



## Twenty-third sitting

Friday, 16 June 2006, 10.25 a.m.

*Presidents: Mr. Sajda, Mr. de Regil, Mr. Adyanthaya, Ms. Abdel Hady*

### REPORT OF THE COMMITTEE ON THE APPLICATION OF STANDARDS: SUBMISSION, DISCUSSION AND APPROVAL

#### The PRESIDENT

The twenty-third sitting of this session of the International Labour Conference is now open.

I wish to inform the Conference that this morning the Secretary-General of the Conference and I, in my capacity as President of the Conference, have signed the texts of the three instruments which this Conference adopted on Thursday, 15 June. These instruments bear the following short titles and numbers: the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187); the Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197); and the Employment Relationship Recommendation, 2006 (No. 198).

We have two tasks before us this morning before the closing ceremony of our Conference. We will begin with the presentation, discussion and approval of the report of the Committee on the Application of Standards. We will then continue with the presentation, discussion and approval of the second report of the Selection Committee, which deals with the additional agenda item concerning further action in relation to Myanmar. We shall then formally close our Conference.

We shall start with the examination of the report of the Committee on the Application of Standards, which consists of three parts and is published in *Provisional Record* No. 24.

I invite the Officers of the Committee to come up to the rostrum to present the report of the Committee: the Chairperson, Mr. Paixão Pardo; the Employer Vice-Chairperson, Mr. Potter; the Worker Vice-Chairperson, Mr. Cortebeek; and the Reporter, Mr. Nkambule.

I invite Mr. Nkambule to take the floor to present the report.

*Mr. NKAMBULE (Government, Swaziland; Reporter of the Committee on the Application of Standards)*

It is an honour for me to present at this session of the International Labour Conference the report of the Committee on the Application of Standards. This august assembly will recall that our Committee forms an integral and essential part of the regular supervisory mechanism, which is widely considered the foremost among international systems of supervision.

The Committee is a standing Conference Committee whose terms of reference are defined in article 7 of the Standing Orders of the Conference. Its mandate is to report on the extent to which member States fulfil their standards-related obligations. The tripartite nature of the Committee can only mean that it is a unique setting for social dialogue on the application of international labour standards worldwide. This dialogue is enhanced by the experience and in-depth knowledge of all the constituents on social and current issues.

The work of the Committee is based on the report of the Committee of Experts on the Application of Conventions and Recommendations which is composed of legal experts from different regions of the world and which carries out an independent and technical examination of the application of ILO Conventions by member States.

The two Committees cooperate in a spirit of mutual respect, and we were honoured with the traditional visit by Ms. Robyn Layton, the Chairperson of the Committee of Experts, during the general debate. She addressed, inter alia, a number of issues relating to the improvements in the working methods of the Committee of Experts and the General Survey. You will recall that the report of our Committee comes in three parts: Part One contains a General Report by the Committee, Part Two is a record of 25 individual cases which were examined by the Committee and Part Three contains the report of the special sitting to examine developments concerning the question of observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29).

During the first stage of the general discussion, the Committee continued its discussions on its working methods. In this respect, I would like to mention innovative action on two important points that were welcomed by the Committee. During the last decade, one of the most frequently discussed questions has been that of the list of individual cases and the date when such a list is made available to Governments. Governments have requested early publication of a provisional list so that they may better prepare themselves for a possible appearance before the Committee. This year, following tripartite consultations, a preliminary exhaustive list was drawn up by the social partners and communicated by the Office to all member States before the opening of this session of the Conference.

The second development was a further step taken by the Committee of Experts in improving the

transparency of its working methods, with the formalization of criteria concerning cases where there has been progress and the use of footnotes as a response to a request from our Committee.

Furthermore, concerning the adoption of the conclusions, the practice of ensuring that the Chairperson and the Vice-Chairpersons have sufficient time to consult with the Reporter and with the other Vice-Chairpersons before proposing conclusions on each individual case, is now well established within the Committee. Tripartite consultations are continuing to deal with other issues raised relating to the working methods of the Committee.

In the second stage of our general discussion, the Committee examined the General Survey of the Committee of Experts concerning the Labour Inspection Convention, 1947 (No. 81), the Protocol of 1995 to the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection Recommendation, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), the Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82) and the Labour Inspection (Agriculture) Recommendation, 1969 (No. 133).

Labour inspection was recognized by the Committee as being of critical importance for ensuring the protection of workers and compliance at national level with different labour laws. Its definite role in ensuring a stable business climate and good governance in the world of work was highlighted. The proposal for a promotion campaign for the ratification of the instrument was also supported but, at the same time – taking account of the weakness of labour inspection in many countries, particularly developing countries – it was considered that this promotion would be insufficient unless accompanied by assistance tools, tailor-made responses and advice to facilitate better implementation of the standards concerned.

The last part of the Committee's work and its most essential task involved the examination of individual cases. Before the examination was carried out, the Committee spent half a day considering serious failures on the part of member States to comply with their obligation to submit reports and with other obligations related to standards. A number of Governments indicated progress made in this area since the Committee of Experts' meeting, but eight Governments failed to take part in the discussions concerning their countries' fulfilment of the obligation to submit reports, while 14 others were not represented at the Conference.

Once again, the Committee stressed the importance of the fulfilment of the obligation to submit reports for the achievement of an effective supervisory mechanism – accurate and timely information was key to the functioning of the system.

The Committee requested the Office to adopt all possible measures to improve the situation and solve the problems mentioned by the Governments. It further suggested that particular attention be given to countries that were not registered at the Conference.

Concerning the individual cases, in addition to the special sitting on the case of Myanmar, of which conclusions can be found in the third part of the report, the Committee invited 25 Governments to discuss the implementation in law and practice of specific ratified Conventions. The Committee's choice of countries reflected a good balance between the different regions in the list of cases. In

addition to fundamental and priority Conventions, several of the so-called technical Conventions were covered, such as those relating to indigenous people, asbestos, wages, vocational rehabilitation and employment of disabled persons. These Conventions are also of great importance for achieving decent work and in the context of the poverty reduction strategy. All the Governments were present to discuss their cases. Dialogue with the social partners was frank and open, in my view. The discussions were lively, in general terms; most of the Governments made a commitment to renew their efforts to bring their legislation and practice into line with the standards that they have ratified.

In the case of Ireland, concerning the application of the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), this was noted as a case of progress which demonstrated the innovative capacity of the Government, working jointly with the social partners, to bring about positive developments in this important area. The Committee referred to technical assistance in certain cases.

The Governments of Croatia, for the application of the Asbestos Convention, 1986 (No. 162), Costa Rica, for the application of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and Zimbabwe, for the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) were invited to accept a high-level meeting. The Governments of Croatia and Costa Rica, I must say, have already responded positively to this offer. However, the Committee also felt it necessary to include special paragraphs to express concern over two cases, namely Bangladesh, on the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and Belarus, on the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). In the case of Belarus, the Committee also considered that it should be cited for continued failure to eliminate serious deficiencies in the application of the Conventions concerned.

I have kept the best wine for the end. I would like to finish my presentation this morning on a very positive note. I would like to refer to the historic agreement reached in the framework of this Committee between the Government, employers and workers of Colombia. Such an agreement is evidence that social dialogue has a key role to play in ensuring progress towards an effective implementation of labour standards. It is my wish that next year this example will be followed by many others and that the Reporter to come after me will be able to report many such cases of progress.

I would like to conclude, on behalf of all the members of the Committee, by thanking all the Government delegates who appeared before the Committee to inform it about, and discuss, their cases. Their participation was essential and very valuable indeed. I should also like to thank the Chairperson of the Committee, Mr. Paixão Pardo, and the Employer and Worker Vice-Chairpersons, Mr. Potter and Mr. Cortebeeck, for their deep knowledge and efficiency which has enabled us to complete our work successfully. They have distinguished themselves as second to none in terms of articulating their positions on the issues that were discussed by the Committee, as well as their ability

to be captivating, firm, flexible, objective and, most of all, very humble. I would also like to thank Ms. Doumbia-Henry for her valuable and high-quality support, raising the standard and ensuring the Committee ran short of nothing to complete its work. The same can be said of all the members of her team for their dedicated work, irrespective of whether or not they were visible within the four corners of the Governing Body room. I should also like to pay tribute to the skilled interpreters who, as usual, have done a wonderful job inside those cubicles.

All these have made our work, and my work as Reporter, an enjoyable one and, indeed, I am going back to the small kingdom of Swaziland more than satisfied that I have served at a session that has made a contribution to the Decent Work Agenda of the International Labour Organization, thereby giving more meaning to the principles this Organization stands for and espouses. I would now, therefore, like to recommend to the 95th Session of the International Labour Conference, that it approve the report of the Committee on the Application of Standards.

*(Mr. de Regil takes the Chair.)*

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Mr. POTTER (*Employer, United States; Employer Vice-Chairperson of the Committee on the Application of Standards*)

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On behalf of the Employers' group, I commend to you the report of the Committee on the Application of Standards to this plenary today.

There is no need for me to summarize the Committee's report, you have it before you and the Reporter has done an excellent job of summarizing it for you.

As the Reporter said, this was a year of innovation in the methods of work of the Committee. Two innovations occurred even before the work began. Governments were notified of the possibility of being on the list of cases two weeks before the Conference began and the list used for this purpose was an expanded list, containing 41 countries, 16 above the 25 cases actually discussed by the Committee.

These two innovations seemed well received by the Committee and resulted in earlier registration to discuss cases. The process also resulted in greater regional balance and in a greater diversity of cases than in recent years.

Nonetheless, the work at the end of the second week to discuss cases resulted in a very heavy agenda of cases on Friday and Saturday. There was also, as the Reporter mentioned, a significant and precedent-setting tripartite agreement in the case of Colombia prior to the list of cases being adopted.

A number of other countries explored whether such agreements were possible in their national circumstances. The Employers' group believes that such agreements are more constructive in terms of facilitating implementation, in law and practice, of ratified agreements, especially in difficult cases.

Next year, when the expanded pre-list is made available, we would encourage tripartite solutions as being preferable to Committee discussion.

Perhaps it was circumstantial, or by coincidence, but this year we used a different method to address cases of serious non-reporting which appeared to result in more late reports being submitted to the Committee.

Extended failures to report and respond to the requests by the Committee of Experts for additional

information are as serious as fundamental failures to implement ratified Conventions.

Serious failure to report ranks in importance alongside substantive cases which the Committee places in special paragraphs and continued failure to apply paragraphs.

We should be devoting as much energy to these cases as we do to cases of substance. Undoubtedly, underlying failures to report are also indicative of a potentially serious failure to meet ratified treaty obligations.

The Employers' group appreciates the experts' heightened recognition of the importance and seriousness of Members' failures to report, as indicated by the decision of this Committee last year to no longer refer to these cases as automatic cases. We also appreciate the extra follow-up effort made by the Office to obtain delinquent reports, although with limited results.

