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92nd Session 2004

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Withdrawal of sixteen Recommendations

Seventh item on the agenda

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ABBREVIATIONS

CIP	Confederation of Portuguese Industry
CNC	National Confederation of Commerce (Brazil)
CNT	National Labour Council (Belgium)
ECA	Employers' Consultative Association [of Trinidad and Tobago]
MEDEF	Movement of French Enterprises
UCCAEP	Costa Rica Union of Chambers and Associations of Private Enterprise
UGT	General Union of Workers (Portugal)
USS	Swiss Federation of Trade Unions

INTRODUCTION

At its 283rd Session (March 2002), the Governing Body of the International Labour Office decided, in accordance with article 12bis of its Standing Orders, to place on the agenda of the 92nd Session (2004) of the International Labour Conference an item relating to the withdrawal of 16 Recommendations.¹ These Recommendations concern the following subjects: *forced labour* (1): the Forced Labour (Regulation) Recommendation, 1930 (No. 36); *hours of work* (1): the Weekly Rest (Commerce) Recommendation, 1921 (No. 18); *occupational safety and health* (1): the Power-driven Machinery Recommendation, 1929 (No. 32); *welfare facilities, housing and leisure* (2): the Living-in Conditions (Agriculture) Recommendation, 1921 (No. 16), and the Utilisation of Spare Time Recommendation, 1924 (No. 21); *social security* (1): the Invalidity, Old-Age and Survivors' Insurance Recommendation, 1933 (No. 43); *maternity protection* (1): the Maternity Protection (Agriculture) Recommendation, 1921 (No. 12); *protection of children and young persons* (1): the Minimum Age (Coal Mines) Recommendation, 1953 (No. 96); *migrant workers* (2): the Reciprocity of Treatment Recommendation, 1919 (No. 2), and the Migration (Protection of Females at Sea) Recommendation, 1926 (No. 26); *indigenous workers* (2): the Elimination of Recruiting Recommendation, 1936 (No. 46), and the Contracts of Employment (Indigenous Workers) Recommendation, 1939 (No. 58); *workers in non-metropolitan territories* (2): the Social Policy in Dependent Territories Recommendation, 1944 (No. 70), and the Social Policy in Dependent Territories (Supplementary Provisions) Recommendation, 1945 (No. 74); *dockworkers* (2): the Protection against Accidents (Dockers) Reciprocity Recommendation, 1929 (No. 33), and the Protection against Accidents (Dockers) Consultation of Organisations Recommendation, 1929 (No. 34).

In accordance with article 45bis of the Standing Orders of the Conference concerning the procedure to follow in order to abrogate or withdraw Conventions or Recommendations, the Office drew up a first report and a questionnaire requesting all governments to indicate their positions with regard to withdrawal, providing all relevant information.² After recalling the decisions of the Conference and the Governing Body according to which the Conference may now proceed with the withdrawal of Conventions which have not entered into force and Recommendations, the report sums up the reasons put forward by the Governing Body in proposing that these Recommendations should be withdrawn. It was sent to the ILO member States, which were invited to communicate their replies to the Office by 1 October 2003 at the latest.

¹ Document GB.283/2/2.

² ILO: *Withdrawal of sixteen Recommendations*, Report VII(1), International Labour Conference, 92nd Session, Geneva, 2004.

At the time of drawing up this report, the Office had received replies from the following 63 member States:³ Australia, Austria, Barbados, Belgium,⁴ Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, Estonia, Finland,⁵ France, Germany, Greece, Honduras, Hungary,⁶ Iceland, India, Indonesia, Islamic Republic of Iran, Italy, Jamaica, Jordan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Myanmar, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Russian Federation, Saudi Arabia, Singapore, South Africa, Spain, Suriname, Sweden,⁷ Switzerland, Syrian Arab Republic,⁸ Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United States.

The Office drew the attention of governments to article 45bis, paragraph 2, of the Standing Orders of the Conference, which requests them “to consult the most representative organizations of employers and workers before finalizing their replies”.

The governments of the following 48 member States indicated that employers’ and/or workers’ organizations had been consulted or involved in the formulation of the replies: Australia, Austria, Barbados, Belgium, Brazil, Bulgaria, Costa Rica, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Estonia, Finland, France, Greece, Honduras, Hungary, Iceland, India, Indonesia, Italy, Jamaica, Jordan, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Myanmar, New Zealand, Nicaragua, Nigeria, Norway, Panama, Poland, Portugal, Saudi Arabia, South Africa, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Turkey, United Kingdom, United States. Certain governments included in their replies the opinions of employers’ organizations and/or workers’ organizations regarding particular points, or referred to them, while other governments sent them separately. In some cases, the replies of these organizations were sent to the Office directly.

The present report has been drawn up on the basis of the replies received, the essential points of which are given in the following pages together with brief commentaries.

³ Replies received too late for inclusion in the report may be consulted by delegates at the Conference.

⁴ The Government of Belgium also communicated the opinion of the National Labour Council (CNT) with its reply.

⁵ The Government of Finland communicated the opinion of the Tripartite ILO Committee.

⁶ The Government of Hungary communicated the opinion of the National ILO Council.

⁷ The Government of Sweden communicated the opinion of the Tripartite ILO Committee.

⁸ The Syrian Arab Republic communicated the opinion of the Tripartite Committee for Consultation and Dialogue.

REPLIES RECEIVED AND COMMENTARIES

This section contains the substance of the general observations of governments and of employers' or workers' organizations, as well as their replies to the questionnaire in the preliminary report.

Each question is reproduced and followed by a list indicating the governments that replied to it, grouped in accordance with the nature of the replies (affirmative, negative or other). Where an observation is included qualifying or explaining the reply, the substance is given, in alphabetical order of countries, after the abovementioned list. Where a reply deals with several questions, or refers to an earlier question, the substance of the reply is given under the first of these questions and is only referred to in the other questions. Replies from governments that are equivalent to a simple yes or no are not given.

Affirmative or negative replies from employers' or workers' organizations that are not accompanied by any observations are not given, unless they differ from the government's reply or the government has not replied.

The general observations and the replies to questions are followed by brief Office commentaries. The replies and commentaries have been grouped by subject, in accordance with the presentation of the preliminary report.

General observations

BELGIUM

National Labour Council (CNT): The Council supports the withdrawal of the 16 Recommendations for the reasons given in the Office report. Withdrawal should not, however, be allowed to jeopardize protection of workers in countries that have adopted these instruments. Furthermore, withdrawal should be neutral with regard to other ILO instruments in the areas in question.

BRAZIL

National Confederation of Commerce (CNC): Since the Recommendations in question are obsolete, the Confederation is in favour of withdrawing them.

BULGARIA

These Recommendations are considered to be obsolete and to have lost their purpose. Withdrawing them should help to rationalize the body of international labour standards.

COSTA RICA

These instruments, adopted during the period from 1919 to 1953, have ceased to be useful and are outdated by virtue of national and international standards that are more in tune with current economic, social and political developments and labour problems.

Costa Rica Union of Chambers and Associations of Private Enterprise (UCCAEP): These Recommendations are old, have lost their purpose and are no longer applied. Several have already been superseded and replaced by very effective national legislation.

DOMINICAN REPUBLIC

The 16 Recommendations are obsolete by virtue of the adoption of other instruments on the same subjects. They should be withdrawn in order to prevent a situation in which different instruments with the same purpose and concerning the same subject coexist.

EGYPT

The Government sees no difficulty in accepting the withdrawal of the Recommendations concerned, given that current Egyptian labour legislation and the international Conventions ratified by Egypt cover their provisions. There are also more modern and exhaustive Conventions and Recommendations which are compatible with national legislation and should be applied on a priority basis.

FINLAND

These instruments are out of date and obsolete and can be withdrawn.

