agencies shall possess juridical personality. They shall have the capacity (a) to contract, (b) to acquire and dispose of immovable and movable property, (c) to institute legal proceedings.

## *Article III*

### **Property, funds and assets**

#### *Section 4*

The specialized agencies, their property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case they have expressly waived their immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

#### *Section 5*

The premises of the specialized agencies shall be inviolable. The property and assets of the specialized agencies, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

#### *Section 6*

The archives of the specialized agencies, and in general all documents belonging to them or held by them, shall be inviolable, wherever located.

#### *Section 7*

Without being restricted by financial controls, regulations or moratoria of any kind:

## **Privileges and immunities**

Sections 8-12

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- (a) The specialized agencies may hold funds, gold or currency of any kind and operate accounts in any currency;
- (b) The specialized agencies may freely transfer their funds, gold or currency from one country to another or within any country and convert any currency held by them into any other currency.

### *Section 8*

Each specialized agency shall, in exercising its rights under section 7 above, pay due regard to any representations made by the Government of any State party to this Convention in so far as it is considered that effect can be given to such representations without detriment to the interests of the agency.

### *Section 9*

The specialized agencies, their assets, income and other property shall be:

- (a) Exempt from all direct taxes; it is understood, however, that the specialized agencies will not claim exemption from taxes which are, in fact, no more than charges for public utility services;
- (b) Exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the specialized agencies for their official use; it is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed to with the Government of that country;
- (c) Exempt from duties and prohibitions and restrictions on imports and exports in respect of their publications.

### *Section 10*

While the specialized agencies will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which forms part of the price to be paid, nevertheless when the specialized agencies are making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, States parties to this Convention will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

## *Article IV*

### **Facilities in respect of communications**

#### *Section 11*

Each specialized agency shall enjoy, in the territory of each State party to this Convention in respect of that agency, for its official communications, treatment not less favourable than that accorded by the Government of such State to any other Government, including the latter's diplomatic mission, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications, and press rates for information to the press and radio.

#### *Section 12*

No censorship shall be applied to the official correspondence and other official communications of the specialized agencies.

## **Privileges and immunities**

Sections 13-16

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The specialized agencies shall have the right to use codes and to dispatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a State party to this Convention and a specialized agency.

### *Article V*

#### **Representatives of members**

##### *Section 13*

Representatives of members at meetings convened by a specialized agency shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities:

- (a) Immunity from personal arrest or detention and from seizure of their personal baggage, and in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind;
- (b) Inviolability for all papers and documents;
- (c) The right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (d) Exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in the State which they are visiting or through which they are passing in the exercise of their functions;
- (e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions;
- (f) The same immunities and facilities in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions.

##### *Section 14*

In order to secure for the representatives of members of the specialized agencies at meetings convened by them complete freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

##### *Section 15*

Where the incidence of any form of taxation depends upon residence, periods during which the representatives of members of the specialized agencies at meetings convened by them are present in a member State for the discharge of their duties shall not be considered as periods of residence.

##### *Section 16*

Privileges and immunities are accorded to the representatives of members, not for the personal benefit of the individuals themselves, but in order to safe-

## Privileges and immunities

Sections 17-20

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guard the independent exercise of their functions in connexion with the specialized agencies. Consequently, a member not only has the right but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the member, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose for which the immunity is accorded.

### *Section 17*

The provisions of sections 13, 14 and 15 are not applicable in relation to the authorities of a State of which the person is a national or of which he is or has been a representative.

## *Article VI*

### **Officials**

### *Section 18*

Each specialized agency will specify the categories of officials to which the provisions of this article and of article VIII shall apply. It shall communicate them to the Governments of all States parties to this Convention in respect of that agency and to the Secretary-General of the United Nations. The names of the officials included in these categories shall from time to time be made known to the above-mentioned Governments.

### *Section 19*

Officials of the specialized agencies shall:

- (a) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) Enjoy the same exemptions from taxation in respect of the salaries and emoluments paid to them by the specialized agencies and on the same conditions as are enjoyed by officials of the United Nations;
- (c) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;
- (d) Be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions;
- (e) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions;
- (f) Have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

### *Section 20*

The officials of the specialized agencies shall be exempt from national service obligations, provided that in relation to the States of which they are nationals, such exemption shall be confined to officials of the specialized agencies whose names have, by reason of their duties, been placed upon a list compiled by the executive head of the specialized agency and approved by the State concerned.

Should other officials of specialized agencies be called up for national service, the State concerned shall, at the request of the specialized agency concerned, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption in the continuation of essential work.

