



INTERNATIONAL LABOUR OFFICE

GB.288/PV
288th Session

Governing Body

Geneva, November 2003

Minutes of the 288th Session

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The 288th Session of the Governing Body of the International Labour Office was held in Geneva from Tuesday, 6 November at 3.30 p.m. to Friday, 21 November 2003, under the chairmanship of Mr. Eui-Young Chung (Republic of Korea).

Monday, 17 November was devoted to a meeting of the Working Party on the Social Dimension of Globalization, in which most of the Governing Body members participated.

The list of persons who attended the session of the Governing Body is appended.

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FIRST SITTING

Tuesday, 18 November 2003, afternoon

The sitting opened at 3.30 p.m., with Mr. Chung in the Chair.

First item on the agenda

APPROVAL OF THE MINUTES OF THE 287TH SESSION OF THE GOVERNING BODY

The following correction was received: First item on the agenda, first sentence of the first paragraph: after “*A Government representative of Italy,*” the text should read: “speaking as Chairperson of the Government group of the Governing Body, proposed the candidature of Ambassador Eui-Yong Chung of the Republic of Korea as Chairperson of the Governing Body for the 2003-04 12-month period”.

Subject to the above correction, the Governing Body adopted the minutes of its 287th Session.

Second item on the agenda¹

A. PROPOSALS FOR THE AGENDA OF THE 93RD SESSION (JUNE 2005) OF THE INTERNATIONAL LABOUR CONFERENCE

The Legal Adviser, on the invitation of the Chairperson, announced that the Government representative of Norway, in a letter addressed to the Office, had requested that the members be informed of his Government’s proposal to postpone the second discussion of the comprehensive standard on work in the fishing sector until the 95th (June 2006) Session of the International Labour Conference. This would make it possible to benefit from the discussions that would take place at the adoption in 2005 of the consolidated maritime labour Convention and to avoid possible disparities between the texts. He recalled that under the Standing Orders of the Conference, it was for the Conference, at the end of the first discussion, to request the Governing Body to include the question for examination on the agenda of a subsequent session, rather than on the agenda of the following session (article 39, paragraph 4(b)). Consequently, the Governing Body was not called on to make a decision at this stage. The question of postponement could be raised in the Conference committee established to consider the question of work in the fishing sector and, at that moment, it would be for the Conference to decide on the arguments put forward by the Government of Norway, taking account of the support they might receive.

The Employer Vice-Chairperson stated that the first of the two preferred proposals of the Employers’ group was the promotion of youth employment (general discussion based on an integrated approach) and the second was the role of the ILO in technical cooperation (general discussion). The Employers wanted the development of a new instrument establishing a promotional framework in the area of occupational safety and health to be included on an early Conference agenda, and proposed that a high-level meeting of experts

¹ See also seventh sitting.

be called in order to be able to take into account regional differences. They also wished that the issue of productivity be examined at a future session of the Conference, to reaffirm the collective paradigm between workers and employers in a sustainable development context.

The Worker Vice-Chairperson found the Employers' statement worrying, as the Workers considered that the development of a new instrument establishing a promotional framework in the area of occupational safety and health was a priority, and they had been under the impression that the decision to include this on the 2005 agenda had already been made. The Employers were now asking for a high-level meeting of experts to be arranged to determine the form of the instrument. The Workers, however, believed that it was unnecessary to insert yet another level into the discussions – all the more so since a high-level meeting of experts could not determine what form this instrument would take. This proposal should therefore be included on the Conference agenda. The promotion of youth employment was also a matter of vital importance, as was the promotion of gender equality, which should become the subject of an instrument. They therefore believed that gender equality should be the third item on the agenda of the 2004 session of the Conference, and the promotion of youth employment included as a fourth.

A Government representative of Ecuador, speaking on behalf of the group of Latin American and Caribbean States (GRULAC), stressed that youth unemployment was one of the most critical problems affecting today's world, particularly in developing countries. GRULAC therefore supported the inclusion of the promotion of youth employment on the agenda of the 93rd Session of the International Labour Conference.

A Government representative of New Zealand, speaking on behalf of the Governments of Australia, New Zealand and the United Kingdom, strongly recommended that the Office develop a strategic framework or set of criteria against which the Governing Body could evaluate proposals for technical agenda items. The Office should react to this suggestion, and if there were support from within the Governing Body, her delegation would request that a paper on the possible framework for discussion be submitted to the March 2004 session of the Governing Body. In accordance with the resolution adopted at the Conference regarding the development of a new instrument establishing a promotional framework in the area of occupational safety and health, it was entirely appropriate to include an item on occupational safety and health on the agenda for 2005. Before specific items for the agenda for 2006 were decided, further information on how the proposals were linked to, and furthered, the strategic objectives of the Organization should be provided.

A Government representative of the Libyan Arab Jamahiriya said that the promotion of youth employment was a very important topic, as young people were the primary resource of any country and it was vitally important to invest in youth. He also considered that child labour should be included on the agenda for the 2005 session of the Conference. Lastly, the proposal concerning decent jobs and productivity should also be included.

A Government representative of Indonesia said that the Conference should debate the issue of youth employment with the aim of furthering the Millennium Development Goals. The second choice of the delegation of the Indonesian Government was the role of the ILO in technical cooperation.

A Government representative of Japan stated that his delegation considered the new instrument establishing a promotional framework in the area of occupational safety and health to be the first priority, and the promotion of youth employment to be the second.

A Government representative of Brazil endorsed the statement made by the Government representative of Ecuador on behalf of GRULAC, and added that the approach to youth employment policies should be integrated with education and social

security and other policies. The Government of Brazil's second choice was the item on decent jobs and productivity. He hoped that these two topics might be examined during the 93rd Session of the International Labour Conference.

A Government representative of India said that it was the consistent opinion of the Indian Government that existing standards should be consolidated and that instruments considered obsolete should be amended. The Governing Body should not be under any invariable compulsion to place two standard-setting items on the Conference agenda unless there was full justification for doing so. The Indian Government therefore preferred the following proposals for inclusion in the 2005 Conference agenda: the role of the ILO in technical cooperation and promoting youth employment (general discussion based on an integrated approach).

A Government representative of Norway supported the inclusion of the development of a new instrument establishing a promotional framework in the area of occupational safety and health on the agenda of the 2005 session of the Conference. Norway's position with regard to the second item to be included was flexible, but its priorities were: firstly, gender equality in the world of work; secondly, the role of the ILO in technical cooperation; and, thirdly, the promotion of youth employment.

A Government representative of Germany said that, in contrast to what the Worker Vice-President seemed to claim, the Conference had not taken any decisions in place of the Governing Body. It had merely indicated that it strongly recommended the inclusion of an item on occupational safety and health in the agenda for the 93rd Session. Germany itself was divided on the matter. While it recognized the high quality of the June discussion, it considered that a standard concerning occupational safety and health might increase the burden on enterprises. This would run counter to current government policy. Additional preferences were: the promotion of youth employment; child labour and the protection of children and young persons; and decent jobs and productivity. This was not an exhaustive list of preferences; it merely indicated priorities.

A Government representative of China said that the Chinese Government supported the development of a new instrument establishing a promotional approach in the area of occupational safety and health, since a systematic reinforcement of the management of occupational safety and health would be beneficial to the coordination and cooperation of all parties, as well as to legislation and its implementation. His Government's second choice was the promotion of youth employment.

A Government representative of Argentina endorsed the statement made on behalf of GRULAC. The promotion of youth employment was a matter which should be a priority for the States in that region as they had, for the first time, placed employment and education at the centre of public policy. The Government of Argentina's second choice was decent jobs and productivity. The ILO should study a mechanism for guaranteeing productivity while preserving the full enjoyment of the fundamental rights contained in the Conventions and the ILO Declaration.

A Government representative of the Republic of Korea supported the statement by the Government representative of New Zealand regarding the selection process of Conference agenda items. He said that technical agenda items should be selected on the basis of their importance and urgency, but in accordance with the strategic objectives. The agenda of the 93rd Session of the Conference should include the development of a new instrument establishing a promotional framework in the area of occupational safety and health and the promotion of youth employment (general discussion based on an integrated approach).

A Government representative of the United States supported the proposal by New Zealand to link the selection of technical agenda items to the strategic objectives of the ILO, and urged the Office to consider how this might be done as soon as possible. The 2005 agenda should include the proposal on the promotion of youth employment and the proposal concerning the role of the ILO in technical cooperation. The speaker also asked the Office to make use of the integrated approach only after it had been rigorously tested, evaluated and discussed by the Governing Body, whose job it was to ensure that it was used in a selective and judicious manner.

A Government representative of France stated that his Government supported the development of a new instrument establishing a promotional framework in the area of occupational safety and health. This was a central aspect of standard setting, and it would be a blow for the integrated approach to standards-related activities if the topic were not to be included on the agenda for the 2005 session of the Conference, especially after the very encouraging results of the first discussion at the 91st Session (2003). A second priority concerned the forms of discrimination prohibited in Article 1 of Convention No. 111 with the possibility of adopting a protocol.

A Government representative of Kenya said that his delegation supported the following choice: the role of the ILO in technical cooperation for general discussion; and the adoption of a new instrument establishing a promotional framework in the area of occupational safety and health in accordance with the resolution on occupational safety and health passed at the 91st Session of the Conference.

A Government representative of Canada supported the adoption, suggested by the Government representative of New Zealand, of a more strategic approach to the development and selection of Conference agenda items. With respect to the selection of agenda items for the 2005 session, the Canadian Government supported the development of a new instrument establishing a promotional framework on occupational safety and health. Its priorities for general discussion were: firstly, the promotion of youth employment; secondly, gender equality in the world of work; and, thirdly, the role of the ILO in technical cooperation.

A Government representative of Belgium stated that his Government, like that of France, considered a new instrument establishing a promotional framework in the area of occupational safety and health to be the first priority. The second choice was, like that of the Government of Norway, gender equality in the world of work and the promotion of youth employment.

A Government representative of Barbados, speaking on behalf of Caribbean Governments, endorsed the GRULAC statement. That choice was for a new instrument establishing a promotional framework in the area of occupational safety and health. In addition, review of ILO technical cooperation was due, and gender equality in the world of work would also be a highly interesting topic.

A Government representative of Turkey supported, firstly, the issue of occupational safety and health and, secondly, the promotion of youth employment.

A Government representative of Pakistan endorsed the item on occupational safety and health, as Pakistan was about to pass a law on the issue. He also supported the inclusion of child labour and the protection of children and young persons on the agenda of the 93rd Session of the Conference, on the grounds of the economic connotations of the topic. Priority could be granted to more than two items, maybe to four; all of the proposals were extremely important, especially those relating to the promotion of youth employment and ILO technical cooperation. As the Government representatives of the United States and India had pointed out, ILO technical cooperation needed review.

A Government representative of the United Kingdom endorsed the statement made by the Government representative of New Zealand regarding the establishment of criteria for selecting committee items and supported the inclusion of an item on a new instrument establishing a promotional framework in the area of occupational safety and health. Further priorities in order of preference were, firstly, the role of the ILO in technical cooperation and, secondly, the promotion of youth employment.

The Employer Vice-Chairperson said that his group was very interested in the proposal of the Government of New Zealand, and felt that the discussions would be improved by greater focus. With regard to occupational safety and health, he repeated the proposal to call a high-level meeting of experts to ensure not only the quality of the prospective instrument but also its content. This was not a delaying tactic, but rather an attempt to achieve the objectives that had been set. Given the large number of instruments adopted by the ILO but never ratified, and the large number of instruments ratified but never implemented, the integrated approach would seem to be a solution. The Employers also reiterated their concerns regarding youth employment and hoped that this item could be included on the Conference agenda at a suitable time.

The Worker Vice-Chairperson defended himself from the suggestion that he might have claimed that the Employers were employing delaying tactics. However, he was of the opinion that any attempt to jettison the integrated approach in regard to the establishment of a promotional framework in the area of occupational safety and health would jeopardize all of the other integrated approach items that had been considered up to that point. A majority of speakers had supported the inclusion of a new instrument establishing a promotional framework in the area of occupational safety and health and for the topic of the promotion of youth employment. Some had spoken in favour of productivity and some in favour of gender equality. A number of objectives would be achieved if the definitive choice were to be occupational safety and health, youth employment and the issue of gender equality.

The Workers were interested by the proposal of the Government representative of New Zealand, as there should be more order and objectivity in the work of the Organization. The group called for more information on the subject. The inclusion of items on the agenda was however sometimes dictated by the political dimension of the ILO, rather than by anything to do with the strategic objectives of the Organization.

The representative of the Director-General stated that 20 out of 23 speakers, including the Employer and Worker spokespersons, had expressed a preference for the promotion of youth employment. Fourteen speakers out of 23 had expressed a preference for the new instrument establishing a promotional framework in the area of occupational safety and health, but there had also been some opposition, as well as divergent views between the two groups, on how to go about it. His first conclusion was that the item on youth employment commanded enough support to be selected outright. He remarked that it should, perhaps, have been said that the integrated approach was a strategic approach, since the integrated approach was in fact based on the strategic objectives, and the proposals in the paper were presented in the context of the strategic objectives. Therefore, the Office could either prepare a more detailed examination on the links between the proposals and the strategic framework or make this the theme of the introduction to the 2006 agenda paper to be submitted in March.

