



Report of the Credentials Committee

1. The Credentials Committee, which was appointed by the Meeting at its first sitting, met on 2, 3 and 4 December 2003, in conformity with Article 9 of the Rules for Regional Meetings, to examine the credentials of the delegates and technical advisers accredited to the Meeting, as well as, two objections and two communications pertaining to the credentials of six countries. The Committee was composed as follows:

Mr. Jules Oni (Government delegate, Benin), Chairperson;

Mr. Gershon N. Konditi (Employer delegate, Kenya);

Mr. Guillaume Attigbe (Worker adviser, Benin).

2. Credentials in the form of official instruments, official letters or official facsimiles had been received in respect of the members of the delegations shown in the table in the Annex to this Report. The Committee draws the attention of the governments to the importance of respecting Article 9, paragraph 1, of the above-mentioned Rules, according to which credentials must be deposited at least 15 days (i.e., 17 November 2003 for this Meeting) before the opening of a meeting. The Committee was concerned that credentials from only 15 Members had been received within that time limit.

Composition of the Meeting

3. At the time of the adoption of this Report, of the 53 member States invited to attend the Meeting, 39 Members had sent credentials that were comprised of 74 Government delegates, 31 Employers' delegates and 33 Workers' delegates, i.e. 138 delegates in all. In addition, there were nominated 72 Government advisers, 18 Employers' advisers and 24 Workers' advisers, i.e. a total of 114 advisers. Persons appointed as both substitute

delegates and advisers have been included among the advisers. The total number of nominated delegates and advisers was thus 252.

4. With respect to the delegates and the advisers registered, the number of Government delegates was 68, there were 22 Employers' delegates and 26 Workers' delegates, that is to say, a total of 116 delegates. Total advisers were 105, of those 68 were Government advisers, 16 were Employers' advisers, and 21 were Workers' advisers. The annexes, including a table, to this Report contain more detailed information as to the number of accredited and registered delegates to the Meeting.
5. The Committee observed that the delegations of six of the member States – Cameroon, Côte d'Ivoire, Ghana, Liberia, Madagascar and Morocco – represented at the Meeting were exclusively governmental. Moreover, the number of incomplete delegations was larger in fact as certain accredited delegates did not register themselves at the Meeting for a variety of reasons, some of which were no doubt financial. This point is taken up in paragraphs 29 to 34, below.
6. The Committee noted that 15 of the delegates accredited and 16 of the advisers accredited were women, as compared with 12 and 10 respectively at the last African Regional Meeting. The Ministers or Vice-Ministers of 21 member States of the Region attended the Meeting.
7. Fourteen Members of the Meeting were not represented, as was the case at the last African Regional Meeting. In addition, one accredited member State did not register.

Representatives of official international organizations

8. Of the official international organizations invited to attend the Meeting, in accordance with the relevant agreements or decisions of the Governing Body, the following were represented:
 - ◆ Economic Commission for Africa
 - ◆ Office of the United Nations High Commissioner for Refugees

- ◆ United Nations Population Fund
- ◆ Joint United Nations Programme on HIV/AIDS
- ◆ World Food Programme
- ◆ International Monetary Fund
- ◆ African Union

Representatives of non-governmental international organizations

9. The non-governmental international organizations invited to participate at the Meeting in conformity with Article 1, paragraph 7 of the Rules that were represented were:

- ◆ International Confederation of Free Trade Unions
- ◆ World Confederation of Labour
- ◆ International Organization of Employers
- ◆ Organization of African Trade Union Unity
- ◆ Pan-African Employers' Confederation
- ◆ International Confederation of Arab Trade Unions
- ◆ ICFTU African Regional Organization

Objections

10. Following are the two objections examined by the Credentials Committee.

Objection concerning the nomination of the Workers' delegation of Djibouti

11. The Committee had before it an objection challenging the nomination of the Workers' delegate and his adviser of Djibouti, submitted by the President of the Union djiboutienne du Travail (UDT), Mr. Ahmed Djama Eguieh, which was supported by the International Confederation of Free Trade Unions – African Regional Organization (ICFTU-ARO) as represented by its Secretary-General, Mr. Andrew Kailembo.

12. According to the objection, the Minister of Employment had substituted the legitimate representatives of the trade union confederations, the most representative being the UDT,

with usurpers that effectively have no connection with the legitimate trade union confederations.