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Sections 21-25

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### *Section 21*

In addition to the immunities and privileges specified in sections 19 and 20, the executive head of each specialized agency, including any official acting on his behalf during his absence from duty, shall be accorded in respect of himself, his spouse and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

### *Section 22*

Privileges and immunities are granted to officials in the interests of the specialized agencies only and not for personal benefit of the individuals themselves. Each specialized agency shall have the right and the duty to waive the immunity of any official in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the specialized agency.

### *Section 23*

Each specialized agency shall co-operate at all times with the appropriate authorities of member States to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connexion with the privileges, immunities and facilities mentioned in this article.

## *Article VII*

### **Abuses of privilege**

#### *Section 24*

If any State party to this Convention considers that there has been an abuse of a privilege or immunity conferred by this Convention, consultations shall be held between that State and the specialized agency concerned to determine whether any such abuse has occurred and, if so, to attempt to ensure that no repetition occurs. If such consultations fail to achieve a result satisfactory to the State and the specialized agency concerned, the question whether an abuse of a privilege or immunity has occurred shall be submitted to the International Court of Justice in accordance with section 32. If the International Court of Justice finds that such an abuse has occurred, the State party to this Convention affected by such abuse shall have the right, after notification to the specialized agency in question, to withhold from the specialized agency concerned the benefits of the privilege or immunity so abused.

#### *Section 25*

1. Representatives of members at meetings convened by specialized agencies, while exercising their functions and during their journeys to and from the place of meeting, and officials within the meaning of section 18, shall not be required by the territorial authorities to leave the country in which they are performing their functions on account of any activities by them in their official capacity. In the case, however, of abuse of privileges of residence committed by any such person in activities in that country outside his official functions, he may be required to leave by the Government of that country provided that:

2. (I) Representatives of members, or persons who are entitled to diplomatic immunity under section 21, shall not be required to leave the country otherwise than in accordance with the diplomatic procedure applicable to diplomatic envoys accredited to that country.

## **Privileges and immunities**

Sections 26-31

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(II) In the case of an official to whom section 21 is not applicable, no order to leave the country shall be issued other than with the approval of the Foreign Minister of the country in question, and such approval shall be given only after consultation with the executive head of the specialized agency concerned; and, if expulsion proceedings are taken against an official, the executive head of the specialized agency shall have the right to appear in such proceedings on behalf of the person against whom they are instituted.

### *Article VIII*

#### **Laissez-passer**

##### *Section 26*

Officials of the specialized agencies shall be entitled to use the United Nations *laissez-passer* in conformity with administrative arrangements to be concluded between the Secretary-General of the United Nations and the competent authorities of the specialized agencies, to which agencies special powers to issue *laissez-passer* may be delegated. The Secretary-General of the United Nations shall notify each State party to this Convention of each administrative arrangement so concluded.

##### *Section 27*

States parties to this Convention shall recognize and accept the United Nations *laissez-passer* issued to officials of the specialized agencies as valid travel documents.

##### *Section 28*

Applications for visas, where required, from officials of specialized agencies holding United Nations *laissez-passer*, when accompanied by a certificate that they are travelling on the business of a specialized agency, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

##### *Section 29*

Similar facilities to those specified in section 28 shall be accorded to experts and other persons who, though not the holders of United Nations *laissez-passer*, have a certificate that they are travelling on the business of a specialized agency.

##### *Section 30*

The executive heads, assistant executive heads, heads of departments and other officials of a rank not lower than head of department of the specialized agencies, travelling on United Nations *laissez-passer* on the business of the specialized agencies, shall be granted the same facilities for travel as are accorded to officials of comparable rank in diplomatic missions.

### *Article IX*

#### **Settlement of disputes**

##### *Section 31*

Each specialized agency shall make provision for appropriate modes of settlement of:

## **Privileges and immunities**

Sections 32-37

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- (a) Disputes arising out of contracts or other disputes of private character to which the specialized agency is a party;
- (b) Disputes involving any official of a specialized agency who by reason of his official position enjoys immunity, if immunity has not been waived in accordance with the provisions of section 22.

### *Section 32*

All differences arising out of the interpretation or application of the present Convention shall be referred to the International Court of Justice unless in any case it is agreed by the parties to have recourse to another mode of settlement. If a difference arises between one of the specialized agencies on the one hand, and a member on the other hand, a request shall be made for an advisory opinion on any legal question involved in accordance with Article 96 of the Charter and Article 65 of the Statute of the Court and the relevant provisions of the agreements concluded between the United Nations and the specialized agency concerned. The opinion given by the Court shall be accepted as decisive by the parties.

### *Article X*

#### **Annexes and application to individual specialized agencies**

### *Section 33*

In their application to each specialized agency, the standard clauses shall operate subject to any modifications set forth in the final (or revised) text of the annex relating to that agency, as provided in sections 36 and 38.