In response to the suggestion of the Government of New Zealand, the speaker assured the house that the Office would bring out the links between the final proposals for 2006 and the strategic objectives. However, the assumption until now had been that items were developed through the integrated approach and the discussions at the Conference, after which they were submitted to the Governing Body which examined them and decided on the order in which to deal with them. The Employers had requested a meeting of experts

with regard to the second item for inclusion on the agenda of the 93rd Session of the Conference. However, a meeting of experts could not consider the issue until the Governing Body had discussed and agreed the agenda for the 2006 session of the Conference in March of next year. The speaker suggested to the Chairperson that he propose that the Governing Body decide there and then to include the promotion of youth employment on the agenda for the 93rd Session of the Conference, and to postpone the decision on the second item to later in the week. This would give the Office time to assess the possibilities and to present one or two suggestions for all the groups to consider.

The Chairperson proposed that the Governing Body decide to place item (iv) of paragraph 8(a), on the promotion of youth employment, on the agenda of the 93rd Session of the International Labour Conference and defer the decision on another item until later in the week, so as to permit ongoing informal consultations among the groups and the Office.

It was so decided.

Second item on the agenda

B. PROPOSALS FOR THE AGENDA OF THE 95TH SESSION (2006) OF THE INTERNATIONAL LABOUR CONFERENCE

The Employer Vice-Chairperson said that there were two items that clearly needed to be carried over from the 2005 session to the 2006 session – the question of productivity and that of a possible calling a of meeting of experts on the matter of occupational safety and health. The Employers were also interested in a third item, namely, employment and social protection in ageing societies. However, given that some areas of the world were affected by the problem of an ageing society while others had no interest in the subject, it might be better not to limit the discussion to the issue of ageing societies but to have a broader and more universal debate.

It would also be appropriate to resubmit the item on the role of the ILO in technical cooperation if that subject was not to be included in the agenda for the 2005 session. Finally, the Employers considered that the revision of standards in future sessions should deal with standards concerning chemical substances and machinery.

The Worker Vice-Chairperson agreed that occupational safety and health should be dealt with at the 2005 Conference. If there were to be no additional items, the Workers would accept the selection of the promotion of youth employment for the agenda. This would mean that the issue of gender equality would have to figure on a later agenda.

One other subject of great significance to the Workers was that of the employment relationship. This topic had now been sufficiently developed for the creation of a standard. It would benefit from a high level of consensus in the house, and the Committee on Employment and Social Policy had already investigated it. Moreover, the subject of the employment relationship treated urgent and critically important matters, it incorporated all the ILO strategic objectives at once, and was a universal issue with which the International Labour Organization ought to be concerned. Finally, the Workers felt that sexual harassment in the workplace was a widespread problem deserving of study.

With regard to child labour and the protection of children and young persons, the Workers considered that this was an issue which must be dealt with in an integrated fashion, but that there was a question mark hanging over the whole integrated approach. Their final concerns were the issue of migrant workers, which was very important and worthy of further research, and the promotion of decent work in the reconstruction of conflict-affected countries.

A Government representative of Germany said that the topics that had been discussed but not selected for the 2005 agenda should continue to be taken into account to some degree. However, it was time to consider putting the employment relationship on the Conference agenda, as well as employment and social protection in ageing societies. On the subject of future sessions of the Conference, the speaker considered that the prevention of sexual harassment in the workplace and the integrated approach to port work should be retained.

A Government representative of Norway said that his Government gave absolute priority to gender equality. The employment relationship would not best be dealt with by the adoption of a Recommendation. For future sessions of the Conference, the preference of the Norwegian Government would be for the items on chemical substances and machinery in terms of standards revision, and also sexual harassment.

A Government representative of Japan proposed the following choices for the agenda of the 2006 session of the Conference: firstly, employment and social protection in ageing societies; secondly, gender equality in the world of work; and, thirdly, the role of the ILO in technical cooperation.

A Government representative of China said that the preferences of the Chinese Government were, firstly, the employment relationship, followed by employment and social protection in ageing societies. In respect of proposals for the agenda of future sessions of the Conference, the speaker suggested the consideration of working time.

A Government representative of France said that his delegation wished to transfer the item on occupational safety and health from the 2005 agenda to that of 2006. However, it might not be appropriate to refer the question to a meeting of experts. For the second part of the agenda, the Government hoped that the item on the expansion of the grounds on which discrimination was prohibited in Convention No. 111 would be included, and proposed that the question be expanded if necessary to include evaluation of the effective implementation of anti-discrimination policies. In third place, the Government supported the item on decent jobs and productivity, which was closely linked to the Global Employment Agenda, and the topic of the employment relationship. A preference for inclusion on the agenda of future sessions of the Conference was employment and social protection in ageing societies.

A Government representative of India explained that the immediate aim of his Government was to consolidate the existing standards and to make a priority of amending instruments which were in danger of becoming obsolete. This was the reason for its preference for reviewing standards rather than adopting new instruments. However, the question of the employment relationship should be studied in detail at the 289th Session of the Governing Body in March 2004 with a view to the adoption of a Recommendation by the Conference. The role of the ILO in technical cooperation should be retained as an item for general discussion based on an integrated approach.

A Government representative of the Bahamas said that his country's Government had established the following order of priority: firstly, occupational safety and health; secondly, gender equality in the world of work; thirdly, the employment relationship; and, fourthly, an integrated approach to port work.

A Government representative of Kenya said that his Government's priorities were as follows: firstly, the role of the ILO in technical cooperation; secondly, employment and social protection in ageing societies; and, thirdly, decent jobs and productivity.

A Government representative of Nigeria wished to see the following items included on the agenda of the 95th Session of the International Labour Conference in 2006: the employment relationship, the prevention of sexual harassment in the workplace and the development of a new instrument establishing a promotional framework in the area of occupational safety and health.

A Government representative of El Salvador said that his country's Government wanted to see the issue of promoting occupational safety and health on the 2005 agenda, while its second choice was employment and social protection.

A Government representative of Lithuania wished the issue of the employment relationship to be included on the agenda of the 95th Session of the Conference with a view to the adoption of a Recommendation. The second priority was the item on employment and social protection in ageing societies, for a general discussion based on an integrated approach. For future sessions of the Conference, the first task was the review or consolidation of many standards: the Governing Body should be guided in this by the decisions of the LILS Working Party on Policy regarding the Revision of Standards.

A Government representative of Argentina reiterated support for the issue of decent jobs and productivity, and said that for 2006 the Argentine Government saw the question of the employment relationship as the priority.

A Government representative of the Islamic Republic of Iran said that his country's Government gave priority to the promotion of youth employment as an item for general discussion based on an integrated approach for 2005, together with the development of a new instrument establishing a promotional framework in the area of occupational safety and health. For the 95th Session of the Conference (2006), the Iranian Government delegation's preferences were: firstly, employment and social protection; secondly, the role of the ILO in technical cooperation; and, thirdly, decent jobs and productivity.

A Government representative of Bulgaria said that one topic brought up in the discussion of the previous paper remained highly important for his country's Government. This was the issue of new measures concerning discrimination in employment and occupation. Second priority was the issue of the employment relationship. The question of working time should be considered for the agenda of a future Conference.

The representative of the Director-General said that he would know whether the item on occupational safety and health was to be included in the 2005 or 2006 agenda only once the list of items for the 2005 session was adopted. In the light of the discussion that had taken place, it seemed that the issue of employment and social protection in ageing societies was the one that should be retained, but that all the others had also had considerable support.

It also seemed that, while the question of a possible protocol to Convention No. 111 had interested the Governing Body for quite some time, it had been supported by only two or three governments. The same applied to the issue of the promotion of decent work in the reconstruction of conflict-affected countries, which had been supported by the Workers' group. There came a point where it had to be admitted that certain propositions did not rally sufficient support to be selected as Conference agenda items. It appeared that the 2006 and 2007 sessions would examine the revision of standards on chemical substances and the protection of machinery, as well as harassment, which had been mentioned by several speakers.

The Chairperson said that, in the light of the discussions that had taken place and in accordance with the decision that would be made at a subsequent sitting regarding the agenda of the 93rd Session of the International Labour Conference in 2005, the Office would provide the Governing Body with new information for its next session in March 2004 with a view to setting the Conference agenda for 2006.

The sitting closed at 6.15 p.m.

SECOND SITTING

Wednesday, 19 November 2003, morning

The sitting opened at 10.45 a.m., with Mr. Chung in the Chair.

Seventeenth item on the agenda¹

REPORT OF THE DIRECTOR-GENERAL

The Chairperson paid tribute to the memory of Mr. John Mainwaring, who had participated in ILO affairs as a representative of the Government of Canada for over 30 years. A dedicated supporter of ILO activities and objectives, Mr. Mainwaring had been a member of the Governing Body from 1962 to 1980 and its Chairperson from 1972 to 1973. Within the Government group he had been instrumental in the creation of the informal group of industrialized market economy countries (IMEC).

A Government representative of Canada recalled Mr. Mainwaring's long career at Canada's Department of Labour and noted that his in-depth knowledge of the Organization had been instrumental in Canada ratifying a number of key ILO Conventions. The mechanisms he had established for federal government consultations with Canadian provinces and territories for the development of positions on ILO issues and the ratification of Conventions were still in place.

The Worker Vice-Chairperson associated himself with the condolences expressed concerning Mr. Mainwaring, and recalled that in his region Mr. Mainwaring was very well respected.

The Employer Vice-Chairperson highlighted Mr. Mainwaring's considerable personal qualities and his long career in the Organization, referring to the legacy he had left in his important publication, *The International Labour Organization: A Canadian view*.

The Chairperson paid tribute to Sir William Douglas, a distinguished member of the Committee of Experts on the Application of Conventions and Recommendations for 20 years, from 1975 to 1995, and Chairperson of the Committee from 1995 to 2001. He had also been a member of the ILO Administrative Tribunal for 15 years, and its President from 1994 to 1997.

A Government representative of Barbados recalled the prodigious career of Sir William Douglas, a man revered in his homeland and respected by the international community. In all the positions he had held, Sir William Douglas had exemplified respect for law, the importance of dialogue and the indispensability of cooperation. He had been an architect of Barbadian society and had helped the small island nation to stand on its own as a truly independent State.

The Worker Vice-Chairperson associated himself with the sentiments of sorrow, respect, admiration and gratitude expressed by the representative of the Government of Barbados. The Workers' group felt honoured to have benefited from the significant work

¹ See also sixth (Private) and seventh sittings.

Sir William Douglas had accomplished in the field of law generally, and on labour-related law in particular.

The Employer Vice-Chairperson stated that, in view of the services he had rendered to his country, his work at the international level and the dedication with which he had carried out his activities at the ILO, Sir William Douglas had been an outstanding example of what the Caribbean and the Americas as a whole had been able to give to the ILO.

The Chairperson announced the death of Mr. Saiyid Hashim Raza, whose high-level political career in Pakistan had resulted in him leading his country's delegation to the International Labour Conference from 1962 to 1965, when he had been elected President of the 49th Session. He had also acted as Chairperson of the Fifth Asian Regional Conference in 1962 and from then on had represented Pakistan in the Governing Body. The ILO would remember him as a man of great culture, integrity and political ability.

A Government representative of Pakistan paid tribute to the memory of Mr. Saiyid Hashim Raza, a distinguished son of Pakistan, whose work and whose memory were closely bound to the founding of Pakistan and the creation of its political institutions.

A Worker member from Pakistan recalled that, when he had been Secretary of Labour in Pakistan, Mr. Saiyid Hashim Raza had promoted the promulgation of legislation on minimum wages and social security.

The Employer Vice-Chairperson said that the Employers' group felt the loss of Mr. Saiyid Hashim Raza greatly and that the Employer representative of Pakistan had for many years been one of the central figures of the Employers' group.

The Chairperson announced the tragic death of Mr. Michael C. Wamalwa, Vice-President of Kenya, an internationally respected political figure, and recalled the exemplary talent and discretion with which he had performed his functions as President of the 91st Session of the International Labour Conference.

A Government representative of Kenya paid tribute to the memory of Mr. Michael C. Wamalwa, Member of Parliament, Vice-President and Minister for Regional Development of the Republic of Kenya, who had left an indelible mark on the political and social history of the country. The most fitting tribute was to quote his own words at the closing session of the last session of the International Labour Conference: "My personal wish is that the conclusions reached at the 91st Session of the Conference are promptly translated into national policies and actions and accords".

The Worker Vice-Chairperson deeply regretted the passing of Mr. Wamalwa and paid homage to the imposing career he had achieved in a relatively short life.

The Employer Vice-Chairperson stressed that Mr. Michael C. Wamalwa's role as President of the Conference further confirmed the great leadership skills, the excellent education and training and the outstanding human qualities that had earned him a solid international reputation.

A Government representative of the Dominican Republic respectfully paid tribute to the memory of Mr. Michael C. Wamalwa, who had displayed great skill as a legal expert, an academic, a protector of human rights and had been a politician with a strong sense of ethics.

The Chairperson announced the death of Mr. Joseph Mugalla, former member of the Governing Body between 1990 and 1996. Among the most important Kenyan trade

unionists of his generation, Mr. Mugalla had been honoured with a high political appointment in the Republic of Kenya.

A Worker member from the United Republic of Tanzania recalled that Mr. Mugalla had striven to improve working conditions in the world of work, seeking practical solutions to critical problems rather than relying on academic rhetoric.

A Government member from Kenya recalled the career of Mr. Mugalla and his invaluable contribution to the promotion of justice and social peace. The Government of the Republic of Kenya would greatly miss the industrial relations expert, who had injected his conciliatory skills into Kenyan party politics.