FRANCE

Movement of French Enterprises (MEDEF): Since most of these Recommendations are completely obsolete, MEDEF has no objection to withdrawal.

HONDURAS

The Recommendations must be withdrawn. They have been incorporated into national labour law over the years and applied through relevant agreements. They are now obsolete. Some have been replaced with other Recommendations containing more specific and comprehensive provisions, which have led to various reforms and new legislation.

ITALY

These Recommendations are obsolete in that many have ceased to be useful following the adoption of specific Conventions and more up-to-date Recommendations on the same subjects.

KUWAIT

The Government sees no difficulty in withdrawing the Recommendations, which have lost their purpose, contribute nothing of value to attaining the objectives of the ILO and are not adapted to modern developments. Most of these instruments have been replaced with new Conventions or Recommendations that are better adapted to current conditions.

LEBANON

The Government notes that the Recommendations provide general guidelines for national policy with regard to the formulation or amendment of laws on a given subject; withdrawal of Recommendations therefore often presents no problem. Where provisions of Recommendations have been incorporated into national law, the legislation needs to specify whether or not those provisions have given rise to acquired rights. The Government would also like certain general legal clarifications in connection with the examination of a number of Recommendations. It wishes in particular to know the fate, when a Convention is revised, of any accompanying Recommendation, firstly, in cases where the new Convention is not to have an accompanying Recommendation and secondly, in cases where a new accompanying Recommendation is adopted but does not specify the fate of the old Recommendation. Is the old Recommendation in such cases withdrawn automatically? Will a new Recommendation be considered to revise the earlier one, even if that is not stated in the new instrument? The Government considers that the fate of earlier Recommendations should be explicitly indicated in the new Recommendations or Conventions that replace them.

NEW ZEALAND

New Zealand has always called on the ILO to ensure that the body of international labour standards is consistent and up to date. Withdrawal of these 16 Recommendations is a logical step in the process now under way at the ILO with a view to attaining this goal.

SOUTH AFRICA

These instruments have become obsolete as a result of the adoption of instruments with more exhaustive provisions or broader scope of application. Withdrawal will help rationalize the body of international labour standards.

SWITZERLAND

Travail.Suisse: These Recommendations are considered to have ceased to be useful and thus to be obsolete.

Swiss Federation of Trade Unions (USS): Since amendments to the ILO Constitution and the Standing Orders of the Conference were adopted in 1997 with a view to allowing abrogation or withdrawal of international labour Conventions and Recommendations that had become obsolete, the Federation has no objection to the withdrawal of these 16 Recommendations.

SYRIAN ARAB REPUBLIC

Following the adoption of new Conventions and Recommendations that are more exhaustive and broader in scope, these 16 Recommendations have lost their purpose and make no useful contribution to attaining the objectives of the ILO. Their withdrawal would put an end to the duplication inherent in having a number of standards relating to the same subject.

UNITED STATES

The Government fully supports the recommendations of the Working Party on Policy regarding the Revision of Standards, the Committee on Legal Issues and International Labour Standards (LILS Committee) and the Governing Body as a whole regarding the appropriateness of withdrawing these 16 Recommendations. This will help to rationalize the body of international labour standards. Member States will thus acquire a clearer overview of which ILO Recommendations should guide them in future.

Office commentary

Most of the general observations emphasized the loss of usefulness of the 16 Recommendations under consideration, which should logically lead to their withdrawal. Several emphasized the expected benefits of withdrawing the Recommendations, notably by helping to make the body of international standards more consistent, relevant and up to date. This should facilitate the implementation of up-to-date Recommendations at the national level.

One national tripartite committee, while favouring withdrawal, qualified its support with a reference to the need to ensure protection for workers in countries that have accepted these instruments, and recalled that such a withdrawal should be neutral with regard to other ILO instruments.

The Office recalls in this regard that withdrawal of a Recommendation does not affect any national legislation that has been adopted with a view to giving effect to it and does not in general prevent a State from continuing to apply the instrument if it wishes to do so. This applies to all the Recommendations examined here and will not

be repeated in the Office commentaries that figure in subsequent sections of this report.

One government raised a legal question concerning the fate of a Recommendation accompanying a Convention that is revised, if no decision has been taken by the Conference, and considered that the fate of such Recommendations should be specified in the new Recommendations or Conventions that replace them.

The Office notes that the examination of Recommendations undertaken by the Working Party on Policy regarding the Revision of Standards revealed a need for greater consistency in practice in this area. In principle, a Recommendation is legally revised or replaced by another instrument if the Conference has clearly indicated its intention to that effect in some way. Proposals for withdrawal made by the Governing Body pertain to Recommendations in respect of which the Conference has not indicated its intention, and thus not decided the fate of the instruments concerned. These proposals for withdrawal are not automatic but have followed a careful examination by the Working Party, on a case by case basis and based on certain criteria,⁹ on the basis of which it is concluded that the instruments in question have lost any purpose regarding the objectives of the Organization – for example, if a Recommendation accompanies a Convention considered to be out-of-date and shelved by the Governing Body. In addition, new instruments adopted by the Conference now systematically specify the fate of old instruments that relate to the same subject area (see for example Paragraph 19 of the Promotion of Cooperatives Recommendation, 2002 (No. 193)).

Forced labour

I. FORCED LABOUR (REGULATION) RECOMMENDATION, 1930 (No. 36)

1. Do you consider that Recommendation No. 36 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied “no” to question 1, please indicate the reasons why you consider that Recommendation No. 36 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any relevant information on the effect which has been given, or is proposed to be given, to its provisions.

Total number of replies: 63.

Affirmative: 60. Australia, Austria, Barbados, Belgium, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, Estonia, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Italy, Jamaica, Jordan, Republic of Korea, Kuwait, Latvia, Lithuania, Mauritius, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Poland, Portugal, Russian Federation, Saudi Arabia, Singapore, South Africa, Spain, Suriname, Sweden, Switzerland,

⁹ See documents GB.273/LILS/WP/PRS/3, GB.274/LILS/WP/PRS/3, GB.276/LILS/WP/PRS/4, GB.277/LILS/WP/PRS/4, GB.279/LILS/WP/PRS/4.

Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United States.

Other: 3. Lebanon, Myanmar, Philippines.

Costa Rica. Yes. Costa Rica has ratified the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105). This Recommendation can be withdrawn.

Islamic Republic of Iran. Yes. The Islamic Republic of Iran has ratified Conventions Nos. 29 and 105. Recommendation No. 36 has ceased to have any effect, and Convention No. 105 requires the immediate abolition of all forms of forced labour. This Recommendation is therefore out of date and can be considered obsolete.

Lebanon. As regards the proposal to withdraw, the Government has two questions: Will States that have not yet ratified Convention No. 29 be denied a transitional period which would allow them to abolish forced labour in a manner consistent with the terms of Recommendation No. 36? And do the provisions of Convention No. 105 fully cover those of Convention No. 29?

Mexico. Yes. It is appropriate to withdraw this Recommendation. Workers' rights will not be affected by the withdrawal, since the range of rights protected has been extended by the adoption of Convention No. 105.

Myanmar. The Government has no particular comments to make regarding the withdrawal of this Recommendation.

Nigeria. Yes. The provisions of Convention No. 105 go beyond those of Recommendation No. 36.

Philippines. The Government has not received any observations from the relevant department.

Portugal. General Union of Workers (UGT): Yes. The reasons given by the Governing Body appear to justify withdrawal of the Recommendation, given the changes in social values in this area, as reflected in legislation, and the large number of ratifications of Convention No. 105.

Tunisia. Yes. Adoption of Convention No. 105 means that this Recommendations has ceased to be useful.

Office commentary

Almost all the replies were in favour of withdrawing Recommendation No. 36, as proposed by the Governing Body for the reasons stated in Report VII(1).