We continue to believe that a better understanding of the reasons for non-reporting needs to be set out in the experts' report and may, in fact, yield solutions.

Better information on each country's circumstances could be helpful, as well as an overall assessment of the reasons for non-reporting. Clearly, different strategies than those invoked in the past need to be tried. This might include help from member countries who meet their reporting obligations. In the meantime, regular direct contacts with ILO standards specialists seem essential. We also need a fresh approach to addressing non-reporting cases in the Committee on the Application of Standards. Without reports from countries, the ILO regular supervisory process cannot function.

More work needs to be done with respect to the composition of the list of cases. We continue to believe that there needs to be a greater diversification of countries and Conventions addressed on the list. We have previously proposed that the Committee go back to the Cold War system of half of the cases in one year being freedom of association cases and the next year being lighter, with only five or six freedom of association cases. Other means to facilitate diversification include: setting an absolute maximum of freedom of association cases and setting out a schedule to ensure that all categories of Conventions are discussed at least every four years; fixing the distribution of cases among the four regions and no longer discussing cases for a period of time in circumstances when countries continue to show progress in implementation of their international obligations in law and practice. Absent, unanticipated, exceptional circumstances, cases that we discussed this year that fall into this last designation, include Costa Rica, Guatemala and Mexico.

At the same time, the Committee of Experts should not impact on the cases selected. This is a decision of the Conference Committee, as well as the strategies to be used to facilitate full implementation in law and practice, in part because the experts highlighted their single and double-footnoted criteria this year, the double footnotes had an effect on the selection of the cases. We urge that, in future years, the experts double footnote no more than six cases and that the experts not specify in their observations the form and direction of ILO assistance.

The Committee continues to have too much to do in the time available, particularly in the second week. The hours of work in the latter part of the second week are not acceptable and have conse-

quences for the overall impact of our work in terms of achieving the goal of full implementation of ratified Conventions. We would urge better use of time in the first week to include a more restricted general discussion on matters within the competence of the Committee and completion of all work of the Committee including the reply of the representative of the Secretary-General by Friday, the completion of the General Survey discussion on Thursday, conducting the special sitting concerning Myanmar on Friday morning and addressing the serious non-reporting cases on Friday afternoon. This would mean that, starting on Saturday of the first week, the Committee would only discuss cases on that Saturday in the week that follows.

Although certainly improved this year, it is essential that governments register earlier in the week. Now that governments are given notice of the possibility of being on the list before the Conference and the list is adopted in the first week, there is no obstacle to governmental participation. The alternative is to assign a date and time for the government to appear before the Committee.

As part of an informal discussion on the working methods of the Committee, the Office provided a short paper for a country-based approach to standard supervision in order that there be a holistic picture of a country with respect to implementation of Conventions that it had ratified. We think that such an approach could be useful if it is in addition to the current Report III(1A) provided by the Committee of Experts.

In any event, in our view, there are numerous considerations that would have to be addressed that will take time to study and then discuss, including the issue of reporting problems for countries which have high ratification rates.

In addition, and while the various aspects of the country-based approach are worked out, we believe there needs to be an expansion of the country profiles in Report III(2). They are an essential prerequisite to a country-based approach. We would like to see country profiles of at least two pages, giving us a longitudinal picture that includes all the Conventions ratified by the particular country, as well as references by year to Committee of Experts' observations and Conference Committee consideration of cases where the country has appeared before the Committee on Freedom of Association – all of this over a 15-year period. It would definitely facilitate the work of our Committee by giving us a fuller picture of overall implementation of ratified Conventions.

The look back that we had this year, simply to 2005, is too short term and too limited. When one searches the ILO web site for standards-based implementation information on a particular country, one receives readily comparable and accessible information and analysis by the Committee of Experts and the Conference Committee. In contrast, in printed form, the Conference Committee report is not as visually accessible or as visually appealing as the experts' report. Indeed, the print size of the discussion of individual cases in Part Two of our report is very difficult to read in the Governing Body room, even if the reader has normal eyesight.

In the Employers' view, the paper report of the Conference Committee should be more user-friendly and more broadly distributed, with a view to increasing its profile. This could be done in one of two ways – either a separate report comparably

packaged and printed or a consolidated report of the Conference Committee and the experts' observations.

The Employers' group was happy to welcome Justice Robyn Layton, Chairperson of the Committee of Experts, to the Conference Committee's general discussion. We value the fact-finding and technical work of the experts and the important role that their work plays in our tripartite dialogue. There are improvements in the presentation of the report which we applaud this year.

We think, though, that there are other areas where improvement should occur. For example, each observation of the report needs to be written in anticipation that it might be discussed at the Conference. There are some simple ground rules that we request be followed. The experts should publish an observation based on an assessment of the facts rather than presenting allegations or claims. If all the Conference Committee has are allegations to address, the discussion can only be preliminary, with no concrete conclusions possible.

In addition, all comments of the tripartite constituents should be reflected. A representation without any evaluation by the experts is not helpful and poses the prospect that inclusion of an observation concerning a country is subject to manipulation. We recall the attention of the Conference to the discussions held in relation to the Bolivarian Republic of Venezuela, Myanmar, Belarus and Bangladesh. Since 1995, the Committee has discussed the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) by the Government of the Bolivarian Republic of Venezuela, concerning the serious deficiencies in its respect for freedom of association and, in particular, its protection of civil liberties.

In its conclusions, the Committee reminded the Government of the importance of Article 3 of the Convention which requires governments to abstain from interfering in the internal affairs of employers' and workers' organizations.

The Committee also took note, with great concern, that there are restrictions to the freedoms and civil liberties of employer representatives, including personal threats and restrictions of personal movement. The Committee requested the Government to eliminate immediately any restrictions of the right to movement of the FEDECAMARAS current president, and the former president, who is in exile.

In this Committee, in our Conference Committee, the Employers' group typically works quite well with the Workers' group. We support them when their freedom of association rights and civil liberties are in jeopardy. In our view, the Workers' group needs to examine its position in this serious case and ask themselves whether they can expect support from the Employers' group on similar issues in the future in view of their position in the Venezuelan case.

The special sitting on the application of the Forced Labour Convention, 1930 (No. 29) with respect to Myanmar, makes clear that this Government no longer has any credibility with the Committee and this Conference.

Over the history of the case, each indication of movement on the part of the Government turned out to be a mirage. There is a serious trust gap in this case that was addressed by the Selection Committee of the Conference with respect to the 2000 ILO

Conference resolution concerning action of ILO Members under article 33.

Concrete action to abolish and eliminate forced labour is required of the Government immediately. As regards the Belarus case in its application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Committee regretted that, despite many efforts undertaken by the ILO, including a Commission of Inquiry, there remain important shortcomings by the Government in the full implementation of this Convention.

The Government's presentation to the Committee suggests that it is not yet ready to implement fully, in law and practice, the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). This is indicated by the Government's unwillingness to engage in meaningful technical cooperation that would have concrete objectives leading to implementation of the Commission of Inquiry's recommendations.

Our Conference Committee had no option but to include this in a special paragraph as a continued failure to implement.

The case of Bangladesh involved numerous problems concerning implementation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) in the economy generally and, more particularly, in export processing zones.

The case has a long history before the Committee. Although the Government claimed that it was making progress, in fact there has been no progress. For there to be progress it must be concrete, specific and demonstrable. Because the case dealt with serious violations of the fundamental Convention, the Committee's conclusion was placed in a special paragraph.

In closing, I would like to thank the Office for its excellent support in the development of our work, in particular Ms. Cleopatra Doumbia-Henry, Ms. Karen Curtis and their staff. I would also like to thank our Chairperson, Mr. Sergio Paixão Pardo, for his excellent leadership as Chairperson of the Committee and the thoughtful contributions of Mr. Jinno Nkambule as the Reporter for the Committee. In particular, I want to thank Mr. Luc Cortebeek, Worker Vice-Chairperson, for his continued collaboration and good will. I would also like to thank all my colleagues in the Employers' group for helping me to prepare and present several of the individual cases.

Last, but not least, I would like to thank Sandy Guros-Louis, of the International Organisation of Employers and Christian Hess of ACT/EMP for their ongoing support before, during and after this Conference.

In conclusion, I reaffirm the Employers' group's continued support for the ILO's supervisory machinery. We support this report without reservation.

*(Mr. Adyanthaya takes the Chair.)*

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*Original French: Mr. CORTEBEECK (Worker, Belgium; Worker Vice-Chairperson of the Committee on the Application of Standards)*

I would like to begin my statement by thanking the members of the Workers' group of our Committee for their cooperation and their highly relevant and constructive contributions, in particular Khursheed Ahmed, our Secretary, and our Vice-

Chairpersons, Cecilia Brighi; Jan Sithole and Pedro Parra.

Many thanks also to those who helped me in presenting some of the cases: Tom Etty, Simon Steyne, Raquel Garrido, as well as other members of our Bureau who worked extremely hard early in the morning and late at night to help in organizing our work; to Monique Cloutier and Claude Akpokavie from ACTRAV, who once again helped and guided us; to our coordinators, Janek Kuczkiewicz, Sara Hammerton and June Sorensen from ICFTU and Isabelle Hoferlin from the WCL, as well as those who helped me directly behind the scenes to prepare our discussions: Ann Demoor, Gilbert de Swert and Jan Dereymaeker.

I would also like to thank Mr. Potter, as well as other members of the Employers' group and their assistants, for their cooperation and willingness to reach good conclusions.

Thanks also go to the Government representatives for their presence and for having undertaken dialogue with us on the application of standards in their countries; and to our Chairperson, Mr. Sérgio Paixão Pardo, from the Government of Brazil, for his commitment to our Committee and our Reporter, Mr. Nkambule.

Last, but not least, I thank the ILO services, particularly the International Labour Standards Department, Ms. Doumbia-Henry, Karen Curtis and her team, as well as the coordinators, the secretariat and the technical services, who really made our life a lot easier.

We would also like to thank the non-governmental organizations for their support and the International Textile, Garment and Leather Workers' Federation and, of course, the interpreters, without whom the debate in our Committee would never have taken place.

And I think I can say, if you will allow me, that we have worked well. This year we have discussed 25 – plus one – cases. After our discussions at previous sessions of the Conference and the criticism, and even the opposition from some governments against the working methods of our Committee, our group took the initiative, with the agreement of our Employer colleagues, to put together a preliminary list of more than 40 countries. The Governments were informed by the Office of this approach and the list. This is a first sign of good will. There was also a second sign. Once again, we came up with a final list which, like the preliminary list, took, as far as possible, the utmost balance into account, especially the balance between industrialized and developing countries. I think I can safely say that these two elements have helped us have a level-headed debate and were appreciated by many Governments.

But, once again, there was a concentration of cases in the second half of the second week, mainly due to the inclusion of some Governments which, moreover, wished to have been informed at an earlier stage. It seems that providing the information in advance has not changed the attitude of these Governments.