The Employer Vice-Chairperson recalled that it had been Mr. Mugalla's vocation to represent the legitimate interests of the workers, and that this vocation had guided both his political career and his work for the Governing Body.

The Chairperson announced the death of Mr. Marwan Nasr, a former member of the Governing Body between 1957 and 1996, and Employer Vice-President at two sessions of the International Labour Conference.

An Employer member from Saudi Arabia paid tribute to the memory of Mr. Nasr, recalling his tireless career spanning over 40 years at the ILO, dedicated to defending the fundamental freedoms of individuals and their rights at work. Mr. Nasr had promoted the use of Arabic in the ILO and would be remembered, among many other reasons, for having founded the first Chamber of Commerce in Lebanon.

A Worker member from Lebanon paid tribute to the memory of Mr. Nasr, whose birth coincided almost with the foundation of the ILO, and who had, until the very end of his life, championed sound industrial relations.

A Government representative of Jordan deplored the loss of Mr. Nasr, whom he had accompanied in his professional activities since 1973.

The Chairperson communicated the death of Mr. Luis Anderson, General-Secretary of the Inter-American Regional Organization of Workers.

The Worker Vice-Chairperson noted his great esteem for Mr. Anderson, a distinguished Caribbean-Latin American personality, who had spared no effort in both Panama and the Group of Latin American and Caribbean States (GRULAC). Among his many achievements, he would be remembered in particular for his untiring efforts to bring a social dimension to the march of globalization and trade liberalization.

The Employer Vice-Chairperson, speaking on his own behalf and on that of the Employers' group, remembered Mr. Anderson as a leader, and also as his firm counterpart in many debates. He had fought tirelessly to promote an area for social dialogue common to the entire American continent. The speaker wished to convey his deep sorrow to the workers of Latin America.

A Government representative from Argentina, speaking on behalf of the Group of Latin American and Caribbean States (GRULAC), described the emptiness that the death of Mr. Anderson had left in the trade union sphere in the Americas and throughout the world. The speaker noted that Mr. Anderson had been a member of the negotiating committee for the Panama Canal treaties, with responsibility for negotiating all the labour aspects of those treaties. Latterly, he had sought to find a way to solve the emerging tensions between the various processes of integration, always fighting for a fairer world and for full democracy for the peoples of Latin America.

The Director-General, making an exception to the custom whereby his statements on such occasions were limited to expressing the general sentiment of the Governing Body on behalf of its members, wished to pay a personal tribute to the memory of Mr. Anderson with whom he had enjoyed a close personal and working relationship. A union leader of international stature and an untiring defender of the rights of workers, who had identified himself fully with the principles of social dialogue and tripartism, had been lost. He emphasized, in particular, that Mr. Anderson had sought an autonomous, socio-political unionism, able to participate with its own voice at the national and international levels, and to establish alliances with the other social partners in order to find solutions. Without losing his Latin American heart, Mr. Anderson had viewed the union struggle from a global perspective. The ILO would miss his presence and his important contribution to the work of the Organization.

The Governing Body adopted the recommendations in the various documents, and took note of the sections submitted for information.

First Supplementary Report: Arrangements for the Seventh European Regional Meeting

A Government representative of Luxembourg set forth the three reasons why Luxembourg had decided to support the candidature of Hungary as host country of the Seventh European Regional Meeting: the fundamental importance of meetings of this type, the excellent relationship Luxembourg had with Hungary, and the fact that during the first half of 2005 Luxembourg would be holding the presidency of the European Union and would make the Meeting an integral part of its European Union presidency agenda and support it financially.

The Deputy Secretary of State of Hungary said that, at the consultations held with the Hungarian authorities in the spring of 2003 concerning the venue for the Seventh European Regional Meeting, it was clear that the proposed agenda of the Meeting confirmed the expectations of all the countries concerned, whether or not members of the European Union, including Hungary and the other countries that had signed the Treaty and Act of Accession. Decisive times were approaching, as the enlargement of the European Union and the beginning of greater cooperation between the countries that would belong to it would make Europe a very competitive player in the global economy. The ILO was the ideal organization to guarantee respect for the principles of equity and social justice throughout the world.

The Government of Hungary would meet its share of the expenses and provide the services agreed. The fact that the Government had proposed the city of Budapest demonstrated its profound interest in the ILO's policy on Europe being successful and contributing to the realization of the values of the European social model.

A Government representative of Lithuania supported the proposal to postpone the Seventh European Regional Meeting to early February 2005, for the reasons given, and welcomed the idea of holding it in one of the States that had begun the formalities for accession to the European Union, as a sign of acknowledgement of Europe's increasing integration.

A Worker member from France thanked the Government of Luxembourg for the generous share of the Meeting it would be financing. He recalled that European Regional Meetings had never been held regularly as they were not considered to be of primary importance. In view of the far-reaching changes that were occurring in Europe, those Meetings should now be held every four years. He agreed that they should be organized in different parts of Europe, not always in Geneva.

The Employer Vice-Chairperson stated that his group supported the proposal contained in paragraph 6 of the Office document.

The representative of the Director-General was pleased to announce that the Seventh European Regional Meeting would be held in the city of Budapest, symbolizing the meeting between East and West, and would address the management of transitions in conjunction with decent work. He explained that those ideas had resulted from tripartite consultations held at the beginning of 2003. On that occasion, both the Employers' and Workers' groups had expressed their wish that the Meeting be held outside Geneva and sometime after December 2004, to avoid it interfering with other meetings, or with end-of-year celebrations.

A Government representative of the Russian Federation said that, following informal consultations organized by the Office, the constituents agreed that the Meeting would be held in the manner proposed. The speaker thanked the Governments of Hungary and Luxembourg for their financial participation, and the Government of the Czech Republic for its offer to host the Meeting.

The Chairperson stated that the Seventh European Regional Meeting would be transferred to Budapest and would be held in February 2005.

It was so decided.

Sixth item on the agenda

ENHANCED PROGRAMME OF TECHNICAL COOPERATION FOR THE OCCUPIED ARAB TERRITORIES

The Worker Vice-Chairperson said that his group had taken note of the measures that would be adopted to establish the Palestinian Fund for Employment and Social Protection. It could be seen from the feasibility study that US\$7 million would be invested in the establishment, management and operation of the Fund, and that an amount of some US\$90 million would be required to achieve the programme objectives. His group would like to receive up-to-date information concerning the Fund and an estimate of the forthcoming donations that might be made in the short term. He asked the Office to provide a further progress report to the Governing Body in March 2004.

The Employer Vice-Chairperson said that the Palestinian Fund for Employment and Social Protection was of key importance for the peace and development of the occupied Arab territories and their people. He urged governments to go on providing the necessary support through donations, which were the only way to finance all the initiatives to promote social dialogue. He supported the request made by the Workers' group that the Office submit a further progress report to the next meeting of the Governing Body, and asked that the allocations of funds be broken down by objective, not only to ensure greater transparency of information, but also to pinpoint where efforts should be directed in the future.

A Government representative of Italy took the floor on behalf of the governments of the European Union, the accession countries – Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, and also Bulgaria, Romania and Turkey. They confirmed their willingness to assist in the process of job creation and economic reconstruction in the region, as well as in the establishment of a much-needed system of social protection and the promotion of a platform for constructive dialogue between Palestinians and Israelis on labour issues and workers' freedom of movement.

The European Union urged the ILO to continue supporting employers' and workers' associations, strengthening social dialogue for construction and reconciliation and enhancing existing training capacities, in particular in the area of management. It was ready to consider support for the Palestinian Fund for Employment and Social Protection and looked forward to the convening of a donors' meeting, when circumstances allowed, to call for financial support from the international community and the Arab Development Fund.

A Government representative from the Libyan Arab Jamahiriya, speaking on behalf of the Arab members of the three Governing Body groups, requested the Governing Body to call on all donor countries and all funds – regional and international – to help assist the Palestinian Fund for Employment and Social Protection through donor meetings and bilateral contributions, in order to achieve the objectives set by the ILO. The speaker stressed the need to implement technical cooperation programmes to meet emergency needs and also to concentrate on middle- and long-term solutions. It was important for the ILO to be able to fulfil its mandate to protect workers and employers in the occupied Arab territories.

A Government representative of South Africa welcomed the progress achieved in the implementation of the technical cooperation programme, despite the very difficult situation prevailing in the occupied Arab territories, and supported the follow-up measures proposed by the Office.

A Government representative from India, speaking on behalf of the Asia-Pacific group, expressed his satisfaction at the progress made since March 2003. It was noteworthy that the ILO had committed a total of US\$1.75 million to achieving various objectives related to the Palestinian Fund for Employment and Social Protection. The ILO should continue to supervise the Fund and administer it in a transparent and accountable manner; at the same time, it should coordinate its activities with other agencies to ensure that the programme delivered maximum benefits to the workers and employers of the region.

The Asia-Pacific group was in favour of entering into negotiations and requested the Office to keep the Governing Body fully informed of future developments in its activities in the occupied Arab territories.

A Government representative of Sudan specified that the Palestinian Fund for Employment and Social Protection should operate on the basis of contributions from donor countries and donor institutions. It was important that the fundamental rights of Palestinian workers be respected, a cause that the ILO had always defended throughout the world.

A Government representative of the United States said that the expertise provided by the ILO was crucial to the coordinated effort of the international community to address labour problems on the West Bank and Gaza Strip.

A Government representative of Nigeria urged all member States to provide their support and collaboration to promote peace in the region and reunite Arabs and Israelis.

A Government representative of the Islamic Republic of Iran supported the statement made on behalf of the Asia-Pacific group, and insisted that it would be very difficult for ILO technical cooperation to be productive in a war-torn region. It was imperative that all donor countries and international bodies did everything in their power to put an end to the bloody conflict and to establish a climate of peace on the basis of constructive dialogue in order to contribute to the creation of sustainable employment.

A Government representative of Indonesia associated himself with the statement made on behalf of the Asia-Pacific group. The establishment of training centres for women and young people would help to create employment opportunities. However, he was exceedingly concerned about the deteriorating situation in the region and, in particular, the building of the wall, which was already creating huge difficulties for the Palestinian people and preventing them from earning a living. Technical cooperation should focus more on activities pertaining to the territories under Palestinian Authority and the social partners there.

A representative of the Director-General explained that the difficult circumstances prevailing in the occupied Arab territories were a matter of grave concern to all, but would nevertheless not stop the ILO from taking action. Delays might occur, as in the case of the fund-raising campaign, which could not begin on the scheduled date because it had not always been possible to meet the Palestinian representatives. The intention now was to make the Palestinian Fund for Employment and Social Protection the instrument by which assistance to the Palestinian people could be consolidated, focused, and become integrated and meaningful.

A representative of the Director-General, responding to the questions raised by the Workers' group, said that negotiations with the European Union were very advanced and that it was ready to support the Palestinian Fund for Employment and Social Protection. Contact had been made with the Kingdom of Saudi Arabia and with the Arab Fund for Economic and Social Development during the Dubai meetings of the World Bank and the Fund and both were now ready to receive specific proposals. Initially, part of the unused resources donated by Italy would be used to help the Ministry to set up the funds. The following stage would be to put the legal framework of the Fund into place, and then set up its physical existence, once the Presidential Decree had obtained parliamentary approval. At the first meeting held by the new Government, the Fund was considered to be a priority item.

The work of the Fund had been divided into various parts, so that the total sum of US\$90 million was no longer prerequisite to begin, and it would be possible to start on a module or carry out an activity on a pilot basis, according to the available funds. In Dubai the Arab States that imported labour showed tremendous willingness to consider proposals to help ease the situation in the Palestinian labour market.

The Governing Body took note of the report.

The sitting closed at 1 p.m.

THIRD SITTING

Wednesday, 19 November 2003, afternoon

The sitting opened at 3.40 p.m., with Mr. Chung in the Chair.

Seventh item on the agenda

332ND REPORT OF THE COMMITTEE ON FREEDOM OF ASSOCIATION

The reporter of the Committee announced that the Committee had examined 114 pending cases, 28 on their merits. In cases concerning Algeria (No. 2153), Chile (No. 2172), Morocco (No. 2164), Pakistan (No. 2096) and Uruguay (Nos. 2087 and 2174), the Committee observed that although much time had elapsed since submission of these complaints, complete observations of the governments concerned had not arrived. These governments should transmit their observations as a matter of urgency.

The Committee once again drew special attention to the cases of Belarus (No. 2090), Cuba (No. 2258), and Zimbabwe (No. 2238), on account of their extreme seriousness and urgency. The Committee had examined 43 cases for which governments had provided information on measures taken to give effect to recommendations, and was pleased to note positive developments in ten cases.

The long-standing case of Cuba (No. 2258) concerned the recognition of a single trade union central, controlled by the State and by the Communist Party, and the consequent prohibition of independent trade unions. Extremely harsh sentences had been given to seven trade union officials from the Single Council of Cuban Workers (CUTC), the Independent National Workers' Confederation of Cuba and the Confederation of Democratic Workers of Cuba. Workers should be free to establish the organizations they considered necessary, irrespective of whether or not they supported the social, economic or political model of the Government. These organizations should decide whether to receive funding for their legitimate activities. The Committee noted the Government's statement that the sentenced individuals were not trade unionists but were charged with crimes against the State. It recalled that the CUTC was affiliated to the Latin American Central of Workers and the World Confederation of Labour and noted that some of the charges were vague and could easily be used to punish the exercise of legitimate trade union activities. The Committee requested the Cuban Government to take steps for the immediate release of the arrested trade unionists and, in view of the seriousness of the issues involved, urged the Government to accept a direct contacts mission.