One government, however, raised questions regarding the consequences of withdrawal for States that have not yet ratified Convention No. 29 and concerning the respective scope of Convention No. 105 and Convention No. 29.

The Office emphasizes first, that it is the ILO's current objectives in the area of forced labour that must be considered in this context, irrespective of the different areas of application of Conventions Nos. 29 and 105 as defined in the relevant provisions. Recommendation No. 36, adopted in 1930, was intended to provide guidance with regard to regulation of forced or compulsory labour during the transitional period provided for in Article 1, paragraph 2, of Convention No. 29. More than 70 years after the adoption of this Convention, and in view of the adoption of Convention No. 105

which requires the immediate abolition of forced labour in cases pertaining to its sphere of application, the objective of the ILO cannot be regulation but rather the suppression of forced labour in all its forms “within the shortest possible period”, in accordance with Article 1, paragraph 1, of Convention No. 29. That being the case, the Governing Body considered that the Recommendation no longer makes a useful contribution to attaining the Organization’s objectives. The Office also notes that the application of Conventions is a question distinct from the proposed withdrawal and comes within the remit of the supervisory bodies.¹⁰

Hours of work

II. WEEKLY REST (COMMERCE) RECOMMENDATION, 1921 (No. 18)

1. Do you consider that Recommendation No. 18 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied “no” to question 1, please indicate the reasons why you consider that Recommendation No. 18 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any relevant information on the effect which has been given, or is proposed to be given, to its provisions.

Total number of replies: 63.

Affirmative: 61. Australia, Austria, Barbados, Belgium, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, Estonia, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Italy, Jamaica, Jordan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Poland, Portugal, Russian Federation, Saudi Arabia, Singapore, South Africa, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United States.

Negative: 1. Philippines.

Other: 1. Myanmar.

Islamic Republic of Iran. Yes. Recommendation No. 18 has lost its usefulness following the adoption of the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), which provides for the same weekly rest period, and of the Weekly Rest (Commerce and Offices)

¹⁰ The Committee of Experts on the Application of Conventions and Recommendations considered that having recourse to a transitional period now (more than 70 years after the adoption of the Convention), as allowed under Article 1, paragraph 2, of the Convention, in order to justify situations of forced labour, is to fail to recognize the true purpose of the transitional period and contrary to the spirit of the Convention. See: CEACR, Report III(Part 1A), International Labour Conference, 86th Session, 1998, p. 100; and Report III(Part 1A), International Labour Conference, 88th Session, 2000, p. 108.

Recommendation, 1957 (No. 103). The Islamic Republic of Iran has ratified Convention No. 106 and adopted Recommendation No. 103.

Lebanon. Yes. Recommendation No. 18 concerns weekly rest in commercial establishments, while Convention No. 14, which was adopted in the same year, concerns weekly rest in industry. The Recommendation has nevertheless ceased to be useful following the adoption of Convention No. 106, which provides for the same rest period, namely, a weekly rest period of 24 consecutive hours. Withdrawal of this Recommendation poses no problems.

Mexico. Yes. Withdrawal will not affect workers' rights since the protection given by this Recommendation is also provided by Convention No. 106 and Recommendation No. 103.

Myanmar. See reply to question I.

Nigeria. Yes. Recommendation No. 18 has been replaced by Recommendation No. 103, which has more comprehensive provisions.

Philippines. No, because according to section 91 of the Labour Code, as amended, it is the employer's responsibility to ensure that each worker has a rest period of at least 24 consecutive hours after every six days of work.

Portugal. UGT: Yes. Recommendation No. 103 is broader in scope and contains provisions that are more favourable and more specific. It goes beyond simply fixing a weekly rest period.

Tunisia. The adoption of Convention No. 106 and Recommendation No. 103 means that Recommendation No. 18 has lost its usefulness and purpose.

Office commentary

Almost all the replies were in favour of withdrawing Recommendation No. 18, as proposed by the Governing Body for the reasons given in Report VII(1).

One government does not support withdrawal, citing certain current provisions in its Labour Code.

The Office recalls that Convention No. 106 provides for the same weekly rest period as Recommendation No. 18. Unratified Conventions have the same effect as Recommendations, in that they provide guidance for member States in formulating and developing their national policies and legislation in the area concerned.

Occupational safety and health

III. POWER-DRIVEN MACHINERY RECOMMENDATION, 1929 (No. 32)

1. Do you consider that Recommendation No. 32 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied "no" to question 1, please indicate the reasons why you consider that Recommendation No. 32 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any relevant information on the effect which has been given, or is proposed to be given, to its provisions.

Total number of replies: 63.

Affirmative: 62. Australia, Austria, Barbados, Belgium, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, Estonia, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Italy, Jamaica, Jordan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Russian Federation, Saudi Arabia, Singapore, South Africa, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United States.

Other: 1. Myanmar.

Lebanon. Yes, in view of the adoption of the Guarding of Machinery Convention, 1963 (No. 119), and Recommendation, 1963 (No. 118), which are broader in scope and address every aspect of the question. These two instruments have been proposed for revision by the Governing Body, and this was agreed by the International Labour Conference in 2003 during the general discussion on safety and health at work.

Mexico. Yes. There are no obstacles to the withdrawal of Recommendation No. 32, the provisions of which are reflected in broader terms in Convention No. 119 and Recommendation No. 118.

Myanmar. See reply to question I.

Nigeria. Yes. The provisions of Convention No. 119 and Recommendation No. 118, which are broader, have overtaken those of Recommendation No. 32.

Portugal. UGT: Yes, given that the scope of the Recommendation appears to be covered by Recommendation No. 118, which is more recent and more stringent. However, the latter is linked to Convention No. 119 which Portugal has not yet ratified.

Confederation of Portuguese Industry (CIP): Yes, whatever positions are adopted with regard to more recent instruments in this area.

Tunisia. In view of the adoption of more extensive and up-to-date standards, namely, Convention No. 119 and Recommendation No. 118, Recommendation No. 32 has ceased to be useful.

Office commentary

Almost all the replies were in favour of withdrawing Recommendation No. 32, as proposed by the Governing Body for the reasons given in Report VII(1).

Welfare facilities, housing and leisure

IV. LIVING-IN CONDITIONS (AGRICULTURE) RECOMMENDATION, 1921 (No. 16)

1. Do you consider that Recommendation No. 16 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied “no” to question 1, please indicate the reasons why you consider that Recommendation No. 16 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any relevant information on the effect which has been given, or is proposed to be given, to its provisions.

Total number of replies: 63.

Affirmative: 61. Australia, Austria, Barbados, Belgium, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, Estonia, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Italy, Jordan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Russian Federation, Saudi Arabia, Singapore, South Africa, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United States.

Negative: 1. Jamaica.

Other: 1. Myanmar.

Jamaica. No. In order to ensure that workers enjoy good living conditions, rooms must be equipped with heating and air conditioning. Workers should also have individual beds.

Lebanon. Yes. The withdrawal of Recommendation No. 16 presents no difficulty. It has ceased to be useful, in view of the adoption of the Workers’ Housing Recommendation, 1961 (No. 115), which applies to all workers and sets out the principles on which Recommendation No. 16 is based.

Mexico. Yes. This Recommendation should be withdrawn because Recommendation No. 115 contains more comprehensive and up-to-date provisions in this area.

Myanmar. See reply to question I.

Nigeria. Yes. Recommendation No. 115, which contains more comprehensive and up-to-date provisions, goes further than Recommendation No. 16.

Portugal. UGT: Yes. Recommendation No. 115 is broader in scope in that it applies to all workers. It thus fully covers, explicitly or *de facto*, all the provisions of the Recommendation whose withdrawal has been proposed.

Tunisia. This Recommendation has been replaced by recent standards that are broader in scope and more up to date, in particular Recommendation No. 115.

