



FOURTH ITEM ON THE AGENDA

Review of improvements in standards-related activities, including an overview of discussions and decisions on standards policy**Contents**

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1. Introduction

1. The Governing Body decided at its 282nd Session (November 2001) to request a paper containing an overview of the discussions on ILO standards-related activities that have taken place since the current process of review was initiated. This would enable the Governing Body to take stock of the achievements and to define areas, which need further work. The present paper responds to this by recalling the rather considerable steps taken so far. It aims to provide an overview of a process which, among other things, has produced the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up; a significant increase in ratifications of the fundamental international labour Conventions; the consensus reached on a broad approach to future standard-setting activities; and a number of modifications made to the ILO's supervisory mechanisms. The last section of the paper incorporates elements of a road map for the questions that remain to be discussed and is presented in order to seek the guidance of the Governing Body on the next steps in this process of review and improvement of ILO's standards-related activities.

2. Background

2. A review of standards-related activities became necessary due to the major changes that unfolded at the global level in the late 1980s. The Director-General presented his Report to the 81st Session (1994) of the International Labour Conference under the title "Defending values, promoting change – Social justice in a global economy: An ILO agenda". It proposed an in-depth review of the ILO's goals and principles, comparable to earlier reviews in 1944 and 1963. The report called for "a broader approach" on standards, proceeding along three lines: better adaptation of standard setting to real and pressing needs; exploring new opportunities for promoting basic social rights; and creating a new synergy between international labour standards and the growth of international trade. The report provoked an interaction, which was followed up by the Governing Body in a number of ways that are recalled in the following sections. In particular, the Report raised for the first time the question of the ILO's future activities with regard to fundamental rights at work as a priority.
3. A resolution adopted at the same session of the Conference concerning the 75th anniversary of the ILO and its future orientation supported strengthening the promotion and application of fundamental international labour Conventions. At that time they were listed as being Conventions Nos. 87 and 98 on freedom of association and the right to collective bargaining, Nos. 29 and 105 on the abolition of forced labour, and Nos. 100 and 111 on equality of opportunity and treatment. Noting the particular importance of ILO Conventions covering fundamental rights, the resolution requested the Director-General to present his views on the options available to reaffirm the principles and fundamental values of the ILO.
4. At its meeting during the Governing Body's 261st Session (November 1994), the Committee on Legal Issues and International Labour Standards followed up the discussions at the Conference.¹ Out of this discussion, and over the following years, a number of initiatives were developed which have led to tangible and significant outcomes. The decisions and developments as well as the overall thrust of the review process can be

¹ GB.261/LILS/3/1.

regrouped under three headings: basic rights at work; a broader approach to standard setting and the revision of standards; and review of supervisory mechanisms.

3. Basic rights at work

(i) Recognition of basic rights² and the ratification campaign

5. At its meeting in November 1994, the LILS Committee requested the Office to present a paper concerning the promotion of basic human rights Conventions. A paper³ presented to the LILS Committee during the 262nd Session (March-April 1995) of the Governing Body suggested a campaign by the Office that included the promotion of universal ratification of those Conventions and concerted assistance by multidisciplinary teams and headquarters departments to overcome obstacles to ratification. The campaign was launched in May 1995.
6. This campaign served also as an ILO response to the World Summit for Social Development, held in Copenhagen in March 1995. At this Summit the international community at the level of heads of State and government referred to the universality of fundamental workers' rights. The ILO had contributed to the preparations for the World Summit for Social Development through the work of a working party set up by the Governing Body. The Summit called on governments to safeguard and respect "basic workers' rights, including the prohibition of forced and child labour, freedom of association and the right to bargain collectively, equal remuneration for men and women for work of equal value, and non-discrimination in employment". This was a groundbreaking international consensus statement on the importance and content of fundamental principles and rights at work. It enlarged the categories of these rights to include the elimination of child labour.
7. In the course of the ratification campaign, which still continues, the total number of ratifications in force for all fundamental Conventions has increased significantly. The number of ratifications of Convention No. 87 has increased from 110 in June 1994 to 139 at the end of 2001 and for Convention No. 98 from 125 to 151. Similarly, the number of ratifications of Convention No. 29 has increased from 136 to 159 and for Convention No. 105 from 113 to 157. As regards the two fundamental Conventions on discrimination, the number of ratifications of Convention No. 100 which was at 123 in June of 1994 has increased to 156 at the end of 2001 and for Convention No. 111 the figures are 119 in June 1994 and 154 at 31 December 2001. Convention No. 138, which was initially at a lower level of 47 ratifications in June 1994, is now ratified by 116 member States. Convention No. 182, adopted after the campaign had begun and immediately incorporated in this grouping, has achieved the fastest pace of ratifications in ILO history, reaching the number of 113 ratifications in only two-and-a-half years after its adoption.
8. In view of the importance of the fundamental Conventions, the Governing Body decided in November 1995 on a reporting procedure for the States which had not ratified all of them.

