



# Provisional Record

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## Sixth sitting

Tuesday, 6 June 2000, 10.15 a.m.

*Presidents: Mr. Flamarique and Ms. Bauer*

GLOBAL REPORT  
UNDER THE FOLLOW-UP TO THE ILO DECLARATION  
ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK:  
PRESENTATION AND DISCUSSION

*Original Spanish:* The PRESIDENT — Good morning, ladies and gentlemen. Yesterday morning, when I had the honour of opening the discussion on the Reports of the Chairperson of the Governing Body and the Director-General, I reminded you of the principles that govern the procedure for the discussion. Today, I have the pleasure and honour of opening the first discussion on the Global Report submitted under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.

As you are aware, this is the first time that the Conference is considering a Global Report on one of the four categories of fundamental principles and rights defined in the Declaration. This year, the theme of this first Global Report is freedom of association and the effective recognition of the right to collective bargaining are being looked into. As is also indicated in the follow-up to the Declaration, the purpose of this discussion is to provide a basis for assessing the effectiveness of assistance provided by the ILO and to give the Governing Body a basis for determining priorities for the following four-year period in the form of action plans for technical cooperation. This will be carried out in accordance with the decision adopted by the Governing Body at its 276th Session in November 1999.

The discussion on the Global Report will be governed by certain special provisions. First of all, this is an interactive discussion, which will be more flexible and delegates will be able to reply to statements made by other delegates. This, of course, would not be possible if a formal list of speakers was drawn up.

Persons wishing to speak should raise their hand to ask for the floor, or they can fill in one of the forms that have been distributed this morning precisely for this purpose. Assistants present in the room will then give these forms to the Office of the Clerk of the Conference. The discussion will take place in two sittings with the possibility of extending the afternoon's sitting or holding a third sitting, which will be a night sitting, depending on the number of speakers.

The discussion will be divided into three phases. During the first phase, the Employer and Worker spokespersons and any other spokespersons wishing to speak, will take the floor. The second phase will be used for statements made by individual delegations. In the third phase, we will listen to concluding statements from the group spokespersons and from other delegates. The time limit will be very strict: ten

minutes for group spokespersons and five minutes for delegates. Given the interest surrounding this discussion, I think there will be many speakers and, therefore, I urge all delegates to focus their contributions on the essential points. If necessary, the Vice-Presidents, or I myself, will be obliged to further reduce the maximum time for statements.

I would now like to give the floor to the Secretary-General of the Conference, who will make a brief introduction of the subject and present an eight-minute video on freedom of association and collective bargaining, entitled *Your voice at work*.

The SECRETARY-GENERAL — This marks another first for our Organization: the inaugural discussion of the Global Report foreseen by the promotional follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. The follow-up to the Declaration provides the ILO with a strengthened mandate to promote respect for these principles and rights at work in the context of a global strategy for economic and social development.

The follow-up consists of three stages: first, annual reports on the situation in countries that have not yet ratified the core Conventions; second, a Global Report like the one we are presenting today, portraying the picture in relation to a set of principles in all ILO member States; and third, conclusions to be drawn by the Governing Body of the ILO on priorities for technical cooperation and action plans. The Declaration and its follow-up are all about encouraging the positive efforts States are making to ensure broader and deeper respect for fundamental principles and rights at work, and improving how the ILO can support those efforts.

This debate thus builds on the review of annual reports by the Governing Body of this past March, and sets the stage for setting priorities, as I said before, for technical cooperation this coming November. The Global Report is to serve as the basis for setting those priorities and for assessing the effectiveness of ILO action in this field. Your debate today will guide that crucial next step. The follow-up gives us the chance to use the Declaration as an instrument for sound equitable development as a promotional instrument. The Declaration's follow-up encourages the efforts of countries displaying the will to improve their respect for freedom of association and collective bargaining and to eliminate forced labour, child labour and discrimination.

It is fitting that freedom of association and effective recognition of the right to collective bargaining are the topics of the first Global Report. When workers and employers are free to join together to defend

their interests, tremendous potential is unleashed to achieve social and economic goals. *Your voice at work* provides rich illustrations of how representational security is a vital component of sustainable global governance. It also points out the long distance yet to go in ensuring worldwide respect for these universal principles.

The ILO Declaration has received a tremendous reception from the international community, and wide support among our constituents. We need to capitalize on this by together honing this new tool to achieve the progress we are all seeking. I will be listening carefully to your ideas in this interactive debate. I truly want you to say what it is that you feel are the most important things for us to do together and for us to do at the Office as a result of these discussions.

You have the first Global Report before you. I feel that the best demonstration of the principles and rights at stake can be given by those who exercise them. For this reason I have also decided to innovate somewhat in my introduction to the Global Report discussions by showing a short video of people doing just that.

I wish you a fruitful and constructive debate on *Your voice at work*.

*(Projection of video film follows.)*

Mr. POTTER (*Employers' delegate, United States; Employer spokesperson*) — On 19 June 1998 this Conference adopted without a dissenting vote the Declaration on Fundamental Principles and Rights at Work. It marks a solemn commitment of all ILO Members to respect, to promote and to realize the principles concerning fundamental rights that are the subject of the fundamental Conventions. This first ever Global Report, which addresses freedom of association and the effective recognition of the right of collective bargaining, looks at all ILO Members under the same lens — regardless of whether or not they have ratified the relevant Conventions. This follow-up process is something quite different, procedurally and substantively, from the one involved in the ILO's regular supervisory machinery.

The Global Report should allow us in a general way to appreciate in relative terms the degree to which ILO Members are applying the principles concerning fundamental rights. The follow-up to the Declaration is promotional; in particular, the Global Report is expected to bring focus to ILO technical cooperation. Our task at this Conference is made more difficult because this Report went out to constituents late. Many of us read about the Report in the press, but did not have a copy of it until we arrived in Geneva. This is unfortunate, although perhaps understandable in a new programme with a small staff that was required to prepare both the annual review and this Global Report in quick succession. However, there is obviously an urgent need to remedy this situation if the follow-up to the Declaration is to be effective. With the already heavy workload of the Conference, delegates need the opportunity before, not just during, the Conference to study and prepare for the discussion on the Global Report.

During the negotiations leading up to the Declaration, the Employers' group made it clear that its approach to the Declaration was based on six criteria, four of which are particularly applicable to our assessment of this Global Report.

First, the Declaration should embody the fundamental values and principles of the ILO that nations accept by virtue of their membership of the ILO. With social justice as the declared central tenet of the ILO's Constitution, the Declaration should be a universal recognition of a basic level of human decency below which no civilized nation in the ILO should fall in this increasingly interconnected world. As a consequence, the Declaration should establish no legal obligation on ILO Members, but rather should reflect policy obligations which they incur by virtue of membership in the ILO.

The Declaration should not impose on member States the detailed obligations of Conventions which they have not freely ratified, nor should it impose on countries that have not ratified the fundamental Conventions the supervisory mechanisms that apply to ratified Conventions.

The principles of the Declaration should therefore only encompass the essential essence, the goals, the objectives and principles of the fundamental Conventions.

Thirdly, it follows that the application of the principles of the Declaration should not be concerned with technical legal matters or matters of legal detail. The Declaration should be concerned with making an overall policy assessment as to whether both ratifying and non-ratifying nations are achieving the fundamental goals and objectives of the ILO. As such, it should be concerned both with promoting fundamental labour standards and identifying persistent or pervasive failures of policy to achieve the goals and objectives of the Declaration where history and experience have shown that ILO technical assistance and moral persuasion are particularly well-suited and effective.

Fourthly, the Declaration should not lead to the setting up of new complaints-based bodies like the Committee on Freedom of Association.

We also said in the debate that the principles of concern under the Declaration were not the same as the detailed principles considered by the Freedom of Association Committee. That is, the Declaration's principles are much broader. The legislative history of the Declaration confirms that this was the basis on which the Declaration was adopted in 1998.

As we begin our debate on the Global Report, we in the Employers' group again reaffirm our commitment to the Declaration and, in particular, the principle of freedom of association and the effective recognition of collective bargaining.

What the Declaration seeks to promote is a policy environment that provides the opportunity for freedom of association and collective bargaining. If the policy environment exists, organizational results are up to worker and employer organizations.

The relative brevity of the Global Report, its very economy of words, presents a number of problems. In presenting a dynamic global picture, the Report presents a somewhat one-sided and negative view of the consequences of globalization. There is, for example, hardly a mention that globalization of the world economy contributes to economic growth, employment growth, a higher standard of living and improved working conditions that would not have occurred but for expanding an open trade and foreign direct investment. We find particularly troubling the view presented in this Report that organized workplaces are the best means of facilitating local responses in the

global economy and tend to be better at innovation or productivity. Individual workers increasingly are participating actively in workplace decision-making at the establishment level with impressive results. Such innovative human resources practices are “high road” best practices in the global economy.

The fundamental flaw of the Global Report is this failure to recognize the qualitative and substantive difference between the Declaration follow-up and existing supervisory procedures. The Report gives a strong impression, particularly in Chapter 2, that the categories and lists are drawn primarily from information from the existing supervisory mechanisms. Although they may be a source of data, because the Global Report is based on promotion and technical cooperation, the Report needs a more independent, fresh, factual presentation that provides descriptive information on circumstances relating to the Declaration that will enable this plenary sitting and the ILO to evaluate the effectiveness of current technical assistance and ILO priorities. This Report gives us no basis to do any of these things except in a general way.

Chapter 2 in our view sets the wrong direction and tone because of this overly legalistic orientation. It appears to us that Chapter 2 was written without regard to the purpose and legislative history of the Declaration. We are surprised because the Declaration represents a political track in the ILO and not a legal track. Indeed, the Legal Adviser in paragraph 72 of the Declaration Committee’s report stated that “the Declaration contemplated the implementation, not of specific provisions of Conventions, but rather the principles of Conventions”. He went on to stress in paragraph 74 that “fundamental rights did not mean the specific provisions of the Conventions concerned, but their principles”.

The principles of the Declaration are thus the policies underlining the Conventions, not the provisions of the Conventions themselves. The Declaration’s principles are concerned with the commitment of Members to achieving policy goals and objectives, that is, the fundamental principles of the core Conventions. Under the Declaration, we are looking at how, when and where ILO technical cooperation can address serious policy failures, rather than matters of legal detail arising from the Conventions themselves or interpretations of the Committee of Experts. Those matters are addressed in other supervisory bodies of the ILO.