The case of Zimbabwe (No. 2238) concerned allegations of the arrest and intimidation of several leaders of the Zimbabwe Congress of Trade Unions (ZCTU) and the beating and threats made in respect of the ZCTU General Secretary. The Committee had examined similar serious allegations in 2002, concerning an earlier police intervention in ZCTU's activities. While noting the Government's brief reply that the persons in question were members of the National Constitutional Assembly and as such anti-government activists, the Committee considered the symposium and meetings organized by the ZCTU in December 2002 as legitimate trade union activities and that the subsequent arrests were directly related to these activities. Arrest and detention of this type constituted serious interference with civil liberties and trade union rights. Such interference appeared to be recurrent in the country and could create an atmosphere of intimidation, prejudicial to the normal development of trade union activities. While noting that the trade unionists in

question had been released by judicial order, the Committee requested the Government to abstain in future from resorting to such measures and to institute a thorough and independent investigation, sanctioning those responsible for the detentions.

The Committee had now examined the allegations concerning Belarus (Case No. 2090) seven times. While the allegations and role of the various parties had evolved, the Committee noted with deep regret that the Government had taken no steps to implement its recommendations. Serious attacks had been made and continued to be made on all attempts to maintain a free and independent trade union movement in the country. Resort to administrative detention of trade union officials was becoming more frequent, and the Committee called upon the Government to ensure that trade union leaders could fully exercise freedom of expression and of association without fear of reprisal, and not be subjected to detention.

In the light of the serious and aggravating circumstances, and taking into account the complaint under article 26 of the Constitution, submitted by a number of Workers' delegates to the 91st Session of the ILC in June 2003, the Committee recommended that the Governing Body refer the examination of all the pending allegations in the case along with the complaint to a commission of inquiry.

The Employer spokesperson supported the adoption of the report with some strong reservations. He particularly endorsed the categorization of the cases concerning Belarus, Cuba and Zimbabwe as serious and urgent. Belarus was a case of persistent government interference in trade union activities and persistent failure to implement the Committee's recommendations. He supported the recommendation that a commission of inquiry be instigated in respect of Belarus, as well as the invitation to the Government of Cuba to accept a direct contacts mission.

The case of the United States (No. 2227) concerned the position of illegal immigrants in relation to freedom of association rights. The Committee had urged consultation in order to overcome a perceived gap in protection from acts of anti-union discrimination.

Case No. 2252 (Philippines) was related to a previous Philippines case as a result of which the Government intended to amend its legislation. The Employers' group had strong reservations over two issues. Firstly, the Committee was wrong in recommending that consideration should be given to the reinstatement of the workers, whose strike in this instance was clearly illegal on procedural grounds. Secondly, the group had strong reservations concerning the approach taken by the Committee and the Committee of Experts to the concept of essential services. In this case the Secretary of Labor issued a back-to-work order, following a second strike, on the legal grounds that the operation was indispensable to the national interest. The Committee had again based its decision on a definition of essential services as those, the suspension of which would present a clear and imminent threat to the life, health or personal safety of the whole or part of the population. This approach ignored the adverse effects on the community or the national economy of many types of strike action and should be urgently revised. The group noted that the Government intended to amend its legislation on relevant matters and would follow developments carefully. The invitation to the Government to accept a consultative mission was a positive step, since this would enable the Committee to be better informed.

The Worker Vice-Chairperson supported the report. This was the fourth time that the Committee had regarded the case of Belarus as an especially serious and urgent case, and the Workers' group strongly endorsed the recommendation by the Committee to refer this case to a commission of inquiry.

The urgent case of Zimbabwe showed the continued existence of interference and harassment, arrests and detention of trade unionists. There seemed to be no political will to follow the recommendations of the Committee and the Governing Body. Around 350 persons from the ZCTU and civil society organizations had been arrested, including the ZCTU President, Vice-President and General Secretary.

The Workers' group fully supported the request made to the Cuban Government to allow workers to organize freely in trade unions and to ensure the effective recognition of the right to strike and deeply deplored the long sentences against trade union officials.

The case of the United States dealt with the fundamental question of whether around 8 million undocumented workers were effectively protected against violations of their freedom of association. The Workers' group agreed with the Committee's conclusion that the remedial measures available in cases of anti-union discrimination were inadequate and that the legislation needed to be amended.

Case No. 2201 (Ecuador) involved extreme violence against workers on strike. It had been dealt with in November 2002. The Workers' group stressed the importance of the introduction by the Government of stronger penalties for violence against workers. Case No. 2252 (Philippines) was an example of how a multinational enterprise, apparently with little regard for corporate social responsibility, had for a number of years done everything in its power to prevent the recognition and certification of the Toyota Motor (Philippines) Corporation Workers' Association. The Government should impose reinstatement of the 227 workers dismissed, as well as of the 15 trade union officers who had lost their employment status. The Employers' stand on this case was unacceptable.

In Case No. 2262 (Cambodia), numerous trade unionists had been dismissed from their jobs in the textile industry. Clearly, the Government did not take violations of freedom of association seriously. Case No. 2086 (Paraguay) concerned unacceptably long judicial proceedings and the retroactive application of criminal law against trade unionists. The trade union leaders in question should immediately be released. Case No. 2132 (Madagascar) dealt with the suspension of existing collective agreements in enterprises awaiting privatization, a violation of Article 4 of Convention No. 98.

The Government of India, in relation to Case No. 2228 dealing with dismissals, arrests and detention of hundreds of striking workers at Worldwide Diamonds Manufacturing Ltd., should be aware of its responsibility towards the ILO to secure respect for the principles of freedom of association nationwide, without exception.

The Governing Body adopted the recommendations in paragraphs 1-457 of the report.

A Government representative of Cuba stated that the ILO had become an anti-democratic forum. Case No. 2258 concerned a small group of people who had never been elected as trade union officials and who were not working. They were mercenaries financed by the United States, which country wished them to be seen as independent trade unionists. The Government considered that the information provided would be sufficient for any objective, impartial body to close consideration of this case and rejected the conclusions.

A Government representative of South Africa said the report detailed complaints against Cuba presented by the ICFTU, the Latin American Central of Workers (CLAT) and supported by the World Confederation of Labour. The detailed response of the Government of Cuba contained two critical points: firstly, that those involved were not trade union members; secondly, some of the persons had been found guilty, after due process, of counter-revolutionary activities, treason and conspiracy on matters not

connected to the right to establish trade unions. While noting the Government's statement, and its reiteration of full commitment to freedom of association, protection of the rights of workers and readiness to cooperate, the Committee had also observed that in Cuba there was only one officially recognized trade union central. It had requested the complainant organization to send a copy of the statutes of each of the organizations mentioned in the complaint so that it might examine fully this aspect of the case; more information was necessary before a decision was arrived at. It further requested the Government to provide detailed information on the various recent collective agreements; the speaker queried why this information was not requested from the complainants.

Despite this being an interim report, the Committee had nevertheless queried charges as too vague or not necessarily criminal. It had also questioned the outcome of the judicial process conducted in a sovereign State. It believed that the Government had a case to answer, without having established that the persons mentioned were genuine trade union members or leaders, and without information critical to determining the status of the cited organizations.

The fact that the Committee had drawn conclusions, and made recommendations to the Governing Body without having comprehensively reviewed the matter further, confirmed the suspicion that conclusions to complaints of certain cases were made before full consideration of responses from concerned governments.

The Employer Vice-Chairperson deplored the terms employed by the Cuban Government representative who associated the ILO with social actors with which it had no connection.

The Worker Vice-Chairperson reminded the Government of Cuba that the Committee's procedures were based on complaints, and it was the Governing Body's duty to look into complaints on alleged violations of freedom of association.

A Government representative of Belarus associated herself with the position of Cuba and South Africa.

A Government representative of the United States recalled that it had been well established that workers in Cuba did not enjoy the fundamental right to form and join the trade union organizations of their own choosing. The Committee on Freedom of Association and the Committee of Experts had been clear, consistent and unanimous in criticizing Cuba's laws and practice in this regard and had recommended specific measures to correct the situation. The allegations levelled by the Cuban Government against the United States were untrue. The suggestion that the supervisory bodies of the ILO had acted improperly was ludicrous.

A Government representative of Venezuela reiterated his Government's belief that procedures and supervisory mechanisms should be based on impartiality, and objective and balanced criteria. He did not support the conclusions and recommendations.

A Government representative of Sudan felt that the conclusions on this case required further examination and discussion with the Cuban Government. A number of countries had concerns regarding the Committee's modus operandi and felt it needed review. The systematic use of contact missions was not always appropriate.

A Government representative of China said that the Cuban case was highly complex and all efforts should be made to find a reasonable resolution.

The Worker Vice-Chairperson dismissed the allegations made against the Workers' group by Cuba. There must be no seeking to undermine the regulatory machinery governing the Committee simply because a decision provoked contention. The question had to turn on the facts, the manner in which the case was heard, and the level of cooperation.

The Governing Body adopted the recommendations in paragraph 535 of the report.

A Government representative of Ecuador stated that Ecuador complied with Conventions that it had ratified and that her Government's observations did not appear to have been taken into account by the Committee. She was also concerned that, in its recommendations, the Committee was in danger of encroaching on matters within the remit of other bodies.

The Governing Body adopted the recommendations in paragraphs 550, 613, 646, 668, 680, 690, 729, 751, 783 and 807 of the report.

A Government representative of Pakistan said that his Government had made considerable progress in amending the Industrial Relations Ordinance 2002 in consultation with the Employers and Workers. He requested that the case be deferred until the 289th (March 2004) Session.

The Worker Vice-Chairperson urged the Government of Pakistan to abide by its commitments to Conventions Nos. 87 and 98 and expedite resolution of the issue.

The Governing Body adopted the recommendations in paragraphs 828 and 847 of the report.

A Government representative of the Philippines said that the Government had initiated steps to simplify and facilitate the holding and administration of certification elections. Congress was consulting both the public and private sector with a view to amending or revising the Philippine Labor Code and sanctions for participation in illegal strikes. Consistent government policy was to encourage labour and management to resolve all controversies, including issues arising from collective bargaining, through amicable settlement. But the Government could not enforce collective bargaining on any or both of the parties. The Philippine Labor Code guaranteed the right of a party to a collective bargaining negotiation to file a complaint for unfair labour practices in the event of the other party unreasonably refusing to bargain collectively. As for the possible reinstatement of the 227 dismissed employees, the Government did not have the authority to compel the management of Toyota Motors (Philippines) Corporation to reinstate the dismissed union members and officers to their former positions without loss of pay and seniority rights. Without an order from a court of competent jurisdiction declaring the order of the National Labor Relations Commission invalid, or otherwise ordering the reinstatement of the dismissed employees, the said order would be respected and considered lawful. Furthermore, initiating discussions with management for the reinstatement of the dismissed employees was scarcely possible where the judgement of the National Labor Relations Commission was final and executory.

The Governing Body adopted the recommendations in paragraphs 890, 914 and 956 of the report.

A Government representative of Zimbabwe said that his Government respected freedom of association but would not countenance disturbance of the peace. Genuine trade union actors had nothing to fear in Zimbabwe. The conclusions on Zimbabwe were unfair and should not be adopted.

A Government representative of South Africa expressed concern regarding the examination of the case of Zimbabwe. As clearly set out in the Government's reply, the persons in question were members of the National Constitutional Assembly, a quasi-oppositional political organization whose agenda was to topple the Government. Clear distinctions should be made between legitimate and illegitimate activities.

The Worker Vice-Chairperson noted that the Government of Zimbabwe expressed no political will to implement the specific recommendations in the report. Trade unionists should be able to take industrial action over questions of economic and social policy without being penalized. The Government should ensure that the workers of Zimbabwe enjoyed this right.

The Governing Body adopted the recommendations in paragraph 970 of the report.

Eighth item on the agenda

REPORT OF THE OFFICERS OF THE GOVERNING BODY

Complaint concerning the non-observance by Belarus of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), made by the delegates to the 91st Session (2003) of the International Labour Conference under article 26 of the ILO Constitution

The Worker Vice-Chairperson remarked that this was the seventh occasion that the Governing Body had spent time on what should be a straightforward procedure. There was no response at all from the Government and the situation had worsened considerably. The Government had only recently rejected a technical assistance programme. The moral stance of the ILO was sullied by this recalcitrant behaviour by a government which was not only a member of the Governing Body, but which had also tried to be elected to the Committee on Freedom of Association. The resolution should be supported.

The Employer Vice-Chairperson concurred and supported the appointment of a commission of inquiry to ensure that the violations ceased and Conventions Nos. 87 and 98 were fully respected.