13. Neither the Workers' delegate nor his adviser represent either of the confederations despite their submission as such by the Minister. Further, the ICFTU-ARO maintains that the nomination of the Workers' delegate of Djibouti to the African Regional Meeting is not in conformity with Article 1, paragraph 4 of the Rules for Regional Meetings. He also refers to the conclusions of the Credentials Committee adopted at the Ninth African Regional Meeting (Abidjan, 8 – 11 December 1999), as well as, to those of the Credentials Committee of the International Labour Conference.
14. In a written communication addressed to the Committee in response to its request, the Director of Labour and Relations with Social Partners, Mr. Guedi Absieh Houssain, considered that the nomination of the Workers' delegation of Djibouti had been in conformity with the dispositions of Article 1, paragraph 4 of the Rules for Regional Meetings. He emphasized that the objection emanated from a supposed president of the UDT and that it had neither been signed nor submitted on official letterhead, which places in doubt its receivability.
15. He indicated that in Djibouti there exist two representative organizations, the Union générale des travailleurs djiboutiens (UGTD) that has twenty-five trade unions affiliated to it and the UDT that has more than twenty-five affiliated trade unions. The Government of Djibouti in an effort to be transparent and respectful of the independence of the trade unions officially consulted the two organizations with a view that they could freely designate their delegates to the Regional Meeting. To this effect, the Government furnished a copy of a communication from the Secretary-General of the UGTD in which it appears that the Executive Board of the UGTD had decided that Mr. Abdo Sikieh Dirieh would represent it at the Tenth African Regional Meeting.
16. In addition, the Government indicated that there did not exist an agreement for the rotation of the two organizations and that they preferred to each designate a representative to the different international meetings. Further, the Government considered that the criteria for representativeness that it had used to nominate the delegates conformed to the principles contained in the Freedom of Association Convention, 1947 (No. 87).

17. The Committee notes that in the first place the Government raised a question relating to the receivability of the objection submitted by Mr. Ahmed Djama Eguieh in his capacity as President of the UDT and that it had neither been signed nor submitted on official letterhead.
18. The Committee recalls that the requirement of a signature or the submission of an objection on “official” letterhead does not figure in the criteria set forth for irreceivability in Article 9, paragraph 4 of the Rules for Regional Meetings. Further, without entering into the substance of the question as to determine whether the nominees truly represent the legitimate trade unions, the Committee notes that the objection was supported by a regional representative organization, the ICFTU-ARO. Consequently, the Committee considered that there was no reason to put in doubt the receivability of the objection submitted by Mr. Ahmed Djama Eguieh and supported by the ICFTU-ARO.
19. The Committee regrets that the Government did not furnish information in its communication on consultations that might have taken place with the UDT and that it rather confined itself to providing information on consultations held with the UGTD.
20. The Committee recalled that the Credentials Committee of the International Labour Conference had been seized of this question in its four most recent sessions¹, as well as, at the Ninth African Regional Meeting (Abidjan, 8 – 11 December 1999). Similar to the previous years, neither the Government nor the authors of the objection have furnished the necessary information concerning the question of who is effectively and legitimately representing the two most representative trade unions in the country. In view that the questions that had been raised in the objection are the same as those that are being examined by other organs, notably the Committee of Experts on the Application of Conventions and Recommendations, and as the information that has been submitted is insufficient to proceed with the examination of the situation as per the terms of Article 1, paragraph 4 of the Rules for Regional Meetings, the Committee could not under these circumstances usefully exercise its mandate. The Committee, however, remains concerned by the absence of any apparent progress and deeply deplores that doubts continue to subsist as regards the

¹ ILC 88th Session (June 2000); ILC 89th Session (June 2001); ILC 90th Session (June 2002); and ILC 91st Session (June 2003).

legitimacy and independence of the Workers' representative accredited to the African Regional Meeting.

Objection concerning the nomination of the Workers' delegate of Mauritania

21. The Committee had received an objection challenging the nomination of the Workers' delegate of Mauritania submitted by the Secretary-General, Mr. Andrew Kailembo, of the ICFTU-ARO. According to the objecting organization, the Workers' delegate of Mauritania, Mr. Hamady Touré, had not been democratically elected by the members of the Union des travailleurs de Maurantie (UTM).
22. The objecting organization submits that Mr. Hamady Touré is a member of an executive body whose members' names were simply read at a congress held from 30 June until 1 July 2003 in Nouakchott in the presence of two Ministers that represented the Government and the Chairperson of the National Assembly, Chairperson of that session of the congress. The new Secretary-General of the UTM was not in the room at the time of the "election". Further, during his speech at the end of the congress the new Secretary-General recognized that he was not familiar with trade unionism and that the outgoing Secretary-General would assist him in his daily activities.
23. The ICFTU-ARO esteems that under these circumstances the present Workers' delegate of Mauritania does not legitimately represent the Mauritanian workers and seeks that the Committee rejects his nomination.
24. In a written communication addressed to the Committee at its request, Mr. Khaledould Cheikhna, Government Delegate of Mauritania, rejected the allegations put forth by the ICFTU-ARO. The Government in particular noted that:
 - a. the Mauritanian authorities do not intervene at any moment in the election process of the leaders of the trade unions and assist only at the congresses to which they are invited. It is in this manner that they were at the UTM congress held in June 2003 and one month later at that of the CLTM;
 - b. the congress of the UTM, which it seems the ICFTU-ARO contests, took place in a completely transparent manner as it was in the presence of numerous