The kinds of policy failures that the Declaration can address through technical cooperation are those that are fundamental to freedom of association and collective bargaining, such as denial of civil liberties, trade union monopoly, broad prohibitions on the formation of any type of organization and absence of laws prohibiting anti-union discrimination. On the other hand, the Declaration is not designed to address detailed legal questions derived from the relevant Conventions themselves such as essential services, the scope of bargaining, the delineation of the right to strike, and the oversight of the internal financial affairs of workers’ and employers’ organizations. In fact in many instances, the answers to these detailed legal questions are not found explicitly stated in any specific provision of Conventions Nos. 87 and 98, but in interpretations of the supervisory bodies. What needs to be done in an organized way is to determine the underlying policies encompassed under the principle of “freedom of association and the effective recogni-

tion of the right of collective bargaining”. For example, three policies relating to these policies might be as follows: (1) the right of workers and employers to establish and join organizations of their own choosing; (2) the right to manage internal affairs without interference from public authorities; (3) the right to be free from acts of interference from employers’ or workers’ organizations. The fundamental question we must consider is whether or not the country concerned has policies or practices in place that significantly impede the realization of these underlying policies. Unfortunately, this Global Report addresses numerous issues at the edges of these policies that are legal questions rather than fundamental matters.

In part because the Report mixes legal requirements and policy failures, it greatly complicates the task of this Conference in assessing the effectiveness of ILO technical assistance and determining ILO priorities for technical cooperation actions plans. In addition, except for the case studies in Chapter 3, we have very little information other than our own imperfect personal knowledge about the situations listed in the various categories and the actual ILO assistance provided. For example, in Chapter 2 we are presented with categories of problems and lists of countries that are drawn from a ten-year database. We know nothing about the facts, the ILO technical assistance already provided and the current situation. All of this information would be useful in targeting and prioritizing ILO technical cooperation. While presenting a global picture, the next Global Report needs to separate out those policy failures that come within the frame of reference of the Declaration and those that do not. Otherwise, the Declaration process will continue to be confused with the ILO’s regular supervisory machinery. Priority should be given to the more serious policy failures and to creating an environment conducive to the political will needed to remedy the situation. Experience shows that the ILO is particularly effective where there are serious breaches of policy.

Chapter 3 makes the important distinction between the ILO’s normative activities under the ILO’s supervisory machinery and its promotional mechanisms under the Declaration. There is no “one-size-fits all” approach. Promotional mechanisms such as advocacy and awareness raising, advisory services, in-country contacts, training of employers’ and workers’ organizations and institution building should be tailored to the particular situation. The case studies in Chapter 3 testify to the fact that the ILO is the right lead organization to address fundamental rights at work in the global economy. And just as governments need political will, the ILO itself needs its own political will to make technical cooperation under the Declaration an ongoing organizational priority. On the other hand, because the principle of freedom of association and collective bargaining applies to the fundamental rights of employers’ and workers’ organizations, the Global Report’s recommendations to form partnerships with civil society is particularly inappropriate. We continue to be concerned with the increasing trend throughout this organization to open up the ILO’s tripartite processes to other non-governmental organizations, and we fear that tripartism — the distinguishing feature of this institution — may be undermined as a result. We also think that placing too much emphasis on the unregulated informal sector is ill-advised and has little prospect of achieving tangible

results because of the limited ability to create political will.

In conclusion, this first Global Report poses a number of problems. Its legalistic orientation, its lack of prioritization among policy categories and the lack of current factual presentation of countries' situations inhibit our ability to carry out the main tasks of this global promotional follow-up on freedom of association and collective bargaining, namely: identification, assessment and setting priorities for technical cooperation. Consequently, if the Declaration is to be seen as effective on the principle of freedom of association and the effective recognition of the right of collective bargaining, there needs to be a basis for continuity and interim reporting and evaluation during the intervening years between this Report and the next Global Report on this principle.

Mr. BRETT (*Workers' delegate, United Kingdom; Worker Vice-Chairperson of the Governing Body*) — The Employers have put some criticisms forward of the Report. It is the norm in the ILO when any report is produced by the Office to either congratulate the Office effusively or to criticize it vehemently. The Workers' group will do neither on this occasion, but recognizing it as the first Report, recognizing that we are all on a learning curve, recognizing that some of the criticisms of my colleague Mr. Potter are indeed correct, I think there will be criticisms of this Report whoever had been the authors of it. And I think there is a mote in our own eye because I am not sure that we were as good as we should have been, as trade unions across the world, in sending observations, therefore we have perhaps played a part in any deficiency that there is in the Report. What I would say is that the Workers' group will assess this Report against the reasons for the adoption of the ILO Declaration and ascertain how effectively it contributes to the achievement of the objectives set in the Declaration. I can say no more than we could almost rest our case on the video which graphically illustrated why we required a Declaration and why we need an effective follow-up.

What we want to seek at the end of this discussion — or perhaps more particularly what we want the Director-General to see when he responds to the Conference debate — is a basis for the development of a clear, coherent and meaningful plan of action for the provision of technical assistance to governments which have difficulty giving full effect to the principles and rights contained in the Declaration.

Mr. Potter at some length recalled how we had arrived at the Declaration and identified some of the deliberate limitations that had been placed upon it — its promotional nature, etc. I would like to remind ourselves as to why we thought we needed it, and I think the video does graphically provide pictures that echo these words.

Firstly, the ILO needed additional procedures for dealing with respect of core labour standards in countries that had not ratified the Conventions concerned in view of the grave problems of non-respect for fundamental workers' rights in those and other countries. In our Workers' group meeting this morning it was echoed that amongst those countries which have not, for whatever reason, ratified Conventions Nos. 87 and 98, were the most populous nation in the world, the most populous democracy in the world and the world's first country in economic terms.

Secondly, it is clear that the globalization of the world economy seen in the 1990s was, in the minds of many workers, directly contributing to the violation of core labour standards since, increasingly, governments were entering into competition with one another on the basis of lower basic worker rights in order either to cut production costs or to attract foreign direct investment from multinational companies.

I heard Mr. Potter saying perhaps we had taken too negative a view of globalization and pointing out there were best practices of human resources management and the involvement of workers. That may be true. But it is rather more true of the developed world than the developing, and it is rather more true of the top 100 companies in the world that treasure their reputations somewhat guardedly, even though those same organizations have many multinational subsidiaries in other parts of the world which are certainly less jealous of high standards. And that is certainly true of the 27 million people employed in export processing zones. Therefore we feel that it is most important that there be an effective multilateral response to the violation of core labour standards and that is why for us the Declaration was important.

I suppose the third reason is that the phasing out of state-planned economies — which ended with the end of the cold war and, indeed, the movement away from one-party States in Africa and Asia and in the Americas — opened up economies to many more countries and many more countries to international competition and thus those countries had to undergo very painful reforms which resulted in massive losses of employment, social exclusion and employment insecurity. In the First World, deregulation, privatization and liberalization have become profane words in the minds of many workers because of the severe pressure they have put upon labour market institutions and the way they have eroded the rights of workers. And the absence of global rules was acutely felt in the globalizing economy, notwithstanding a minority who may have benefited and seen globalization in positive terms.

I think I could do no better than quote the first paragraph of the ILO's introduction which begins by stating that the benefits of globalization as it is currently unfolding are not reaching enough people. It is security and the fear of either failing to rise on the social scale, or indeed sliding down it, which seem to me to most accurately reflect the position of globalization as viewed by the largest group of people, namely workers affected by it within the world in which we live.

We believe that the Report, though it may be imperfect, provides a comprehensive picture in Part I of the degree of violations of core labour standards around the world. Our criticism would be that it does not sound the appropriate note of alarm concerning the worsening effect of globalization in respect of the global economy.

I will return now to the question of export processing zones. It is estimated today that outside China there are some 850 EPZs employing 27 million people. And I have to say many of those people are employed in appalling conditions because governments have, as a matter of self-will, excluded those zones from the rights that labour enjoys within those countries more generally. The 850 is a figure that compares with some 500 in 1996 which means that in five years

we are approaching double the number of export processing zones.

It is our view that China's entry into the World Trade Organization stands to accelerate the violation of core labour standards worldwide as countries scramble to achieve competitive advantage and do so at the expense of workers.

As a fundamental, the Workers' group must insist on the absolute priority for the international community, facilitated by the ILO, to take strong measures to halt the violation of workers' rights which is resulting from globalization, and this is I believe where this Report and this debate play a most important part.

It is quite clear in our view that the right to organize, as has been said by the Director-General on the video, is the most important development right that individuals can have. Organizing can lead to an improvement in social and economic conditions yet, despite this, some governments continue to use social and economic objectives to justify the repression of the right of workers to organize — and again to us it is a fundamental that that kind of trade off is never justified.

The last few years have provided yet more proof that repression of trade unions, where it does take place, is a short-sighted action which, in the end, undermines rather than sustains development and it is frequently due to the empowerment — the self-empowerment — and the enrichment of authoritarian elites who have little regard for the future of their country or the people within it. I will give two examples, both now happily returned to democracy.

Firstly, in Nigeria, where we have seen for some 30 years a raping of that country's wealth, in embezzlement — generally by military leaders — and leading to the impoverishment of a working people who are multitalented, hardworking and who deserved better from their leaders than they have received in the last three decades.

In Indonesia decades of military and one-party rule and control, with repression as its aid, has left that country with the fastest, steepest and most dramatic economic collapse ever seen: 18-20 million people losing their jobs in a single year.

Conversely, the evidence from other countries shows a positive link between freedom of association and better economic stability and productivity by improving the motivation of workers and by the role played by trade unions in the development process which leads to a sustainable distribution of income and wealth.

I remind all of those who have always seen some form of world minimum wage as the aspiration of trade unions that it is not, it never has been. We simply want to empower workers, with employers and governments, to be able to develop a distribution of wealth which is just and within the confines and context of the country's economic circumstances. No more, and no less.

As I have said in the case of Indonesia and Nigeria, recent democratic developments give us grounds for new hope. The message for all ILO Members everywhere is that trade union rights are at the centre of economic prosperity and they are violated at the peril of development.