A Government representative of Belarus said that the Government clearly understood that national legislation and practice must be improved and upgraded. A number of the problems referred to in the complaint, as well as that of trade union contributions, had already been resolved. The speaker was unaware of physical threats to trade union leaders. The Government was doing all to ensure that the ILO supervisory bodies were able to assess objectively respect for freedom of association. The Ministry of Labour and the Ministry of Social Protection were working actively with the Committee and met regularly with the ILO. In September 2003, the ILO mission had had consultations at a very high governmental level, involving trade unions and other relevant associations. The Government of Belarus respected the supervisory bodies of the ILO and was seeking to comply with all that was required. However, the question of the trade unions' representativeness at various levels within the social partnership system was still not fully resolved. The Government had not refused technical assistance: it was not always easy to promote agreement on technical projects developed by ACTRAV and undertaken by trade unions. The overall cost of these projects over the past ten years amounted to US\$740,000 involving one small trade union federation. The Government had repeatedly tried to demonstrate to the ILO that this only served to increase mistrust among trade union associations, and made it more difficult to resolve Case No. 2090. Belarus had ratified 49 ILO Conventions, including all eight core Conventions. There was certainly no need to

establish a commission of inquiry. It would be more productive to continue to follow the Committee's standard procedure. Finally, in view of the fact that the ILO's September mission was so recent, the Government appealed, under article 26, paragraph 2, of the ILO Constitution, for time to prepare its answers to the report, and submit them before January 2004.

A Government representative of Italy, speaking on behalf of the governments of the European Union, and of the accession countries: Czech Republic, Estonia, Hungary, Lithuania, Malta, Poland, Slovak Republic and Slovenia, of the associate countries: Bulgaria, Romania and Turkey, as well as of Canada and Switzerland, expressed deep concern over the continuing deterioration of democratic principles and rights in Belarus, as well as the non-respect of international commitments, especially Conventions Nos. 87 and 98. Belarus had committed serious violations of union rights in recent years, including interference in the internal affairs of unions, anti-union legislation, abusive pressure on the election of union representatives, freezing of union bank accounts, and failing to consult with national union organizations regarding the designation of Worker representatives in the Belarus delegation to the ILO. The European Union approved the setting up of a commission of inquiry and encouraged Belarus to engage actively in constructive dialogue with the ILO; it also called for the effective continuation of technical projects on the protection of workers' rights and the development of democracy.

A Government representative of Norway associated himself with the statement made by the Government of Italy on behalf of a series of governments.

A Government representative of China said that the Governing Body should fully consider the proposition by the Belarus Government.

Government representatives of the Russian Federation, India and Pakistan noted a clear willingness on the part of the Government of Belarus to cooperate with the ILO and to take account of recommendations made by the Organization. The Government should be given an opportunity to put the recommendations into practice and decide on the establishment of a commission of inquiry at a later stage.

The Worker Vice-Chairperson regretted the disparity between the facts and the different interpretations thereof. The truth would be determined by an independent commission of inquiry.

The Employer Vice-Chairperson said that a decision had to be made on the basis of fact and therefore approved the point for decision.

The Governing Body adopted the recommendations in paragraph 10 of the report.

Seventh item on the agenda

332ND REPORT OF THE COMMITTEE ON FREEDOM OF ASSOCIATION (*concl.*)

The Governing Body adopted the recommendations in paragraph 362 of the report.

Fourth item on the agenda

THE FUNCTIONING OF DECISION-MAKING BODIES

(a) The International Labour Conference

(b) The Governing Body

The Employer Vice-Chairperson said that efforts should be aimed at enhancing the quality of tripartism by improving the procedures of the ILO. A more systematic approach, through improved communication and the use of information technology, was needed to prevent duplicate discussions in the Conference and in the Governing Body. Documents should be relevant, condensed and intelligible. Efforts should be pursued to build on recent improvement in the timely distribution of documents. Chairs and Vice-Chairs should be appropriately prepared and briefed to ensure speaking time was respected, with correct application of the Standing Orders. This concerned not only the tripartite constituents, but also non-governmental international organizations wishing to participate in debates.

The Governing Body was more closely focused on the subjects before it than previously, but should manage its time better by concentrating more on policy discussion rather than on administrative questions. Reducing the length of sessions should not compromise the Governing Body's ability to arrive at consensus. The attainment of consensus was the ultimate aim, in the Governing Body and in the Conference.

Communication with the constituents on the work of the Governing Body should be improved. The role of ACT/EMP and ACTRAV should be consolidated, and governments should also have time to voice their concerns. Coordination with governments, prior to discussion in plenary, was important on delicate subjects to facilitate tripartite consensus. Informal consultations were essential between sessions of the Governing Body.

The Conference should deal with major issues of current political importance rather than of technical interest. More attention should be paid to time management, especially in the third week. Plenary debate was a sequence of dull monologues and should be more interactive. The system for the discussion of the Global Report could be extended. The political week could be given a more important role, enhancing its relevance for workers, governments and employers alike. Enhancing the pertinence of the Conference would also raise its visibility.

Conference committees should be balanced and truly tripartite. Agendas should be designed to allow full tripartite participation in the work.

The Worker Vice-Chairperson suggested that, as the Governments seemed to be moving towards a regional organization, then the traditional opening remarks by the Employer or Worker Vice-Chairperson on each Governing Body agenda item might give way to first remarks by the spokesperson for a regional group of governments. The Workers' group in no way diminished the role of Governments in tripartism; conversely, it expected respect for trade unions and fewer attempts to undermine tripartism. Delegations to the Conference should uphold the distribution of two Government members to one Employer and one Worker member.

As regards the Governing Body, it might be possible to streamline existing committees to make room for the subject of social protection, not properly covered at present. Closer scrutiny of time management might also yield benefits.

The aim of the Conference should not be to seek attention by covering high-profile subjects. The statements made during the plenary discussion were important, even if they often failed to catch broad attention. However, efforts should be made to stop speakers from making elaborate congratulatory compliments to the Chair. There was also a great need to achieve a better gender balance in participation. The roles of ACTRAV and ACT/EMP should be reconfirmed.

A Government representative of India, on behalf of the Asia-Pacific group, said the discussions at the Conference on the Global Report and the Report of the Director-General were not fruitful enough to provide a basis for solving the issues. Four reports would be discussed at the 92nd Session in June 2004: the Office should plan the timing of these important discussions carefully to ensure high-level participation. The criteria for the selection of cases for discussion by the Committee on the Application of Standards should be more transparent and objective. Lack of transparency in the selection of country cases had distorted the principle of tripartism and undermined the supervisory mechanism of this Committee. The process should be tripartite, and governments should be allowed a voice in the selection of cases. The group supported further consultations by the Director-General with the constituents on the review of the Conference and on special arrangements for the 92nd Session.

The Governing Body's committee structure was necessary but the plenary should concentrate on policy orientation and development, and should delegate discussions on technical issues to the committees. Time management was critical. The agendas of the Governing Body and its committees should not be overloaded and should take account of the time available and past experience of similar discussions. Meetings should start on time, statements should be brief and to the point, documentation concise and focused, with an executive summary. Hard copies did not need to be sent to those wishing to receive documents by e-mail. The group supported the decision points.

A Government representative of Ecuador, on behalf of GRULAC, approved the point for decision concerning the Conference, but stressed that the reforms should not only be considered in the context of the debates to be held in 2004, albeit very important, but in the broader context of the functioning of the Conference and its committees. The Committee on the Application of Standards should also be the subject of informal consultations. Improvement there, and in the technical committees, would impact positively on the work of the Conference as a whole. Work at the Conference should be relevant to the world of labour, and the instruments it produced should tackle real problems facing the world of work. Reform should give a new dynamic to the debates, and be accompanied by better time management. Regarding the Governing Body, GRULAC approved the action proposed in the document. The Committee on Freedom of Association should report to the Governing Body on its examination of its working methods.

A Government representative of Canada, on behalf of IMEC, said the Governing Body should concentrate on a higher level of political decision-making. Governing Body agendas should include key strategic issues for policy discussion as well as specific points for decision on important questions of governance and administration. The Governing Body should have opportunities to review all of the ILO's activities, programmes and policies. Committees should cover the four strategic objectives through restructuring, without creating additional organs. There should be better use of the tripartite process in fixing agendas, with the full involvement of Governments. In addition to informal consultations between the Office and Governments through regional coordinators, there should be direct tripartite consultations on key issues. Governing Body and committee agendas should be shorter and more focused with substantive points for decision whenever appropriate. Information documents and Office reports which required no decision or discussion, should not be agenda items but made available for information only. IMEC agreed that a review of the Governing Body should focus on measures to improve its

functioning, enable it to operate better and enhance its authority and visibility. IMEC welcomed the proposed consultations with all groups, with a view to the submission of specific proposals for reform to the March 2004 session of the Governing Body. Direct tripartite consultations should also be envisaged on this important subject.

Regarding the functioning of the Conference, IMEC referred the Governing Body to its suggestions for improvement made at previous sessions.

A Government representative of New Zealand supported the statements by the Asia-Pacific group and IMEC. Optimum use should be made of the current duration of the Conference. A particular focus should be on facilitating meaningful debate. The timing of discussions on agenda items was particularly important for countries fielding small delegations, and multiple meetings timed simultaneously should be avoided. The work of the technical committees was just as important as the high-profile debates on the standing items of the Conference's agenda, so clashes between discussions on standing and technical items should be avoided.

The Government of New Zealand supported the proposal, in respect of Governing Body reform, for providing forums for tripartite regional discussions and dialogue, given the four-year gap between regional meetings. The speaker asked how such discussions might be organized within the Governing Body, and wondered whether they would provide guidance in respect of regional priorities.

A Government representative of Germany agreed with the Worker Vice-Chairperson that raising the profile of the Conference was not an end in itself. The level of interest contained in the Director-General's Report would ensure high-level participation. A more lively debate should be encouraged on that Report. The Conference committees required far-reaching changes.

In view of the workload, it would not be possible to shorten Governing Body sessions. The Committee on Sectoral and Technical Meetings and Related Issues already dealt partly with social dialogue, and could be adjusted to cover the subject fully.

A Government representative of Japan supported the statements by the Asia-Pacific group and by IMEC. Lack of transparency in the selection of cases for the Committee on Application of Standards had distorted the principle of tripartism. The Chairperson, who might come from the Government group, could be involved in a choice based on objective criteria. The interactive discussion of the global report had only been a limited success. Better results might be achieved by debating in a smaller group. The Governing Body would improve with better time management. Social protection could be added to the mandate of an existing committee.

A Government representative of China supported the statement by the Asia-Pacific group. In recent years a number of major reforms had been made to the functioning of the Conference and these should be given a chance to prove their worth. Any reforms should be entered into the ILO Constitution and the Standing Orders. The Conference's profile should be raised by the selection of pertinent subjects, rather than by constantly changing the format. Care should be taken that informal consultations did not lead to neglect of the governments' opinions. The agenda should be better planned to avoid replication of discussions and waste of time. Some papers for information did not need to be submitted to the Governing Body. Attention should also be paid to adequate provision of Chinese-language documents; this should be taken into account in the reform of the Governing Body.

A Government representative of France endorsed the IMEC statement. The quality and interactivity of the Conference discussions in plenary should have more impact on the ILO's audience. The Office should innovate, and the Governing Body should show confidence in the Office's ability to do so. The report contained no mention of the examination of the work of the Committee on the Application of Standards. The Committee was one of the rare instruments of international social governance and therefore very important.

The Governing Body committees were increasingly overloaded and should be rationalized. Their structure, and their interaction were not clear. Agendas should be limited, and an order given to points for debate and those for information. The current structure could be reviewed, without creating new committees. The strategic role of the Governing Body needed strengthening. However, the debates should remain free, and not be strictly regulated. The decision points required better drafting. Discussions on certain cross-cutting subjects, such as technical cooperation, should not remain the monopoly of one single committee. Better interaction between the Governing Body and its committees could be achieved by programming their agendas over several sessions, or by periodically hearing the chairpersons of the committees. When considering improvements in working methods, the importance of cultural diversity should be recognized.

A Government representative of Nigeria suggested that the floor did not need to be taken by the Employer or Worker Vice-Chairperson in priority, but subjects could be opened from the Government benches.

A Government representative of Mali asked for documents to be made available on time in the working languages.

A Government representative of Kenya said that the current duration of the Conference could not be reduced. Speeches should be limited to five minutes only, and there should be far less side events. Reporters' and committee officers' speeches should also be limited. The right of non-governmental international organizations to participate should be strictly controlled. A better choice of agenda items for discussion would ensure high-level participation and raise the Conference's profile. The current method of document production and distribution could be improved. Changes were needed in the working methods of the Committee on the Application of Standards. The selection of cases to come before the Committee should be on the basis of a fairer geographical distribution.

The Governing Body should be a place for discussion on policy orientation and strategy. A critical review should be conducted of its committee structures, composition, size and functioning, and how they prepared their recommendations for approval by the Governing Body. Changes were needed, for example, in the composition and size of the Governing Body Subcommittee on Multinational Enterprises. All major policy issues should be debated and decided in the Governing Body, not in the various committees.

A Government representative of the Russian Federation called for improvements in the transparency of the functioning of the supervisory machinery with the selection of cases for examination being made on an objective basis, with the early participation in the dialogue by governments.

A Government representative of Venezuela called for the review of the working methods of the Committee on the Application of Standards. The cases should be selected through an objective and transparent process, and considered in full respect of the spirit of international cooperation and technical assistance.

A Government representative of the Republic of Korea submitted a written statement. Changes should be introduced within the existing structure and should focus on increasing efficiency. Significant gains could be made through stricter time-management, concise interventions and focused documents. Government members were less long-serving on the Governing Body than their Employer and Worker counterparts and, consequently, acquired less Governing Body expertise; interests differed from one country to another and there were different levels of development even among States from the same region. This made it hard for the group to speak with a united voice. If Government group meetings were not purely procedural, but concentrated on substantial issues, it could go some way towards remedying this situation. The Office should seek other ways of enhancing the role of Governments in the decision-making process. The Government of the Republic of Korea supported the point for decision, but wished to see fully tripartite decisions in the selection of cases for the Committee on the Application of Standards; more reductions in the production and distribution of documents; raised profile and visibility of the Conference and of the Governing Body; shorter Governing Body sessions, especially the session discussing the biennial budget.