² In the process, different words (in particular "basic" and "core") have been used to characterize the principles and rights at work, which have been, since the adoption of the Declaration, generally known as "fundamental".

³ GB.262/LILS/4.

Acting under article 19 of the Constitution, the Governing Body requested reports at four-year intervals on the seven Conventions then adopted concerning fundamental rights. The decision was first implemented in 1998 in the report of the Committee of Experts on the Application of Conventions and Recommendations. This procedure was discontinued in 2000 when the annual reports under the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up were presented for the first time to the Governing Body.

(ii) Exploring ways to ensure respect for the basic rights

9. Another discussion prompted by the Director-General's Report to the 1994 session of the International Labour Conference concerned the strengthening of the ILO's standards supervisory system. At its 264th Session (November 1995), the Governing Body examined a paper⁴ containing certain suggestions to strengthen existing supervisory procedures. The paper also explored the possibility of creating new procedures for the examination of complaints of violations of basic human rights. It suggested that complaints concerning discrimination in employment and the forced labour of both adults and children would be examined by one or two ad hoc committees with parallel procedures of similar nature with the Committee on Freedom of Association.
10. Those proposals were presented to the LILS Committee during the 265th Session (March 1996) of the Governing Body. During that session and also at its 267th Session (November 1996), the Governing Body was unable to agree on any proposals to establish new supervisory mechanisms. As the discussion clarified what was not possible, this gradually directed attention in a different direction, signalled by an emerging consensus on the promotion of basic rights at work through methods, which stressed cooperation and assistance.
11. Since 1994, the discussions on promotion and enforcement of fundamental standards had been carried out concurrently in the plenary of the Governing Body; in its Working Party on Social Dimensions of the Liberalization of International Trade; in the LILS Committee; and in its Working Party on Policy regarding the Revision of Standards. The Report of the Director-General to the 85th Session of the Conference (June 1997) entitled "The ILO, standard setting and globalization", explored further the support for various ideas contained therein. It stated that "the aim is not for the ILO to achieve uniformity in the level of social protection in order to ensure a proper international competition. Rather the idea is simply to place social progress into a relationship with the economic progress expected from the liberalization of trade and globalization".⁵ That report included ideas on a procedure of regular follow-up for Recommendations, and for the overall evaluation of standards through procedures under article 19 of the Constitution.
12. The discussion at the Conference of the Director-General's Report was followed up by the Governing Body in November 1997 when it decided to put "possible consideration and adoption of an ILO Declaration on Fundamental Rights and its Follow-up" on the agenda of the 86th Session (1998) of the International Labour Conference. Other aspects of the Director-General's Report, in particular the ideas on "improving the standard-setting

⁴ GB.264/6.

