INSTRUMENTUL
pentru modificarea Constituţiei Organizaţiei Internaţionale a Muncii

Geneva, 24 iunie 1986

COPIE CERTIFICATĂ
TEXT ÎN LIMBA ENGLEZĂ

INSTRUMENT FOR THE AMENDMENT OF THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION[1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventy-second Session on 4 June 1986, and

Having decided upon the adoption of certain amendments to the Constitution of the International Labour Organisation, a question which is included in the seventh item on the agenda of the Session,

adopts, this twenty-fourth day of June of the year one thousand nine hundred and eighty-six, the following instrument for the amendment of the Constitution of the International Labour Organisation, which may be cited as the Constitution of the International Labour Organisation Instrument of Amendment, 1986:

Article 1

As from the date of the coming into force of this Instrument of Amendment, the provisions of the Constitution of the International Labour Organisation, of which the text at present in force is set forth in the first column of the Annex to this Instrument, shall have effect as amended in the second column of the said Annex.

Article 2

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

Article 3

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

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

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

ANNEX

THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION

Provisions in force on 24 June 1986[2]	Amended Provisions[2]
Article 1	*Article 1*
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	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 <u>having taken part in the</u> voting. Such admission shall take

[1] Adopted by the Conference on 24 June 1986 by 352 votes to 44, with no abstentions.

[2] The words deleted from the provisions in force on 24 June 1986 are placed in square brackets. The changes and additions introduced by the amended provisions are underlined.

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.

Article 3

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.

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].

Article 7

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

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

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.

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.]

effect on the communication to the International Labour Office by the government of the new Member of its formal acceptance of the obligations of the Constitution of the Organisation.

Article 3

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, refuse to admit any delegate or adviser whom it deems not to have been nominated in accordance with this article.

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.

Article 7

1. The Governing Body shall comprise one hundred and twelve seats:

- fifty-six seats for persons representing governments;
- twenty-eight seats for persons representing the employers; and
- twenty-eight seats for persons representing the workers.

2. Its composition shall be as representative as possible, taking into account the various geographical, economic and social interests within its three constituent groups, without, however, impairing the recognised autonomy of those groups.

3. In order to meet the requirements of paragraph 2 of this article, and to ensure continuity of work, fifty-four of the fifty-six seats assigned to representatives of governments shall be filled as follows:

(a) They shall be distributed among four geographical regions (Africa, America, Asia and Europe) to be adjusted, if necessary, by mutual agreement among all the governments concerned. Each of these regions shall be assigned a number of seats based on the application of equal weighting of the number of States Members within the region, their total population and their economic activity assessed by appropriate criteria (gross national product or contributions to the budget of the Organisation), it being understood that no region shall have fewer than twelve seats and none more than fifteen seats. For the application of this subparagraph, the initial distribution of seats shall be as follows: Africa: thirteen seats; America: twelve seats; Asia and Europe: alternately fifteen and fourteen seats.

(b) (i) During the International Labour Conference, the Government delegates representing States Members belonging to the different regions referred to in subparagraph (a) of this paragraph, or those which are attached to them by mutual agreement, or are invited to the corresponding Regional Conference under the conditions set out in paragraph 4 below, shall constitute the electoral colleges responsible for appointing the members to fill the seats assigned to each of the said regions. The Government delegates representing the States of Western Europe and those representing the socialist States of Eastern Europe shall constitute separate electoral colleges. They shall agree to divide between them the seats assigned to the region and shall select separately their representatives on the Governing Body.

(ii) When the special characteristics of a region so require, the governments of that region may agree to form subdivisions on a subregional basis to appoint separately Members to fill the seats assigned to the subregion concerned.

(iii) The appointments shall be communicated to the college of Government delegates to the Conference in order for it to proclaim the results. If the electoral process or its results in a region or subregion are the subject of dispute which cannot be settled at those levels, the College of Government delegates to the Conference shall take a decision in the framework of the provisions of the relevant protocol.