observers: ICFTU-ARO, CNTS (Senegal), UTM (Mali), et cetera and under the supervision of the former leaders of the trade union as a whole (Chairperson of the National Assembly was there in this role);

c. the UTM is, in the opinion of the Government, the most representative organization for over forty years taking into account the number of professional trade unions and members with which it counts. This fact has never been contested by the ICFTU-ARO in any forum (International Labour Conference, Arab Labour Organization Conference, CTAS, et cetera).

25. According to the Government, the criteria pertaining to the representativeness were fulfilled for the selection of this organization. Moreover, the Government has always been concerned that the trade unions participate in international forums.

26. In light of the above and in the view of the Government, Mr. Hamady Touré, is the legitimate representative of the workers by the fact that he was designated by the most representative workers' organization.

27. The Committee notes that the question raised bears essentially on the legitimacy of the leaders of the UTM elected at the congress that was held in June 2003. The Committee considered that the issue raised in the objection concerning the validity of the elections of the new leaders of the UTM appears to be an internal one and that there is recourse to the competent organs of the ILO, namely the Committee on Freedom of Association. Under these circumstances, the Committee deems that it could not but consider that the questions raised in the objection were not within its mandate.

28. On 3 December 2003, the Committee received a communication from the Secretary-General of the CLTM, Mr. Samory Ould Beye, regarding the nomination of the Workers' delegate of Mauritania. As this communication had been received on 3 December 2003 at 12h55, which is to say after the expiration of the time limit foreseen under Article 9, paragraph 4 of the Rules for Regional Meetings, the Committee considered that it was irreceivable.

Communications

29. The Committee considered two communications regarding incomplete delegations.

30. The Secretary of the Employers' Group, Mr. Frederick Muia, drew the Committee's attention to the fact that the Governments of Gambia, Madagascar, and Morocco had not nominated Employers' delegates to their respective delegations to the Tenth African Regional Meeting. Similarly, the Secretary-General of the ICFTU-ARO communicated that the Côte d'Ivoire, Madagascar, and Morocco had incomplete delegations. On behalf of his organization he shared the deep concern regarding the fact that these governments had deprived the workers' of their right to participate at the Meeting, which is incompatible with the principles of freedom of association and tripartism which are the foundation of the ILO.
31. In a written communication addressed to the Committee in response to its request, the Government of Morocco referred to the trade union elections that had been recently held in both the public and private sectors and whose results were still not officially known. In these circumstances, the Government considered that the nomination of a Workers' delegate on the basis of unconfirmed results would give rise to criticism and objection. As such, the nomination of an Employers' delegate in the absence of a Workers' delegate could be considered as discriminatory. For these reasons, the Government limited its participation to diplomatic representation located in Addis Ababa.
32. The Government of Madagascar in a written communication addressed to the Committee at its request, indicated that as no delegation could be sent from Antananarivo, the diplomatic mission considered itself obligated to participate at the Meeting in light of its importance.
33. The Governments of the Côte d'Ivoire and Gambia did not respond to the Committee's invitation for information.
34. The Credentials Committee expressed its deep concern that several Members of the Organization, represented exclusively by governmental delegations, had not respected the principles of tripartism. The Committee emphasized that whereas a government has the ability to assure its representation through a diplomatic mission, the same cannot be said for employers' or workers' organizations. The Committee wishes to call the attention of those Members that accept an invitation to attend regional meetings of their obligation under Article 1, paragraph 1 of the Rules for Regional Meetings to nominate complete delegations

that would ensure, in particular, a balanced representation of employers and workers as well as to their duty to ensure their effective participation at the meetings.

35. In conformity with Article 9, paragraph 5 of the Rules for Regional Meetings, the Committee seeks by unanimity that the Meeting include its report amongst the documents that the Office is to bring to the attention of the Governing Body.

Addis Ababa, 4 December 2003

(Signed) Mr. Jules Oni; Chairperson

Mr. Gershon N. Konditi

Mr. Guillaume Attigbe