



## Reports of the Selection Committee

### Second report

#### Withdrawal of Conventions Nos. 31, 46, 51, 61 and 66

Following a recommendation by the Selection Committee, the Conference decided, at its second sitting on Tuesday, 30 May 2000, to refer to the Selection Committee for examination and report, the seventh item on the agenda of the Conference: *Withdrawal of the Hours of Work (Coal Mines) Convention, 1931 (No. 31); the Hours of Work (Coal Mines) Convention (Revised), 1935 (No. 46); the Reduction of Hours of Work (Public Works) Convention, 1936 (No. 51); the Reduction of Hours of Work (Textiles) Convention, 1937 (No. 61); and the Migration for Employment Convention, 1939 (No. 66).*

The Selection Committee examined this question at its second sitting.

The Committee had before it Reports VII (1) and VII (2) prepared by the Office on this item.

In his introductory statement, the *Chairperson* recalled that, following an amendment to its Standing Orders in June 1997, in particular the adoption of article 45*bis*, the Conference was enabled to withdraw obsolete international labour Conventions which are not in force and obsolete Recommendations. A Convention or Recommendation is considered obsolete “if [it] appears that it has lost its purpose or that it no longer makes a useful contribution to attaining the objectives of the Organization”.<sup>1</sup> The withdrawal of such instruments is intended to contribute to the rationalization of the standard-setting system of the International Labour Organization. Following examination by the Working Party on Policy regarding the Revision of Standards of the Committee on Legal Issues and International Labour Standards of the Governing Body, and in accordance with a recommendation by that Committee, the Governing Body decided by consensus at its 265th Session (March 1996) that Conventions Nos. 31, 46, 51, 61 and 66 were obsolete. As a result, the Governing Body decided at its 271st Session (March 1998) to place the question of the withdrawal of these Conventions on the agenda of the present session of the Conference.

<sup>1</sup> Paragraph 9 of article 19 of the Constitution of the International Labour Organisation Instrument of Amendment, adopted at the 85th Session (June 1997) of the International Labour Conference.

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On behalf of his group, the *Workers' Vice-Chairperson* expressed his support for the proposed conclusions set out in Report VII (2). He noted that the question of withdrawal of these Conventions had been thoroughly discussed by the Working Party on Policy regarding the Revision of Standards and that constituents had had ample opportunity to express their views in responding to the questionnaire. He recalled, however, that four of the Conventions at issue concerned the question of hours of work. While it was entirely appropriate to withdraw these particular instruments, he underscored that there was a need to consider the question of hours of work in the present changed world of work and in the context of new and emerging patterns of work in a general discussion at the Conference. Such a discussion, which should be held in the not too distant future, should examine possible ILO action in this field in order to avoid or limit the negative effects of increasing flexibility, notably in this area.

On behalf of the Employers' group, the *Employers' Vice-Chairperson* expressed his full agreement with the proposals to withdraw the five obsolete Conventions.

The *Government member of France* noted with pleasure the strong endorsement of the efforts of the Organization to modernize its standard-setting system. The withdrawal of these Conventions would be a historic event, since it was the first recognition that international labour Conventions could cease to exist and that some instruments did not serve the purpose they were intended to fulfil. In this context he recalled the words of the French author Montesquieu that useless laws weaken necessary laws.

The Committee approved, by consensus, the proposed conclusions in Report VII(2) for the withdrawal of Conventions Nos. 31, 46, 51, 61 and 66.

***The Committee accordingly recommends to the Conference that it take the preliminary decision, referred to in paragraph 3 of article 45bis of the Standing Orders of the Conference, for the withdrawal of each of the aforementioned Conventions, in the following terms:***

**1. *Withdrawal of the Hours of Work  
(Coal Mines) Convention, 1931 (No. 31)***

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 88th Session on 30 May 2000, and

Following consideration of the proposal for the withdrawal of several international labour Conventions, which is the seventh item on the agenda of this session;

decides to withdraw the Hours of Work (Coal Mines) Convention, 1931 (No. 31).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the instrument.

**2. *Withdrawal of the Hours of Work  
(Coal Mines) Convention (Revised), 1935 (No. 46)***

The General Conference of the International Labour Organization,

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Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 88th Session on 30 May 2000, and

Following consideration of the proposal for the withdrawal of several international labour Conventions, which is the seventh item on the agenda of this session;

decides to withdraw the Hours of Work (Coal Mines) Convention (Revised), 1935 (No. 46).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the instrument.

**3. *Withdrawal of the Reduction of Hours of Work (Public Works) Convention, 1936 (No. 51)***

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 88th Session on 30 May 2000, and

Following consideration of the proposal for the withdrawal of several international labour Conventions, which is the seventh item on the agenda of this session;

decides to withdraw the Reduction of Hours of Work (Public Works) Convention, 1936 (No. 51).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the instrument.

**4. *Withdrawal of the Reduction of Hours of Work (Textiles) Convention, 1937 (No. 61)***

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 88th Session on 30 May 2000, and

Following consideration of the proposal for the withdrawal of several international labour Conventions, which is the seventh item on the agenda of this session;

decides to withdraw the Reduction of Hours of Work (Textiles) Convention, 1937 (No. 61).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the instrument.

**5. *Withdrawal of the Migration for Employment Convention, 1939 (No. 66)***

The General Conference of the International Labour Organization,

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Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 88th Session on 30 May 2000, and

Following consideration of the proposal for the withdrawal of several international labour Conventions, which is the seventh item on the agenda of this session;

decides to withdraw the Migration for Employment Convention, 1939 (No. 66).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the instrument.

Geneva, 31 May 2000.

*(Signed)* J.F. Alfaro Mijangos,  
Chairperson.