### *Section 34*

The provisions of the Convention in relation to any specialized agency must be interpreted in the light of the functions with which that agency is entrusted by its constitutional instrument.

### *Section 35*

Draft annexes I to IX<sup>1</sup> are recommended to the specialized agencies named therein. In the case of any specialized agency not mentioned by name in section 1, the Secretary-General of the United Nations shall transmit to the agency a draft annex recommended by the Economic and Social Council.

### *Section 36*

The final text of each annex shall be that approved by the specialized agency in question in accordance with its constitutional procedure. A copy of the annex as approved by each specialized agency shall be transmitted by the agency in question to the Secretary-General of the United Nations and shall thereupon replace the draft referred to in section 35.

### *Section 37*

The present Convention becomes applicable to each specialized agency when it has transmitted to the Secretary-General of the United Nations the final text of the relevant annex and has informed him that it accepts the standard clauses, as modified by this annex, and undertakes to give effect to sec-

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<sup>1</sup> For the text of the above-mentioned draft annexes, see *Official Records of the General Assembly, Second Session, Resolutions*, page 124 *et seq.*



## **Privileges and immunities**

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tions 8, 18, 22, 23, 24, 31, 32, 42 and 45 (subject to any modification of section 32 which may be found necessary in order to make the final text of the annex consonant with the constitutional instrument of the agency) and any provisions of the annex placing obligations on the agency. The Secretary-General shall communicate to all Members of the United Nations and to other States members of the specialized agencies certified copies of all annexes transmitted to him under this section and of revised annexes transmitted under section 38.

### *Section 38*

If, after the transmission of a final annex under section 36, any specialized agency approves any amendments thereto in accordance with its constitutional procedure, a revised annex shall be transmitted by it to the Secretary-General of the United Nations.

### *Section 39*

The provisions of this Convention shall in no way limit or prejudice the privileges and immunities which have been, or may hereafter be, accorded by any State to any specialized agency by reason of the location in the territory of that State of its headquarters or regional offices. This Convention shall not be deemed to prevent the conclusion between any State party thereto and any specialized agency of supplemental agreements adjusting the provisions of this Convention or extending or curtailing the privileges and immunities thereby granted.

### *Section 40*

It is understood that the standard clauses, as modified by the final text of an annex sent by a specialized agency to the Secretary-General of the United Nations under section 36 (or any revised annex sent under section 38), will be consistent with the provisions of the constitutional instrument then in force of the agency in question, and that if any amendment to that instrument is necessary for the purpose of making the constitutional instrument so consistent, such amendment will have been brought into force in accordance with the constitutional procedure of that agency before the final (or revised) annex is transmitted.

The Convention shall not itself operate so as to abrogate, or derogate from, any provisions of the constitutional instrument of any specialized agency or any rights or obligations which the agency may otherwise have, acquire, or assume.

## *Article XI*

### **Final provisions**

### *Section 41*

Accession to this Convention by a Member of the United Nations and (subject to section 42) by any State member of a specialized agency shall be effected by deposit with the Secretary-General of the United Nations of an instrument of accession which shall take effect on the date of its deposit.

### *Section 42*

Each specialized agency concerned shall communicate the text of this Convention together with the relevant annexes to those of its members which are

## **Privileges and immunities**

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not Members of the United Nations and shall invite them to accede thereto in respect of that agency by depositing an instrument of accession to this Convention in respect thereof either with the Secretary-General of the United Nations or with the executive head of the specialized agency.

### *Section 43*

Each State party to this Convention shall indicate in its instrument of accession the specialized agency or agencies in respect of which it undertakes to apply the provisions of this Convention. Each State party to this Convention may by subsequent written notification to the Secretary-General of the United Nations undertake to apply the provisions of this Convention to one or more further specialized agencies. This notification shall take effect on the date of its receipt by the Secretary-General.

### *Section 44*

This Convention shall enter into force for each State party to this Convention in respect of a specialized agency when it has become applicable to that agency in accordance with section 37 and the State party has undertaken to apply the provisions of the Convention to that agency in accordance with section 43.

### *Section 45*

The Secretary-General of the United Nations shall inform all Members of the United Nations, as well as all members of the specialized agencies, and executive heads of the specialized agencies, of the deposit of each instrument of accession received under section 41 and of subsequent notifications received under section 43. The executive head of a specialized agency shall inform the Secretary-General of the United Nations and the members of the agency concerned of the deposit of any instrument of accession deposited with him under section 42.

### *Section 46*

It is understood that, when an instrument of accession or a subsequent notification is deposited on behalf of any State, this State will be in a position under its own law to give effect to the terms of this Convention, as modified by the final texts of any annexes relating to the agencies covered by such accessions or notifications.