⁵ Report of the Director-General to the 85th Session of the ILC, June 1997.

activity of the ILO”, were also examined by the Governing Body.⁶ Thus two parallel tracks emerged to continue this discussion. The first one subsequently led into the ILO Declaration on Fundamental Principles and Rights at Work. The second one resulted in the Governing Body discussion on review and improvement of ILO standard-setting activities.

(iii) Promotion of fundamental principles and rights at work

13. The Governing Body was unanimous about the need to promote and improve the implementation of those principles and rights at work, which were recognized within and outside the ILO as being fundamental. The idea of a solemn declaration had emerged gradually. The approach, scope, wording, and follow-up procedures for such a declaration developed through consensus building at the Governing Body and through formal and informal consultations that involved all parties. The International Labour Conference set up a committee at its 86th Session (June 1998) to discuss the issue and finally adopted the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up.⁷ The Declaration has already emerged as a benchmark of social progress within the context of economic globalization and has developed into a major field of technical cooperation activity of the ILO. Its follow-up produces, through reports and research, provide valuable information on the implementation of the fundamental principles and rights at work.
14. The first characteristic of the Declaration is its universality. It is an ILO statement based on the constitutional principles and commitments, which are accepted by the entire ILO membership. It recognizes that the Members of the ILO, even if they have not ratified the Conventions in question, have an obligation to respect “in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions”. This universality is combined with an acknowledgement of diversity. It recognizes the obligation on the Organization to assist its Members, inter alia, by helping the Members in their efforts to create a climate for economic and social development. It is not introducing any new legal obligations and is not creating new supervisory procedures. It is promotional in nature and is based on assistance to member States to respect and realize the fundamental principles and rights at work. The Declaration is thus a new tool complementing other normative action of the ILO, based on a new approach. It is not intended to enforce or verify compliance with legal provisions but to recall that Members “have undertaken to work towards attaining the overall objectives of the Organization to the best of their resources and fully in line with their specific circumstances”.
15. Since 1992, the ILO had started dealing with one of the categories of fundamental principles and rights at work, elimination of child labour, through a technical cooperation programme (the International Programme on the Elimination of Child Labour – IPEC), which had expanded rapidly. In 1996, the International Labour Conference adopted a

⁶ The paper submitted by the Office, GB.270/3/2, referred to the content of standards, the range and criteria of choices, overlapping or consolidation of instruments, selection procedures, choosing the form of the instruments and their overall evaluation. The paper was subject only to a brief preliminary discussion. It was resubmitted to the Governing Body as an appendix to GB.273/4 in an attempt to refine its proposals for certain improvements in the standard-setting activities of the ILO. The Governing Body could not agree on those proposals and instructed the Office to modify and resubmit the content of the paper to the LILS Committee during a future session of the Governing Body.

⁷ *Provisional Record* No. 20, 86th Session of the ILC, June 1998.

resolution on action against child labour. A significant further step was the adoption in 1999 of the Worst Forms of Child Labour Convention, 1999 (No. 182), and Recommendation (No. 190), which were added to the list of fundamental standards. Convention No. 182 has proved to be the most rapidly ratified Convention in the history of the ILO. Several rounds of confidence-building discussions in the Governing Body prior to the standard-setting stage helped remove some of the apprehensions surrounding the subject. During the process of negotiations, all groups of constituents actively contributed to the shaping of the final product. Another reason for this success is the focus of Convention No. 182 on an objective and a principle, leaving details of implementation to national determination. It is also designed in a way that it can benefit from the technical assistance of the ILO, and its promotion and application are integrated with the IPEC programme.