The Report notes the high number of workers without trade unions, both in the informal sector and in the rural sectors of the world. We would say it is deficient in that it failed to make the strong point that

trade unions are a potential tool for people to lift themselves out of poverty. Though it is true that many of the poorest are not yet organized, it is also true, if you look at the industrialized countries of today, that many workers are organized in trades and industries where poverty and exploitation were traditional even a few decades ago. There is nothing natural or inevitable that determines that certain jobs must condemn their holders to lives of desperation. Trade unions are the instrument that those workers can use to escape from poverty and live a life with dignity, and I was disappointed indeed at the contribution of Mr. Potter who has suggested we should give little attention to the informal sector as political will was not at a premium, and in a sense it was a task too great. It is a great task, but we owe it to the informal sector, to the people within it, not to ignore them but to seek to improve their lot. This requires government action to protect people's ability to exercise their civil rights, to organize and bargain collectively, and this is especially true of workers who are excluded from the protection of law and other social protections which are the responsibility of the State.

As with every other civil right, the right to join a trade union and to bargain collectively with an employer requires protection in law if it is to be properly exercised. It is more difficult to take those rights to the informal sector; it is not impossible. Neither is it impossible to transform the informal sector to a more formalized part of the economy.

Freedom of association is also the key for hundreds of millions of workers in the rural sector. In many cases there are disguised or concealed employment relationships, with personnel who work on behalf of state boards or even multinational companies, as for example in the case of the Malawi tobacco sector, and governments must ensure that workers have the right to form trade unions when they bargain with those employers, be they agents of government or agents of multinational companies.

As for the genuinely self-employed, the ability to form cooperatives and other kinds of associations is one way freedom of association can help to bring about an end to poverty.

The video rightly emphasized the position of women and others oppressed by society. The right to create organizations to advance and defend their interests can and should make all the difference. Empowerment through self-organization and democracy is the most important policy for overcoming oppression. The right of women to organize into trade unions, to have their freedom of association respected, is essential. Governments must work actively to ensure that women, who are often in vulnerable employment situations where trade union organizing is particularly difficult, have the full rights to freedom of association. It is interesting that the Report covers a whole series of areas but, for those of us who are fans of the Sherlock Holmes series of detective books, we are always reminded of the story that was solved by the "dog that did not bark", and I refer to those parts of the world where, notwithstanding those governments being Members of the ILO, and having accepted the Declaration, trade unions are denied by law the right to exist. This is a fundamental point — the question of the government or the state not supporting workers' rights, but deliberately seeking, by law, to exclude them. We would like to express our deep concern that both the Global Report and the Survey on

Tripartite Consultation confirm that some member States still have not made any progress in respect of the basic elements contained in the Declaration. In particular, reports have identified that the United Arab Emirates, Saudi Arabia and Oman are countries where there is outright prohibition of any type of worker organization under their existing legislation and this, of course, rules out, by definition, the most elementary condition for tripartite consultation and cooperation, both at the national and international level, and indeed, of course, totally denies the freedom of association and the right to collective bargaining enshrined in the Declaration. We would urge the governments of the countries concerned to bring their law and practice into accordance with the basic principles contained in the Declaration without any delay whatsoever.

Finally, we need to look to the future of the Organization, and it is essential that this first discussion at the International Labour Conference should provide a clear tripartite demand to governments everywhere to ensure the full rights and respect to trade union rights everywhere. The Workers' group expects government and employers' organizations to demonstrate that they were serious in the undertaking they gave in 1998 by now making a strong contribution to ensuring the full respect of freedom of association and the right to collective bargaining. This is our opening statement which we hope will be an interactive debate. We have a number of colleagues, whose names we have submitted to the top table, who we believe can make that contribution during the course of the day, and we wish the debate well.

Mrs. PERLIN (*spokesperson for the IMEC group of countries*) — First of all, IMEC wishes to reaffirm its strong commitment to the Declaration on Fundamental Principles and Rights at Work and its Follow-up. To fully realize the promotional objectives of the Declaration a meaningful and effective follow-up mechanism is needed. We thank and congratulate the Director-General for this first Global Report. It provides a substantive overview of the current situation with regard to freedom of association and the right to collective bargaining, and serves to guide further efforts to improve adherence to these principles.

In keeping with the promotional nature of the Follow-up, the Global Report is designed, inter alia, to generate high-level political discussion, engage the interest of the international community and media, and identify more effective use of the ILO's means of action, in particular technical assistance. Our comments will be brief, touching on a few procedural and substantive remarks for consideration in preparing future reports. IMEC ministers and other delegates will also intervene on particular points of interest in this interactive debate.

First, further reflection on the format and purpose of the Global Report is required. The present arrangement, which combines technical interventions with political statements, is an indication of the ambiguity of this discussion and of the Report itself. The degree of ministerial and high-level participation in this discussion is a clear sign of the strong political interest in the Global Report. Indeed, some IMEC ministers who were unable to participate today will comment on the Global Report before the plenary. IMEC would like to reiterate its view that the debate on the

Global Report should above all be a high-level, interactive political event. Every attempt should be made to ensure maximum participation by ministers. A separate technical discussion could be held in addition to the present high-level debate, but the two are quite different in nature.

Secondly, more information is required if we are to have an instrument that both presents a dynamic global picture and provides an overall assessment of country efforts and the effectiveness of the ILO's means of action. Case studies and country references are interesting but it is not clear whether they are selected to indicate emerging regional or global trends. Areas where additional data and analysis could contribute to a more informed technical and political dialogue could include, for example, available instruments for social dialogue in the informal and self-employment sectors; frequency of collective bargaining negotiations; the extent of coverage of workers in specific sectors; and the rights of both employers and workers in collective bargaining. Case studies to identify obstacles, opportunities and best practices in reducing the representational gap would also help to improve information on areas for further research and analysis, and determine the most effective way to assist governments and social partners in strengthening their representational mechanisms.

A close link between the annual report and the Global Report would generate raw data for use in interpreting country situations and global trends. Meaningful participation of social partners in this exercise is essential if a realistic and accurate picture of the country situation is to be drawn. IMEC would again encourage the Office to assist countries in tripartite preparation of annual reports, with priority given to those countries that have not yet completed the first questionnaire.

Finally, this Global Report sets out a number of areas requiring technical assistance. This will need to be developed further in the follow-up programme of action developed by the Office, drawing on the Global Report as well as the annual reports concerning specific country situations.

Benchmarks and indicators outlined in the programme and budget will help with evaluation of the effectiveness of ILO means of action in the next Global Report due out in four years' time. IMEC again thanks the Director-General and commends him for this stimulating and thought-provoking Report.

Ms. SARMIENTO (*spokesperson for the Asian Pacific group*) — The Asian Pacific group notes the Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. The Asian Pacific group appreciates the efforts taken by the Director-General in putting together this Report within the time constraints.

The Asian Pacific group welcomes the Director-General's assertion that the format for the Global Report is designed to fulfil the requirements laid down in the annex to the Declaration in the context of a follow-up that is to be promotional, meaningful and effective.

An issue of concern that has arisen for the Asian Pacific group is how official information is used. While the follow-up to the Declaration does provide that the Report will be drawn up on the basis of official information or information gathered and assessed in accordance with established procedures, it should

be distinct from the ILO supervisory mechanism and should be promotional in nature.

We believe, therefore, that such official information should be reflected in more accurate and current perspectives.

The Asian Pacific group considers the purpose of the Global Report is to provide a dynamic and global picture relating to each category of fundamental principles and rights and to serve as a basis for assessing the effectiveness of the assistance provided by the Organization and for determining priorities for the following period in the form of action plans for technical cooperation, designed in particular to mobilize the internal and external resources necessary to carry them out.

In view of the fact that the Report is intended to be action-oriented and that the follow-up is to be promotional, meaningful and effective, we believe that country-specific references would best be avoided.

The Asian Pacific group recalls that an important purpose of this Report is to determine priorities for the following period in the form of action plans for technical cooperation.

We wait to see, therefore, how the Governing Body will reconcile the global nature of the discussion with a concern for efficiency and avoid overlapping.

We likewise await the form and content of the Report on this subject to be presented to the Governing Body. This summary would need to determine the priorities identified in the course of the Conference debate and, in the light of those priorities, to see what resources might be available to translate them into technical cooperation projects or other promotional measures.

The Asian Pacific group believes that the modalities of the discussion of the Global Report should be reviewed in the November Governing Body. This first examination can perhaps be honed to result in a more fruitful discussion at the next session of the International Labour Conference.

Finally, serious concerns were expressed by some countries in the Asian Pacific group which will be elaborated on in the individual government statements.

*Original Spanish: Mr. DE ICAZA (spokesperson for the Latin American Caribbean group)* — On behalf of the Government delegations of Latin America and the Caribbean, my delegation would like to express its congratulations to the President, the Minister of Labour of Argentina, and to express to him the support of the Latin American and Caribbean countries throughout today's work as we review the first Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.

Our group would also like to express its thanks to the Director-General of the International Labour Office, Ambassador Juan Somavia, for submitting this first Global Report, which recognizes the changes which have taken place in the world of work and the need for innovative approaches to extend freedom of association and collective bargaining so that all workers may benefit from them.

We appreciate the fact that the Report states that the unquestionable and fundamental aim of the follow-up to the Declaration is to support, through cooperation, the efforts made by member States to give effect to the fundamental principles and rights of

workers. As all of us will recall, it was this objective which inspired, encouraged and facilitated the adoption of the Declaration and its follow-up mechanisms.

This first Global Report should serve as a basis for discussion by the Conference of the priorities to which we should direct the Organization's plans of action for technical cooperation.

We would like to thank the Director-General for the guidance which he provides to us in the third part of his Report, suggesting priority indicators for action to be taken to raise awareness, promote research, increase and disseminate knowledge and guide the services provided by the Organization.

In the chapter of the Report evaluating the effectiveness of assistance given to the Organization's constituents, the Director-General highlights political will as being very important to its success. We agree that such political will should be promoted, and where it is visible it should be encouraged. The Declaration, after all, is promotional in nature and its follow-up too should be promotional.

The technical cooperation provided by the Organization to its constituents in response to the needs which those constituents have expressed is, and we hope will continue to be, a valuable contribution to ensuring full and effective compliance with our international commitments on labour-related matters.

In paragraphs 167 and 168 of the Report, the Director-General suggests that information should be sought from sources other than formal reports so as to better and more accurately reflect problems and situations which cannot always be described in official reports or through other supervisory mechanisms.

My group considers that it would be more useful for the preparation of technical cooperation programmes to pay particular attention to information on the social, economic and institutional barriers which stand in the way of achieving the ILO's objectives, as has already been recognized by the Expert-Advisers who have reviewed the annual reports.

The Latin American Caribbean group welcomes the suggestion made by the Expert-Advisers that modifications should be made to the annual report forms so as to make it possible to share positive and useful experiences.