V. UTILISATION OF SPARE TIME RECOMMENDATION, 1924 (No. 21)

1. Do you consider that Recommendation No. 21 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied “no” to question 1, please indicate the reasons why you consider that Recommendation No. 21 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any relevant information on the effect which has been given, or is proposed to be given, to its provisions.

Total number of replies: 62.

Affirmative: 59. Australia, Austria, Barbados, Belgium, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, Estonia, Finland, Germany, Greece, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Italy, Jordan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Poland, Portugal, Russian Federation, Saudi Arabia, Singapore, South Africa, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United States.

Negative: 2. Jamaica, Philippines.

Other: 1. Myanmar.

France. MEDEF: Yes.

Jamaica. No. Workers should be encouraged to spend their leisure time with their colleagues in ways that raise productivity in their organization.

Lebanon. Yes. Following the adoption of the two most up-to-date Recommendations relating to subjects covered by Recommendation No. 21, namely, the Welfare Facilities Recommendation, 1956 (No. 102), and the Workers' Housing Recommendation, 1961 (No. 115), the withdrawal of Recommendation No. 21 poses no problem. There are also other Conventions and Recommendations that relate to weekly rest and annual holidays and give workers an entitlement to leisure time. In addition, the Preamble of Recommendation No. 21 states that the Recommendation is intended "to lay down the principles and methods which at the present time seem generally best adapted to secure the best use of periods of spare time". This means that the content of Recommendation No. 21 was linked to prevailing conditions at the time it was adopted, and it was envisaged that it would eventually be updated.

Mexico. Yes. This Recommendation can be withdrawn since its provisions have been overtaken by those of Recommendations Nos. 102 and 115.

Myanmar. See reply to question I.

Nigeria. Yes. The provisions of Recommendations Nos. 102 and 115 have overtaken those of Recommendation No. 21.

Philippines. No. This Recommendation establishes principles and methods which still appear relevant to ensuring better use of spare time. It is still useful in the current work environment in the Philippines. The promotion of the productive use of workers' spare time will tend to curb undesirable spare-time activities and unnecessary practices during office hours that are counter-productive for workers and their companies and pose a threat to the country's economic recovery.

Portugal. UGT: Yes. The reason given is pertinent, given that the purpose of the Recommendation is out of date and more up-to-date provisions exist in other instruments.

Tunisia. This Recommendation has ceased to be useful since it has been replaced by more detailed and up-to-date standards, namely the provisions contained in Recommendations Nos. 102 and 115.

Office commentary

Almost all the replies were in favour of withdrawing Recommendations Nos. 16 and 21, as proposed by the Governing Body for the reasons given in Report VII(1).

One government does not support withdrawal of Recommendation No. 16 on the grounds that workers should enjoy a certain minimum level of comfort as described in this Recommendation, including heating, air conditioning and individual beds.

The Office recalls that such accommodation standards – among others – are also provided for in the suggestions concerning the application of Recommendation No. 115.

The same government and one other are against withdrawing Recommendation No. 21 on the grounds that it has beneficial effects on workers' productivity.

The Office recalls that Recommendation No. 102 calls on Members to encourage the provision of recreation facilities for the workers in or near the undertaking in which they are employed, where a need for them is found to exist, on the understanding that workers should not under any circumstances be obliged to use them. It is this Recommendation that reflects the ILO's current approach.

Social security

VI. INVALIDITY, OLD-AGE AND SURVIVORS' INSURANCE RECOMMENDATION, 1933 (No. 43)

1. Do you consider that Recommendation No. 43 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied "no" to question 1, please indicate the reasons why you consider that Recommendation No. 43 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any relevant information on the effect which has been given, or is proposed to be given, to its provisions.

Total number of replies: 63.

Affirmative: 62. Australia, Austria, Barbados, Belgium, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, Estonia, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Italy, Jamaica, Jordan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Russian Federation, Saudi Arabia, Singapore, South Africa, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United States.

Other: 1. Myanmar.

Costa Rica. Yes. This Recommendation is linked to the Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35), the Old-Age Insurance (Agriculture) Convention,

1933 (No. 36), the Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37), the Invalidity Insurance (Agriculture) Convention, 1933 (No. 38), the Survivors' Insurance (Industry, etc.) Convention, 1933 (No. 39), and the Survivors' Insurance (Agriculture) Convention, 1933 (No. 40). These six Conventions were shelved as out-of date instruments and were revised in 1967 by the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128), which Costa Rica has not ratified. There is no objection to the withdrawal of Recommendation No. 43.

Lebanon. Yes. Withdrawal of Recommendation No. 43 poses no problem, for the reasons indicated by the Governing Body.

Mexico. Yes. Withdrawal of this Recommendation is desirable. It has ceased to be useful following the adoption of Convention No. 128 and Recommendation No. 131 on the same subject.

Myanmar. See reply to question I.

Nigeria. Yes, since the six Conventions to which this Recommendation is linked were shelved and revised by the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128), which was supplemented by Recommendation No. 131.

Portugal. UGT: Yes. The reason given is pertinent, given that there exists a more up-to-date instrument in this area.

CIP: Yes, whatever positions are adopted with regard to more recent instruments in this area.

Tunisia. This Recommendation should be withdrawn. The adoption of the Invalidity, Old-Age and Survivors' Benefits Convention (No. 128) and Recommendation (No. 131) mean that it has ceased to be useful.

Maternity protection

VII. MATERNITY PROTECTION (AGRICULTURE) RECOMMENDATION, 1921 (NO. 12)

1. Do you consider that Recommendation No. 12 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied "no" to question 1, please indicate the reasons why you consider that Recommendation No. 12 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any relevant information on the effect which has been given, or is proposed to be given, to its provisions.

Total number of replies: 62.

Affirmative: 61. Australia, Austria, Barbados, Belgium, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, Estonia, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Italy, Jordan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Russian Federation, Saudi Arabia, Singapore, South Africa, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United States.

Other: I. Myanmar.

Costa Rica. Yes. The last instruments adopted in this area, namely the Maternity Protection Convention, 2000 (No. 183), (which covers all employed women including those in atypical forms of employment) and the Maternity Protection Recommendation, 2000 (No. 191), replace Recommendation No. 12. Although Costa Rica has only acceded to Convention No. 183 and has not ratified it, the Government has no objection to the withdrawal of Recommendation No. 12, which is out of date.

Islamic Republic of Iran. Yes. Maternity protection for women employed in agriculture, commerce and industry is provided by the Maternity Protection Convention, 1919 (No. 3). That instrument was revised by the Maternity Protection Convention (Revised), 1952 (No. 103), which is broader in scope and also covers women employed in agricultural work. Convention No. 103 and Recommendation No. 95 which supplements it were in their turn revised by Convention No. 183 and Recommendation No. 191, respectively, which apply to all employed women, including those in atypical forms of employment. Recommendation No. 12 has lost its importance following the adoption of more detailed standards in this area, and is obsolete.

Lebanon. Yes. Given that Convention No. 183 and Recommendation No. 191 are broader in scope and more detailed, the withdrawal of Recommendation No. 12 presents no problem.

Mexico. Yes. The withdrawal of this Recommendation would be feasible, since its provisions have been overtaken by those of Convention No. 183 and Recommendation No. 191.

Myanmar. See reply to question I.

Nigeria. Yes. Following the adoption of Convention No. 183 and Recommendation No. 191, this Recommendation has lost its relevance.

Portugal: UGT: Yes. The reason given is valid in view of the fact that maternity leave and benefits are covered in more up-to-date terms by subsequent Conventions and Recommendations which diminish the practical relevance of Recommendation No. 12.

CIP: Yes. See reply to question VI.

Tunisia. This Recommendation should be withdrawn. It has been replaced by more detailed standards concerning the same subject.