4. A broader approach to standard setting and the revision of standards

(i) Working Party on Policy regarding the Revision of Standards

16. The Committee on Legal Issues and International Labour Standards decided in its meeting during the 262nd Session (March-April 1995) of the Governing Body to set up a tripartite Working Party on Policy regarding the Revision of Standards to meet as of November 1995.⁸ Since then the Working Party has met during each March and November session of the Governing Body. It has considered and concluded the case-by-case examination of almost all international labour Conventions and Recommendations adopted prior to 1985 and is now at the concluding stage of its work.⁹ The Governing Body has been able to make decisions, which concern 181 Conventions and 191 Recommendations based on the proposals by the Working Party. It has identified 71 Conventions, four Protocols and 71 Recommendations as being up to date, 24 Conventions and 15 Recommendations as instruments to be revised, and 54 Conventions and 67 Recommendations as outdated instruments. It has also decided to request further information on the situation relating to 34 Conventions and 19 Recommendations, while the status quo of 23 other Conventions and 26 Recommendations was maintained and no conclusion was reached on only one Convention and one Recommendation. These findings entail major lessons for the way forward as regards ILO standard-setting practices and how to modernize the existing set of standards.

17. On the basis of a proposal originating from this Working Party, at its 85th Session (1997) the International Labour Conference adopted an amendment to the ILO Constitution to enable the International Labour Conference to abrogate any international labour Convention adopted previously and already in force, if it appears that it has lost its purpose or that it no longer makes a useful contribution to attaining the objectives of the

⁸ GB.262/PV/Rev.

⁹ In addition, the Working Party had engaged, at the outset of its work during the 264th Session of the Governing Body, in an exchange of views on other aspects of standard-setting policy related to revision; guidelines concerning the content and form of Conventions; methods to facilitate the revision of standards; time-limits and denunciation periods for Conventions; conditions for their entry into force; and evaluation of standards. During the 276th Session (November 1999) of the Governing Body, the Working Party also examined a detailed document on the methods of revision (GB.276/LILS/WP/PRS/2).

Organization. By the end of 2001, 69 member States including six States of chief industrial importance had ratified this constitutional amendment.¹⁰ Procedures were also adopted for the withdrawal of Conventions, which are not in force, and of Recommendations. In accordance with new provisions contained in its Standing Orders, the Conference can withdraw an instrument before entry into force of the constitutional amendment. The Conference withdrew five Conventions (Nos. 31, 46, 51, 61 and 66) at its 88th Session (2000). It will examine the withdrawal of 20 Recommendations (Nos. 1, 5, 11, 15, 37, 38, 39, 42, 45, 50, 51, 54, 56, 59, 63, 64, 65, 66, 72 and 73) at its 90th Session (2002). Sixteen additional Recommendations (Nos. 2, 12, 16, 18, 21, 26, 32, 33, 34, 36, 43, 46, 58, 70, 74 and 96) are proposed for withdrawal at the 92nd Session (2004) of the Conference.

(ii) Methods of selecting Conference agenda items

18. Another standards-related activity, which has undergone considerable review, is the method of selection of items for the agenda of the International Labour Conference, including items for new or revised standards. At its March 1997 session, the Governing Body requested the Office to prepare a paper containing a portfolio of proposals with a view to an initial discussion on the Conference agenda for the year 2000. The Director-General sent a letter in May 1997 to Governments of all member States and to Employers' and Workers' representatives in the Governing Body asking for their proposals. A first portfolio was presented to the Governing Body in November 1997.¹¹ The portfolio that emerged continued to be developed in the three following years.

19. This approach had merits but also very clear limitations. It increased the range of choices, as the governments and social partners proposed a series of new ideas, and items could be presented through a more complete list of developed and potential topics. However, serious limitations of this approach became clear relatively soon: insufficient replies by constituents; the inconsistency of individual and group replies; strongly contradictory views on some topics; and at times the inability of the Office to respond and provide technical analysis on topics proposed for the portfolio in the time available. Experience thus indicated that different solutions were desirable. The integrated approach was developed in this context.