Lastly, coordinated action should be taken by international organizations with mandates covering economic and social issues to avoid contradictions, duplication and/or overlapping and to ensure that social concerns are priority components of international development programmes.

*Mr. KHAN (Federal Minister for Labour, Manpower and Overseas Pakistanis, Pakistan)* — I make this intervention on behalf of the delegations of Bangladesh, Bahrain, Cuba, China, Egypt, Ethiopia, Kuwait, Oman, Qatar, Saudi Arabia, Sri Lanka, Sudan, United Arab Emirates and my own delegation of Pakistan.

The Global Report has a number of positive elements. For instance, in paragraph 173 it acknowledges that "each national situation is unique, and that pre-fabricated or stereotyped action plans at the country level are unlikely to address adequately the specificities of each". It has focused on the provision of technical cooperation and makes the point that technical cooperation and advisory services should support national actors and national decision-making processes. In this context, we support the emphasis on national

ownership and on the fact that actions which are perceived to respond to external initiatives or pressures are less likely to succeed than those that are clearly seen as responding to domestic interests and concerns driven by national actors.

The Global Report also raises some concerns. The unique dimensional analysis of the multidimensional issue of freedom of association is partial. The Report should have adopted a much broader and multidimensional analytical framework. The limitations of the unique dimensional analytical approach are obvious when the Report attempts to address issues such as globalization and poverty. In the negotiations on the Declaration and on its follow-up there was consensus that the follow-up should be promotional, non-legally binding, non-country or case specific, non-punitive in nature, and should not be a substitute for the established supervisory mechanisms. Nor should it seek to create a monitoring system parallel to or duplicative of the standard regime of the ILO Conventions.

We would therefore like to place on record the following comments. While considering the implementation of standards on freedom of association and collective bargaining, the Report selectively focuses on some sectors of economic activity — that is agriculture, the informal sector and export processing zones. These sectors have been singled out for lack of adherence to standards while other sectors, such as migrant workers and the high technology sector, have been underplayed or totally ignored. The adverse impact of new economic phenomena, such as mergers and acquisitions, e-commerce and outsourcing, on the freedom of association and collective bargaining have not been adequately dealt with in the Report.

The Report has also ignored the concerns of developing countries with large numbers of foreign workers. The objective of the Global Report was to present trends and not to selectively identify areas of sectors. Such selectivity could have an inherent bias against developing countries and therefore could result in politically motivated targeting.

ILO standards on freedom of association and collective bargaining are an important issue to address, but difficulties could arise in compliance with these standards due to resource constraints, infrastructure weaknesses, technical handicaps, varying levels of development, the informal nature of certain sectors and reasons of overriding national compulsion.

The Report recognizes that political will cannot be imposed but that it emanates from within a country. It is thus disturbing to note that the Report suggests that the Office should have discretionary powers to provide or withhold technical assistance to any country which requests it on the basis of non-adherence to standards. This is contrary not only to the provision of the ILO supervisory mechanisms, where, following recommendations by a supervisory body, the Office provides technical assistance to a given country, but also to paragraph 3 of the Declaration, according to which the Organization should “assist its members in response to their established and expressed needs”.

The source of information and the data used in the Report should be accurate and objective. The purpose of the Global Report is to provide a dynamic global picture and general trends in the four categories of workers’ rights. Specific countries should not be mentioned in the Report yet unfortunately certain countries have been singled out. The Report does not

allow for a comprehensive reference to the reasons why a country appears to be at a certain level of implementation of the standards relating to the four categories of rights. Moreover, references to these countries, in some cases, do not take into account the fact that the situation has changed, sometimes even in response to necessary changes introduced into the legislation of these countries.

Although the follow-up mechanism can only be promotional in nature, the advocacy as prescribed in the Report is not promotional. This is evident in the tone and contents of paragraphs 143 and 170, where political will is identified as a factor open to influence and persuasion.

The Report appears to duplicate ILO supervisory mechanisms or is moving towards the development of a new supervisory mechanism, since countries may find themselves compelled to respond to specific comments made in the Report or in the course of discussions during the ILC or in the Governing Body.

The encouragement of a government-to-government pressure suggested in the Report opens the door for political and economic conditionalities. This is despite the fact that follow-up mechanisms were to promote cooperation and not coercion.

The Declaration made it clear that labour standards should not be used for protectionist purposes and that nothing in this Declaration and its follow-up shall be invoked or otherwise used for such purposes.

The focus on advocacy with international, regional and financial institutions should under no condition lead to the association of financial conditionalities with the observance of labour standards.

The Report introduces unclear and ambiguous concepts such as global governors of the labour market, new international architecture, social legitimacy and representational security. There is clearly no consensus within the international community or the ILO on such concepts and, in the absence of an agreed definition, such concepts should be avoided in future reports.

The Report argues that in an increasingly globalized economy the effective realization of the right to collective bargaining requires that it be conducted at the international level. The proposal for collective bargaining at international level is not pragmatic and is somewhat incomprehensible.

The ILO should not try to introduce conditionalities for the provision of technical assistance or cross-conditionalities with other international agencies. Paragraph 3 of the Declaration clearly states that the ILO should assist Members by “encouraging other international organizations with which the ILO has established relations”.

The reference to the ILO’s advocacy with other ministries, including those of trade and finance, could be construed as an invitation to apply trade or other sanctions on the basis of labour standards. This clearly is contrary to the position of the ILO or the Declaration. Advocacy therefore should be limited to those agencies directly involved with the formulation of implementation of labour standards.

The Declaration refers, in paragraph 1A, to the specific circumstances of member States. Accordingly, the Report in paragraph 173 acknowledges that these national situations are “unique, and that prefabricated or stereotyped action plans at the country level are unlikely to address adequately the specificities of each”. We therefore do not support any

attempt to establish artificial baselines which could result in merely singling out countries rather than helping them to improve compliance.

To conclude, unless the implementation of this Declaration is undertaken in an objective, pragmatic and judicious manner within the ILO's mandate it could be open to abuse by certain interests for protectionist and coercive purposes, especially against the developing countries. The Global Report should be elaborated in line with the follow-up to the Declaration, which clearly laid down the parameters of the Report and the sources of the information to be used by it. The Report should be promotional and should not duplicate ILO supervisory mechanisms, nor should it attempt to develop a new supervisory mechanism.

*Original Arabic:* Mr. AL-NAMLAH (*Minister of Labour and Social Affairs, Saudi Arabia, on behalf of the Gulf Cooperation Council*) — In the name of God, the Merciful, the Compassionate! It is my honour to address you today as representative of my colleagues, the Ministers of Labour and Social Affairs of the countries of the Gulf Cooperation Council (GCC), a single regional group, which includes the United Arab Emirates, Bahrain, Saudi Arabia, Oman, Qatar and Kuwait. I thank them for having entrusted me with the task of representing them in submitting our views and opinions with regard to the follow-up of the ILO Declaration on the Fundamental Principles and Rights at Work.

Within the framework of the discussion of the Global Report submitted by the Director-General, which this year deals with freedom of association and the genuine enjoyment of the right to collective bargaining, the GCC countries would like to emphasize the following points.

First, that the principles and objectives which serve as the basis for the Declaration on Fundamental Principles and Rights at Work and its Follow-up in particular, and the ILO standards in general, are principles and objectives which are recognized and respected in these countries. They are applied in accordance with the Constitution of the ILO and the Declaration of Philadelphia, but do not infringe on inalienable values in societies based on Islamic law. The basis of the Arab Gulf community is interdependence and tolerance which its international and local labour organizations have sought to champion.

Certain Conventions have not so far been ratified by the GCC countries. This should not, however, be interpreted as a negation of the principles included therein, since the GCC countries have in the past ratified a number of important labour Conventions, including the core Conventions, and they are constantly seeking, in accordance with their own local conditions, to ratify more.

Only a few days before this session began, the Government of Bahrain ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and Qatar and Kuwait ratified the Worst Forms of Child Labour Convention, 1999 (No. 182). Similar steps are currently being taken elsewhere and will continue to be taken in the future.

With due regard for the Declaration on Fundamental Principles and Rights at Work in particular, and international labour standards in general, the GCC countries draw up their labour legislation on the basis of the standards of the International Labour Organi-

zation, with a view to upholding the international labour standards set by the ILO.

As for the economic and social conditions in our countries, we should like to state the following points. First of all, the GCC countries confirm their respect for and recognition of economic and social principles. At the same time, they would like to state that in applying these principles and standards, the social and economic conditions of each country must be taken into account, in accordance with Paragraph V of the Declaration of Philadelphia, which states that the principles of the Declaration are fully applicable to all peoples everywhere, and that the stage of social and economic development reached by each people must be taken into consideration when applying such principles.

Secondly, the proportion of immigrant workers and labourers in the GCC countries is quite high. The national labour force is limited in size, particularly with regard to the private sector. Statistics indicate that in some countries of the GCC foreign labour may account for up to 60-80 per cent of the total workforce.

Thirdly, foreign workers are very keen to work in the GCC countries, and this has been the case for several years. This in itself indicates that workers from all sectors and at all levels find in the GCC countries sufficient interest and concern for their rights, without any complications and on the basis of easy terms and simple procedures. They benefit from various privileges and entitlements which are provided by the legislations of the GCC countries without discrimination based on race, faith or colour.

Labour relations in the GCC countries provide clear evidence that labour legislations of those countries are just, and are properly applied. They are on an equal footing with the labour legislations of many advanced countries.

The position of the GCC countries with regard to the first of the four basic principles of the Declaration, i.e. freedom of association and collective bargaining, is based on the following points.

The GCC countries respect the principle according to which workers' organizations should be able to achieve their objectives of organizing labour affairs, establishing proper labour practices and ensuring freedom of expression within their legal and legislative frameworks, in accordance with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). The establishment of labour unions in the GCC countries is also linked with the new productive activities in those countries.

All the GCC countries are seeking to adopt the necessary measures to establish mechanisms capable of developing and promoting the roles and contributions of employers' and workers' organizations, taking into account international developments. These countries have made great strides in this respect, taking into account the fact that there is a considerable proportion of imported labour within the GCC countries. All the GCC countries are encouraging representatives of workers and employers to participate actively in Arab and international conferences on the basis of the principle of tripartism, seeking to safeguard their independence and their close cooperation with organizations capable of promoting them and developing their skills and experience.

The GCC countries have ensured the participation of workers and employers in various organizations

and specialized institutions responsible for drawing up and implementing training and vocational rehabilitation policies and programmes.