Office commentary

Almost all the replies were in favour of withdrawing Recommendations Nos. 43 and 12, as proposed by the Governing Body for the reasons given in Report VII(1).

Protection of children and young persons

VIII. MINIMUM AGE (COAL MINES) RECOMMENDATION, 1953 (NO. 96)

1. Do you consider that Recommendation No. 96 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied “no” to question 1, please indicate the reasons why you consider that Recommendation No. 96 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any relevant information on the effect which has been given, or is proposed to be given, to its provisions.

Total number of replies: 63.

Affirmative: 62. Australia, Austria, Barbados, Belgium, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, Estonia, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Italy, Jamaica, Jordan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Russian Federation, Saudi Arabia, Singapore, South Africa, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United States.

Other: 1. Myanmar.

Costa Rica. Yes. The modern instruments on the minimum age and prohibition of child labour are the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), which are fundamental Conventions, together with the Minimum Age Recommendation, 1973 (No. 146), and Worst Forms of Child Labour Recommendation, 1999 (No. 190), which accompany them. Costa Rica has ratified Conventions Nos. 138 and 182. Recommendation No. 96 has ceased to be useful and is no longer up to date, and can therefore be withdrawn.

Lebanon. Yes. Convention No. 138 and Convention No. 182 and the accompanying Recommendations are the appropriate standards in this area.

Mexico. Yes. Withdrawal of this instrument is appropriate because its provisions are covered by Convention No. 138 and Recommendation No. 146, and by Convention No. 182 and Recommendation No. 190.

Myanmar. See reply to question I.

Nigeria. Yes. This Recommendation has ceased to be relevant and has been replaced by Conventions Nos. 138 and 182, which are accompanied by new Recommendations.

Portugal. UGT: Yes. Although the more recent instruments refer to national legislation to define and prohibit hazardous work, there are explicit provisions regarding underground work in Recommendation No. 190, which is intended to be linked to the Convention it accompanies and to the minimum age instruments.

CIP: Yes, whatever positions are adopted with regard to more recent instruments in this area.

Tunisia. This Recommendation should be withdrawn. It has ceased to be useful owing to the adoption of modern instruments on the minimum age and prohibition of child labour.

Office commentary

Almost all the replies were in favour of withdrawing Recommendation No. 96, as proposed by the Governing Body for the reasons indicated in Report VII(1).

Migrant workers

IX. RECIPROCITY OF TREATMENT RECOMMENDATION, 1919 (No. 2)

1. Do you consider that Recommendation No. 2 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied "no" to question 1, please indicate the reasons why you consider that Recommendation No. 2 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any relevant information on the effect which has been given, or is proposed to be given, to its provisions.

Total number of replies: 62.

Affirmative: 60. Australia, Austria, Barbados, Belgium, Botswana, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, Estonia, Finland, Germany, Greece, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Italy, Jamaica, Jordan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Russian Federation, Saudi Arabia, Singapore, South Africa, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United States.

Negative: 1. Brazil.

Other: 1. Myanmar.

Brazil. No. Withdrawal of this Recommendation poses certain problems.
CNC: Yes.

Costa Rica. Yes. This Recommendation has ceased to be of current interest following the adoption of the Migration for Employment Convention (Revised), 1949 (No. 97), and the Migration for Employment Recommendation (Revised), 1949 (No. 86), which deal with the issue in a more comprehensive and general manner. In addition, the question of migrant workers will be dealt with in a general discussion based on an integrated approach during the 92nd Session of the International Labour Conference in 2004.

Lebanon. Yes. Recommendation No. 2 provides that foreign workers be admitted to the benefit of laws and regulations for the protection of a country's own workers, on condition of reciprocity and upon terms to be agreed between the countries concerned. No such conditions are provided for in Convention No. 97 or in Recommendation No. 86 which supplements it. Given that the provisions of Recommendation No. 2, like those of other Recommendations, are guidelines for national policy, withdrawal of this Recommendation poses no problem. States should, in the light of their social and economic conditions, adopt a position regarding Convention No. 97 and Recommendation No. 86. The International Labour Conference in 2004 will discuss the question of migrant workers on the basis of an integrated approach, and may adopt a position with regard to the relevant instruments.

Mexico. Yes. This Recommendation has ceased to be useful as a result of the adoption of Convention No. 97 and Recommendation No. 86.

Myanmar. See reply to question I.

Nigeria. Yes. This Recommendation has ceased to be relevant and its provisions have been overtaken by those of Convention No. 97 and Recommendation No. 86.

Portugal. UGT: Yes, since the issue of migrants is dealt with in more general terms in subsequent instruments and with greater protection. That protection in a number of respects no longer depends on the principle of reciprocity, which is itself controversial with regard to the exercise of political rights such as the right to vote.

Tunisia. Yes. Recommendation No. 2 should be withdrawn. As a result of the adoption of Convention No. 97 and Recommendation No. 86, which deal with the question of migrants in a more comprehensive and general manner, Recommendation No. 2 has ceased to be useful. Recommendation No. 86 in addition contains a model bilateral migration agreement.

X. MIGRATION (PROTECTION OF FEMALES AT SEA) RECOMMENDATION, 1926 (No. 26)

1. *Do you consider that Recommendation No. 26 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?*

2. *If you replied "no" to question 1, please indicate the reasons why you consider that Recommendation No. 26 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any relevant information on the effect which has been given, or is proposed to be given, to its provisions.*

Total number of replies: 62.

Affirmative: 58. Australia, Austria, Barbados, Belgium, Botswana, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, Estonia, Finland, Germany, Greece, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Italy, Jamaica, Jordan, Republic of Korea, Kuwait, Latvia, Lithuania, Mauritius, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Poland, Portugal, Russian Federation, Saudi Arabia, South Africa, Singapore, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United States.

Negative: 2. Brazil, Philippines.

Others: 2. Lebanon, Myanmar.

Brazil. No. See reply to question IX.

CNC: Yes.

Costa Rica. Yes. The sole purpose of this Recommendation is to provide women and girl migrants with any material or moral assistance of which they may stand in need during a sea voyage.

France. MEDEF: Yes.

Lebanon. This Recommendation is autonomous and its provisions are not contained in any subsequent Convention or Recommendation. No precise reason has been given for withdrawal. The questions that need to be answered are: Is this Recommendation still needed?

Have countries applied it, given the material or other costs which that can imply? Given that Recommendations provide guidelines on national policy in a given area, withdrawal of this Recommendation may not have any negative consequences.

Myanmar. See reply to question I.

Philippines. No. Migration by ship may seem outmoded to some people, but the protection of women, at whatever place or time, will never be an outdated issue. In a country with many migrant workers, where the safety of women workers is a constant cause of concern, a Recommendation intended solely and specifically to provide women and girl migrants with “any material or moral assistance of which they may stand in need” on board ship will always be relevant. In view of the limitations of local laws in the Philippines as regards protection of women migrants abroad or on board ships, any international agreement on such protection, even if outdated, will always be welcome.

Portugal. UGT: Yes. The content of this Recommendation is no longer of current interest.

Trinidad and Tobago. Employers’ Consultative Association (ECA): This Association wonders whether the Recommendation may still be relevant and if there is a replacement.

Tunisia. Yes. Recommendation No. 26 is intended solely and specifically to provide women and girl migrants with any moral or material assistance of which they may stand in need. Currently this very old Recommendation has almost fallen into disuse and should be withdrawn.

Office commentary

Almost all the replies were in favour of withdrawing Recommendations Nos. 2 and 26, as proposed by the Governing Body for the reasons given in Report VII(1).

One government and one workers’ organization noted that the condition of reciprocity no longer appears in more recent instruments concerning migrants.

One government considered that the withdrawal of these two Recommendations poses certain problems.

Another government considers that the question of the protection of women will never be an outdated issue, and is therefore not in favour of withdrawing Recommendation No. 26.