The early distribution of the list also has its limits. First of all, it would not be possible to communicate the list before the date of accreditation to the Conference, for obvious reasons. Secondly, some attitudes and repeated statements have shown us that, for some, the real reason for this debate is not to improve the effectiveness of our methods, but to

weaken the supervisory system. I will refer to individual cases later in my statement.

In the first week of the Conference, we discussed the general report of the Committee of Experts. We welcomed the 5 per cent increase in reports received this year. However, although we have seen a slight improvement, only 26 per cent of the reports were received on time, by the 1 September deadline.

Late reports hamper the work of the Committee of Experts and have the same effect on the work of our Committee. This leads to an unfortunate overall delay in monitoring the application of standards. The Workers' group would like to take this opportunity, once again, to implore Governments to meet their obligations under articles 22 and 35 of the Constitution. We can make progress in this area, as shown by the increase in reports received and the further increase in comments received from workers' organizations.

The Workers' group is, however, still concerned by the high number of countries which have not submitted new instruments, adopted at previous sessions of the Conference, to the competent authorities.

The obligation to submit such instruments is the preliminary stage, prior to ratification, and is therefore crucial for the implementation of the provisions of international labour Conventions.

A large part of the general report was dedicated to cases where progress was made, which serve as an example to all those who have not yet implemented all the provisions of the Conventions which they have ratified.

The Workers' group welcomed the statement made by Ms. Robyn Layton, Chairperson of the Committee of Experts, in response to our request to once again include a thorough study of *capita selecta* in the general report which would outline noteworthy events and major trends in the application of international labour standards which could enrich our debate in the Committee.

After the general report, our Committee looked at the General Survey which this year looked at labour inspection. The discussions were fruitful and reflected the genuine interest in Conventions and Recommendations dealing with inspection which are vital instruments to ensure the effective application of other Conventions. The results of this debate should inspire us to update and complete the application of these Conventions to meet modern challenges.

Nonetheless, the chronic and generalized under-financing of labour inspection throughout the world, both in industrialized and developing countries, is a cause of major concern for us. All member States of the ILO must, from now on, recognize that investment in human resources training and the development of effective labour inspection services is in their countries' best interest, both in the social and the economic spheres.

The Workers' group emphasizes the fact that the missions of the labour inspectorate only serve the purpose of ensuring the effective application of legislation governing working conditions. Any diversion of this mission which would increase the burden on labour inspectors, whether intentional or not, should be condemned.

We would like to see the following aspects guaranteed: stability; independence; appropriate and ongoing training; decent pay which would ensure

that inspectors stay in the job and are incorruptible; career perspectives and physical safety.

The Workers' group remains cautious to ensure that monitoring, the possibility to impose sanctions and the preventative approach are not undermined by an excessively flexible approach to corporate social responsibility. It is the classic legislative framework which provides the authority and the competence of labour inspectors, and this framework provides the basis for cooperation with the social partners.

I would now like to turn to the work that we carried out in the second week, namely the individual cases. As I said at the beginning of my statement today, this year we discussed 25 plus one cases. I would like to thank those Governments who provided their remarks in writing in the D documents. This enabled us to be more succinct, both in our debate and in the conclusions. However, there were also Governments who came to our Committee claiming they had made significant progress: They talked about draft laws, new regulations etc., but this is information that, at that moment, our Committee cannot verify.

We also regret the loss of time to diplomatic statements of support among certain countries. These statements do not contribute to the substance of the debate and they jeopardize the other debates in our Committee.

This year, Colombia was not on the final list. That was because of a tripartite agreement between the Colombian Government and all of the social partners of Colombia after the high-level tripartite visit, which was decided upon by our Committee last year and took place last October. This agreement has certainly not solved all of the problems, but it does mark the beginning of a process which we hope will solve and remove the major violations of freedom of association in Colombia. The Workers' group will be following developments on the ground very closely and we would also request that the Governing Body and the Director-General monitor very closely the implementation of this agreement and take all necessary measures to facilitate the implementation of this agreement's provisions.

This agreement can also serve as an example for those governments who are willing to cooperate in good faith. But a tripartite agreement, like the one concluded in respect of Colombia, is no panacea. In order to reach such an agreement, it is crucial that workers' and employers' organizations are free to act and that tripartite dialogue be effective and genuine.

With regard to the Bolivarian Republic of Venezuela, our group has shown itself to be capable of iron discipline, and I would like to thank them once again. But for substantive debate on this case, we need the official report of the January mission. Therefore, despite the recent signs of progress in certain areas, we will have to wait for the Committee of Experts' report on this case.

With regard to the freedom of association and collective bargaining, we also discussed the cases of Australia and Switzerland. In Australia there is no political will to even recognize the problem. In Switzerland, with regard to the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), it is rather a question of the role the Government should play in promoting collective bargaining. There is definitely a need for greater freedom of association in Bosnia and Herzegovina.

The Committee recognized that there were certain signs of progress in the application of Convention No. 98 in Guatemala, but acknowledged nevertheless serious violations which required greater ILO presence. The application of the same Convention is also creating significant problems in Costa Rica, which prompted us to ask for a high-level mission for this country.

The Committee asked the Government of Pakistan to take effective measures in favour of collective bargaining. The total lack of freedom of association in Zimbabwe is not at all admitted by the Government and remains a very serious problem.

In Djibouti, we see the problem of the abolition of the minimum wage, which is related to the violation of the right to organize and collective bargaining.

Three other cases were included in a special paragraph, because serious violations were found of the right to freedom of association, namely Belarus, Bangladesh and Myanmar/Burma, in relation to forced labour. However, the nature of the situation is very different in each of these three countries.

There is a clear lack of cooperation in Belarus and this continues to be a cause of concern for us. We are seriously concerned about the explosive social situation in Bangladesh. Indeed, it is the non-application of Conventions which is at the basis of this social revolt. More rigorous application in the past would certainly have prevented the current serious problems.

With regard to Myanmar, once again, the situation has worsened, despite the efforts made by the ILO. Furthermore, the Workers' group was indignant at the lack of respect shown by the Ambassador of Myanmar, who left the room during the statement of the Workers' spokesperson. We hope that the report of the Selection Committee, which will be adopted by the Conference this morning, will open up new paths in this very difficult case.

We discussed child labour, particularly in the cases of the United States and the Philippines, in connection with the Worst Forms of Child Labour Convention, 1999 (No. 182), and Kenya, for the Minimum Age Convention, 1973 (No. 138). In the framework of the Forced Labour Convention, 1930 (No. 29), we also talked about child soldiers in Uganda.

We discussed questions of discrimination and wage differences between men and women in the United Kingdom. Discrimination against women such as pregnancy tests in export processing zones in Mexico, the situation of the Roma population in Slovakia and continuing discrimination against women in the Islamic Republic of Iran were subjects of concern for our Committee. In Paraguay, we noted the vulnerability of the indigenous population; the Government showed a positive attitude.

Our Committee also discussed the so-called "technical" Conventions, such as the Protection of Wages Convention, 1949 (No. 95), in the Libyan Arab Jamahiriya, in particular, the cases of non-payment of wages to expelled workers, and in the Central African Republic.

This is the first time that we have discussed an exemplary progress case for other governments, particularly Ireland, relating to the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159). We also looked at the grave and continuing violation of the provisions of the Asbestos Convention, 1986 (No. 162), in Croatia. The lack of action on the part of the Govern-

ment over the last years has prompted us to request a high-level direct contacts mission, which has been accepted by the Croat Government. We have also discussed employment policy in Thailand. Progress has certainly been made, but certain vulnerable groups, particularly women and migrants, are still suffering from discrimination.

Because of constraints in time and resources, we have had to limit ourselves to these 26 cases. We would have liked to discuss certain other cases more in depth, namely the cases that were already discussed in our Committee and for which we requested government action in the past and, in particular, those for which missions were requested.

This is the case for Argentina, following the mission in August 2005 relating to the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The experts' comments state that there has not been any tangible progress at the time of their assessment. We will certainly return to this matter in the future, although we would hope that soon we will see the effective recognition of the Confederation of Argentine Workers and respect for union pluralism, both in practice and in terms of legislation and regulations pertaining to freedom of association in Argentina.

The case of Japan relating to comfort women has been on our agenda for a number of years, but the refusal of the Japanese Government to recognize and solve this problem again last year has prevented us from finding a way of responding to the justified claims of the victims. The fact that the experts did not voice their opinion this year on this matter is not a sign of acceptance on the part of the Workers' group of this historical violation and serious violation of Convention No. 29.

We will remain vigilant about the situation of Dalits and other social groups in India, who suffer from discrimination on the basis of social origin, which is a violation of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). We note, however, that measures have been taken, particularly in the area of education.

While we did not discuss the case of Paraguay for the Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79), and the Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90), which was given a footnote, we do feel that the debate last year enabled us to clarify the situation, and we hope that the Government will continue to look into questions of protecting children and adolescents.

The fact that the case of Luxembourg was on our preliminary list for the Food and Catering (Ships' Crews) Convention, 1946 (No. 68), which is a maritime Convention, might have been surprising for some. But the fact that a country has a fleet, even if it does not have a coastline, still obliges it to respect the commitments it has undertaken under the maritime Conventions.

The matters of freedom of association in Turkey and in Ethiopia are still major causes of concern, given the serious problems of violations which continue to exist.

For the cases which have not been discussed this year, we would ask the Committee of Experts to look into them and include relevant comments in the report for the 96th Session of the Conference.

The work of our Committee of the 95th Session of the International Labour Conference has really made history, thanks to the tripartite agreement of the Colombian constituents. However, we cannot forget our conclusions on the other cases, such as Burma/Myanmar and Belarus, which continue to show the real limits of our system: that of non-cooperation from authoritarian and cynical regimes. We hope that genuine dialogue in our Committee can, in the future, further encourage governments to understand where solutions can be found.

I think that overall our work has been very positive and I would ask you, dear colleagues, to approve this report from our Committee.

*(Ms. Abdel Hady takes the Chair.)*

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*Original Portuguese: Mr. PAIXÃO PARDO (Government, Brazil; Chairperson of the Committee on the Application of Standards)*

I think everything has already been said about the vast amount of work that our Committee has carried out over the last three weeks. Therefore, I am not going to repeat what the previous speakers have said.

However, I would like to refer to the historic moment that we had in the Committee with the signature of the tripartite agreement signed by the Colombian Government and the social partners. This agreement represents an enormous step forward in establishing a social dialogue in that country, and an enormous contribution in the search for peace as a way of settling the social conflicts that have reigned in Colombia over the last 60 years.

As regards the work of the Committee, we have made progress on the adoption of decisions on individual cases. We had a preliminary list of countries that could be called before the Committee to answer questions. This preliminary list was circulated, but we can improve things by adopting a more balanced list, as regards both the content and the geographical distribution.