The GCC countries believe that the ILO, in preparing the Global Report, should base its work on the views of the experts when assessing the conditions prevailing in the various countries. Such assessments must be based on valid, credible and factual reports.

With regard to the Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, *Your voice at work*, I should like to congratulate the Director-General for the objectivity of this work, despite the fact that certain information was not accurate, as it was not based on reliable sources.

As part of its commitments under the Declaration on Fundamental Principles and Rights at Work and its Follow-up, the ILO must assist member States in their efforts to create an appropriate climate for economic and social development, and help them provide more opportunities for work so as to deal with the problem of unemployment. It should increase the technical and material assistance provided to the GCC countries so as to enable them to create the appropriate social and economic climate to contribute to the development of their labour force. There is a clear need to improve the image of the ILO and to step up its work and contribution in the field of standards. First, an in-depth analysis of the existing standards must be carried out to identify shortcomings and their effects on various groups. Secondly, the ILO's efforts to review the various instruments of the Organization which have become outmoded deserve support. We must be responsible, and support calm and constructive dialogue in a spirit of brotherhood and good will.

*Original Portuguese: Mr. MENDOÇA E MOURA (representative of the European Union)* — Sir, I have the great honour of speaking on behalf of the European Union. The European Union would once again like to reiterate its commitment to the Declaration of the International Labour Organization on fundamental principles and rights at work. To this regard, we would like to congratulate the Secretary-General on this first Global Report, which represents one more step towards the application of a follow-up mechanism of the Declaration.

This Report respects and recognizes the right to collective bargaining and freedom of association. Freedom of association is the consequence of essential freedoms and is also a fundamental element of a democratic system and society. It is an instrument for promoting economic and social development. For this follow-up mechanism to fulfil its objectives of promoting fundamental rights, this Report must be of a highly political nature. For this reason, we regret that our ministers are not able to take part in this debate because the Council of Ministers of Social Affairs is meeting today in Brussels. However, our ministers will have the opportunity of discussing this subject during the plenary meetings of the Conference.

All workers and all employers should have freedom of association. Nevertheless, the Report highlights serious violations of trade union rights in many countries and continents, and we cannot accept such violations, which should be stopped as soon as possible. We think that this first Global Report still does not offer a sufficiently global and dynamic vision for us to be able to highlight national and regional trends

regarding trade union rights and collective bargaining with the participation of social partners in this follow-up mechanism. We would like the reports following to provide more information on each of the fundamental rights affirmed in the Declaration, and for them to obligate all Members of the ILO. Therefore, we support the Director-General so that he can continue his efforts to achieve the universal application of these rights, and we urge governments to commit themselves to their application.

*Original Japanese: Mr. ITOU (Government delegate, Japan)* — In 1998 the International Labour Conference adopted the Declaration on Fundamental Principles and Rights at Work. We now have the first Global Report which forms a part of the follow-up, and it is an honour for me to participate in the discussion on that first Report. I would like to express my appreciation to the Director-General and the members of the secretariat who, since the adoption of the 1998 Declaration, have compiled the annual report discussed during the March meeting of the Governing Body and also compiled the Global Report.

I recall that, even while the Declaration was being prepared, there was much concern that it was going to be nothing more than one more layer placed on top of the existing supervisory mechanisms. I am sure much effort has been expended to dispel this notion. Looking at the Report, I am happy to say that the Report is very well written and contains examples of improvements taking place in different countries, and indications of the future direction of ILO's technical cooperation. It is proactive as well as addressing many of the requests made by the Government of Japan during the discussions on the previous annual report.

Some 50 years have elapsed since the adoption 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). The Asian currency crisis showed us that the response to the crisis was more rapid in countries where tripartism was stronger. In other words, where there was a stable relationship between government, workers and employers, the response to the economic crisis was that much quicker. This shows the great importance tripartism still plays even in this modern world.

One should not forget that tripartism is predicated on the existence of the freedom of association and the right to collective bargaining. Although responding to changes in economic and social circumstances, the two principles remain just as important today as they were when the Conventions were first adopted. The Global Report suggests that the two principles are conducive to social stability and justice, even in the present world of ever-advancing economic globalization. I agree wholeheartedly with that view, and commend the Report for recognizing that fact.

In Japan it was not until after the Second World War that freedom of association and the protection of the right to collective bargaining were realized. In our country, most of the labour unions are company-based, and negotiations between companies and unions have led to the establishment of stable labour relations, improved productivity, and aggressive investment in human resources development by individual companies. They have become the bedrock upon which our country's strong social stability and economic growth have rested.

In other words, the two principles, freedom of association and the protection of collective bargaining, concern not only human rights and democracy but economic development as well.

The global trend which is also evident in Japan, is an increasing number of workers employed in the service sectors, white-collar workers, part-time workers, homeworkers and other new forms of work. Given this trend, there is a concern that the representativeness of labour unions may wane and that the development of healthy labour relations and tripartism may be thwarted. This calls for ways of making the labour unions more inclusive and representative and of heeding the voice of non-unionized workers.

Turning to the matter of ILO's technical cooperation, I would point out once again that further cooperation between the government, the workers and employers will be necessary. As I mentioned earlier, the Asian currency crisis underscored the importance of freedom of association and the protection of the right to collective bargaining. As for Japan, it is our intention to contribute financially to the ILO's multilateral and bilateral projects primarily in the Asia Pacific region to further the understanding of the importance of these rights among governments, employers and workers in that region.

Lastly, I express my hope that these discussions on the first Global Report will be fruitful and I hope that the March discussions of the annual report and the coming November meeting of the Governing Body will lead to the adoption of action programmes for future technical cooperation projects.

*(Ms. Bauer takes the Chair.)*

*Original Arabic:* Mr. ELAMAWY (*Minister of Manpower and Emigration, Egypt*) — Allow me first of all to assure you that Egypt is fully committed to applying labour standards and ratifying the seven fundamental standards. We are in the process of ratifying Convention No. 182 and very much appreciate the scope of the Declaration concerning fundamental rights.

The preliminary reports were the subject of controversy during the preparation of the Declaration, hugely because many delegations were afraid that these reports, when applied, would become a new kind of monitoring mechanism rather than achieving their original purpose which was to provide a dynamic global picture that would allow the Organization to devise plans of action for technical cooperation and help to mobilize the necessary internal and external resources for implementation of these plans. These fears were not about monitoring mechanisms per se. We fully cooperate with the Organization's existing mechanisms. Rather we were afraid that the reports were not governed by such specific rules and regulations as ensure the objectivity and accuracy of monitoring mechanisms. In that regard, a statement was included in the text of the Declaration and annex thereto, as well as in the opinion provided by the ILO's Legal Adviser, concerning the purpose of the Global Reports and the subjects which should not be included therein. These are matters confirmed in many parts of the Report before us.

The Minister of Labour of Pakistan, speaking on behalf of the governments of a number of developing countries, including my own, made a certain number of objective comments about the first Global Report.

I do not want to repeat what he said but I would like to add a few general observations.

First of all, with regard to sources of information for the Global Report and the danger of quoting countries by name, one of the most important and most controversial issues that arose during the drafting of the Declaration was identification of sources of information on which the reports are based. A number of delegations were concerned to have maximum detail on such sources of information. There was also debate about the way in which the information would be dealt with, and the need to guarantee objectivity and non-selectivity in preparation of reports. It would be unacceptable to delegations to have to make statements and correct information concerning their country, turning the reports into a new monitoring mechanism. These delegations would find it very difficult to quietly accept any inaccurate or incorrect information about their countries or any references made without taking into account the specific circumstances in a particular country on the progress achieved in enactment of laws and in practices in that country.

Egypt is quoted on two occasions as part of a group of 50 countries for which indicators are provided. The paragraphs concerned treat all of these States as if they were one, without accounting for the specificities of each situation and without providing the detail required for each individual case. In the case of Egypt, no account has been taken of the positive new legislation it has enacted, as reported by the group of experts responsible for the follow-up to the implementation of Conventions and Recommendations in the Report submitted to the current session. This raises questions about the sources of information used in the Report and whether there was any serious attempt to provide a dynamic picture.

Obviously, my delegation will not fall into the trap of trying to correct such information at this stage. This is not appropriate or acceptable in this forum, but I am just trying to illustrate the serious mistake we would be making if we quote countries by name in this Report. This Report by its very nature cannot deal in a detailed and subjective manner with cases, while the observations it has made defeat the purpose of providing a dynamic picture of developments. I should like to reiterate what we have said many times before: no mention of names should be made in future reports.

Secondly, the Report stresses the importance of that application of standards within each society, particularly in light of the specificities of each society. This is an approach we can approve of, because it is in keeping with the spirit and letter of the Declaration, which is to offer additional technical assistance to countries who need it so that each society can better observe labour standards. Here I would like to say that collective bargaining takes place in each country within the context of the peculiar situation of that country. Collective bargaining cannot, of course, be carried out at a world level, and I found that there was an infelicitous reference to this at one stage in the Report.

I hope that this was unintentional, for we all know that our Organization is based on tripartism, and this also holds true for the application of standards. There can be absolutely no talk of international collective bargaining.

The Report's reference to placing pressure on governments is to be regretted. It is not conducive to

fruitful international cooperation and runs counter to the objectives of the Declaration. I would also like to say that the ultimate purpose of the Report is to come up with a programme for technical assistance for the benefit of the social partners, while making available the resources to achieve that end. We would have liked the Report to have drawn a clearer picture in that regard, so that our deliberations about the Report would be more specific and constructive. We hope that future reports will include this dimension.

We are all very much aware that the Declaration does not impose a legal obligation on countries but is a political statement whose value lies in its ability to encourage all the countries and peoples of the world to objectively and transparently follow the spirit and letter of the Declaration. The Declaration's only purpose is to serve the social partners in every State and provide the technical cooperation that various member States need so that labour standards can be applied and that all States and people will be convinced that the follow-up to the Declaration only serves the purposes for which this Organization was created. We therefore have to be totally objective in respecting fundamental rights at work and defending the interests of peoples and application of labour standards. In this way the Declaration will take a special place in the international collective conscience as something to which we are all committed.

*Original French: Mr. ZAFERA (Government delegate, Madagascar)* — Mrs. Razafinakanga, Minister of Labour and Social Law, Madagascar, was unavoidably detained at the last moment. She has asked me to address the Conference and to apologize on her behalf for not being able to make the Madagascar contribution on the Global Report today in person.