A third government raised questions regarding the usefulness and impact of Recommendation No. 26 and the exact reasons for the proposal to withdraw it. One employers’ organization also raised questions regarding its relevance and possible replacement.

As regards Recommendation No. 2, the Office indicates that the protection of migrants provided by Convention No. 97 and Recommendation No. 86, by contrast with Recommendation No. 2, is not subject to the condition of reciprocity. Nevertheless, Recommendation No. 86 calls on States to supplement the provisions of the Convention and the Recommendation with bilateral agreements which should specify “the methods of applying the principles set forth in the Convention and in the Recommendation”. To that end some model bilateral agreements are included in an annex to the Recommendation.

As regards Recommendation No. 26, the great majority of States replying to the questionnaire consider that it no longer has any relevance or impact. This Recom-

mentation clearly relates to a type of migration (organized group migration by ship) which no longer corresponds to contemporary forms of migration. It is therefore considered obsolete. However, it remains true, as has been emphasized, that the protection of women migrants remains a matter of current concern which could be examined during the next general discussion based on an integrated approach which will take place at the Conference in 2004.

Indigenous workers

XI. ELIMINATION OF RECRUITING RECOMMENDATION, 1936 (No. 46)

1. Do you consider that Recommendation No. 46 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied "no" to question 1, please indicate the reasons why you consider that Recommendation No. 46 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any relevant information on the effect which has been given, or is proposed to be given, to its provisions.

Total number of replies: 62.

Affirmative: 57. Australia, Austria, Barbados, Belgium, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, Estonia, Finland, Germany, Greece, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Italy, Jordan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Portugal, Russian Federation, Saudi Arabia, Singapore, South Africa, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United States.

Negative: 1. Jamaica.

Others: 4. Myanmar, Philippines, Poland, Spain.

Costa Rica. Yes. Recommendation No. 46 is linked to the Recruiting of Indigenous Workers Convention, 1936 (No. 50). The Governing Body considered this Convention to be obsolete and shelved it. There is therefore no objection to the withdrawal of this Recommendation.

France. MEDEF: Yes.

Spain: The situation addressed by this Recommendation does not concern Spain.

Jamaica. No. The Ministry of Labour is seeking to improve the conditions of workers assigned to labour programmes in hotels and on farms. Every room must be equipped with air conditioning, heating and an individual bed for each worker. Families are not encouraged to live with workers because the workers are generally hired for periods of less than one year. Workers are not encouraged to attend school during the period for which they are hired as this could interfere with their work.

Lebanon. Yes. Recommendation No. 46 is linked to Convention No. 50, which was considered obsolete and shelved by decision of the Governing Body. It is no longer the subject of regular reports under article 22 of the Constitution. Furthermore, the Indigenous and Tribal Peoples Convention, 1989 (No. 169), the Migration for Employment Convention (Revised), 1949 (No. 97), and Recommendation (Revised) (No. 86), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), all cover the same subject area. Withdrawal of this Recommendation poses no problems.

Mexico. Yes. Withdrawal of this Recommendation is desirable because the issues in question are covered by Convention No. 169, Convention No. 97 and Recommendation No. 86, Convention No. 143 and Convention No. 117.

Myanmar. See reply to question I.

Nigeria. Yes. This Recommendation has been overtaken by Conventions Nos. 169, 97 and 143 and Recommendation No. 86.

Philippines. The Government has not received any observations from the competent national committee.

Poland. Since Poland has no indigenous workers within its territory, the Government does not feel able to reply with regard to the proposed withdrawal.

Portugal. UGT: Yes. The Convention to which this Recommendation is linked is considered out-of-date.

Tunisia. This Recommendation should be withdrawn. It has been replaced by more recent and detailed standards, in particular Conventions Nos. 169, 117, 143 and 97, and Recommendation No. 86.

XII. CONTRACTS OF EMPLOYMENT (INDIGENOUS WORKERS) RECOMMENDATION, 1939 (No. 58)

1. *Do you consider that Recommendation No. 58 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?*

2. *If you replied "no" to question 1, please indicate the reasons why you consider that Recommendation No. 58 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any relevant information on the effect which has been given, or is proposed to be given, to its provisions.*

Total number of replies: 62.

Affirmative: 56. Australia, Austria, Barbados, Belgium, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Estonia, Finland, Germany, Greece, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Italy, Jordan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Portugal, Russian Federation, Saudi Arabia, Singapore, South Africa, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United States.

Negative: 1. Jamaica.

Others: 5. Denmark, Myanmar, Philippines, Poland, Spain.

Denmark. The Government notes that certain entitlements with regard to occupational accidents and illness provided for in the Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64), do not appear to have been retained in the more recent Convention referred to in the report.

France. MEDEF: Yes.

Jamaica. No. The maximum period for workers' written contracts is conditional and depends on the needs of the employer.

Lebanon. Yes. Recommendation No. 58 is linked to Convention No. 64 and supplements it. This Convention was considered obsolete and shelved by decision of the Governing Body. It is no longer the subject of regular reports on its application under article 22 of the Constitution. The questions concerned are covered by Conventions Nos. 167, 97, 143 and 117 and by Recommendation No. 86. Withdrawal of this Recommendation poses no problem.

Mexico. Yes. This Recommendation must be withdrawn for the reasons given by the Governing Body.

Myanmar. See reply to question I.

Nigeria. Yes. See reply to question XI.

Philippines. See reply to question XI.

Poland. See reply to question XI.

Portugal. UGT: Yes. See reply to question XI.

Spain. See reply to question XI.

Tunisia. Yes. See reply to question XI.

Office commentary

The great majority of replies were in favour of withdrawing Recommendations Nos. 46 and 58, as proposed by the Governing Body for the reasons given in Report VII(1).

One government was not in favour of withdrawing these two Recommendations, citing its own national practice in this area.

As regards Recommendation No. 58, another government observed that certain entitlements provided under Convention No. 64 to which this Recommendation is linked do not appear to be maintained in the more recent Conventions referred to in the report.

The Office notes that the subject of Recommendations Nos. 46 and 58 and of the Conventions which they supplement, namely, the recruiting and employment contracts of indigenous workers, and more specifically, with regard to the Recommendations in question, the elimination of such recruiting and the maximum period of such contracts, were considered obsolete by the Governing Body.¹¹ Questions that may be of more specific concern to indigenous peoples are covered by the instruments mentioned in Report VII(1). As regards the question of entitlements in cases of occupational accident and illness, which is not dealt with by the Recommendations under

¹¹ See documents GB.265/LILS/WP/PRS/1 and GB.279/LILS/WP/PRS/4.

consideration, reference must be made to instruments of more general scope, such as the Social Security (Minimum Standards) Convention, 1952 (No. 102) (Part VI), and the Employment Injury Benefits Convention, 1964 (No. 121).

Workers in non-metropolitan territories

XIII. SOCIAL POLICY IN DEPENDENT TERRITORIES RECOMMENDATION, 1944 (No. 70)

1. Do you consider that Recommendation No. 70 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied "no" to question 1, please indicate the reasons why you consider that Recommendation No. 70 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any relevant information on the effect which has been given, or is proposed to be given, to its provisions.

Total number of replies: 62.

Affirmative: 57. Australia, Austria, Barbados, Belgium, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Estonia, Finland, Germany, Greece, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Italy, Jamaica, Jordan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Philippines, Russian Federation, Saudi Arabia, Singapore, South Africa, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United States.

Negative: 1. Portugal.

Others: 4. Denmark, Myanmar, Poland, Spain.

Costa Rica. Yes. This Recommendation sets out the fundamental principles and minimum standards that must be respected in dependent territories. These provisions are obsolete, as many former dependent territories have since become independent. This Recommendation does not in particular concern Costa Rica, which has no such territories.