(c) Each electoral college shall take the necessary steps to ensure that a substantial number of Members appointed to fill the seats assigned to that region is chosen on the basis of the size of their population and that an equitable geographical distribution is assured, while at the same time taking into consideration other factors such as the economic activity of the Members concerned in accordance with the special characteristics of the region. The means of implementing these principles shall be specified in protocols agreed by the governments of each electoral college which shall be deposited with the Director-General of the International Labour Office.

4. Each of the two remaining seats shall be allocated alternately to Africa and America on the one hand, and to Asia and Europe on the other, in order to enable each of these regions to ensure participation in the electoral process, on a non-discriminatory basis, of States Members which belong

to it geographically or are attached to it by mutual agreement, or are invited to the corresponding regional conference, but are not yet covered either by the protocol for that region or by any other, it being understood that such States shall not be placed in a privileged position in relation to comparable States in the region. Whenever the additional seat is not used in accordance with the foregoing provisions, it shall be filled by the region concerned in the light of the provisions of its protocol.

[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.

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[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.

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[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.

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[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.

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[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.

9. 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 thirty-two of the representatives on the Governing Body.

Article 8

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.

1. There shall be a Director-General of the International Labour Office, who shall be appointed by the Governing Body, which shall submit the appointment to the International Labour Conference for approval.

2. Subject to the instructions of the Governing Body, the Director-General shall be responsible for the efficient conduct of the 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.

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Article 13

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2. ...

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(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

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[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.

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.

Article 16

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].

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].

Article 17

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.]

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

cast, 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.

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 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.

Article 16

2. Items to which such objection has been made shall not, however, be excluded from the agenda, if the Conference decides by a majority of two-thirds of the votes cast to consider them.

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

Article 17

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 (for and against).

3. In cases in which the Constitution provides for a decision by a simple majority, the decision shall be concurred in by at least one-quarter of the delegates attending the session of the Conference; in cases in which the Constitution provides for a decision by a two-thirds majority, the decision shall be concurred in by at least one-third of the delegates attending the session; in cases in which the Constitution provides for a decision by a three-fourths majority, the decision shall be concurred in by at least three-eighths of the delegates attending the session.

4. The voting is void unless at least one-half of the delegates attending the session and entitled to vote have taken part in the voting.

Article 19

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.

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 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.

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.]

Article 19

2. In either case a majority of two-thirds of the votes cast shall be necessary on the final vote for the adoption of the Convention or Recommendation, as the case may be, 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, it shall nevertheless be within the right of any of the Members of the Organisation to agree to such Convention among themselves.

Article 36

1. Subject to the provisions of paragraph 2 of this article, amendments to this Constitution which are adopted by the Conference by a majority of two-thirds of the votes cast shall take effect when ratified or accepted by two-thirds of the Members of the Organisation.

2. If an amendment relates to–

(i) the fundamental purposes of the Organisation as set out in the Preamble to the Constitution and in the Declaration concerning the Aims and Purposes of the Organisation annexed thereto (Preamble; article 1; Annex);

(ii) the permanent establishment of the Organisation, the composition and functions of its collegiate organs and the appointment and responsibilities of the Director-General as set out in the Constitution (article 1; article 2; article 3; article 4; article 7; article 8; article 17);

(iii) the constitutional provisions concerning international labour Conventions and Recommendations (articles 19-35; article 37);

(iv) the provisions of this article,

it shall not be considered as adopted unless it receives three-fourths of the votes cast; it shall not take effect unless ratified or accepted by three-quarters of the Members of the Organisation.

Prin prezenta confirm că textul alăturat este o copie autentică a Instrumentului pentru modificarea Constituţiei Organizaţiei Internaţionale a Muncii, adoptat la Geneva, la 24 iunie 1986, copia certificată a căruia este depozitată la Arhiva Tratatelor a Ministerului Afacerilor Externe şi Integrării Europene.

Viteli MURZAC,
Şef a.i. al Direcţiei Drept Internaţional
a Ministerului Afacerilor Externe şi
Integrării Europene