### *Section 47*

1. Subject to the provisions of paragraphs 2 and 3 of this section, each State party to this Convention undertakes to apply this Convention in respect of each specialized agency covered by its accession or subsequent notification, until such time as a revised convention or annex shall have become applicable to that agency and the said State shall have accepted the revised convention or annex. In the case of a revised annex, the acceptance of States shall be by a notification addressed to the Secretary-General of the United Nations, which shall take effect on the date of its receipt by the Secretary-General.

2. Each State party to this Convention, however, which is not, or has ceased to be, a member of a specialized agency, may address a written notification to the Secretary-General of the United Nations and the executive head of the agency concerned to the effect that it intends to withhold from that agency

## **Privileges and immunities**

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the benefits of this Convention as from a specified date, which shall not be earlier than three months from the date of receipt of the notification.

3. Each State party to this Convention may withhold the benefit of this Convention from any specialized agency which ceases to be in relationship with the United Nations.

4. The Secretary-General of the United Nations shall inform all member States parties to this Convention of any notification transmitted to him under the provisions of this section.

### *Section 48*

At the request of one third of the States parties to this Convention, the Secretary-General of the United Nations will convene a conference with a view to its revision.

### *Section 49*

The Secretary-General of the United Nations shall transmit copies of this Convention to each specialized agency and to the Government of each Member of the United Nations.

## **ANNEX TO THE CONVENTION RELATING TO THE INTERNATIONAL LABOUR ORGANISATION\***

In their application to the International Labour Organisation the standard clauses shall operate subject to the following provisions:

1. Article V (other than paragraph (c) of section 13) and section 25, paragraphs 1 and 2 (I), of article VII shall extend to the employers' and workers' members and deputy members of the Governing Body of the International Labour Organisation and their substitutes, except that any waiver of the immunity of any such person member under section 16 shall be by the Governing Body.

2. The privileges, immunities, exemptions and facilities referred to in section 21 of the standard clauses shall also be accorded to any Deputy Director-General of the International Labour Office and any Assistant Director-General of the International Labour Office.

3. (i) Experts (other than officials coming within the scope of article VI) serving on committees of, or performing missions for, the Organisation shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connexion with service on such committees or missions:

- (a) Immunity from personal arrest or seizure of their personal baggage;
- (b) In respect of words spoken or written or acts done by them in the performance of their official functions, immunity from legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Organisation;
- (c) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Government on temporary official missions;
- (d) Inviolability of their papers and documents relating to the work on which they are engaged for the Organisation.
  - (ii) In connexion with (d) of 3 (i) above, the principle contained in the last sentence of section 12 of the standard clauses shall be applicable.
  - (iii) Privileges and immunities are granted to the experts of the Organisation in the interests of the Organisation and not for the personal benefit of the individuals themselves. The Organisation shall have the right and the duty to waive the immunity of any expert in any case where in its opinion the immunity would impede the course of justice, and it can be waived without prejudice to the interests of the Organisation.

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\* Ed. note: The Annex originally published by the ILO is replaced in this edition by the official text of Annex I found in the 1947 Convention on the Privileges and Immunities of the Specialized Agencies published by the United Nations.

**RESOLUTION CONCERNING INTERIM ARRANGEMENTS  
IN REGARD TO THE PRIVILEGES AND IMMUNITIES  
OF THE INTERNATIONAL LABOUR ORGANISATION**

**Adopted on 10 July 1948 by the International Labour Conference  
at its Thirty-First Session**

Whereas the General Assembly of the United Nations has recognised that it is necessary that the specialised agencies should enjoy, at the earliest possible date, the privileges and immunities essential for an efficient exercise of their respective functions, and has pointed out that a considerable delay will necessarily ensue before the Convention on privileges and immunities of the specialised agencies becomes operative in the case of the various agencies; and

Whereas the General Assembly has therefore recommended that the States Members of the United Nations, pending their formal accession to the general Convention concerning the privileges and immunities of specialised agencies, including the annexes relating to each agency, should immediately accord as far as possible to or in connection with the specialised agencies, the benefit of the privileges and immunities provided in the said general Convention and its annexes, it being understood that the specialised agencies may take any necessary parallel action in regard to those of their Members which are not Members of the United Nations:

The General Conference of the International Labour Organisation

Recommends that the States Members of the International Labour Organisation, whether or not they are Members of the United Nations, should, pending their formal accession to the general Convention concerning the privileges and immunities of the specialised agencies as modified by the annex relating to the International Labour Organisation, immediately accord as far as possible to and in connection with the International Labour Organisation the benefit of the privileges and immunities provided for in the said general Convention as modified by the annex relating to the International Labour Organisation.