Denmark. The provisions of Recommendation No. 70 concerning compensation in cases of occupational accidents and illness do not appear to have been incorporated in the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), which is drawn up in more general terms.

Spain. See reply to question XI.

Lebanon. Yes. This Recommendation applies to dependent territories. Many former dependent territories have become independent, and the Conference has adopted Convention No. 117, which is of general applicability in the social policy sphere. The withdrawal of the Recommendation in question therefore poses no problems.

Myanmar. See reply to question I.

Nigeria. Yes. The provisions of this Recommendation have been overtaken by Convention No. 117.

Poland. Since Poland has no non-metropolitan territories, the Government does not feel able to reply with regard to the withdrawal of this Recommendation.

Portugal. UGT: No, since the dependent territories would thereby cease to have their views heard.

Tunisia. This Recommendation should be withdrawn. It has ceased to be useful owing to the adoption of Convention No. 117, which contains more up-to-date and modern provisions.

XIV. SOCIAL POLICY IN DEPENDENT TERRITORIES (SUPPLEMENTARY PROVISIONS) RECOMMENDATION, 1945 (NO. 74)

1. Do you consider that Recommendation No. 74 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied "no" to question 1, please indicate the reasons why you consider that Recommendation No. 74 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any relevant information on the effect which has been given, or is proposed to be given, to its provisions.

Total number of replies: 62.

Affirmative: 57. Australia, Austria, Barbados, Belgium, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Estonia, Finland, Germany, Greece, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Italy, Jamaica, Jordan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Philippines, Russian Federation, Saudi Arabia, Singapore, South Africa, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United States.

Negative: 1. Portugal.

Others: 4. Denmark, Myanmar, Poland, Spain.

Costa Rica: See reply to question XIII.

Denmark. The provisions of Recommendation No. 74 concerning compensation in cases of occupational accident or illness, including the maintenance of rights linked to such contingencies for foreign workers who return to their countries of origin, do not appear to have been incorporated in Convention No. 117, which is drawn up in more general terms.

Spain: See reply to question XI.

Lebanon. Yes. See reply to question XIII.

Myanmar. See reply to question I.

Nigeria. Yes. See reply to question XIII.

Poland. See reply to question XIII.

Portugal. UGT: No. See reply to question XIII.

Tunisia. Yes. See reply to question XIII.

Office commentary

The great majority of replies were in favour of withdrawing Recommendations Nos. 70 and 74, as proposed by the Governing Body for the reasons given in Report VII(2).

One workers' organization was not in favour of withdrawing these two Recommendations for fear that the dependent territories might cease to have their views heard.

The Office recalls that the purpose of a Recommendation is to provide guidance to member States in developing and formulating national policy and legislation in a given area. ILO instruments are of universal applicability. The withdrawal of a Recommendation of specific territorial applicability which is considered to be obsolete is not problematic if the protection provided by this instrument is included in one or more general instruments.

One government noted that certain rights as regards compensation for occupational accidents or illnesses do not appear to have been incorporated in Convention No 117. As stated in commentaries on previous questions, reference should be made in this particular area to the relevant general instruments. These include Conventions Nos. 102 (Part VI) and 121, as well as the Equality of Treatment (Social Security) Convention, 1962 (No. 118). One might also mention the Maintenance of Social Security Rights Convention, 1982 (No. 157). Maintenance of acquired rights is also provided for by the Migrant Workers Recommendation, 1975 (No. 151) (Paragraph 34(1)).

Dockworkers

XV. PROTECTION AGAINST ACCIDENTS (DOCKERS) RECIPROCITY RECOMMENDATION, 1929 (No. 33)

1. Do you consider that Recommendation No. 33 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied "no" to question 1, please indicate the reasons why you consider that Recommendation No. 33 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any relevant information on the effect which has been given, or is proposed to be given, to its provisions.

Total number of replies: 63.

Affirmative: 60. Australia, Austria, Barbados, Belgium, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, Estonia, Finland, Germany, Greece, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Italy, Jordan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Netherlands,

New Zealand, Nicaragua, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Russian Federation, Saudi Arabia, Singapore, South Africa, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United States.

Negative: 1. Jamaica.

Others: 2. France, Myanmar.

Costa Rica. Yes. This Recommendation is linked to the Protection against Accidents (Dockers) Convention, 1929 (No. 28), which was revised by the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152), supplemented by Recommendation No. 160 on the same subject. The Governing Body considered that Convention No. 28 was obsolete and it was shelved. It now has only one ratification. The question of reciprocity covered by Recommendation No. 33 is also covered by Convention No. 152 and Recommendation No. 160. Recommendation No. 33 is thus also obsolete. Costa Rica has not ratified Convention No. 152. There is no objection to the withdrawal of this Recommendation.

France. This Recommendation is linked to Convention No. 28, which was revised by Convention No. 152. The scope of Recommendation No. 33 was extended by this new Convention, which contains a number of general and technical provisions. As regards the question of reciprocal arrangements, Article 26(1)(b) of Convention No. 152 stipulates only that ratifying States "shall enter into" reciprocal arrangements with regard to acceptance or recognition of persons or organizations responsible for carrying out tests and/or thorough examinations of lifting appliances and handling equipment forming part of a ship's equipment. This requirement does not in itself appear to cover the entire scope of Convention No. 152 or, therefore, of Recommendation No. 33.

MEDEF: Yes.

Islamic Republic of Iran. Yes. This Recommendation is linked to Convention No. 28, which was revised by Convention No. 152, supplemented by Recommendation No. 160. Convention No. 28 was considered to be obsolete and shelved. It now has only one ratification. The question of reciprocity, which is covered by Recommendation No. 33, is also addressed in Convention No. 152. This Recommendation has ceased to be relevant and is considered obsolete.

Jamaica. No. The Shipping Association of Jamaica considers that, with regard to the protection of workers employed in the loading and unloading of ships, reciprocity should promote the primary objective of ensuring workers' safety. The maritime industry is a truly multinational one, and international standards could serve as a benchmark for various ports and allied industries.

Lebanon. Yes. This Recommendation is linked to Convention No. 28, which was revised by Convention No. 152, supplemented by Recommendation No. 160. Convention No. 28 was shelved by decision of the Governing Body. The principles of Recommendation No. 33 regarding reciprocity were incorporated in Convention No. 152. Consequently the withdrawal of this Recommendation poses no problem.

Mexico. Yes. Withdrawal of this Recommendation is feasible, since its provisions have been overtaken by those of Convention No. 152.

Myanmar. See reply to question I.

Nigeria. Yes. Convention No. 152 and Recommendation No. 160 contain more comprehensive provisions.

Portugal. UGT: Yes. Later instruments that address this subject appear to be adequate and appropriate. However, in general, as regards the low number of ratifications of the Convention to which this Recommendation is linked, examining the reasons for the absence of ratifications is more important than the number itself. There appear to be a number of possible reasons; the out-of-date and inappropriate nature of the Convention are just two possible factors.

Tunisia. This Recommendation should be withdrawn. It was replaced by more recent and better developed instruments, namely Convention No. 152 and Recommendation No. 160.

XVI. PROTECTION AGAINST ACCIDENTS (DOCKERS) CONSULTATION
OF ORGANISATIONS RECOMMENDATION, 1929 (No. 34)

1. Do you consider that Recommendation No. 34 should be withdrawn as proposed by the Governing Body for the reasons stated in the report?

2. If you replied “no” to question 1, please indicate the reasons why you consider that Recommendation No. 34 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization, or provide any relevant information on the effect which has been given, or is proposed to be given, to its provisions.

Total number of replies: 63.

Affirmative: 61. Australia, Austria, Barbados, Belgium, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, Estonia, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Italy, Jordan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Russian Federation, Saudi Arabia, Singapore, South Africa, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United States.

Negative: 1. Jamaica.