The representative of the Director-General said that informal consultations could be scheduled for the end of January/early February 2004. In response to certain specific questions, he explained that it had been suggested that meetings of regions might be held, conducted or arranged by the regional directors, within the margins of, or linked to, the Governing Body. Regarding the Conference, a suggestion had been put forward that a full discussion of a committee report at the end of a first year was not required under the double-discussion procedure. Two rounds of consultations had been held last year on the functioning of the Committee on the Application of Standards, which resulted in a paper discussed by the Committee in the first week of the 2003 session of the Conference. The Office recognized that that opinion was clearly in favour of continuing this discussion.

The Governing Body adopted the recommendations in paragraphs 10 and 21 of the reports.

The sitting closed at 7.50 p.m.

FOURTH SITTING

Thursday, 20 November 2003, morning

The sitting opened at 11 a.m., with Mr. Chung in the Chair.

Fifth item on the agenda¹

DEVELOPMENTS CONCERNING THE QUESTION OF THE OBSERVANCE BY THE GOVERNMENT OF MYANMAR OF THE FORCED LABOUR CONVENTION, 1930 (No. 29)

The Ambassador of Myanmar stated that his country was at a critical juncture in its history. Prime Minister General Khin Nyunt had unveiled a seven stage “Road Map”, which provided a pragmatic basis with specific measures for the development of a genuine, disciplined democratic system. These positive developments had been welcomed by the Ninth ASEAN Summit (Bali, 7-8 October 2003), the Chairperson of which had made a statement stressing that sanctions were not helpful in promoting the peace and stability essential for democracy to take root. The Road Map was being implemented, and Myanmar was well on the way to democracy. However, the character of the country, made up of 135 national races, and afflicted by nearly 50 years of internal conflict meant that the maintenance of peace and stability was high on the national agenda.

Certain incorrect allegations had been made regarding the incidents of May 2003. Firstly, the number of persons killed was four, not 70. This had been confirmed by the Special Rapporteur on the Situation of Human Rights in Myanmar, Professor Paulo Sergio Pinheiro. The allegation that Daw Aung San Suu Kyi had been injured was also unfounded; she had not undertaken a hunger strike. She had however been obliged to undergo surgery for a gynaecological condition. She had been discharged from hospital on 26 September and was resting at her residence. She was not under legal detention, but was refusing to accept freedom for herself whereas other National League for Democracy (NLD) members arrested since May were released. The authorities had so far released 66 detainees.

The Ambassador had, since his arrival in Geneva in 1999, made the issue of cooperation between Myanmar and the ILO a top priority objective. Much progress had been made over the past four years, with many successful technical cooperation missions, culminating in the visit to Myanmar of the ILO High-Level Team. Since the 91st Session of the International Labour Conference, the Government had been implementing the Plan of Action agreed with the ILO on 27 May 2003, and as the report of the Liaison Officer stated, observance of Convention No. 29 had improved in central Myanmar, if not in the border areas. However, the Government stressed that no linkage between ILO affairs and the internal political situation in the country could be accepted.

A number of allegations had been referred to in the report. Firstly, the practice of submitting civilians, including government employees, to a programme of compulsory military training was no different from the system in Switzerland. It had been established under the constitutions of 1947 and 1974 and, although these were no longer in force, certain of their provisions were accepted as having legal status. Compulsory primary

¹ See also fifth sitting.

education was another of the provisions which remained. It was important to distinguish the services which citizens were obliged to perform under law from the use of forced labour, prohibited in Myanmar by Order No. 199 and Supplementing Order No. 199.

Myanmar's Defence Services Act of 1959 stated explicitly that only those aged between 18 and 25 could be recruited into the armed forces. Instruction No. 13/73 also specified 18 as a minimum age for enlistment. The evidence showed rather that it was the insurgent forces that were using child soldiers. The Government had invited the Special Representative of the United Nations Secretary-General for Children in Armed Conflict to visit Myanmar next year.

Information had been supplied to the Liaison Officer regarding the allegations of use of forced labour in road construction in various regions, and this had been reflected in the report. More information had been supplied to the Liaison Officer regarding the killing of U Saw Mya Than. However, certain issues did not fall within the purview of the ILO and should not be addressed by it. The case of Daw Aung San Suu Kyi came under the responsibility of the Special Envoy of the United Nations Secretary-General, Mr. Razali Ismail; under-age soldiers was a question for Mr. Olara Otunnu, Special Representative of the United Nations Secretary-General for Children in Armed Conflict.

Much had been achieved through cooperation between Myanmar and the ILO in respect of the observance of Convention No. 29 in a very short space of time. The Government was committed to the Plan of Action, and was ready to engage in consultations to forward its implementation. More progress would be achieved before the 289th Session (March 2004). The Governing Body should build on the cooperation already in place and avoid taking any action that might impede it.

The Employer Vice-Chairperson noted that the Liaison Officer reported some improvement in the situation regarding forced labour in central areas of Myanmar, but not in the border areas, where there was still a very high military presence. Convincing reports of forced labour practices and forced recruitment, including children, into the armed forces continued to be made. The Committee on the Application of Conventions and Recommendations had recorded that the ILO had not agreed to sign the Plan of Action, as it was perceived that the conditions for its implementation were not in place. Among other matters, there were three new allegations concerning the recent use of forced labour.

The Ambassador of Myanmar had argued for a step-by-step approach, with peace and stability as a basis for achieving objectives. However, peace and stability could only exist where there was full respect for human rights, and the presence of forced labour in Myanmar meant that there was no such respect. The legitimacy of public duties carried out by citizens in the name of the State, mentioned by the Ambassador, depended on acceptance by society of these obligations, within the framework of a democratic State under rule of law. Forced labour did not enter into this category of obligations.

The Employers' group remained dissatisfied. The Plan of Action had not been implemented. The need to carry through institutional reforms in Myanmar was not an excuse for failure to deal with the issue of forced labour. The 289th Session of the Governing Body should be presented with a report detailing significant progress and specific measures taken. Failing this, the Governing Body would be obliged to consider what steps might be taken under the ILO Constitution to advance the situation.

The Worker Vice-Chairperson said the report showed that hope was fading for the people of Myanmar. It detailed a number of incidents where the Liaison Officer had been prevented from visiting certain districts, had been unable to arrange meetings, or where interviews were conducted in the presence of the military. It was regrettable that the Governing Body had not been directly informed that Daw Aung San Suu Kyi had been

hospitalized on account of a gynaecological condition. The Ambassador had given more information about what the Government intended to do in the future than about what had actually been achieved. While the Ambassador had said that the directives prohibiting forced labour had been translated into minority languages, the report indicated that there was no evidence that these translations had been distributed. The proposed Road Map was excellent but, so far, none of its paths were clear.

The ILO was recognized among international agencies as an organization that could give a voice to those who aspired to democracy and freedom for their communities. This did not imply entering the political arena. No suggestion had been made that the military Government of Myanmar should be challenged. It was the Government's persistent use of forced labour that was being challenged. Naturally, the Workers' group wished to see the ILO provide technical assistance and cooperation to the Government of Myanmar. But such assistance should be given to advance the efforts made by the Government to respect fundamental human rights. The Director-General should therefore ask the Government to give details on measures taken to remedy the situation, such as to allow the Governing Body to decide on appropriate technical cooperation or persuasive techniques. A report should then be submitted in March 2004.

A Government representative of Indonesia, speaking on behalf of the ASEAN member States of the ILO, expressed appreciation of the Director-General's continuous support to, and cooperation with, the Government of Myanmar, acknowledged the efforts made by the ILO Liaison Officer to promote respect for Convention No. 29, and welcomed the agreement reached between the Myanmar Government and the ILO on 27 May 2003 regarding the joint Plan of Action. The Government and the ILO should continue to cooperate until the issue was completely resolved.

A Government representative of New Zealand, also speaking on behalf of the Government of Australia, said that lack of tangible progress in the elimination of forced labour was more than disappointing. In the pervasive atmosphere of repression in the country, evidenced by the treatment of Daw Aung San Suu Kyi and her supporters, abatement of forced labour seemed unlikely. The Government of Myanmar should urgently address the grave barriers to implementation of the joint Plan of Action.

A Government representative of Canada noted from the report that no real progress had been made in eradicating forced labour and that there had been fresh allegations of forced recruitment into the armed forces, including of children, and a widespread programme of military training of civilians. An environment in which the Myanmar authorities appeared unwilling to engage in national reconciliation or in transition to democracy was not propitious for the implementation of the Plan of Action. The authorities were not respecting the special status of the ILO Liaison Officer, and her movements were more closely circumscribed than those of the first technical cooperation mission in 2000.

More rigorous steps should be taken. The Canadian Government called for the release of Daw Aung San Suu Kyi, and National League for Democracy (NLD) supporters. Forced recruitment into the armed forces must stop; that of children was an aberration. Canada supported the provision of appropriate technical assistance to Myanmar, provided the Government demonstrated its willingness to implement commitments.

A Government representative of Italy spoke on behalf of the European Union. The accession countries, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovak Republic and Slovenia, the associated countries, Bulgaria, Romania and Turkey as well as Switzerland, had aligned themselves with the statement. The EU supported the Myanmar people in their efforts to obtain justice, social well-being and democracy. On 16 June 2003, the EU decided, in the face of the deteriorating situation in

Myanmar, to implement immediately the strengthened sanctions only envisaged for October 2003. The EU was committed to monitoring the situation closely, and to reacting proportionally to any changes. The ILO report showed that the situation remained unchanged. It was now imperative that the Government of Myanmar should take all steps necessary to pursue cooperation with the ILO with a view to implementing fully all recommendations by the Commission of Inquiry and the High-Level Mission. The authorities should engage constructively with the United Nations Secretary-General's Special Representative and with the Special Rapporteur of the Commission on Human Rights. National reconciliation was crucial, and credible action on forced labour difficult in the absence of a full commitment by the Government to pursue economic, social and political reform.

A Government representative of Norway noted that given the details set out in the report regarding forced labour, it was understandable that the ILO should not wish to sign the Plan of Action. Close contact should continue between the Liaison Officer and the Committee on the Implementation of Convention No. 29. There was a need for rapid and verifiable progress towards the effective prohibition of all forms of forced labour.

Daw Aung San Suu Kyi, and the arrested NLD leaders should be freed forthwith. Norway would consider favourably requests for support from donors to implement a comprehensive Plan of Action.

A Government representative of the United States reaffirmed the United States Government's unwavering support for the ILO's efforts to eliminate forced labour in Myanmar. None of the three recommendations made by the Commission of Inquiry in 1998 had been implemented; the Village and Town Acts had not been amended and the Administrative Orders regarding forced labour had not been adequately publicized. No prosecutions for exacting forced labour had been made.

In May 2003 a credible Plan of Action was agreed that would allow substantive progress, to be implemented jointly by the Government and the ILO. The events of 30 May called into question the commitment of the Myanmar authorities to create an environment in which the programme could proceed. The ILO report showed that no clear signal had been given showing willingness to advance. If satisfactory progress was not made by March 2004, the Governing Body should consider further measures under article 33.

A Government representative of the Republic of Korea said that the implementation of the recommendations of the Commission of Inquiry and the joint Plan of Action would require overall progress in Myanmar's political environment towards democracy, the rule of law and human rights. The agreement on the Plan was nevertheless a positive element, and the ILO should remain engaged in solving not just the problem of forced labour, but also in encouraging a move towards democracy in Myanmar. The seven-step Road Map proposed by Prime Minister Khin Nyunt was of great interest in this connection. Before the March 2004 session of the Governing Body, the Government should take concrete steps to make the political situation in Myanmar more conducive towards the effective implementation of the Plan of Action.

A Government representative of India said his Government welcomed the initialling of the joint Plan of Action. That both the Myanmar Government and the ILO remained committed to the Plan was encouraging, and regular consultations leading to its implementation should continue. The report contained positive signs, and nothing should be done to jeopardize the progress made. India had consistently maintained the importance of constructive dialogue and cooperation between the ILO and Myanmar, and the Government should be provided with the technical assistance needed, without such provision being linked with the internal political situation in the country. A sustainable

solution to the internal problems had to come from within and could not be enforced from outside. The approach should be promotional, not confrontational.

A Government representative of the Libyan Arab Jamahiriya noted that the Government of Myanmar had made efforts to end forced labour in the country. The Law of January 1999 already instigated certain legislative and administrative improvements, aided by ILO technical cooperation. The Government should cooperate with the Liaison Officer and take advantage of further technical assistance. Progress should be made with the Plan of Action, and should be reflected in a report submitted to the March 2004 session of the Governing Body.

A Government representative of Japan stressed that the Government of Myanmar should implement the recommendations of the Commission of Inquiry. The Government of Japan shared the concerns of the international community and wished to continue to cooperate to resolve the issue. Progress should be achieved through dialogue and cooperation rather than coercion. It was encouraging that agreement had been reached on the joint Plan of Action, of which the facilitator system and pilot projects appeared to be key elements. The Plan should be implemented as soon as possible and, for this, it was essential that the Government ensured an environment in which the facilitator could operate effectively.