(iii) Integrated approach

20. *Decent work*, the Report of the ILO Director-General to the 87th Session of International Labour Conference, June 1999, was a major step in the process of reform and modernization in the ILO. The report also addressed the question of "how to enhance ILO work on standards". It listed a number of actions, which would raise the profile and increase the relevance of ILO standards. Many of those issues were taken up when the Governing Body examined at its 279th Session (November 2000) a proposal¹² on an integrated approach to standards-related activities which aimed at both reinforcing the coherence and relevance of standards and at their promotion, as well as enhancing their impact by an integrated use of all the Organization's means of action. The Governing Body agreed to the experimental implementation of this approach. The integrated approach

¹⁰ It will enter into force when ratified by at least two-thirds of the member States including five States of chief industrial importance.

¹¹ GB.270/2.

¹² GB.279/4.

involves better preparations for standard setting through a comprehensive analysis by the Office of existing standards, their synergy, shortcomings and impact as well as an analysis of the impact of all ILO means of action in any particular subject area. The Office report on each subject will be followed by a general discussion at the International Labour Conference aimed at developing a consensus plan of action that would set directions to guide future standards-related activities. In addition to focusing on means to increase the impact of existing standards through promotion and technical cooperation, such a plan of action would include proposals for new standards or revision of standards and other appropriate normative action as well as guidance on their objectives and content. It intends to make the entire set of ILO instruments more coherent and modern and of wider global application. The Governing Body identified the first topic for the integrated approach when it decided in November 2000 to include an in-depth examination of standards-related activities in respect of occupational safety and health on the agenda of the Conference for its session in 2003. At the present session, the Governing Body is asked to decide on the agenda items of the 92nd Session (2004) of the Conference. The proposals include three topics: child labour, gender, and migrant workers that might lend themselves to an integrated approach.

(iv) General improvements in standard setting

21. Other possible improvements in standard setting have been raised frequently in the Governing Body since 1994, but they have not been the subjects of a separate paper with points for decision. These are possible improvements that can be applied in general to any new standard setting or revision. They include adjustments in the standard final clauses of Conventions as regards provisions for their entry into force and in the provisions on their denunciation. Considerations relating to the drafting of standards as well as the forms of questionnaires have been mentioned. Another issue is the form of instruments. It has been argued that a better utilization of existing instruments, in particular Recommendations, was possible, including whether independent Recommendations with specific promotional follow-up arrangements could be developed.

5. Review of supervisory mechanisms

(i) Changes in the publication of reports

22. Certain individual aspects of standards-related activities have been the subject of modifications on various occasions, in order to contribute to the improvement and increased effectiveness of these activities. Among them, in November 1996 the Governing Body considered proposals to rationalize the presentation of the summaries of reports under articles 19, 22 and 35 of the Constitution and decided to make savings by discontinuing the separate publication of summaries.

(ii) Special supervisory procedures

23. Some of the special supervisory procedures adopted by the ILO¹³ have never been used (special studies on discrimination, adopted by the Governing Body in November 1973, but

¹³ *Handbook of procedures relating to international labour Conventions and Recommendations*, Rev.2/1998, ILO.

never invoked) or have not been used for a considerable length of time (Fact-Finding and Conciliation Commission on Freedom of Association, last convened in 1991). Some others have been invoked on a number of occasions but are not in constant use, particularly the procedures for complaints under articles 26-29 of the Constitution which have been used only ten times in the history of the ILO. Article 33 of the Constitution, following up an article 26 complaint, was invoked for the first time in March 2000 when the Governing Body recommended a number of measures to the International Labour Conference, intended to secure compliance of Myanmar with the recommendations contained in the report of the Commission of Inquiry established to examine the observance by Myanmar of its obligations in respect of the Forced Labour Convention, 1930 (No. 29).