In this meeting we had wide-ranging consensus on the conclusions on the part of the Workers and Employers, but we need to make our conclusions clearer and more objective and ensure that they reflect the discussions which took place. They must become tools which can be used for solving the problems faced by member States in applying Conventions.

Lastly, I would like to thank Mr. Nkambule, our Reporter, who made a brilliant presentation, as well as our Vice-Chairpersons, Mr. Potter and Mr. Cortebeek. Without them, nothing would have been possible. I also extend thanks to the secretariat staff for the work that they have carried out. To Ms. Doumbia-Henry and Ms. Karen Curtis, we express our warmest thanks. Thanks also to the interpreters and all the members of the Committee, to whom I wish a safe return home.

As a result of our work, you delegates have received our report in three parts, and I commend it to all delegations for adoption.

*(Mr. Sajda takes the Chair.)*

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The PRESIDENT

The general discussion of the report of the Committee on the Application of Standards is now open.

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Mr. SAHA (*Worker, India*)

Before I go on to comment on the report of the Committee, I would like to let this august assembly of 178 member countries know that the Indian workers, while fighting for implementation of the ratified Conventions, are struggling hard for ratification of the core Conventions Nos. 87, 98, 151, 154, 182 along with other workers of the world where most of the core Conventions are yet to be ratified.

I would like to say a few words on the world perspective in which the Committee undertook the work to adjudge the defaults committed or violations made in respect of ratified Conventions in individual countries. Violations have been made by countries, from the United States in child labour to Burma in forced labour, and no country in the globe can perhaps rightfully claim that there is no abuse of labour in its country in the given situations of unprecedented unemployment, acute joblessness, dismantling of the existing social security system, insecurity of jobs, casualization, contractorization of perennial jobs, jobs on contract for a month or so; farming out of jobs to smaller enterprises to get jobs done at a very cheap rate; outsourcing of jobs both in intra and inter countries; reduction of manpower; increasing workload; privatization of public enterprises; etc., etc.

All these are happening daily in the unipolar globalized world designed for the capitalist to reap maximum profit exploiting the cheap raw materials and cheap labour of the world, particularly the underdeveloped world. This is manifested in the export of finance capital where national governments are agreeing to repeal the existing labour laws to the satisfaction of multinational companies. The national governments, subservient to the interests of monopoly capital, are urging the working people to be patriotic and sacrifice their existing labour rights, paving the way for the national capital to be competitive with others.

Talking about international labour standards becomes meaningless in a situation when national labour laws do not exist or are made inoperative. In the given situation, those who still believe that international labour standards can be enforced will have to answer that, in the era of liberalization/deregulation pursued for granting a lease of life to the crisis ridden capitalism/imperialism, labour laws or dignity of labour can be honoured without radical change in the motive force of production from maximization of profits to satisfying the needs of the people.

In this globe we can hardly name a country where there is no child labour, forced labour which is made to work at a wage rate below the statutory minimum, and gender discrimination, poverty, hunger, prostitution and destitution. Food, shelter, education, health care, pension are all there. But these commodities are sold in the marketplace at prohibitive prices for maximizing profit by squeezing the poor. National States, which once used to be called welfare States, are no longer present with their agenda of addressing the basic needs of the poorer strata of society. They do not characterize the formulation – by the people, for the people, and of the people and instead they are now by the capital, for the capital and of the capital.

In this perspective we worked in the Committee and very shockingly noted that labour inspection



that has a pivotal role to play for the implementation of labour laws such as hours of work, conditions of work, payment of minimum wages, social security contribution, implementation of awards and settlements, etc. has mostly been given the good-bye at the instance of employers by the national governments on the plea that labour standards are standing in the way of employment generation.

We have seen how labour standards have been violated in 25 countries and in many, many other countries, cases which could not be scrutinized in this session.

In the case of the leading industrialized country of the world, the United States, we have come across information about how 50,000 women and children are trafficked annually from South-East Asia and are used as prostitutes in the sex business and sweat shops in California, Florida and New York, and hundreds of thousands of children are made to work for 12 hours a day in the agriculture industry of the United States and are exposed to cancer and brain damage because of their exposure to dangerous pesticides.

I observed in the Committee meeting that a question may reasonably arise in the minds of the people in the civilized world why the mighty United States administration, capable of blasting missiles at the kitchen of their enemy 10,000 kilometres away, cannot detect and punish traffickers and employers of the agriculture industry in its own country?

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Ms. ROBINSON (*Government, Canada*)

I am making this statement on behalf of the industrialized market economy countries, the IMEC group. IMEC has always supported improvements in the Conference Committee's methods of work that will enhance its transparency and its efficiency. This year, we note that the early circulation of a preliminary list of cases provided Governments with more time to prepare for a possible discussion of their cases. We also note that the final list of cases reflected a broad range of countries and Conventions.

IMEC will participate in, and support further, efforts to improve the Committee's methods of work and we expect that further improvements can and will be made. However, calls for improvements should not be used to divert attention from serious and well-documented problems, wherever they exist in the application of ratified Conventions.

We do feel that better time management is an area that deserves particular attention. Despite the early circulation of the preliminary list of cases and notwithstanding the fact that all Governments had signed up within two days of the adoption of the list of cases, there was still a significant backlog at the end of the week. The Committee lost approximately six hours due to the delayed start of meetings. If we are to successfully balance the Committee's understandable interest in discussing the largest number of cases within the time available, we simply cannot afford to lose any of the Committee's time.

IMEC welcomed the ground-breaking tripartite Colombian agreement that made it unnecessary for the Committee to discuss this case. This was an inspiring and moving example of what can be accomplished through social dialogue and how the ILO's supervisory machinery can contribute to that end.

IMEC also welcomed the substantive discussion of the significant case of progress in Ireland with respect to disability management. Genuine progress

in the implementation of ratified Conventions is the *raison d'être* of the Committee on the Application of Standards. Highlighting such cases should be a routine feature of the Committee's agenda.

The growing number of ratifications, particularly of the fundamental Conventions, has had a major impact on the workload of the International Labour Standards Department. The effectiveness of the Office in supporting the ILO's supervisory system has a direct bearing on the credibility of the Organization as a whole.

We therefore call upon the Director-General once again to ensure that the essential work of the Standards Department is among his highest priorities.

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*Original Spanish: Mr. HANDS (Government, Bolivarian Republic of Venezuela)*

My Government would like to remind this Committee that it forwarded details of the many meetings – more than 50 – which have been held with all the social partners and especially of the additional 28 meetings with FEDECAMARAS on social dialogue. In the course of these meetings, a variety of issues of interest to both FEDECAMARAS and the Government were discussed.

While this Committee, in its conclusions, was recommending that FEDECAMARAS should be included in the social dialogue, in my country, meetings and social dialogue were taking place with various regional chambers of this employers' group.

Is there not a disconnect between what is actually happening in the country and what is being asserted on the international scene?

Unfortunately, my Government wishes to draw attention to something which really ought to be avoided in the Committee on the Application of Standards, namely the strange and persistent attempt to keep situations under review in the Committee, whereas in my country, dialogue is deepening, especially with FEDECAMARAS, and the nation is progressing with gigantic strides. This damages the image of this Commission. That is why my Government does not endorse the conclusions adopted during the examination of the case by the Committee on the Application of Standards and reflected in this report.

First, we regret that, despite the fact that we have held wide-ranging tripartite discussions which have evidenced the Government's goodwill and notwithstanding the progress the Government has made on the points raised by the experts in the report, the Committee has once again arrived at clearly unbalanced conclusions and has failed to take account of more positive aspects of fundamental importance. Furthermore, the Committee has overstepped its mandate in dealing with matters which were not mentioned in the experts' report, such as matters related to civil liberties.

Secondly, my Government would like to emphasize that it is impossible to sign agreements on something that is taking place in the Bolivarian Republic of Venezuela with flexibility, in a constructive spirit, in a comprehensive manner and without exclusion, that is to say, the wide-ranging and responsible social dialogue which has permitted a beneficial transformation of the legal order by increasing the levels of protection given to workers.

Thirdly, we once again reiterate that the Committee is making the same mistake as it made at its last meeting in June 2005 and consisting in its request that the Government lift the restrictions on the free-

dom of movement imposed on FEDECAMARAS leaders. On this particular point, we draw attention to the fact that, in the Bolivarian Republic of Venezuela, there is a separation of powers. Hence, the Executive cannot interfere in the judiciary's rulings concerning the actions of the trade union leaders and former leaders of FEDECAMARAS, which were not covered by Convention No. 87. These actions were ordinary offences committed during the coup d'état in April 2002, in which the whole population was urged, via the mass media, to block roads and other means of communication, not to pay taxes, as the distinguished delegates to this Committee well know, not to pay social security contributions – to the detriment of workers – and to support a decree which overruled public authorities which had been democratically elected by the will of the people, among other most serious violations of human rights.

This Committee must remember that article 8 of Convention No. 87 lays down that the conduct of trade union leaders must be consistent with the principle of legality. Article 8 states that "In exercising the rights provided for in this Convention, workers and employers and their respective organizations, like other persons or organized collectivities, shall respect the law of the land."

We regret that the progress and the real situation which my Government showed to the high-level mission have been ignored. We regret and we are worried by the fact that the material resources and the valuable time of this Committee is being used in an improper and wasteful manner, while really serious cases still exist and subjects of great importance should be dealt with by this international organization, which is the forum for decent work and fair globalization.

We wish to stress that, in the Bolivarian Republic of Venezuela, civil liberties and, above all, human rights are respected, especially the contents of labour law which, in the past, have been disregarded and not complied with to the detriment of citizens in general, including workers.

This Government is doing its utmost and employing its political will to reverse previous instances of systematic and prolonged non-compliance.

In conclusion, we welcome the awareness, perception, clarity and intuition displayed by the Workers' group in its appraisal of the real situation in my country. Lastly, we commend the technical assistance supplied by the Office which, as the balanced conclusions of the high-level mission's report show, is of great value.

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*Original Spanish: Mr. EUSSE (Worker, Bolivarian Republic of Venezuela)*

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On behalf of the workers of Venezuela we would like to put on record our disagreement with the inclusion of the Bolivarian Republic of Venezuela in the report of the Committee on the Application of Standards as one of the countries which has been dealt with this year.

A few months ago there was a high-level mission to Venezuela from the ILO, but its report has not yet been considered. Furthermore, the conclusions which were reached on the Venezuelan case do not reflect the debate which took place, nor do they fully reflect the single position which was conveyed by the Workers' group through our brother Mr. Luc Cortebeek. He made it clear that there are no complaints at the moment from the Venezuelan workers

against the Venezuelan Government; on the contrary, it is recognized that major progress has been made in freedom of association.

The Venezuelan workers attending this Conference view the conclusions of the Committee on the case of Venezuela show political links, as they express agreement and solidarity with former company managers who are currently on trial for crimes against the Venezuelan democratic system, such as a coup d'état and economic and social sabotage.

We would also like to express our concern at the pressure exerted by Employers to get the Workers' group and the ILO to take a political position which runs counter to the interests of the Venezuelan people.