A Government representative of China supported the statement made by the representative of the Government of Indonesia. Myanmar should make every effort to cooperate with the ILO and put an urgent end to forced labour.

A Worker member from Italy had interviewed a group of forced labourers on the borders of Myanmar, on behalf of the ICFTU, on 18 October 2003. The group was not composed of terrorists or of insurgents, but simple farmers, who had been deeply traumatized by their experience of forced labour. They had been arbitrarily arrested on trumped-up charges and given grossly excessive sentences. One had received four years imprisonment for theft of a bicycle, even though he had only borrowed the machine, a fact corroborated by its owner. After some months in gaol, the prisoners were brought in chains to labour camps and assigned to carry heavy equipment for the armed forces, often in front-line duty stations. Their food supply was minimal, and when they could no longer work, they were beaten and kicked. Two reported being obliged to quench their thirst by drinking their urine. There were 600 labourers in their camp, forced to dig trenches, cut trees and carry water. They also had to sweep for landmines, passing across country in front of the soldiers. Deaths occurred during this activity and there were eyewitness reports of maimings as well. Soldiers were ready to shoot wounded porters who were no longer useful.

The year 2003 saw hundreds of prisoners escape from camps, and these persons required psychological and economic assistance. Their refugee status should be recognized. It was impossible for Myanmar to eliminate forced labour without a serious, urgent political commitment to reverse the situation, focusing on the military, particularly the regional commanders. The authorities should stop the arbitrary arrests immediately. Many hundreds of persons were in the same situation and action should be taken straight away, without waiting until March 2004.

The sitting closed at 1 p.m.

FIFTH SITTING

Thursday, 20 November 2003, afternoon

The sitting opened at 3.50 p.m., with Mr. Chung in the Chair.

Fifth item on the agenda

DEVELOPMENTS CONCERNING THE QUESTION OF THE OBSERVANCE BY THE GOVERNMENT OF MYANMAR OF THE FORCED LABOUR CONVENTION, 1930 (NO. 29) (*concl.*)¹

The Chairperson submitted the following summary of the discussion on this item for approval by the Governing Body:

The Governing Body has taken note of the reports of the Liaison Officer, as well as of the explanations provided by the representative of Myanmar. It would like to express its appreciation to the Liaison Officer, Ms. Hông-Trang Perret Nguyen, for all the good work she has accomplished in very difficult circumstances since her appointment.

Grave concern has been expressed by the Employers, Workers and Governments about the lack of substantive progress on the eradication of forced labour and on the fact that in the absence of any significant change in the general context since the International Labour Conference, or clear signals from the authorities in reply to the Director-General's letter in August, it has not proved possible to move ahead with the implementation of the Plan of Action, including the formal understanding on the Facilitator, which could be a key element towards the effective elimination of forced labour. Concern has also been expressed about restrictions that had occurred on the freedom of movement and contacts of the Liaison Officer.

In the circumstances, the Worker members proposed that a new review by the membership of the Organization of the measures contemplated under the 2000 resolution should be carried out and an appropriate letter sent by the Director-General, with the results reported to the March session of the Governing Body.

The Chair has however noted the commitment to the implementation of the Plan of Action expressed by the authorities through the introductory remarks of the Myanmar representative. In this regard, as the Chair understands the sense of these remarks, the Myanmar authorities should make it possible for the Director-General's representatives to carry out a full evaluation of the situation with a view to proceeding as quickly as possible with the implementation of the Plan of Action. This evaluation would be carried out in accordance with modalities which have been applied successfully in the past.

With this understanding, the Governing Body agrees to postpone consideration of the proposal to reactivate the measures under the 2000 resolution, in order to allow the urgent evaluation of the situation just mentioned, as well as concrete steps by the Myanmar authorities to be taken before March 2004. It is understood that at that time we would in any case have before us a full report on the situation from the Director-General including any appropriate recommendations.

The Governing Body approved the summary.

¹ See also fourth sitting.

Third item on the agenda

EFFECT TO BE GIVEN TO RESOLUTIONS ADOPTED BY THE
91ST SESSION (2003) OF THE INTERNATIONAL LABOUR CONFERENCE

(a) Resolution concerning occupational safety and health

The Employer Vice-Chairperson said the Employers' group placed great importance on technical cooperation in occupational safety and health (OSH). The Organization made an invaluable contribution to small and medium-sized enterprises throughout the world in this field, thus promoting development. The integrated approach would provide the best means of ensuring that all mechanisms at the ILO's disposal were utilized to the fullest extent to promote OSH universally, taking account of the individual characteristics, economic development and national situation in each country. The group supported the point for decision.

The Worker Vice-Chairperson said the resolution provided an excellent opportunity to work through the Social Protection Sector, to help business to reduce its costs, governments to take care of their citizens and trade unions to ensure workers' protection. Various strategic sectors should begin coordinating with ACTRAV and ACT/EMP to encourage governments, employers and workers to carry out safety and health audits, especially in the field of hazardous occupations, to determine the precise needs to be covered by standards, the scope of existing legislation in countries, together with the practice in those countries, particularly in the construction and mining industries. Cooperation should be instigated on the basis of pilot programmes, the results of which would be examined by the Governing Body. The results could be presented to the constituents as in the follow-up to the resolution on tripartite social dialogue, which had provided many clear examples of the beneficial effects of tripartism.

The group strongly supported the promotion of 28 April as World Day for Safety and Health, which would combine well with the International Commemoration Day for Dead and Injured Workers initiated by the trade union movement, and would no doubt be supported in joint programmes by employers and governments. The proximity of the date to Labour Day would also add weight to the event.

The document mentioned that work had been begun in the area of ergonomics, and that reviews were to be carried out, associated with expert meetings and the drafting of codes of practice. A timetable for these activities should be presented to the Governing Body.

The very important work being done on HIV/AIDS should not be left to governments alone, but further policies should be initiated, with the assistance of the ILO, through workplace initiatives organized by workers and employers.

The group supported cooperation with the World Health Organization on OSH and other issues. There was a particular need to promote the Asbestos Convention, 1989 (No. 162), to instigate regulatory measures, or a ban on the substance, in the developing world and in certain developed countries as well.

The Turin Centre should play an important role in enhancing cooperation between the Office and the constituents, in conjunction with SafeWork and the field structures.

A Government representative of France supported the efforts to increase access to ILO OSH information by reducing its cost. Without a new instrument establishing a promotional framework for OSH, that should be strategic rather than prescriptive and provide the basis for an integrated approach, it would prove very difficult to mobilize

sufficient financial resources. The 2003 session of the Conference had been remarkably consensual on this point. The French Government supported the development of codes of conduct and the promotion of national OSH policies. Given budgetary constraints, steps should be taken to reinforce collaboration between the different ILO units in the promotion of a safety and health culture. Activities aimed at making business more socially responsible should lay particular stress on employees' health and safety, an essential part of the responsibility of enterprise.

A Government representative of Kenya welcomed the fact that the resolution concerning OSH was adopted so enthusiastically by the 2003 Conference. A global strategy for OSH should be implemented through an action plan based on the promotion of a safety and health culture guaranteeing a safe and healthy working environment for all, and the development of an integrated ILO occupational safety and health strategy to assist the tripartite constituents.

Adequate resources should be allocated to ensure effective implementation of the resolution; awareness raising and advocacy on OSH issues were fundamental to achieving the objectives of the Decent Work Agenda; the Government approved the fixing of 28 April as World Day for Safety and Health and of giving priority to the development of a new instrument establishing a promotional framework for OSH; the SafeWork web page should be developed as a means of raising awareness of risks at work and their prevention; ILO member States should launch OSH programmes to put the issue at the top of national agendas, and the ILO should act as a forum for international exchange on OSH.

A Government representative of Malawi expressed particular interest in the ILO proposals outlined in the Office paper, as there was an acute shortage of experienced OSH personnel in the Directorate of Safety and Health, at a time when there was a growing demand among employees for improved health and safety arrangements. Malawi looked to the ILO to develop local capacity in the country through capacity-building programmes, and requested the services of the experts based at the Harare ILO Subregional Office to assist in implementing the resolution.

A Government representative of the Republic of Korea approved the emphasis that had been placed on OSH by the 91st Session of the Conference, and the priority accorded to the area in the 2004-05 budget. Improvements in OSH had a beneficial effect on the lives of millions of workers worldwide. The new instrument establishing a promotional framework on OSH should take account of the unique nature of each State's cultural background, its economic and social situation. Problems differed from country to country. The ILO's role, particularly in the field of OSH, should be to reduce the gap between developing and industrialized countries. The Korean Ministry of Labour had this year held, jointly with the ILO Asia Pacific Regional Office, an Inter-Countries Technical Programme on Occupational Safety and Health on Small Construction Sites, and was to hold a final workshop at the end of November 2003 in Hanoi, Viet Nam. The Government would continue to work closely with the Office to strengthen ILO technical assistance and promote OSH awareness by supporting further technical workshops in this field.

A Government representative of South Africa said his Government applied zero tolerance to non-compliance with OSH regulations. The matter was the collective responsibility of the social partners. Health and safety forums met regularly to identify risk areas, develop strategy and monitor implementation of regulations. The OSH accord signed with the social partners on 8 April 2002 testified to South Africa's commitment to safety and health in the workplace. In 2002, President Mbeki declared the month of April "Health focus month".

The launch of the ILO World Day for Safety and Health at work would help promote OSH issues worldwide; in South Africa, the Government and social partners had launched

the 2003 World Health Day in the mining industry. The ILO should use awareness raising, technical assistance and cooperation and information dissemination to promote existing OSH standards and implement the resolution against performance indicators. The proposed promotion of national OSH programmes should include measurement of the economic impact of work-related hazards. The International Occupational Safety and Health Information Centre (CIS) had a pivotal role to play in this, especially in developing countries, and could greatly benefit institutions like the African Regional Labour Administration Centre (ARLAC).

A Government representative of the United Kingdom said that the paper suggested that the design of national OSH programmes should focus on strengthening national capacities for enforcement in inspection systems, which could be interpreted as implying that governments had to increase their inspectorate. However, the resolution in fact highlighted that national programmes should cover such key aspects as national policy and national strategy. Similarly, the resolution called for the strengthening of ILO field structures in the OSH area, while the paper referred to strengthening of national capacities with provision of technical support to enterprises. The United Kingdom Government supported the paper on the understanding that States would be allowed sufficient flexibility as regards the action to be taken to implement the resolution.

A Government representative of Japan fully supported the follow-up activities proposed for the 2004-05 biennium.

A Government representative of Bulgaria agreed that new strategies and solutions were called for in the field of OSH. A new instrument to promote OSH systems, including a mechanism for reporting on progress, should be established. ILO technical assistance to improve OSH mechanisms in Bulgaria had been very beneficial.

A Government representative of Nigeria reminded the Governing Body that Nigeria had suffered a major disaster in February 2003 at a chemicals factory, where 21 workers had died. The Government supported the action proposed in the paper, and would welcome ILO assistance in reviewing OSH programmes in Nigeria, where workers in the informal economy, in the chemical and construction industries, and in small and medium-sized agricultural enterprises had particular needs.

A Government representative of Belgium supported the paper unreservedly, but said that the decision point only had a sense if the Governing Body decided to place the development of a new instrument establishing a promotional framework for OSH on the agenda of the 93rd (2005) Session of the Conference.

A Government representative of Barbados thanked the ILO for the technical assistance it had provided over the years, and supported the paper.

A Government representative of the Islamic Republic of Iran said that the ILO should give effect to the resolution on the basis of a preventive approach, without affecting the employment potential in developing countries.

A Government representative of Norway recalled that industrialized countries' problems differed from those of developing countries, but that numerous workers were nonetheless forced to leave the labour market each year due to health problems. The Government supported the action proposed in the paper, and said technical assistance should be offered to assist the launch of national OSH programmes in any member States that requested it. The area of OSH was in constant evolution, and there should therefore be a programme of revision of the relevant standards.

A Government representative of Pakistan supported the resolution and stressed that ILO technical assistance would be vital to developing countries wishing to reinforce their OSH situations.

A Government representative of El Salvador said that the resolution would benefit governments, employers and workers alike. El Salvador would do its utmost to implement ILO programmes on a tripartite basis.

The representative of the Director-General noted that there had been great support for promotion, awareness raising and advocacy, and assured the Governing Body that this element would be much stronger in future. The calls for cheaper information would be met by plans to make available, free of charge, on the SafeWork web site the OSH encyclopaedia, legal documentation, best practices and data sheets. In answer to the Workers' request for a timetable of meetings and reviews, two meetings of experts were to take place in 2004 and 2005, one on the list of occupational diseases and the other on hazardous child labour, which was all that the available resources would cover. Planning was presently going ahead for 2006-07.

Norway had suggested that technical assistance should be provided to all member States that requested it. This had naturally to be viewed against inevitably limited resources. The Office believed that national programmes should be 95 per cent owned by national governments, with the ILO's contribution as additional facilitation. Technical cooperation would not be the core element of any national programme.

The United Kingdom had asked what the national programmes should consist of. The Office believed that they should include national vision, policy and strategy; inventory or review of the present situation; and indicators to measure progress. This required a structure which would be given by the inspectorate. It did not mean enlarging the inspectorate, but modernizing and making it more efficient through advocacy and promotion.