To date Madagascar has ratified six of the eight Conventions concerning fundamental principles and rights at work. The six ratified Conventions include Conventions Nos. 87 and 98 which concern freedom of association and the effective recognition of the right to collective bargaining. The Declaration is essential as far as we are concerned and its follow-up is a major concern for our administration.

Promoting the participatory approach at all levels, in conjunction with freedom of association, is one of the ways of establishing a favourable social and economic environment for the development of the private sector and for combating poverty in Madagascar. The Follow-up to the application of the Declaration must be based on respect for tripartism and social dialogue. Certainly, social dialogue in Madagascar has gone through a period of great turbulence recently but the three parties concerned, aware of their role and responsibilities in the world of work, have signed a memorandum of understanding which lays down a participatory approach within a context of broader social dialogue.

Moreover, the Constitution of the Republic of Madagascar, the Labour Code and its subsequent texts have laid down provisions which promote freedom of association and the effective recognition of the right to collective bargaining. The existence of ten trade union confederations, eight national employers' associations and 150 independent trade unions justifies the efforts which have been made by the State, helped by the social partners, for the promotion of this Convention on freedom of association and protection of the right to organize. Even before the

ratification of Convention No. 98 our legislation had always made provision for collective agreements in enterprises employing 50 workers or more. An awareness campaign was conducted with the support of the International Labour Office in the six main provincial capitals in July 1998, that is to say after the ratification of Convention No. 98, in order to make the social partners aware of their obligation to negotiate collective agreements, to strengthen the negotiating capacity of the parties, to list factors hindering negotiations, to propose solutions to these problems and to define the actions to be immediately implemented.

At present we have 42 collective agreements prepared according to the standards advocated by the ILO in various branches of economic activity such as the food industry, commerce, energy, the mining industry, the leather industry, mechanical engineering and services. Faced with new requirements from the world of work, the State and the social partners have recognized the shortcomings in our current Labour Code and by common accord they have begun work on the total revision of the Code, the results of which will be presented to the National Assembly later this year.

As you can see, this is a sign that social dialogue is being restored in Madagascar. We would like to reiterate the will of our Government to further implement the Report of the Director-General of the ILO, and we hope that we will be assisted in this process which is a source of great hope for our country.

*Original French: Mr. BLONDEL (Workers' delegate, France)* — The Global Report on Conventions Nos. 87 and 98 in the follow-up to the Declaration on Fundamental Principles and Rights at Work, in *Your voice at work*, has been of great interest to all of those who are concerned with the ILO's standard-setting activities.

We naturally subscribe to the comments which were made by our colleague and spokesperson, Mr. Brett, and we are glad to see that the first part of the document gives a global and dynamic view of the international situation, as it appears notably in the light of globalization.

We agree that we are in the century of intelligent information which ought to benefit everybody, and we can also see that the reforms which have been made in this framework have given rise to the disappearance of forms of state-planned economy that were virtually a violation of freedom. This should not, however, lead to the systematic substitution of the individual for the collective, to a system of survival of the fittest, to unbridled deregulation.

The Global Report already mentions that the global movement of economic integration — which we can be proud of — has a social cost: employment is more volatile, inequalities have increased. These inequalities have to be analysed from two points of view, or even three: from the continental point of view, from the national point of view, and from the domestic point of view. That is why we too say that inequalities at the global level are increasing.

This is where the idea of a universal dimension of standards, especially the fundamental standards, takes all its meaning. Thus, multinational corporations which in their home country respect trade unionism and even collective bargaining, can be tempted to base themselves in countries where these practices are restricted — if they exist at all. In my

opinion we would do well to scrutinize the OECD's new approach to this matter.

Some countries are very proud of the non-existence of trade union rights so that they can attract foreign investors. In a way one can from ILO research see how free zones, for example, tend to legalise this kind of aberration. Hence the idea of collective bargaining at the international level to define equal trade union rights in every country where an enterprise operates; these rights would supplement Conventions Nos. 87 and 98 which we are concerned with here. Incidentally, the same question arises for international civil servants — and this is something of a paradox — in the United Nations, for example, where they do not have the rights that we are advocating.

We cannot look at the Global Report just from the angle of globalization, and the trend of society; we must also look at how political considerations and countries' individual behaviour affect democratic principles. Lack of representation is often due to government interference. I am happy with Chapter 2 of Part I of the Report. This was a difficult exercise, which had to avoid distorting the ILO's action and practice while affording a global picture and noting how the situation develops as a result of the adoption of our Declaration of Principles. The Workers naturally welcome improvements in civil liberties, on which freedoms of association often depend.

Allow me to emphasize certain points. There are too many countries still where state employees and civil servants are not allowed to join trade unions — which of course does not prevent the same States (in some African countries, for example) from interfering in the running of an organization. Cameroon is a case in point. Freedom of association implies autonomy and independence, and there is no room for pressure or threats from the public authorities. Thus, the banning of meetings and demonstrations, as happened in Djibouti, is unacceptable. As to the violation of trade union premises and assets, for example, the Central African Republic — where the Secretary General of the USTC was brutally attacked by state guards simply because the union supported the promotion of peace and development — has much to answer for.

Is it not astonishing that in practice the trade unions that have the greatest difficulty are usually the teachers' unions? I am amazed that in the Central African Republic, Cameroon and Djibouti, it is very often the teachers or their unions that encounter difficulties.

And what can I say about the lack of protection of trade union activists and of the discrimination which they suffer? The Committee on Freedom of Association made 50 per cent of its recommendations on this subject.

I would like to emphasize the necessary complementarity — not to say harmony — which must exist between the action taken in the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work and the traditional monitoring and supervisory machinery. It is not a question of one replacing the other, but rather of organizing and strengthening the one so as not to have to resort to the other.

Significantly enough, the complaint we lodged against Poland under article 26 in 1942 was followed in 1980 by a complaint to the Committee on Freedom of Association. Contact missions were first sent to assess the situation. Following the findings of a

Commission of Inquiry, almost ten years were needed for trade union pluralism and democratic rule to prevail. This shows that the Global Report is the first in a whole series of reports on ILO action in promoting the ILO Declaration on Fundamental Principles and Rights at Work, which will oblige us to remain faithful to the tripartite commitments to which we subscribed in June 1998.

*Original Chinese: Mr. LI DONGLIN (Government adviser, China)* — The Chinese delegation endorses the statement of the Asia-Pacific Government group, and the fact that our discussions today on the Global Report *Your voice at work* are of important significance. The Chinese delegation has conscientiously studied the Report *Your voice at work* and we would like to state the following.

Firstly, freedom of association and effective collective bargaining as fundamental principles and rights at work have already been fully elaborated in the Declaration, and should be implemented in real earnest by the member States. We are living in a colourful world where historical and cultural pluralism and diversity reign, and where political systems vary according to the different countries and regions. Therefore, it is natural that there are also many different approaches to the implementation of those fundamental principles and rights. And, there is a constantly developing process to turn these principles into reality. As a matter of fact, no single country in today's world is perfect in implementing such fundamental principles as freedom of association. They all need to steadily improve their legal system and practices. The ILO should vigorously promote sincere dialogue and international exchanges in this regard.

Secondly, poverty elimination and promotion of full employment are the purposes of the ILO and the basis for implementing the freedom of association and collective bargaining principles. Any attempt at refusing ILO technical assistance to the developing countries on the pretext that implementation of labour standards is not advancing apace will only impede the development of the poor nations, delay their process of poverty alleviation, deprive their people of job opportunities and thus fundamentally undermine the freedom of association and other basic rights that their people otherwise enjoy. Therefore, ILO member States should be on high alert against any attempt at establishing a link between labour standards and international organizations' aid programmes.

Thirdly, the promotion of the fundamental rights should take place according to the spirit of the Declaration and its follow-up. All follow-up actions should be based solely on the actual needs of the tripartite constituency of the member States through cooperation and dialogue. If this is not the case, the intentions of the Declaration risk being undermined, which will also result in a double review, something which is inconsistent with the spirit of promotion.

It should be pointed out that there are some parts of this comprehensive Report that contravene the promotional principle. The Report irresponsibly criticizes the political systems of some ILO member States. This runs counter to the basic norm governing international relations: that all countries have the right freely to choose and develop their political, social, economic and cultural systems.

The Chinese delegation hopes that today's discussions will put the follow-up to the Declaration back on

track, with the focus on strengthening dialogue, ensuring better cooperation and encouraging implementation of the fundamental rights.

*Original Spanish:* Mr. FUNES DE RIOJA (*Employers' delegate, Argentina*) — For my country and many others in Latin America the issues addressed by this first Global Report are substantive. We agree with the Declaration and endorse its content. The challenge facing the developing countries is to achieve both political stability and economic development. Political stability logically depends on the maturity of our democratic institutions, respect for the rule of law and for fundamental freedoms. This is where freedom of association takes on fundamental relevance because it is the essence of social pluralism and because its full exercise is a prerequisite for freedom and individual rights. Reducing freedom of association spells an end to freedom. This is why the Employers defend freedom of association. It is part of our moral responsibility in modern society, but it goes beyond that, the workers also have a responsibility. The freedom of workers today is ours tomorrow and the history of humanity is full of examples which demonstrate this principle.

Alongside freedom of association comes freedom to bargain collectively. This dynamic corresponds to the market economy where opposite interests have to come together, not by way of confrontation, but in the most effective way — cooperation. Both of these labour principles, however, have their counterpart in the life of society and make this Global Report an interesting contribution.

In the developing countries, where we are consolidating our political and economic institutions, we hoped for a little bit more from this Report. In truth, the Declaration and its follow-up being a mechanism of cooperation and persuasion, we hoped to find an account of successful experiences, difficulties, the technical support provided by the Office and its impact in the field as well as experiences of social dialogue which, reaffirming the abovementioned freedoms, opened the way to forms of stable economic, political and social development in the context of international economic integration, the growth of democracy and the fight against poverty, as promoted by the document itself and to which we fully subscribe.

The dynamics of globalization, by intensifying competition and revolutionizing information technology have generated both opportunities and inequalities. To overcome the inequalities and access the markets and technology, fundamental rights at work are a necessary prerequisite, but they are not the only ones. In addition there must be a suitable institutional framework for social dialogue which allows the essential features of the job market to be brought into line with the requirements of competitiveness and of a sustainable economic and social development model which also provides the political system with credibility and viability. I have already said, and I will say once again, that for some countries social dialogue is a habit, the fruit of a political and economic culture, while for others, including those in my region, it is an absolute necessity which justifies changes, gives them rationality and direction: general well-being.