Lastly, we would like to put on record the fact that we do not agree with the exclusion of Colombia and Israel from the list of countries considered this year, Colombia because trade union leaders continue to be murdered there, and Israel because of continuing and persistent violations of the civil liberties of the Palestinian people.

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*Original Spanish: Ms. ROVIROSA (Government, Mexico)*

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The Government delegation of Mexico feels it necessary to make this statement to the Conference plenary because we feel that the report of the Committee on the Application of Standards which is submitted today for our consideration has partially omitted some of the points that were made in the discussion that took place in the Committee.

An example of this is the conclusions reached by the Committee on Standards following the consideration of Mexico's observance of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) on pages 44-45 of the second part of the report dealing with information and observations on the application of ratified Conventions.

These conclusions contain points that are inconsistent with the detailed record of the Committee on the Application of Standards. It is clear that the conclusions have left out some of the very positive assessments made both by the Committee of Experts on the Application of Conventions and Recommendations and by various members of the current Committee on the Application of Standards when the application of Convention No. 111 by the Government of Mexico was considered.

Contrary to the observation of the Committee of Experts reproduced in Report III (Part 1A) and the statements made by the spokesperson of the Employers' group and other speakers during the discussion of the case, the conclusions have focus, in the main, on supposed practices that are contrary to Convention No. 111 in one area of the economy. They have not taken into account the entire policy that the Mexican Government is implementing, by methods appropriate to national conditions and practice, in order to promote equality of opportunity and treatment in employment and occupation and thus to eliminate all forms of discrimination.

Here my delegation shares the concern expressed by other Government representatives about the fact that the discussions in the Committee on the Application of Standards are sometimes ambiguous as they are based on comments made by supervisory bodies which include interpretations of Conventions; for example, in the Mexican case, the conclusions speak of the need to establish mechanisms which are not called for by Convention No. 111.

The ILO's supervisory bodies do not have the competence to interpret the provisions of Conventions, since they are not the jurisdictional bodies; on the contrary, they are bodies for dialogue that make recommendations to governments to help them to find solutions to problems arising from the applications of ratified Conventions. In this connection, my delegation would like to refer to article 37 of the Organization's Constitution, in order to emphasize that problems of interpretation of international labour Conventions should be submitted to the International Court of Justice.

The delegation of the Mexican Government would like to place on record the fact that it does not agree with certain paragraphs of the conclusions reached by the Committee on the Application of Standards, and requests the Conference secretariat to make this statement known through the appropriate channels.

I would also like to reiterate that the Government of Mexico has regularly supplied the reports requested of it on Conventions which it has ratified, and assure you that, in its next report on Convention No. 111, it shall provide much of the information requested by the Committee on the Application of Standards in its conclusions.

The Mexican Government is constantly striving to promote measures which will ensure respect for the dignity of women in all circumstances and at all times. We have been trying to improve the application of our law in practice by means of amendments to the Labour Code that are currently being considered by Congress and going through the appropriate parliamentary procedure.

Therefore, it is rather discouraging for my delegation that the Committee on the Application of Standards did not simply adopt conclusions drafted in uncontroversial language and simple language; if it had done so, they would have had more impact and helped us to do our work better.

At the beginning of the work of the Committee my delegation requested that the conclusions reflect the consensus emerging from the debate on individual cases. We are therefore concerned that this approach, which was proposed by the Chairperson of the Committee on Standards, does not seem to have been put into practice, thus giving rise to the discontent felt by some delegations about the result of the work of the Committee on the Application of Standards as a whole.

My delegation would like to reiterate its commitment to this Organization and emphasize that its basic priority is to eradicate all forms of discrimination and promote access to decent work for every working man and woman in Mexico.

In conclusion, we welcome the historic tripartite agreement reached on the case of Colombia, and the significant progress made by the Irish Government to promote the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159). This is particularly important because we think it is of crucial importance that that country, like mine, supports the adoption of a broad and comprehensive international Convention to promote and protect the rights and dignity of disabled persons.

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*Original Russian: Mr. SAVINYKH (Government, Belarus)*

In the process of the approval of the report of the Committee on the Application of Standards, the

delegation of the Republic of Belarus considers it necessary to make a number of comments.

First, we would like to draw attention to the principle of the objectivity of the work of the Committee. We are convinced that the work of the Committee should be aimed at a constructive discussion of the issues, based on the real and complex situation in the country under discussion.

It is appropriate to recall here that the Constitution of the ILO and the ILO Declaration on Fundamental Principles and Rights at Work direct national governments to work systematically to ensure a fair distribution of national wealth, balanced economic growth and social protection to reduce unemployment and poverty, to secure universal access to education and health services, and much, much more.

In all of these areas, the Government of Belarus is pursuing a policy based on fundamental principles in the interests of its citizens and in the interests of workers.

Today we can say with confidence that Belarus has achieved much in the area of socio-economic conditions. The minimum wage exceeds subsistence levels. Real wages and pensions have more than doubled, and the problem of arrears has been solved. Unemployment stood at 1.5 per cent at the end of 2005. The percentage of low-income citizens has been reduced threefold over the last five years, and the share of the population living under the poverty line is less than 2 per cent. The ratio between the highest and the lowest incomes is 5:1, which clearly reflects a high level of social justice. And I could go on.

I would also like to say a few words about the cooperation of Belarus with the ILO. We attach great importance to the supervisory machinery of the ILO. We act responsibly in preparing reports under article 22 of the ILO Constitution, and we send them on time to the International Labour Office. According to the report of the Committee of Experts on the Application of Conventions and Recommendations, Belarus is among the countries providing the most complete information on the situation in the country. Belarus reports are often noted with interest by the Committee of Experts. This was the case this year of the report on the Occupational Safety and Health Convention, 1981 (No. 155), and, in the past, of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

All of these facts are incontestable and they clearly show that the Republic of Belarus is a consistent advocate of the efforts of the International Labour Organization aimed at the protection of workers.

This is the most important part of our work, and we are very grateful to the social partners of member States who see our efforts and understand our position.

We also want to pursue a constructive dialogue in regard to the application by the Republic of Belarus of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). Our position proceeds from the principle that the generally accepted standards of international cooperation require an objective and unbiased examination of this issue at the appropriate organizational and professional level.

For some reason, however, this is not what has happened. We do not understand why the report of the Commission of Inquiry, published before this Conference, was not accompanied by all the infor-

mation and copies of the documents which the Government of Belarus has systematically sent to the Office over the last two years.

Time and again, we have found ourselves facing a situation in which representatives of the Employers' and Workers' groups have told us that they are not familiar with these documents. Why is this happening? Logically, there can only be two explanations.

The first possibility is that the secretariat of the International Labour Office has not been able, or has intentionally not deemed it necessary, to further this information to the social partners.

The second possibility is that, once they received this information, the representatives of the Employers' and Workers' groups did not consider it necessary to study the documents, or perhaps they simply did not want to do so. In that case, we would have legitimate doubts with regard to the objectivity of their position and their genuine willingness to protect the interests of the workers of Belarus.

We would like to draw attention to another obvious point. The ILO supervisory machinery has repeatedly examined the implementation by Belarus of the recommendations of the Commission of Inquiry, as reflected in the relevant reports. It is obvious that the Government of Belarus has assumed its obligations and is taking certain steps in regard to these recommendations.

An objective approach requires noting in the conclusions that a number of recommendations – 7, 11 and 12 – have been fully applied, and that several others are in the process of implementation. However, that is not what has happened. The Committees' reports do not even provide an analysis of the measures undertaken by the Government. There is an enumeration of the measures taken by the Government, followed by the conclusion that nothing has been done.

One is left with the impression that the experts on the Committees are programmed to give a negative interpretation, fully ignoring the measures carried out.

How can we explain this attitude? We do not understand why the position of the largest trade union organization of Belarus is being so openly ignored – an organization bringing together more than 90 per cent of the workers of our country. Might this be because it is not a member of the International Confederation of Free Trade Unions (ICFTU)?

It is no secret that the socio-economic policy of my country's Government is designed primarily to promote the welfare of all, including workers. We do not rush into radical reforms which might seriously prejudice the situation of workers and serve the interests of small groups of oligarchs or transnational enterprises. Unfortunately, our position gives rise to relentless attacks from a number of Western countries.

To be frank, we would not like to think that the biased attitude towards Belarus displayed by the ICFTU, among others, is prompted by foreign policy factors and not in any way related to concern about the situation of workers.

In this regard, we have a legitimate question: whose interests is the ICFTU serving when it describes the situation of workers in Belarus as catastrophic?

If that is indeed so – and we really would not like to think so – then it is the activities of the ICFTU which are highly cynical and politically motivated, and which serve to discredit tripartite dialogue,

converting it into unilateral attacks on the Government.

Neither do we understand what interests the delegates of the EU Member States are pursuing when they talk about their intention to exclude Belarus from the General System of Trade Preferences. At present, 117 States in the world today benefit from these preferences, and many of them are also under consideration in regard to the discharge of their international obligations in the labour sphere. However, the EU is only planning to apply sanctions against Belarus. How can one explain the application of sanctions which essentially only serve to worsen the economic situation of workers? That was a rhetorical question.

The delegation of the Republic of Belarus sincerely hopes that the ILO and its bodies will succeed in overcoming the extremely dangerous tendencies to politicize its work and return to the path of constructive dialogue on labour and social matters to improve the situation of workers. For its part, the Republic of Belarus confirms its willingness to pursue constructive cooperation with the ILO.

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*Original German: Ms. ENGELEN-KEFER (Worker, Germany)*

I have a few comments to make regarding Belarus.

As you know, I am a member of the Committee on Freedom of Association of the Governing Body where, on many occasions, I have had to deal with the case of Belarus, particularly in the context of the non-observance of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). This matter has also formed the subject of discussions in the Committee on the Application of Standards, as reflected in the report which we have before us for adoption this morning. I would urge that we adopt the conclusions of this report, since it is essential that Belarus comply with both Conventions.

We consider that there are major problems in the de facto and de jure situation in Belarus. This is something that is clearly reflected here in the Committee's report.

The situation in Belarus is such that there is systematic interference in independent unions in clear violation of Convention No. 87, for workers must have the freedom to set up and join any trade union of their choosing.

Over the years, in dealing with complaints of non-compliance with Conventions Nos. 87 and 98, we have found time and again that serious violations have occurred. I am not going to list each one in detail, but the result is that the CDTU, Congress of Democratic Trade Unions of Belarus, is virtually unable to operate and has been replaced by a trade union organization which is subject to enormous pressure from the Government and the State, namely the FTUB.

This contravenes Convention No. 87 and that is why the recommendations of the Committee on Freedom of Association of the Governing Body and those of the Committee on the Application of Standards are correct and must be followed to the letter.