24. The special procedure, which is most frequently evoked, is that relating to the Governing Body's Committee on Freedom of Association, which meets prior to each session of the Governing Body and handles a large volume of complaints and replies. The Committee is considered to be amongst the most efficient and objective supervisory bodies of this Organization. The Committee is considering proposals on its working methods and will report to the Governing Body on its discussions.
25. Another frequently used procedure is that concerning representations under article 24 of the Constitution. The revision of the procedures for the examination of representations was placed on the agenda of the 271st Session of the Governing Body in March 1998. The discussion of this issue was to focus on possible solutions to what was then seen to be a growing trend of representations as well as to examine whether or not the representation procedure had a suspensive effect upon the regular supervisory procedures. More detailed papers¹⁴ were submitted to the LILS Committee during the 273rd (November 1998) and 276th (November 1999) Sessions of the Governing Body. In the course of discussions certain other issues on the criteria for receivability of representations and the automatic nature of the procedure for receivability were also raised. It was agreed to have a future discussion on the question of confidentiality and to leave the other questions to be dealt with in the wider context of the debate on the standards policy of the Organization.¹⁵ During the 277th Session (March 2000) of the Governing Body, the Committee discussed a paper¹⁶ on the confidentiality aspect of meetings and documents relating to representations. As there was no agreement on changes to the representation procedures, the Chairperson concluded that a discussion on the question should be postponed to a later session.¹⁷

(iii) A comprehensive review

26. The *Decent work* report and its discussion brought the Governing Body deliberations on standards policy into a new phase – a comprehensive review aimed at possible improvements in various standards-related activities of the ILO. These comprise standard setting as well as supervisory, promotional, and technical assistance activities. Informal consultations were held with various groups of the Governing Body prior to the March and November 2000 sessions, which helped to create a broad consensus on the object and context of possible improvements in the standards-related activities.

¹⁴ GB.273/LILS/1 and GB.276/LILS/2.

¹⁵ GB.276/10/1.

¹⁶ GB.277/LILS/1.

¹⁷ GB.277/11/1.

27. Since November 1999, the question of possible improvements in the standards-related activities of the ILO has continued to be a major item either on the agenda of the Governing Body itself, or in its Committee on Legal Issues and International Labour Standards. Informal consultations have been held with representatives of the tripartite constituents prior to the formulation of major papers and proposals submitted for discussion. The starting positions and expectations of various parties were sometimes far apart. A paper¹⁸ submitted to the LILS Committee in March 2000 was intended to build confidence among the tripartite constituents by elaborating elements of a shared commitment to improve standards-related activities. It also provided a list of specific issues proposed for more detailed discussion. The document¹⁹ prepared by the Office for the 279th Session (November 2000) of the Governing Body addressed a wide-ranging set of issues. The first section was on an integrated approach to standards-related activities. The second section, on the supervisory mechanisms, touched upon transparency/consistency, the impact and effectiveness of the supervisory procedures, and the reporting workload. A third section was on other issues, which could be taken up in the review process.
28. In previous discussions in the Governing Body several delegations had indicated a preference for and a need to review and discuss possible improvements to the existing supervisory procedures and standard-setting activities. The experience with discussions on the article 24 procedures had also indicated the difficulty of addressing single aspects of one supervisory procedure without considering all the aspects of each procedure, and the way that different supervisory procedures and mechanisms can complement and affect each other. Several speakers underlined the importance attached to the terms of reference of the supervisory organs and their objectivity.
29. At its meeting during the 280th Session (March 2001) of the Governing Body, the LILS Committee considered possible improvements in the supervisory system of the ILO.²⁰ The Governing Body also invited the Director-General to inform the supervisory bodies of any relevant comments that might facilitate the review of their working methods and any proposals they themselves might wish to make.²¹
30. In November 2001, the LILS Committee examined standards-related reporting arrangements.²² The current reporting arrangements were agreed upon in 1993, and now they had concluded their five years of experimental application and were to be reviewed. The Governing Body decided at that discussion to maintain the two-year and five-year reporting cycles, with the Conventions presently in each group. It also approved the grouping of fundamental and priority Conventions, with countries divided alphabetically for reporting purposes, as well as the principle of arranging all other Conventions by subject groups for reporting purposes. A number of other decisions were also made to further rationalize the reporting arrangements. The Governing Body also decided to promote cooperation through agreements on country-by-country assistance programmes to resolve problems of application of Conventions and related questions, and invited the

¹⁸ GB.277/LILS/2.