Political authoritarianism leads to the denial of freedoms. Where there are no autonomous trade unions or employers' organizations, without state interference in their constitution or organization, it is

clear in reality, and in the Global Report, that we are faced with political systems which seek to interfere in the life and opinions of the social partners. This is a bad thing and is as dangerous as confusing the concept of civil society with that of NGOs and granting them a degree of representativeness which they obviously do not have in law. In this respect I refer to paragraph 79 which relates to our region and describes a case which remains topical.

Lastly, we must not mix up principles and rights with expansive interpretations by the supervisory bodies nor the Global Report with the supervisory mechanisms. This has to be very clear. Therefore, we welcome the first Global Report, but we also hope that the next one will cover all the concerns voiced today and include contributions from all. This is our firm hope because we have great faith in our Organization.

Mr. NGUTU (*Minister for Labour, Kenya*) — The Kenyan delegation welcomes this opportunity to take part in the discussion on this year's Global Report *Your voice at work* as part of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work. Indeed, the Kenyan delegation is fully aware that the adoption of the Declaration provides a new tool for the international community to fulfil the commitments already made by the Heads of State and Heads of Government at the 1995 World Summit for Social Development. At that Summit, seven international core labour standards were identified and adopted as the minimum social platform for the global economy.

All the member States of the ILO, even if they have not ratified the Conventions in question, have an obligation by virtue of their membership to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights of freedom of association and collective bargaining, and to work towards the elimination of forced labour, child labour and discrimination in occupation and employment, it being understood that there can be no respect for basic workers' rights without employment.

The Kenyan delegation is encouraged to note that the Declaration makes provision for a follow-up mechanism based on annual reports by countries on their efforts and achievements in realizing these rights in practice and identifying the problems which remain. We are also delighted to note that the follow-up process gives both workers' and employers' representatives, as well as governments, the right to express their views on how the Declaration is being implemented. Kenya is fully aware that the overall objective of the whole exercise is to identify problems and facilitate progress. The present follow-up procedures will also provide the opportunity for all ILO Members to analyse the diversity of national cultural and developmental situations, to stimulate countries to realize those rights in practice and to mobilize the much-needed financial resources to enable them to do so.

Since this is the first time that the Conference is discussing the Global Report as part of the follow-up to the Declaration, it is important that the following cardinal principles set out in the Declaration itself are respected; that the present follow-up should be purely promotional in nature and should not duplicate what is already being done by various other supervisory bodies of the ILO; that labour standards should not

be used for protectionist purposes; and that the comparative advantages of any country should not in any way be called into question by the Declaration.

This year's Global Report provides a dynamic global picture relating to the selected category of fundamental principles and rights at work, namely, freedom of association and collective bargaining.

It also shows the worldwide trends in relation to this chosen category of principles and rights both for States that have ratified the relevant fundamental ILO Conventions and those that have not yet ratified them. It examines in detail the trends in relation to observance of freedom of association and collective bargaining rights as well as gross violations of those rights worldwide.

In this respect, the Kenyan Government totally endorses the ILO stance, that if freedom of association is not respected and promoted there can be no collective bargaining or meaningful social dialogue. Kenya believes that freedom of association gives a voice to workers and employers, a voice that needs to be heard much louder and more clearly in a globalized world. We also think that there is a fundamental difference between the situation of countries where this fundamental right is denied and those where it is not. I would like to take this opportunity to reaffirm that in Kenya the principle of freedom of association and the effective recognition of the right to collective bargaining is fully recognized and promoted by the Government. Our declared policy has always been to encourage the formation of strong, independent and financially viable employers' and workers' organizations. The Government is satisfied that both the Federation of Kenya Employers and the Central Organization of Trade Unions are sufficiently well organized and competent to enter into responsible and conclusive collective bargaining on terms and conditions of employment. These two umbrella organizations have fulfilled their obligations and their responsibilities in a very precise and praiseworthy manner.

The Kenyan delegation also agrees that the respect for freedom of association and effective recognition of the right to collective bargaining has a very crucial role to play in achieving decent work for all in a globalized world economy.

Our Government has, over the years, remained committed to the promotion of ILO labour standards as a sure way of enhancing the promotion and respect of basic workers' rights in Kenya. So far, Kenya has ratified and fully implemented a total of 46 of the ILO's labour standards, including four of the seven ILO core labour Conventions which includes the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

The Government of Kenya has also contacted the ILO with the aim of securing the necessary technical assistance in reviewing our present labour legislation and paving the way for further ratifications of core labour standards.

Finally, Kenya endorses the view that respect for these fundamental principles and rights at work is good for business, for labour, for governments and for civil society, both domestically and internationally.

*Original Arabic:* Ms. KOUDSI (*Minister of Social Affairs and Labour, Syrian Arab Republic*) — First of all, I should like to say that the ILO Declaration on Fundamental Principles and Rights at Work adopted at the 1998 Conference was not agreed to by consensus.

This was because its articles were not sufficiently clear to avert any possibility of erroneous interpretation vis-à-vis its application or to ensure that it would not be used as a pretext for discrimination. There were also fears that new conditions in international economic and trade relations might be imposed on the basis of the standards stipulated in the Declaration.

If the purpose of follow-up to the Declaration is to encourage member States to strengthen fundamental principles and rights at work included in the ILO Constitution and the Philadelphia Declaration, then two types of follow-up systems exist to guarantee the realization of that objective. Firstly, we have an annual appraisal of the efforts made by member States which have not ratified all or some of the fundamental Conventions relating to fundamental principles and rights at work including such rights as freedom of association, collective bargaining, negotiation and so on. We seek here to have a global picture that shows the situation in relation to certain principles and freedoms. At the same time, we need to assess and evaluate the efficiency of technical assistance provided by the ILO.

Anyone who reads this Global Report might come to the conclusion that the right to strike is illegal in the Syrian Arab Republic and that harsh penalties are imposed on anyone who takes industrial action. The Report is wrong about this because our labour laws recognize workers' rights and the right to strike is guaranteed unless a request has been submitted for suspension of a strike in a labour dispute.

There is no question of reprisals being taken against persons because of their membership of trade unions. Article 19 of Ordinance 49/1962, amending Ordinance 127/1980, concerning dismissal of workers, states that a worker cannot be dismissed simply because he or she is a member of a trade union or is a trade union activist of some sort, nor can such a worker be prevented from joining or resigning from a union or from following union regulations.

For some time, the Executive in my country has been considering an amendment of the Trade Union Law No. 84/1968 with a view to bringing it into line with International Labour Convention No. 87. We hope that this Law will be adopted very soon. Other draft laws and amendments are also being reviewed with regard to the Farmers' Act No. 21 of 1974, Law 20/1969 concerning occupational reorganization and Law 134/1957 concerning agricultural relations, with a view to bringing their provisions also into line with Convention No. 87. At the same time, the Syrian Arab Republic has drawn up a draft decree amending Labour Law 91/1959 or its amendments so as to bring it into line with the Conventions which the Syrian Arab Republic has signed, including Convention No. 138 dealing with the minimum age for employment. The Syrian Arab Republic has ratified six of the fundamental Conventions, namely, Conventions Nos. 29, 87, 98, 100, 105 and 111.

In addition to the above, a draft decree is currently being passed to repeal article 98 of Labour Law 91/1959 and the amendments thereto, in response to a request from the Committee of Experts and pursuant to ILO Recommendations since the relevant piece of legislation or article thereof is incompatible with Article 4 of the Convention on Freedom of Association.

Mr. AGYEI (*Workers' delegate, Ghana*) — I fully support the presentation that was made by our

spokesperson, Mr. Brett. My intervention is only meant to draw attention to some difficulties that trade unions are still facing in most developing countries, particularly in Africa.

The adoption of the Declaration on Fundamental Principles and Rights at Work and its Follow-up in 1998 came as a beacon of hope to trade unions whose rights were constantly under attack. But unfortunately our expectations have not been met. In most African countries, particularly those which are religiously implementing structural adjustment programmes without a human face, trade union rights continue to be under attack.

It will be difficult to pinpoint countries where these violations are taking place, given the constraints of time, and also the objections that are being raised by certain governments that specific countries should not be mentioned. However, I wonder how we can discuss such an important report in purely abstract terms, particularly where we need to give examples of countries which may need technical assistance to be able to improve the situation there.

I am aware that in Equatorial Guinea, for instance, collective bargaining is not recognized. In Ethiopia, harassment of the Ethiopian Teachers' Association (ETA) teachers' union continues. Unpaid wages, one effect of the debt crisis, is still a growing problem, leading to strikes in Kenya, the Central African Republic, the Democratic Republic of the Congo, and Togo. In Ghana, Kenya, the United Republic of Tanzania and a few other places, trade unions can hardly embark on legal strike, and I am stressing the word legal. In these countries the conditions that trade unions should satisfy before embarking on legal strikes are almost impossible to meet. In Lesoto, trade union rights are not enforced in the export processing zones.

The Bretton Woods institutions are partly, if not wholly, responsible for these trade union rights violations in the developing countries, particularly in Africa. Though these institutions are always trying to influence governments to reform their labour laws, and these reforms, according to them, are meant to introduce so-called flexibility into the labour market, in the process they only succeed in weakening the trade union rights which are enjoyed in these countries under their respective national laws.

On a more positive note, in some countries, while trade union rules are affected by the reform process, we have been able to moderate the harmful effects of these reforms. But there is a need to monitor these reforms to ensure that trade union rights which are being won at very great cost are not taken away. I would suggest that, in countries where labour law reforms have been undertaken, tripartite involvement in the process, with the ILO providing the needed technical cooperation, would be most helpful. Indeed, it would be the surest recipe for social and economic development — the ultimate goal of this Declaration.

Still on a positive note, I would say that in a country like Nigeria, where there were very serious violations of trade union rights, there are now very positive developments. The unions have won their rights back, and they and their social partners are working together to ensure that they are able to sustain and push the process forward.

In Ghana, there is a reform process with the involvement of the social partners, and in the process the concerns that the trade unions have expressed

have also been addressed. I would seriously suggest that in the countries that I have mentioned, where there are difficulties and where there are serious problems with trade union rights, they should take a cue from these positive examples that I have cited and involve trade unions in the process of reforming their laws.