We know that there have been several missions to Belarus. We have all along offered help and support. The ILO has offered its help with adapting legislation to bring it into line with the Conventions. It even sent a Commission of Inquiry which was to have visited Belarus in September 2005. The Gov-

ernment postponed the visit which could take place only at the beginning of 2006. So it was no longer possible to consider the findings of the Commission. That is why I completely reject the attacks by Belarus on the ICFTU and the ILO.

We believe that the ILO's activities has been exemplary in this area despite the continued failure of Belarus to comply. The ICFTU has done an excellent job and has not violated any rules. I can only ask that the Government delegate desist from making any further unjustified accusations and that the Government implement these conclusions in full as soon as possible.

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Mr. ETTY (*Worker, Netherlands*)

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I am the Workers' delegate of the Netherlands.

I would like to support that statement and add one other element which is an answer to the question of the Government representative as to which interests were served by the intervention of the Workers' group. That is a question which is quite easy to answer.

We based the intervention, and the proposals for the conclusions, entirely on the analysis and the conclusions of the Committee of Experts. So the interests which were being served were certainly those of the Workers' group but also of the supervisory system of the ILO.

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The PRESIDENT

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We shall now proceed to the approval of the report of the Committee on the Application of Standards.

If there are no objections may I assume that the Conference approves the report of the Committee as a whole, its first, second and third parts?

*(The report, as a whole, is approved.)*

Before moving on, I should just like to highlight the excellent work of this Committee, which is one of the most important bodies of the International Labour Organization.

I extend thanks and gratitude to the officials and to the members of the Committee for the efficient way in which they have presented a very large amount of information.

The secretariat staff also deserve warm praise for their efforts in supporting the Committee through to its successful conclusions.

#### SECOND REPORT OF THE SELECTION COMMITTEE: SUBMISSION, DISCUSSION AND APPROVAL

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The PRESIDENT

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The next task before us this morning is to receive and examine the second report of the Selection Committee. This report is contained in *Provisional Record* No. 3-2 (& Corr.).

You will recall that an additional item was placed on the agenda of this session of the Conference by the Governing Body entitled "Review of further action that could be taken by the ILO in accordance with its Constitution in order to: (i) effectively secure Myanmar's compliance with the recommendations of the Commission of Inquiry; and (ii) ensure that no action is taken against complainants or their representatives".

The Conference decided at its opening sitting to refer this item to the Selection Committee and requested that the Committee report back on the discussion to the plenary.

I now invite the Chairperson of the Selection Committee, Ambassador Macedo of Mexico, to come up to the podium to present the report and conclusions.

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*Original Spanish: Mr. MACEDO (Government, Mexico; Chairperson of the Selection Committee)*

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I am happy to present to the Conference the second report of the Selection Committee, on Myanmar. The Conference asked the Selection Committee to examine the additional item on the agenda dealing with this matter and to submit a report subsequently, setting out recommendations deemed to be appropriate.

The Selection Committee was well aware of the importance of this additional item on Myanmar and, therefore, understood the enormous responsibility that the Committee had to fulfil its work. I am very grateful to the spokespersons of the Employers' group and the Workers' group, Mr. Funes de Rioja and Mr. Trotman, for the enormous help that they have given me. This greatly facilitated the work of the Committee and my own task as Chairperson of that Committee.

On 13 June, last Tuesday, the Selection Committee held its first discussion on this matter. After this initial general discussion, which took place in an environment of cooperation, I began an intensive consultation process with the spokespersons of the Workers' and Employers' groups, and also with the governments concerned. These consultations continued until Wednesday, 14 June.

As a result of my work, I was able to present to the Committee a text setting out conclusions, which reflects a solid consensus and presents a balanced position, since the conclusions reconcile the need for action based on principles and the need to cooperate with the Government of Myanmar. We all know that this is necessary if we are to achieve the objective of moving forward in the elimination of forced labour. The Committee agreed upon and adopted, by consensus, these conclusions.

The conclusions start by reflecting a series of salient points which were made during the general discussion concerning the promotion of better understanding and knowledge of the resolution adopted in 2000 and a broader application thereof. Next, reference is made to the very serious concerns expressed in the Committee as regards the situation of forced labour in Myanmar and the need to have a true commitment by the Government of Myanmar to make progress in this area. Lastly, the conclusions set out four specific points in respect of which tangible and verifiable action is expected on the part of Myanmar. The Governing Body will, in November, examine compliance with these points and decide on appropriate measures, including, where appropriate, the most salient points which emerged from the general discussion.

The report which I submit for your consideration today includes the above conclusions, along with a summary of the discussions of the Committee. I recommend that the report be adopted by the Conference.

I wish to conclude by expressing my warmest thanks to all members of the Selection Committee, to the staff of the Office, to the secretariat, and also to the interpreters, who are invisible but are essential to our work.

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The PRESIDENT

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Thank you, Excellency. Before we open the discussion, I would like to give the floor to the Clerk of the Conference for some announcements.

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The CLERK OF THE CONFERENCE

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I must indicate two corrections which should be made to the English version of the report contained in *Provisional Record* No. 3-2. The first concerns page 4, 3-2/4, in the paragraph which commences with the words "As regards the proposal to establish a joint panel"; the final line of that paragraph should read: "his Government would be willing to consider the first option but not the second one".

The second correction concerns the second complete paragraph on page 5, where the correct reference should be to "Serbia".

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The PRESIDENT

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Thank you. I now would like to open the general discussion of the report. Are there any requests to speak from the floor?

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Mr. NYUNT MAUNG SHEIN (*Government, Myanmar*)

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I should, first of all, like to express my delegation's thanks and appreciation to the Chairperson for presenting the report of the Selection Committee this morning to the plenary. I also take note that the corrigendum to the report, contained in *Provisional Record* No. 3-2(& Corr.) came out in time for the plenary, as the record originally contained serious and unacceptable mistakes in its reflection of my statement at the last session of the Governing Body.

Next I would like to refer to the document under discussion, and this is namely on page 3-2/2 and also on page 3-2/8. In a number of places – in four places, to be exact – my country is referred to as "Burma". As I already stated in the last session of the Governing Body, all United Nations documents mentioning my country use "Myanmar" and not "Burma". This has officially been recognized by the United Nations. The use of "Burma" is unacceptable to my delegation and we ask for its deletion.

As I stated in the Selection Committee on 14 June, after the adoption of the report of that Committee, my delegation cautiously and prudently sees the conclusions of the Committee as an approach of dialogue and engagement. So, I should like to say that we will continue our cooperation with the ILO in good faith in areas of mutual interest.

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The PRESIDENT

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Thank you. Is there is somebody else who would like to speak? If not, I propose that we now proceed to the approval of the report. If there are no objections, may I take it that the Conference approves the second report of the Selection Committee? I see no objections.

*(The report is approved.)*

#### CONCLUSIONS OF THE SELECTION COMMITTEE (SECOND REPORT): ADOPTION

The Selection Committee's conclusions are contained in an appendix to the Committee's second report. I shall now proceed to submit these to the Conference for adoption. May I take it, in the absence of objections, that the conclusions of the Selection Committee, as appended to the Committee's second report, are adopted? I do not see any objections.

*(The conclusions are adopted.)*

I should not like to pass on to the closing ceremony without thanking the Officers of the Selection Committee who have met on a regular basis throughout the Conference and have played an important role in ensuring the smooth running of our meetings, quite aside from the additional tasks the Conference referred to them. I am grateful for their hard work and dedication. Thanks are also due to the members of the Committee and to the secretariat for their support in helping the Committee to its successful outcome.

Now again, I give the floor to the Clerk for announcements.

#### COMMUNICATION FROM THE CLERK OF THE CONFERENCE

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The CLERK OF THE CONFERENCE

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With your permission, I should like to recall that in accordance with the decision taken by the Governing Body at its 296th Session, on Monday, 12 June 2006, new dates have been set for the 96th Session 2007 of the International Labour Conference. That 96th Session of the Conference will open on Tuesday, 29 May and close on Thursday, 14 June 2007.

#### CLOSING SPEECHES

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The PRESIDENT

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Thank you. Ladies and gentlemen, we now come to the last part of our Conference, the closing ceremony. I invite you now to listen to the closing speeches of the 95th Session of the Conference.

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*Original Spanish: Mr. DE REGIL (Employer, Mexico; Employer Vice-President of the Conference)*

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Ladies and gentlemen, first of all, I would like to express my sincere thanks to the International Organisation of Employers and the Employers' group, for having shown their trust in me by electing me to the Vice-Presidency of this 95th Session of the International Labour Conference.

I would also like to take this opportunity to extend my thanks to the President of the Conference, Mr. Sajda, of the Czech Republic, whose friendship, competence, authority and deep understanding of the workings of our institution have made it possible for us to fulfil our task honourably.

I extend my thanks to Ms. Abdel Hady, Minister of Manpower and Migration of Egypt, Government Vice-President of the Conference, and also to my colleague, Mr. Adyanthaya of India, Worker Vice-President of the Conference, for his friendship and support. I would also like to congratulate and thank the secretariat.

As Vice-President, you get a better idea of what is being done in the secretariat and they truly carry out a remarkable task. They make an enormous effort, starting with the interpreters, going through to all the support staff, and I would like to make special mention of Mr. Marshall and Mr. Newton and their team, whose professionalism and devotion have supported the work of the Officers.

The experience that I have had confirms the need to take another look at our working methods and way of preparing the Conference, with a view to strengthening our ILO. And therefore I would like to present the following ideas.

First of all, as a Spanish speaker, I have a particular interest in ensuring that Spanish continues to be a working language of the ILO. Therefore, it is necessary to improve the translation services, as regards the documents presented to the Conference. Furthermore, in this house of social dialogue, dialogue needs to be possible between people who speak different languages. Therefore, the Office should make every effort to ensure that the Conference has the best interpretation services possible.

Secondly, in the light of my experience as president of some plenary sessions, I would like to join the voice of those persons who have expressed great concern about the way in which the plenaries work. The time has come for us who work together to find solutions. The discussion which is taking place in the Governing Body on possible ways of improving the Conference should continue. I make a special appeal to our colleagues, the Workers, to make constructive contributions to these efforts.

Thirdly, social dialogue is the heart of this Organization. I am therefore concerned to see that social dialogue failed in this Conference. Discussions on the employment relationship were, unfortunately, an indication of this. The Office needs to be more careful in preparing the discussions, and should work more closely with tripartite constituents when preparing the text submitted to the Conference for consideration. The ILO should not tolerate failures of this type and, given that this is a tripartite house, the outcome of our work must reflect a tripartite consensus. Bipartite agreements only strengthen the arguments of those who question our relevance.

Lastly, our work in the Conference require appropriate guidance from the Office. The advice given must be especially cautious when it comes from the Office of Legal Services and concerns matters relating to the interpretation of the Constitution and the Standing Orders. The Employers' group continues to be very concerned about the legal advice offered in respect of the receivability of the resolution on asbestos in the Committee on Safety and Health at Work. The lack of confidence in the advice given by the Office does not help to build a culture of tripartite support. The tripartite constituents must be able to count on the support of the Office, even when it does not work in their favour, but this is only possible when the advice is sound, impartial and accurate.