¹⁹ GB.279/4.

²⁰ GB.280/LILS/3.

²¹ GB.280/12/1.

²² GB.282/LILS/5.

Director-General to hold further consultations on strengthening tripartite participation at the national level.

- 31.** Among the issues raised by some delegations has been the question of the interpretation of international labour Conventions. A paper²³ submitted to the Committee on Standing Orders and the Application of Conventions and Recommendations during the May 1993 session of the Governing Body had referred to the background of discussions on interpretation and had explored the possibilities under article 37(2) of the Constitution. It explained how problems of interpretation had been dealt with so far and then examined whether and to what extent the appointment of the tribunal provided for in article 37(2) could offer a useful addition thereto. What gave rise to this debate at that stage was a question on the role of the Committee of Experts in matters of interpretation. Recent controversial requests for unofficial interpretations from the Office point to the need for the Governing Body to examine further the question of interpretation of ILO Conventions.

6. The way forward

- 32.** As this paper has shown, much has been achieved since the current policy discussion on standards-related issues commenced in the mid-1990s. Improvement is a continuous process and at no given time can it be considered to be completed. It is nevertheless suggested that the Governing Body specify what remains to be done in the present review process, in view of the ground covered over the last eight years.
- 33.** In the light of views expressed by the constituents during the process of consultation, there appears to be a wide measure of agreement on possible elements of a workplan to cover the remaining issues. The following paragraphs specify these elements, all of which are drawn from the debate since 1994, although some of them have been discussed earlier as well. It would also be useful to identify priorities in terms of timing. As the preparation of an in-depth study on any specific topic would need work and resources, different topics may need to be dealt with in steps. For the sake of planning and preparation, the Governing Body could concentrate in its different coming sessions on one of the topics identified, until the list is completed. The interrelationship between the different topics will be taken into account, as appropriate.
- 34.** The integrated approach is intended to bring improvements into various aspects of the ILO's standards-related activities. As experience is gained through the application of this approach, the need to examine in more detail certain specific standards-related procedures are expected to emerge, notably from the first exercise of an integrated approach general discussion at the 91st Session (June 2003) of the ILC. Proposals in this respect will be submitted as required.
- 35.** As regards the regular supervisory procedures, the reporting aspects under article 22 of the Constitution have just been extensively discussed. The decisions that were adopted in this respect at the last session of the Governing Body should be reviewed after five years. The grouping of instruments is presented for a separate discussion by the LILS Committee at the current session of the Governing Body.
- 36.** Regarding the functioning of the Conference Committee on the Application of Standards and the Committee of Experts on the Application of Conventions and Recommendations, the attention of those Committees has been drawn to the discussions at the Governing

²³ GB.256/SC/2/2.

Body. The Committee of Experts established a subcommittee at its last session to consider possible improvements in its methods of work. It could be expected that the outcome of the review will be included in the general part of the report of the Committee of Experts and examined by the Conference Committee at a future session of the ILC. The Committee on Freedom of Association is also considering proposals on its procedures. The results of its consideration will be included in future reports to the Governing Body. The discussions in these supervisory bodies on their working methods may take up any questions that have been raised by the constituents in the Governing Body. Any matters which would call for a discussion by the Governing Body could in due course be the subject of further papers.