*Original German: Mr. MELAS (Government delegate, Austria)* — As far as Austria is concerned, there is no doubt that the International Labour Organization has a decisive role to play in the creation of a more just global society. Naturally, this is a long-term development, but I do think that, over the last few years, hand in hand with economic developments in many parts of the world, we have seen considerable progress in guaranteeing workers' basic rights. The adoption of the Declaration on Fundamental Principles and Rights at Work was an important milestone in efforts by the international community to strengthen the role of international labour standards. I think we can say with some satisfaction today that the International Labour Organization has been a vehicle for progress and has helped societies to gradually approach the objectives we have set ourselves.

At the International Labour Conference this year we have before us the first Global Report concerning participation of workers in decision-making at the workplace based on collective bargaining and freedom of association. My Government is convinced not only that these fundamental rights must be guaranteed in order to make sure that workers are treated decently at their place of work, but also that this is a prerequisite for the smooth running of the economy as a whole. In other words, there is a feedback, a mutual dependency, between constitutional law and economic development, and the importance of this can hardly be overstated.

But although there is a mutual dependency, this is not in any way automatic, because continuous efforts are needed to maintain such standards. There is a need for constitutional legal structures and strong institutional mechanisms for taking into account workers' interests. This does not happen on its own; it is the result of constant effort, which cannot take place without some conflict and friction.

The Global Report has drawn attention to a number of positive developments in certain countries over the last few years. Nevertheless, it does not gloss over the fact that there are still countries where there are violations of basic rights such as freedom of association. The Report, not surprisingly, concludes that in those countries which lack solid democratic and constitutional structures, workers' rights are not guaranteed either. We should not overlook the fact that the International Labour Organization continues to observe serious violations throughout the world, one example being the use of forced labour in Myanmar. The ILO has endeavoured in the past to reach an agreement with the Government of that country to put an end to these violations. This has unfortunately not been successful, and Austria firmly supports the decisions taken by the Governing Body on this subject. Austria also welcomes the fact that the forthcoming meeting of ECOSOC will deal with the question of Myanmar.

To conclude, I would like to reaffirm that, in the view of Austria, technical assistance will continue to be a major element of the ILO's role in promoting fundamental rights and principles.

*Original Spanish:* Mr. MORALES CARTAYA (*Minister of Labour and Social Security, Cuba*) — The main conclusion of the Global Report, as presented, is that freedom of association and the right to collective bargaining should be strengthened.

In recent years trade union membership and representation has decreased in many workplaces. Given the growing diversity of company interests, employers' organizations are also having difficulties due to globalization.

We could ask ourselves what the causes are. Globalization is an objective reality. The United States, the main industrialized countries, transnational corporations and the International Monetary Fund brought about the present world economic order.

As President Fidel Castro said a short time ago, globalization has been forced into the straitjacket of neo-liberalism and, as such, tends to globalize not development but poverty, not respect for the national sovereignty of our States but its violation, not solidarity among peoples but every-man-for-himself in the midst of unequal competition in the market.

Undoubtedly, the decrease in incomes is the main trend of socio-economic models.

According to the United Nations, in 1960, 20 per cent of the world's population living in the richest countries had 30 times the level of income of 20 per cent of the poorest people. In 1997, the figure was 74 times higher. The fortune of the 200 wealthiest people in this world has increased from US\$440 million to over US\$1 billion between 1994 and 1998 and the fortune of the three wealthiest people in the world is higher than the GDP of the 49 least developed countries.

The ILO itself has also indicated that in the developing and underdeveloped countries, youth employment in the cities is over 30 per cent.

Unemployment in Latin America increased to 8.7 per cent in 1999. In Africa, the increase in employment has actually been less than the growth of the economically active population. In Asia, there is still more unemployment and poverty than in any other region of the world. The economic failure is obvious and has had a major impact on the world of work.

We believe that these are the main causes of the problems that workers and employers face at the moment.

It is difficult to believe that neo-liberals want to strengthen trade unions and workers' organizations and pay attention to the appeal made in the Report. We do not think so.

We believe that only in a society where social justice, fraternity and love for human beings prevail, can we really ensure that freedom of association is fully respected and enjoyed.

This right should not just be restricted to belonging to a trade union, but workers and their trade union organizations should have the opportunity to participate in economic, political and social decisions taken at their workplace, in their sector and throughout the country. This would be a true democracy.

This has existed in Cuba since the Revolution triumphed in January 1959. More than 98 per cent of our workers are members of a trade union organization which is democratic, and which does not discriminate against people for their religious or political beliefs, or their race or gender.

Our enemies have tried to defame and pour scorn on the situation, but the truth is that we have been

fighting against imperialist governments since 1925, when the National Labour Confederation was established in Cuba. This process culminated, in January 1939, with the establishment of the current Confederation of Workers of Cuba. Power in Cuba is in the hands of the workers.

In the Report, in paragraph 67, page 31, we see that an attempt is made to distort the real situation. This will only lead to oppression perpetrated by the powerful.

This is not a problem of form, it is a problem of substance. There are countries with multi-party systems which still prevent freedom of association or ban trade unions. Cuba is, and will continue to be, a country of workers with a government that represents them, a country which defends all that it has fought to build during the last 41 years, despite the blockade against us, intelligently and making considerable sacrifices.

For six months, our people have been fighting a battle against the mafia in Miami and its allies, to ensure that the child, Elian, is returned to his country and his family and friends. We will continue to fight to defend his rights and the rights of all other workers and society as well.

Mr. HEINEMANN (*Government adviser, Netherlands*) — I am speaking on behalf of the Minister for Social Affairs and Employment of the Netherlands, Mr. Vermeend. Unfortunately, the Minister is unable to attend this debate on the Global Report, due to new obligations in Luxembourg.

My delegation fully associates itself with the interventions made on behalf of the IMEC group and of the European Union.

The Government of the Netherlands is firmly committed to the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up. The Declaration and its follow-up are, indeed, key instruments in the promotion of the eight fundamental labour Conventions of the ILO. Particularly, here in the ILO, I cannot emphasize enough that the fundamental labour Conventions should be observed worldwide.

Because of this, my Government welcomes this first Global Report and I hope that it will be the first of a long series of valuable documents which will provide a global picture on the observance of these fundamental Conventions.

I take this opportunity to congratulate the ILO on a job well done. In general, I feel that this first Global Report fulfils its aim, which is to provide a global picture relating to the observance of the right to freedom of association and the effective recognition of the right to collective bargaining.

Chapter 4 of this Global Report should provide the Governing Body, at its November session, with the basis for determining priorities for the ILO technical cooperation efforts, in order to build further support for freedom of association and the right to collective bargaining.

The Report shows that we still have a long way to go to attain universal acceptance of these fundamental rights.

The first responsibility for improvement in the observance of these rights lays, of course, within the countries themselves. Meaningful tripartism should form the basis therein.

In the Netherlands, we are true believers in the concept of tripartism. In fact, it is tripartism and social

dialogue that have been at the heart of the foundation of our modern society.

In the Global Report, I fully endorse the statement that the rights to freedom of association and to collective bargaining actually form the key to realization of the other three categories of fundamental principles and rights at work, which are: the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation.

I feel that in addition to this national responsibility there is also a need for support from this national community to those countries that have the will to solve their problems.

This is particularly so, since there are indications in the Global Report that globalization and internationalization of production can have a negative impact on the rights to freedom of association and collective bargaining.

In terms of the lessons learned from this very first experience, I would like to express some concern about the public information surrounding the launching of the Global Report. Throughout the Report it is highlighted how important the role of advocacy is in the promotion of freedom of association and collective bargaining.

In our view, widespread international public exposure of the Global Report, *inter alia*, through a well-designed media campaign, could certainly contribute to the further promotion of these rights.

Likewise, a timely distribution of the Global Report is of importance to allow for a meaningful, interactive debate with the full participation of the Members of the ILO.

I hope that these concerns will be taken into account in future years.

Mr. TABANI (*Employers' delegate, Pakistan*) — Two years ago when the Declaration was brought before the Conference for adoption, the Employers, including the Asian Employers, fully supported the adoption of the Declaration mainly because it was a document which was promotional in nature, it identified areas where difficulties were to be remedied, and they were to be remedied with the assistance of member countries, using technical assistance. The document also guaranteed avoidance of double scrutiny. Asian employers concerned with sanction-related action were also satisfied. It was said that the Declaration was an answer to the question of the social clause, yet we have seen in the last two years there have been moves made to bring this matter before the WTO, as we can see from what happened in Seattle.

In this particular Global Report, issues examined by the Committee on Freedom of Association and the Conference Committee on the Application of Standards have also been raised, with the result that some

States have been subjected to double scrutiny. It is in this respect that I would like to support the intervention and the opening statement made by the spokesperson of the Employers' group on the main features of this Global Report.

The Report analyses the effects of globalization. It has rightly portrayed a situation in which many economies are increasingly integrating into the global economy, but others are becoming marginalized and global inequalities are growing. This simultaneous inclusion and exclusion of people, regions and economic sectors is a significant characteristic of globalization, and presents some of its greatest challenges.

The answer is to assist those countries which are indeed marginalized to integrate into the global economy. Globalization, we all agree, is irreversible. We need to work from the bottom up to raise the level of the developing countries to play their rightful role in the global economy.

The Report also touches on the Global Compact as a challenge to the business community to embrace support and enact a set of main core values in the areas of human rights, labour standards and environmental practices. We have no objection to treating the idea of the Global Compact as an appeal for a joint definition of shared values in the globalized world of the twenty-first century. The agenda put forward by the United Nations Secretary-General is a welcome step towards achieving such objectives. However, we must remember that the objectives contained in the Global Compact can only be achieved if enterprises are able to operate in a conducive atmosphere. The principles contained in the Global Compact concentrate on the legal and the social obligations of enterprises, without mention of their rights. As we move forward, I have no doubt these shortcomings will be addressed.

At a recent meeting on the Global Compact and the developing world held in Geneva under the auspices of the International Organisation of Employers and the ILO, it was shown that the developing world is actively pursuing the goals of not only the Declaration, but also the wider aspirations of the Global Compact. What is really lacking is the visibility of their efforts. More needs to be done, and will be done, to show the critics in our society that the developing world is committed to finding its responses to those challenges in a sustainable and economically viable manner.

Before I conclude, I must reiterate my full support once again for the opening statement of the Employers' spokesperson, Mr. Potter in particular as regards the promotional nature of the Report, the four criteria applicable to this Global Report and the Employers' view on the compilation of the next Global Report.

*(The Conference adjourned at 1.10 p.m.)*

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