Other: 1. Myanmar.

Costa Rica. Yes. This Recommendation is linked to Convention No. 28, which was revised by Convention No. 152, supplemented by Recommendation No. 160 on the same subject. The Governing Body considered that Convention No. 28 was obsolete and it was shelved. Convention No. 28 now has only one ratification. The provisions on tripartite consultations contained in Recommendation No. 34 were incorporated in Convention No. 152 and Recommendation No. 160. There is no objection to the withdrawal of this Recommendation.

Islamic Republic of Iran. Yes. This Recommendation is linked to Convention No. 28 which was revised by Convention No. 152, supplemented by Recommendation No. 160 on the same subject. Convention No. 28 was considered obsolete and shelved, given in particular the fact that it now has only one ratification. The question of tripartite consultations covered by Recommendation No. 34 was incorporated in Convention No. 152 and Recommendation No. 160. Recommendation No. 34 has ceased to be relevant and is considered obsolete.

Jamaica. No. The Shipping Association of Jamaica considers that consultations with employers' and workers' organizations should be an integral part of the process of developing new regulations. Dialogue and consultation enable the constituents to be represented and allow different points of view, different interests and approaches, to be aired. This should facilitate the formulation of more balanced and holistic safety policies and procedures.

Lebanon. Yes. This Recommendation is linked to Convention No. 28, which was revised by Convention No. 152, supplemented by Recommendation No. 160. Convention No. 28 was shelved by a decision of the Governing Body. Provisions on tripartite consultations in Recommendation No. 34 were incorporated in Convention No. 152. Consequently, the withdrawal of this Recommendation poses no problem.

Myanmar. See reply to question I.

Nigeria. Yes. See reply to question XV.

Portugal. UGT: Yes. See reply to question XV.

Tunisia. Yes. See reply to question XV.

Office commentary

Almost all the replies were in favour of withdrawing Recommendations Nos. 33 and 34, as proposed by the Governing Body for the reasons given in Report VII(1).

One employers' organization did not support the withdrawal of these two Recommendations on the grounds that they contain important principles for the safety of dockers and for the improvement of safety policies and procedures.

With regard to the question of reciprocal arrangements, one government noted that the relevant provision of Convention No. 152 does not appear to cover the entire scope of that Convention or of Recommendation No. 33.

The Office recalls, first, that Recommendations Nos. 33 and 34 are intended to supplement Convention No. 28. That Convention was considered obsolete and shelved by the Governing Body, and now has only one ratification. Consequently, the Recommendation that supplements it can also be considered obsolete. In addition, the question of reciprocity addressed by Recommendation No. 33 is now covered by Convention No. 152, and the provisions concerning tripartite consultations contained in Recommendation No. 34 are included in Convention No. 152 and Recommendation No. 160.

As regards the scope of the reciprocal arrangements provided for under Convention No. 152, the Office emphasizes that the main purpose of the instruments is to ensure the safety of persons employed in ship loading or unloading operations. Convention No. 152 and Recommendation No. 160 are now regarded as being up to date in the area in question and fully consistent with that objective, and reciprocal arrangements are one means of attaining it. While the reciprocal arrangements provided for by Article 26, paragraph 1, of Convention No. 152 may appear to be more specific, such arrangements nevertheless concern an area that is central to the entire system of safety for port workers. Furthermore, the purpose of Article 26, paragraph 1, overall is to ensure reciprocal recognition of provisions which Members having ratified the Convention have adopted in respect of testing, thorough examination, inspection and certification of lifting appliances and items of loose gear forming part of a ship's equipment, and the records relating thereto. These are the core components of the system of safety for port workers.

PROPOSED CONCLUSIONS

Pursuant to paragraph 3 of article 45bis of the Standing Orders of the Conference, the report is presented to the Conference for consideration. The Conference is also invited to consider and to adopt the following proposals:

1. 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 92nd Session on 1 June 2004, and

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

decides this day of June of the year two thousand and four to withdraw the Reciprocity of Treatment Recommendation, 1919 (No. 2).

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.

The English and French versions of the text of this decision are equally authoritative.

2. 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 92nd Session on 1 June 2004, and

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

decides this day of June of the year two thousand and four to withdraw the Maternity Protection (Agriculture) Recommendation, 1921 (No. 12).

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.

The English and French versions of the text of this decision are equally authoritative.

3. 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 92nd Session on 1 June 2004, and

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

decides this day of June of the year two thousand and four to withdraw the Living-in Conditions (Agriculture) Recommendation, 1921 (No. 16).

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.

The English and French versions of the text of this decision are equally authoritative.

4. 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 92nd Session on 1 June 2004, and

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

decides this day of June of the year two thousand and four to withdraw the Weekly Rest (Commerce) Recommendation, 1921 (No. 18).

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.

The English and French versions of the text of this decision are equally authoritative.

5. 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 92nd Session on 1 June 2004, and

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

decides this day of June of the year two thousand and four to withdraw the Utilisation of Spare Time Recommendation, 1924 (No. 21).

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.

The English and French versions of the text of this decision are equally authoritative.

6. 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 92nd Session on 1 June 2004, and

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

decides this day of June of the year two thousand and four to withdraw the Migration (Protection of Females at Sea) Recommendation, 1926 (No. 26).

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.

The English and French versions of the text of this decision are equally authoritative.

7. 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 92nd Session on 1 June 2004, and

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

decides this day of June of the year two thousand and four to withdraw the Power-driven Machinery Recommendation, 1929 (No. 32).

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.

The English and French versions of the text of this decision are equally authoritative.

8. 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 92nd Session on 1 June 2004, and

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

decides this day of June of the year two thousand and four to withdraw the Protection against Accidents (Dockers) Reciprocity Recommendation, 1929 (No. 33).

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.

The English and French versions of the text of this decision are equally authoritative.

9. 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 92nd Session on 1 June 2004, and

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

decides this day of June of the year two thousand and four to withdraw the Protection against Accidents (Dockers) Consultation of Organisations Recommendation, 1929 (No. 34).

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.

The English and French versions of the text of this decision are equally authoritative.

10. 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 92nd Session on 1 June 2004, and

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

decides this day of June of the year two thousand and four to withdraw the Forced Labour (Regulation) Recommendation, 1930 (No. 36).

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.

The English and French versions of the text of this decision are equally authoritative.

11. 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 92nd Session on 1 June 2004, and

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

decides this day of June of the year two thousand and four to withdraw the Invalidity, Old-Age and Survivors' Insurance Recommendation, 1933 (No. 43).

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.

The English and French versions of the text of this decision are equally authoritative.

12. 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 92nd Session on 1 June 2004, and

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

decides this day of June of the year two thousand and four to withdraw the Elimination of Recruiting Recommendation, 1936 (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.

The English and French versions of the text of this decision are equally authoritative.

13. 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 92nd Session on 1 June 2004, and

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

decides this day of June of the year two thousand and four to withdraw the Contracts of Employment (Indigenous Workers) Recommendation, 1939 (No. 58).

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.

The English and French versions of the text of this decision are equally authoritative.

14. 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 92nd Session on 1 June 2004, and

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

decides this day of June of the year two thousand and four to withdraw the Social Policy in Dependent Territories Recommendation, 1944 (No. 70).

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.

The English and French versions of the text of this decision are equally authoritative.

15. 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 92nd Session on 1 June 2004, and

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

decides this day of June of the year two thousand and four to withdraw the Social Policy in Dependent Territories (Supplementary Provisions) Recommendation, 1945 (No. 74).

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.

The English and French versions of the text of this decision are equally authoritative.

16. 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 92nd Session on 1 June 2004, and

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

decides this day of June of the year two thousand and four to withdraw the Minimum Age (Coal Mines) Recommendation, 1953 (No. 96).

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.

The English and French versions of the text of this decision are equally authoritative.