37. Procedures for complaints under articles 26-29 of the Constitution have been the subject of very few comments and there seem to be no proposals for reviewing them.
38. In a previous decision by the Governing Body, promotional activities were singled out as an area for an in-depth review at a subsequent stage. This could include advocacy, training and technical assistance and cooperation. The Decent Work Agenda and the introduction of strategic budgeting in the ILO can help to improve the interaction of various ILO activities which have a normative dimension and their real impact on the ground. This item could be the subject of a paper presented to the November 2002 session of the Governing Body.
39. In the article 24 procedures for representations the questions raised but not concluded so far are mainly on the procedure and criteria for receivability. The LILS Committee has previously postponed discussions and decisions on this subject as it considered it difficult to address individual aspects of one supervisory procedure alone. An in-depth review could be carried out to gain a better understanding of the constitutional framework and the historical development of the procedure; its relation to other supervisory procedures in law and in the evolving practice; the functioning of the special Standing Orders adopted by the Governing Body on this subject; and the potential for better coordination and greater overall efficiency. The preparation of a paper for a further discussion by the Governing Body, possibly in the course of 2003, would call for further consultations with the constituents.
40. Article 19, paragraphs 5(e), 6(d), 7(b)(iv) and 7(b)(v), relating to the implementation of unratified Conventions and Recommendations, together with article 22 of the Constitution provide the ILO with a basis to draw up a global picture on relevant aspects of law and practice in the member States. The General Surveys of the Committee of Experts and their discussion at the Standards Committee of the Conference are based on those provisions. Various views have been expressed on how to better use these constitutional provisions. An in-depth review and a discussion on procedures and products under those paragraphs of article 19 could be carried out in order to gain a better understanding of their origin and development. Such a study could also include further possible improvement in the use of the facility in article 19 to request reports. Consultations with the constituents would also be helpful for the Office in preparing a paper on this item.
41. Several comments have been made on the content, drafting and preparation of both Conventions and Recommendations. In this regard three subjects may lend themselves to more in-depth discussions:
 - (a) questions relating to the final provisions of Conventions could be dealt with by a separate discussion in the LILS Committee, examining different options as regards the requirements for entry into force and the conditions for denunciation of the Conventions;

- (b) drafting of the texts of Conventions and Recommendations could be improved if the Office, technical and drafting committees were to use, throughout the entire drafting and editing process, a code of best editorial practice, approved by the Governing Body. The Governing Body could examine more thoroughly the advisability and cost of the preparation of this code; and
 - (c) another issue which the Governing Body can examine is the improvements in the formulation of the questionnaires foreseen in articles 38(1) and 39(1) of the Standing Orders of the Conference. These questionnaires which are sent out to the constituents in the course of preparing new standards broadly determine the structure and content of the final text. The adoption of a procedure for the consultation of members, which is closer to the one used for the negotiation of international texts in other organizations can also be looked into.
42. These issues have been raised in the recent past but not thoroughly discussed. The Office is ready to address all those three subjects in one single paper, or separately, as the Governing Body may wish. A paper could be presented to one of the LILS sessions in 2003.
43. Another area for possible further examination is the existing practice as regards the interpretation of standards. The questions of who can request an interpretation of ILO Conventions and which bodies have the authority to issue interpretations as well as the nature of these interpretations could be addressed. In the course of the consultations held prior to this session of the Governing Body, there were differing views on the need to proceed with a discussion on this subject and its priority. It was argued that the Constitution was clear on the issue of the interpretation of Conventions and that the legal views provided by the Office was not a substitute for the formal interpretations. Informal consultations have shown various degrees of interest in the issue but also the need for some further reflection before the different groups are ready to express a position on possible future discussion of this question. If this subject is taken up, the Office would be able to prepare an informative paper on the existing practice as regards the interpretation of Conventions at a later stage of the review.
44. There could be a workplan incorporating separate studies by the Office on each of the topics mentioned in paragraphs 37-41 above so that a document on each topic can be submitted to a session of the Governing Body in the course of the next two to three years.
45. *The Governing Body may wish to:*
- (a) *request the Office to prepare, for its November 2002 session, a paper on standards-related technical assistance and promotional activities; and*
 - (b) *to identify which areas and aspects of standards-related activities should be the subject of further discussion, together with a tentative timetable.*

Geneva, 19 February 2002.

Point for decision: Paragraph 45.