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Mr. ADYANTHAYA (*Worker, India; Worker Vice-President of the Conference*)

It has been a great pleasure, and an honour for my organization in general, and for myself in particular, to be elected Vice-President of the 95th Session of the International Labour Conference. I would like to express my sincere thanks to the Worker delegates for the trust they placed in me.

This year, the Conference and its technical committees have addressed crucial issues for the world of work. We can all be proud of the results we have achieved. These outcomes confirm the capacity and relevance of the ILO to deal with the huge challenges emerging in the world of work in the twenty-first century.

The Committee on the Application of Standards had a lively discussion concerning the General Survey on the Labour Inspection Convention, 1947 (No. 81), where workers addressed the need for a labour inspection to be carried out on a regular basis

and the necessity to recruit more women labour inspectors. I am also happy to report a novelty. With the support of the social partners, the Office was in a position to send to all Governments, ten days before the Conference, a list of 40 countries from which the final list of individual cases was likely to be selected. Twenty-five cases were discussed by the Committee. Three cases concluded with a special paragraph, which is a highly significant way of expressing the Committee's serious concern. They were Burma for the Forced Labour Convention, 1930 (No. 29), Bangladesh and Belarus for the Freedom of Association and the Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The most striking moment of this year's session was undoubtedly when the Committee members welcomed, with a standing ovation, the tripartite agreement concluded by the Colombian Government and social partners, designed to implement the recommendations of the ILO supervisory bodies and to open a permanent ILO representation in the country. It is now imperative that resources be immediately found to implement this decision in order to respond to the aspirations of the Colombian workers and the trade union movement.

I am extremely pleased at the adoption by the Conference of the Recommendation on the employment relationship, a Recommendation which can be characterized as meaningful, clear, effective and flexible. The instrument was finally adopted after long years of discussions around these issues. Most of the text was adopted by consensus in the Committee.

The Recommendation addresses a key issue in the world of work, as the employment relationship is the foundation on which most labour standards are built. Much of the protection offered by laws, regulations and collective agreements are linked to the existence of an employment relationship. The Recommendation recognizes that there are threats to the employment relationship arising from different sources, such as disguised employment, ambiguous employment and multiple, contractual arrangements, and develops helpful responses to these threats. The Recommendation recognizes the primacy of facts and provides for criteria, indicators and mechanisms for determining the existence of an employment relationship. The instrument also addresses the gender dimension of the employment relationship and the challenges faced by women, as well as the cross-border movement of workers. Furthermore, the instrument recognizes that laws and regulations, and their interpretation, should be compatible with the objectives of decent work. Finally, the Recommendation has laid a solid basis for future work by the ILO, through the guidance it gives to member States and the ILO.

I am equally happy that the work of the Committee on Safety and Health resulted in the adoption of a Convention and Recommendation on a promotional framework for occupational safety and health.

According to the ILO, 2.2 million women and men die every year as a result of occupational accidents and work-related diseases. In other words, more than 5,000 people die every single day in the workplace. Worldwide there are some 270 million occupational accidents annually and 160 million workers suffer from occupational diseases. The proposed instruments aim at giving higher priority

to safety and health and to provide a framework to improve workers' safety and health. The second year's discussion allowed the proposed text to be improved in a number of fundamental issues for the Workers' group. The Convention and Recommendation are now linked to the other ILO relevant occupational safety and health instruments, particularly the Occupational Safety and Health Convention, 1981 (No. 155). The Convention further calls upon member States to consider the steps that could be taken at national level to ratify and implement some key ILO occupational safety and health instruments.

I am also very pleased at the adoption of a resolution concerning asbestos, whose aim is to help prevent the unnecessary asbestos diseases and deaths in the future. This resolution is an important statement by the ILO, reaffirming its longstanding policy on the protection of workers from cancer-causing substances, and is also a critical matter for millions of workers around the globe.

The Committee on Technical Cooperation adopted conclusions that will lead ILO work in the coming years. The conclusions recognize that technical cooperation is at the core of the ILO's work. Technical cooperation is about creating decent jobs and alleviating poverty. The conclusions identify priorities for action and the challenges ahead of us. Decent work country programmes will require the active involvement of social partners and the mobilization of financial and human resources for their operationalization. Tripartism and social dialogue have also been recognized as fundamental pillars in the design, implementation and evaluation of technical cooperation activities and in the realization of the Decent Work Agenda. I am also glad that the conclusions recognize the fundamental importance of freedom of association and the right to organize and acknowledge the need to strengthen trade union capacity to meet the needs of their members and to participate in collective bargaining. In the area of public-private partnership the conclusions clearly state that the Governing Body should establish and monitor the implementation of clear guidelines and criteria for such partnerships.

The discussion on the Global Report, *The end of child labour: Within reach*, allowed for an enriching and constructive dialogue with the Employers' and Government representatives. The campaign for the universal ratification of the two child labour Conventions, the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), is within reach and must continue. These two Conventions are interrelated, and their ratification must be jointly pursued so that all forms of child labour are eliminated. In this regard, I was hoping that, prior to this Conference, my own Indian Government would at least have expressed its willingness to ratify Convention No. 182. I am disappointed that this did not happen and I trust that this year's discussion will be instrumental in convincing my Government to ratify this particular Convention. There is now growing consensus that the scourge of child labour violates not only the fundamental human rights of the most vulnerable people, but hinders the social and economic development of member States. Despite some progress, much remains to be done to eliminate child labour. I am also glad to see that everyone acknowledges the link between the elimination of child labour and the campaign concerning education for all.

The struggle against child labour also requires policy coherence between the ILO, other United Nations agencies, the international financial institutions and the World Trade Organization. The needs of the girl child, such as girls virtually enslaved as domestic servants or girl victims of trafficking, need to be addressed as a matter of priority. Finally, let me invite the International Programme on the Elimination of Child Labour (IPEC) to continue their efforts to increase their cooperation with the social partners.

I also welcome the conclusions on Burma, adopted by the Conference, on further action that could be taken by the ILO in accordance with its Constitution in order to effectively secure Burma's compliance with the recommendations of the Commission of Inquiry and to ensure that no action is taken against complainants or their representatives. We also draw the attention of the Conference to the conclusions, which require the Government to provide further details on the application of the moratorium and its extension to cover prosecutions currently under way and to release any person still in detention – in particular, Aye Myint. The Governing Body, in November 2006, will have to examine the progress made in the implementation of these conclusions.

Let me now conclude by thanking the Director-General and the ILO staff, who worked tirelessly to ensure the success of this Conference. I would like to address a special thanks to Mr. Marshall, Mr. Ian Newton and his staff for the assistance they provided.

I thank you for your attention and wish you a safe trip home to all the delegates, ambassadors, brothers and sisters.

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*Original Arabic: Ms. ABDEL HADY (Government, Egypt; Government Vice-President of the Conference)*

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Allow me, right at the outset, to address my thanks to all the Government delegates for having entrusted me with the position of Government Vice-President. I would particularly thank my fellow Ministers of Labour in Africa, who made it possible for me to occupy this high position by putting me forward, in recognition of their love and respect for my country, Egypt.

I personally have had an enriching experience. From attending the ILO Conference, I have learnt a lot, particularly on labour problems throughout the world and, in particular, those associated with the positive and negative aspects of globalization. I invite you to close ranks behind our Organization and to support the important role it has to take today more than ever to bring about justice, dignity and peace for all people.

In these final moments of the Conference and after several days of discussion and effort, I think we can pride ourselves on having Governments, Employers and Workers contribute to the promotion of the objectives of the Organization in order to secure decent work and social protection for all workers without discrimination. The Committee rooms and the Conference Assembly Hall itself have witnessed divergent views and opinions, freely expressed and loyal to our different Members. We have, therefore, had an exceptional example of tripartite dialogue – tripartite dialogue that the ILO seeks to promote and reinforce at all national, regional and international levels.



I particularly wish to thank Mr. Somavia, who has managed to translate the ideals of this Organization into ideals for the United Nations as a whole.

As part of authentic democratic practices that have transmitted themselves into difficult collective bargaining, we have finally managed to add a new Convention and two Recommendations, and we have thus contributed to enriching international labour legislation so that these new instruments would improve, along with the other international labour standards, living and working conditions for workers whether in the area of occupational safety and health, or in the area of employment relationships.

All these positive results have come to represent a re-examination of the role of the Organization in technical cooperation and the role it ought to undertake together with the United Nations specialized agencies and other international organizations, underlining the role of the social partners together with the governments at international and national levels.

This development comes on the eve of the meeting of the United Nations Economic and Social Council in early July, when tripartite representation will be introduced for the first time. Now that we are reviewing the achievements of this session of ours, I think that we should thank all those who have contributed to the success of this Conference, particularly the Conference secretariat. We would also like to thank the interpreters and the translators for their positive role in facilitating communication between us.

Here I should like to take the opportunity to express the hope that, next year, the *Provisional Records* will be made available in the three working languages (English, French and Spanish) so that we get to know each other better and better communicate, as was the case in the past. I think that financial restrictions should be disregarded in this respect.

I would also like, finally, to express my satisfaction with regard to the increase in the participation of women at this Conference, because the percentage now stands at 24.3 of the total number of delegates and advisers participating and I very much hope that participation of the three parties will continue to increase in the coming years.

Finally, I would like to wish you a safe journey back home. I am not saying goodbye, rather, I would like to express my happiness at working with you again for the good of humanity.

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The SECRETARY-GENERAL OF THE CONFERENCE

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Mr. President, thank you, to begin with, for your very outstanding leadership of this Conference and for the very able manner in which you have done everything with a touch. The Vice-Presidents have referred to that. I just want to confirm that I think that we all feel in this room the importance of the manner in which the Conference was led.

Thank you to the Vice-Presidents. They were all very much a team, and I saw that happening. I again discussed that with them today. Thank you to the Vice-Presidents for the Governments, Employers and Workers, and to the Chairpersons and Vice-Chairpersons of the committees. I visited some of them and had the opportunity of saying how important the work that they had done had been.

I want to thank all the staff of the ILO. This is probably the moment of the year when we concen-

trate most on providing the best services possible. People work until 3 o'clock, 4 o'clock in the morning, so that you can have the documents at the right time.

Let me also remember that we had an important contribution from the spokespersons of the Workers' and Employers' groups to the Governing Body, and from the former Chairperson of the Governing Body, Mr. Tomada, whom I want to thank for the work that he has done. And I welcome the announcement today of the new Chairperson of the Governing Body, the Minister and friend from South Africa, Minister Mdladlana. I am very happy that you are here.