The support mechanism for small and medium-sized enterprises did not have to be provided entirely by governments. It could be government provided, or private, or a mixture of both. The Republic of Korea had mentioned locally sensitive solutions, and that should enter into the equation. Different countries were at different stages of development in terms of OSH machinery. Funding of US\$1.3 million from the United Nations Development Programme had recently been confirmed for technical cooperation in the Bangladesh ship-breaking industry. Action was going to be coordinated with the Sectoral Activities Department. Germany had agreed to provide US\$500,000 for action in certain countries including South Africa, Brazil, Mexico and perhaps later China. Work was progressing in promoting a safety and health culture, but linked with private enterprise. One particularly good example already obtained by the Office would provide a model for other enterprises to follow. The results of ILO programmes in Bulgaria and Viet Nam were very positive, as was the news that the Republic of Korea was supporting technical cooperation activities for the first time.

The Governing Body approved the recommendations in paragraph 21 of the report.

(b) Adoption by the Conference of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), and the related resolutions

The Worker Vice-Chairperson said his group supported the point for decision, and asked that the Governing Body should receive an update on this matter at its March 2004 session. The Office should also present some proposals to the Governing Body regarding measures that could be taken to promote decent work for seafarers. In this regard, the IMO

Facilitation of International Maritime Traffic Convention, 1965, should be examined and the ILO and IMO should explore ways to work together or separately on the questions of shore leave and transit. The group believed that the Secretary-General of the United Nations should intervene to give weight to the ILO and IMO representations. It might also be necessary to involve other United Nations agencies.

The Employer Vice-Chairperson said the action proposed regarding seafarers' identity documents had the full backing of the Employers' group, which approved the point for decision. However, the paper made clear that the scope of action, combining much expert advice, technical reports, different technology and its cost, etc., was wide ranging. The report called for by the Worker Vice-Chairperson should include information on the elaboration of the global biometric, on the cost of the technology required, and on proposals as to how the cost might be reduced for certain member States, so that the Governing Body might obtain an idea of how to provide the necessary technical cooperation facilitating access of member States to the technology.

A Government representative of Kenya said his Government had taken full note of the aims and purpose of the revised Convention No. 185, as well as the modalities of its implementation, together with that of the four associated resolutions. The Government supported the implementation of these texts, both to allow seafarers easier access to shore leave, and to respond to heightened concerns over port security following the terrorist action of 11 September 2001. Kenya would welcome any form of technical cooperation to assist ILO member States to acquire the type of technology needed for implementation of the new system of identity documents.

A Government representative of the Bahamas strongly supported the initiatives proposed in the report, to allow seafarers easier access to shore leave, which had been curtailed since 11 September 2001.

A Government representative of Bulgaria stressed the importance of appropriate technical cooperation in respect of the technology, processes and expertise necessary for the functioning of the proposed system of identity documents.

The Governing Body adopted the recommendations in paragraph 16 of the report.

Tenth item on the agenda

REPORTS OF THE COMMITTEE ON LEGAL ISSUES AND INTERNATIONAL LABOUR STANDARDS

First report: Legal issues

The Governing Body adopted the recommendations in paragraphs 30, 38, 48, 59 and 75 of the report.

Second report: International labour standards and human rights

The Governing Body adopted the recommendations in paragraphs 24, 34 and 47 of the report.

Eleventh item on the agendaREPORT OF THE SUBCOMMITTEE ON
MULTINATIONAL ENTERPRISES

The Governing Body adopted the recommendations in paragraphs 45, 46 and 47 of the report.

Thirteenth item on the agendaREPORT OF THE COMMITTEE ON SECTORAL AND
TECHNICAL MEETINGS AND RELATED ISSUES

An Employer member from Italy said that the Employers' group had reservations regarding the form, and not the content, of the guidelines adopted by the Interregional Tripartite Meeting of Experts on Safety and Health in Ship-breaking. Given the interregional character of the Meeting, it was not appropriate that it should have produced guidelines that were applicable throughout the world. The text should not be fully international, but should only apply to the countries that took part in the meeting. The procedural aspects raised by the group should be observed in future.

The Governing Body adopted the recommendations in paragraphs 19, 27, 37, 41, 48, 63, 69 and 77 of the report.

Fourteenth item on the agenda

REPORT OF THE COMMITTEE ON TECHNICAL COOPERATION

A Worker member from France, referring to paragraph 37 of the Committee's report, affirmed that the tripartite nature of the ILO was not only reflected in the composition of the Conference and of the Governing Body, but was represented within the Office by the Bureau for Employers' Activities and the Bureau for Workers' Activities. These two units were not simply ILO technical departments.

The Governing Body adopted the recommendations in paragraph 72 of the report.

Sixteenth item on the agenda

INTERNATIONAL INSTITUTE FOR LABOUR STUDIES

The Governing Body adopted the recommendations in paragraph 41 of the report.

The sitting closed at 5.40 p.m.

SIXTH SITTING (PRIVATE)

Thursday, 20 November 2003, afternoon

The sitting opened at 5.40 p.m., with Mr. Chung in the Chair.

Seventeenth item on the agenda

REPORT OF THE DIRECTOR-GENERAL (*cont.*)¹

Second Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by China – Hong Kong Special Administrative Region (SAR) of the Migration for Employment Convention (Revised), 1949 (No. 97), made under article 24 of the ILO Constitution by the Trade Union Congress of the Philippines (TUCP)

The Worker Vice-Chairperson supported the recommendations, but wished to have the matter referred to the Committee of Experts on the Application of Conventions and Recommendations for review and advice.

The Employer Vice-Chairperson supported the point for decision.

The Governing Body adopted the recommendations in paragraph 45 of the report.

Eighteenth item on the agenda

REPORTS OF THE OFFICERS OF THE GOVERNING BODY

First report: Representation alleging non-observance by Uruguay of the Occupational Safety and Health Convention, 1981 (No. 155), made under article 24 of the ILO Constitution by the Inter-Union Assembly of Workers – National Convention of Workers (PIT-CNT)

The Employers', Workers' and Government groups announced their respective nominations for the Committee that would examine the representation.

A Government representative of Uruguay said that the tripartite Committee had his support.

The Governing Body adopted the recommendations in paragraph 5 of the report.

¹ See also second and seventh sittings.

Second report: Representation alleging non-observance by the Netherlands of the Equality of Treatment (Social Security) Convention, 1962 (No. 118), made under article 24 of the ILO Constitution by the Confederation of Turkish Trade Unions (TÜRK-İŞ)

The Governing Body decided that the representation was receivable, and deferred its examination until the 289th Session (March 2004).

The Chairperson confirmed, at the request of the Worker Vice-Chairperson, that the report was deferred for technical reasons, on an exceptional basis.

The Governing Body adopted the recommendations in paragraph 7 of the report.

The sitting closed at 5.55 p.m.

SEVENTH SITTING

Friday, 21 November 2003, morning

The sitting opened at 11.05 a.m., with Mr. Chung in the Chair.

The Chairperson read the following statement on behalf of himself, the Worker, and Employer Vice-Chairpersons:

“We are shattered by the tragic news yesterday from Istanbul, Turkey, caused by cowardly and careless acts of terrorism and we want to ask our Turkish and British colleagues of the Governing Body to convey our deepest condolences to their governments and the families who have lost their loved ones and we also wish to send our best wishes to those who are wounded for a swift recovery.”

Ninth item on the agenda

REPORTS OF THE PROGRAMME, FINANCIAL AND ADMINISTRATIVE COMMITTEE

First report: Financial questions

The Governing Body adopted the recommendations in paragraphs 2, 15, 24, 71, 82, 100, 101, 131, 155, 172, 187 and 198 of the report.

Second report: Personnel questions

The Governing Body adopted the recommendations in paragraph 31 of the report.

A Government representative of the United Kingdom said that, given the importance of the ILO's human resources strategy and of personnel issues in general, it was hoped that, in the March 2004 Governing Body discussions on human resources, sufficient time would be allowed for the discussion in the Programme, Financial and Administrative Committee, preferably at a morning sitting.

Second item on the agenda

AGENDA OF THE INTERNATIONAL LABOUR CONFERENCE (*concl.*)¹

(a) *Agenda of the 93rd Session (June 2005) of the International Labour Conference*

The Employer Vice-Chairperson noted that two issues had strong support from both Workers and Governments: the item on safety and health and that on technical cooperation. The Employers had suggested technical cooperation for a Conference discussion in June 2005, following up the 1997 resolution calling for five yearly review of the Organization's

¹ See also first sitting.

activities in this area. The Governing Body would return to this theme in March 2004 in connection with the 2006 Conference agenda. Regarding the selection of the item concerning the development of a new, promotional rather than prescriptive, instrument in the area of OSH, the Office had made it known that informal consultations could be held to prepare for the Conference discussions. The consultations would take place in the Governing Body in March and November 2004. The Employers were ready to accept inclusion of this item in the June 2005 Conference agenda, but an integrated approach, involving technical cooperation, the application of instruments and all means of action available to the ILO, was needed.

The Worker Vice-Chairperson said that, in March 2004, his group would defend the items it had already put forward. The group had also suggested that gender equality be added as a fourth item in 2005, and this proposal remained open.

A Government representative of Brazil supported occupational safety and health as an item for the June 2005 Conference agenda.

The Employer Vice-Chairperson said that his group opposed no issues, but had put forward priorities. However, no further items, beyond the second discussion on work in the fishing sector, youth employment, and occupational safety and health, should be added to the 2005 agenda.

A Government representative of Italy declared that the Government of Italy approved the addition of a discussion on a new instrument for occupational safety and health to the 2005 Conference agenda, and even to the 2006 agenda. He also asked that gender equality should not be forgotten.

The representative of the Director-General said that the Conference resolution on occupational safety and health had many elements and the purpose of the integrated approach was to look at the totality of ILO action including, but not exclusively, standard setting. The resolution covered all aspects of the ILO occupational safety and health strategy.

The Governing Body adopted the recommendations in paragraph 8 of the report.

*(b) Proposals for the agenda of the 95th Session (2006) of the
International Labour Conference*

The representative of the Director-General said the Governing Body was now being asked to take a decision on, or give the Office instructions on, what items should be selected and developed for the discussion at its 289th Session (March 2004). Clearly, one item on the 2006 Conference agenda would be the second discussion on the occupational safety and health instrument. The linkages to strategic objectives and the strategic policy framework would be brought out clearly in the document presented to the Governing Body in March 2004; this, on the basis of the present discussion, would contain seven proposals: (i) new measures concerning discrimination in employment and occupation – extension of the grounds on which discrimination is prohibited in Article 1 of Convention No. 111 (standard setting); (ii) decent jobs and productivity (general discussion based on an integrated approach); (iii) promoting decent work in reconstruction of conflict-affected countries (standard setting); (iv) gender equality in the world of work (general discussion based on an integrated approach); (v) the role of the ILO in technical cooperation (general discussion); (vi) the employment relationship; and (vii) employment and social protection in ageing societies. If two of these items met with relatively little support – the question of a Protocol to Convention No. 111 and that of the reconstruction of conflict-affected countries – they might be replaced, or the item on harassment could be developed instead.

The Employer Vice-Chairperson said that the OSH item would be dealt with under a double or single discussion process, depending on the nature of the instrument.

The Worker Vice-Chairperson hoped that the Workers' suggestion that the items on child labour and on decent work in reconstruction would be retained.

The representative of the Director-General said that child labour had not been included, as the subject would be covered by a Global Report in 2006.

A Government representative of India noted that the Report entitled "A future without child labour" did not contain details of the steps taken by member States through their own projects for the elimination of child labour, and asked for this to be incorporated into the Global Report.

The Governing Body adopted the recommendations in paragraph 10 of the report.

Twelfth item on the agenda

REPORT OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL POLICY

The Governing Body adopted the recommendations in paragraphs 92 and 93 of the report.

Fifteenth item on the agenda

REPORT OF THE WORKING PARTY ON THE SOCIAL DIMENSION OF GLOBALIZATION

The Governing Body took note of the report.

Seventeenth item on the agenda

REPORT OF THE DIRECTOR-GENERAL (*concl.*)²

Third Supplementary Report: Observance by Belarus of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98): Appointment by the Governing Body of a Commission of Inquiry in accordance with article 26(4) of the Constitution of the ILO

The Governing Body adopted the recommendations in paragraph 3 of the report.

Nineteenth item on the agenda

COMPOSITION AND AGENDA OF STANDING BODIES AND MEETINGS

The Governing Body adopted the recommendations in paragraphs 2, 3, 9 and 16 of the report.

² See also second and sixth (Private) sittings.

*Information notes: Programme of meetings as approved by the Officers of the Governing Body; Approved symposia, seminars, workshops and similar meetings;
Requests for non-governmental international organizations
wishing to be represented at the 92nd Session (2004)
of the International Labour Conference*

The Employer Vice-Chairperson said his group would like additional information on the World Association for Small and Medium Enterprises, a non-governmental organization wishing to be represented at the 2004 session of the Conference. The participation of this NGIO should be discussed again in March 2004 before a formal invitation is issued.

It was so decided.

The Worker Vice-Chairperson announced the departure from the Workers' group of Mr. Ito from Japan and Mr. Xu from China, and thanked them sincerely for their work.

The Employer Vice-Chairperson announced the departure of Mr. Eric Hoff, Employer member from Norway, Vice-Chairperson of the Employers' group for Europe. Mr. Hoff had also acted as Employer member of the Conference Credentials Committee and as Employer Vice-Chairperson of the Committee on Technical Cooperation.

The sitting closed at 12.10 p.m.