Before making my comments on the Conference, let me mention a very special person who has long made, and continues to make his contribution to the International Labour Organization and to the Governing Body with wisdom and energy. That person is Mr. I.P. Anand. Why am I mentioning him today? Mr. I.P. Anand celebrated his 90th birthday just a couple of days ago. He is still with us with energy, with strength and with force. By the way, he has invited some of us to a party. I said at the time that I had heard once something to do with ageing that said that, as you age, work becomes less fun and fun takes more work. It is certainly not the case with him!

I think that you have made this a very successful Conference. Let me mention some of the issues. We had the President of Liberia, a country that needs all our attention. I am very proud that we have already had a technical mission there, and I want the ILO to be at the forefront of supporting what Liberia needs today. It is definitely a case in which we have to make sure that this tripartite institution and this tripartite constituency come behind the needs that that country has.

We had the President of Costa Rica. He, too, made a very interesting presentation. In the Committee on the Application of Standards, Costa Rica accepted a high-level assistance mission concerning Convention No. 84.

This institution moves; it gets presidents here. But, it also gets things to happen when they are here. It is not just speeches. Things happen. We are helping Liberia. We are also helping Costa Rica address the issue of Convention No. 98.

Let me mention two things: one is the important results in all the Committees, and the other is the awareness throughout the Conference that the ILO's Decent Work Agenda has become a global agenda.

What does that mean for us? Let me take the first point. Regarding the Promotional Framework for Occupational Safety and Health Convention, I do not need to say more than what has been said by the Worker Vice-President. It is very clear and it is a key Convention. As to the Employment Relationship Recommendation, the world was expecting us to give guidance on this issue, and we have done so. Let me make one comment. Some of you may remember last year that when we had the Convention on fisheries to discuss, which was finally voted down, immediately after, the Employers came up to me and said: "Look, we do not want you to interpret this as the end of dialogue. We want to have an instrument here, but we do not feel that we can approve this one." So immediately, it was suggested that the Governing Body put the issue back on the agenda for 2007. Yes, a decision was taken, but dialogue was kept open. Today, we have taken a deci-

sion on employment relationships, and in the same manner the Employers have said: "We want to keep the dialogue open, as the Workers have bent over backwards. This does not mean that this is it. We will continue talking, we will continue discussing and we will eventually attempt a convergence of opinion." We need instruments that take decisions. It does not mean that because you take a decision dialogue has ended. Though interests may diverge, dialogue continues. The Committee on the Application of Standards is continuously reinforcing its legitimacy. Colombia, let me tell you, we are already working on the implementation of the agreement, and, to everyone in Colombia, it only makes sense if it is applied. We have held discussions already with the tripartite constituents of Colombia and with the Government on the initial steps. So the initial steps are already under way.

I think that the review by consensus of the methods of work of the Committee is very important. You have decided to highlight progress, which is very important. But the basic function of the Committee is vigilance, vigilance in the application of labour standards, the reception of reports and the opinions that you give. I think that that is going forward, it is strong, it is important, and of course it is a fundamental part of the ILO's institutionality.

Regarding the other committees, the Finance Committee has received the Auditor's report with an unqualified opinion on the way the institution manages its finance. That is a very important point at a time when we are talking about the reform of the United Nations system.

The Selection Committee had to deal with Myanmar. Many of you participated in the discussion and I do not need to reiterate the importance of the decision taken. It gives a direction, and we have to make sure that the direction is followed. Otherwise, the Governing Body will have to address the consequences. A thank you also to the Credentials Committee.

Let me now take my second point. What does our awareness that the ILO's Decent Work Agenda has become a global agenda mean to us? We saw this very clearly in the Committee on Technical Cooperation. To talk about the technical cooperation of the ILO as an ILO agenda is to talk among ourselves and to see what support we can get from outside. To talk about technical cooperation within the context of the Decent Work Agenda when that has become a global goal, defined by the United Nations to be discussed by ECOSOC at the beginning of July, is a totally different framework. That is why for the first time we have had ministers coming to this meeting and saying that technical cooperation is very important because the ILO agenda has become a global agenda which development cooperation ministers can look at in order to see how they can back it up.

There is a very important communication from the EU Commission to the Council and to the Parliament on the same issue. It identifies not only the agenda as a whole, but our decent work country programmes, too, as a very clear area in which, if a country believes that developing the Decent Work Agenda is important, there cannot be a better way to support that process than to support the DWCPs. It is the global scenario that gives us that possibility, and it is the instrument with which we will link to the global.

The second implication of the ILO agenda having become global, has to do with the Report that I presented to the Conference on the changing patterns in the world of work. If our agenda has become global, the first responsibility we have is to understand what is happening globally to the world of work. I want to thank you very much for your comments on the Report and your very strong support. I understand that as you are telling us and telling the Office; these are the sort of products we want. We need a knowledge-based process which is specific to our mandate, but in the context of what is happening in the world. We cannot be looking at our mandate exclusively in terms of the areas we see. There may be other areas that are impacting on what we are doing. We will certainly continue to ensure that we are seen and respected as the institution which has the knowledge base for the world of work.

A third aspect of this recognition of the Decent Work Agenda as a global agenda is that it opens up space for tripartism. The Government Vice-President just mentioned that some labour ministers are going to attend ECOSOC. This has become normal. Labour ministers were not normally part of ECOSOC. I know that some of you are going to participate, and that some are even thinking of promoting a tripartite presence. For tripartism, this means opening up avenues that were not there before. This of course raises an enormous amount of issues, and I think that the discussions that lie ahead on the future budgets, on the next strategic framework, etc. require us to address these issues. Having an ILO Decent Work Agenda is not the same thing as having the Decent Work Agenda become a global agenda.

Let me end by saying that it is always complex to look at the situation of the occupied Arab territories. I think I reflect everybody's view here by saying that we all have a collective hope that the suffering of the workers in the occupied Arab territories will come to an end soon. I believe that this is a feeling we all have.

Let me say that I have come here to congratulate all of you. I think that this has been a very useful and successful Conference. We have instruments and we have directions; the Office has guidance, and you can be certain that we are fully at your service, at the service of our institution, in order to advance the agenda that you have promoted at this Conference.

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#### The PRESIDENT

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Before closing this Conference, please allow me to say a few personal words. My election as President of this highly important international Conference has been a tremendous honour for my country, the Czech Republic, and for me personally, but it has also been an extraordinary pleasure to work with all of you. This experience has reinforced my view that, even though we have diverse cultures and origins, all of us who represent the world of work are united by the same ultimate goal: to guarantee better lives and futures for the peoples of our nations.

The philosopher – and the first President of my country – Tomáš Masaryk declared in his political memoirs in 1935 that "nations are preserved by the same ideas for which they were created". In other words, we must remain faithful to the ideas upon which our States and institutions are based.

In the case of the ILO, social justice is without doubt the ultimate goal, and social dialogue and fruitful cooperation with governments and social partners are the key instruments to achieving this goal. In almost all the speeches we have had the privilege of listening to during the last three weeks, these two topics have formed a common thread. This shows that the founding ideas of the ILO are not only still very much alive, but also remain well-adapted to facing the challenges posed by the profound changes that have occurred in the world of work so pertinently described by the Director-General in his Report.

When speaking about the world of work, we speak implicitly of peace, since the future will not hold peace if it does not hold decent work. Her Excellency Ms. Ellen Johnson Sirleaf, President of Liberia, stated this clearly when she said that, “for us, employment is synonymous to peace”. And His Excellency Mr. Oscar Arias Sánchez, President of the Republic of Costa Rica, also pointed out in his address that “decent work is at the heart of peace, because peace cannot be the mere absence of destruction, but rather the struggle to create a dignified and worthy life for all human beings”.

In order to transform these ideas into practice, we have to act.

It is the role of the ILO to unite all major players in this endeavour through social dialogue. Thanks to its tripartite structure, unique in the world of international organizations, the ILO represents an excellent platform for bringing this about by promoting decent work and thus promoting peace. We should build on the comparative advantage of the ILO’s tripartite-based solutions to strengthen the role of our Organization within the United Nations family and throughout the world. At the same time, in my opinion, we should also strive to intensify collaboration between the individual components of the United Nations system and focus on the synergies that have the potential to increase the effectiveness of all United Nations action.

Many speakers referred to the need to rethink the role of national governments in the era of globalization. Different outcomes among countries in the area of economic and social development are often very closely linked to differences in governance – the appropriateness of political decisions and the effectiveness of their implementation. Some of you kindly shared with us your fears that globalization would drastically restrict the margin of manoeuvre of national governments. One of the ILO’s main tasks, therefore, is to provide assistance to its constituents in identifying the most appropriate and efficient methods of governance in the area of labour and social affairs.

In order to succeed, the role of national governments in economic and social development, which I have just mentioned, must therefore be accompanied by productive international cooperation. In my opinion, the ILO is very well equipped to assist in this area. Why?

Firstly, it has the powerful instrument of international labour standards. These standards cannot be understood as mere legal instruments to be enforced by the ILO’s supervisory machinery. They represent much more.

These legal instruments embody the will and wisdom of the tripartite partners. Consequently, they serve as invaluable policy guidelines. I am extremely happy that the work of this session of the

Conference has resulted in the adoption of new ILO instruments, all of them dealing with issues of critical importance to today’s world.

Secondly, according to the ILO Constitution, the Office is obliged to “accord to governments at their request all appropriate assistance within its power in connection with the framing of laws and regulations”. Based upon my own country’s experience, I can confirm that the ILO employs highly professional and knowledgeable staff. To me, this is absolutely vital for the invaluable technical assistance provided by this Organization to its constituents in areas such as labour law, social protection and institution building. This is especially needed during periods of transition and far-reaching social and economic changes and reforms.

Equipped with high-quality staff and the appropriate instruments and through close cooperation with all relevant partners, the ILO, in all its activities, must carefully take into account the fact that today’s globalized world needs to find solutions relevant to local contexts. This, of course, in turn, puts further demands on the ILO’s work.

Allow me once again to cite a personal example. As I said in my opening speech, Europe is most certainly a fine example of civilized globalization. However, European solutions to the challenges we currently face do not necessarily fit with the needs of other continents and nations. Moreover, even within Europe, the “one-size-fits-all” approach may not work. Therefore, when we speak of technical assistance, we should always keep in mind that any sensible solution has to be well adapted to the broad variety of local needs and situations.

I would like to take this opportunity of sincerely congratulating the Director-General on the high quality of services that the ILO provides to its constituents in terms of analysis, statistics and comments on draft legislation, and for its invaluable expert advice and technical assistance. I can therefore fully subscribe to the Recommendation proposed by the Committee on Technical Cooperation on the need to continue to enhance the ILO’s knowledge base and its capability to assist member States in putting together the right mix of policies leading to decent work for all, leading to social peace and contributing to a better international environment.

Once again, I would like to say how extremely happy I was to be able to attend and to chair this Conference, which has dealt with so many topical issues in today’s world of work, including the employment relationship, occupational safety and health and, above all, child labour. Our common duty in this respect is to do the maximum to ensure that all the children of the world enjoy the basic right to go to school and develop their talents because unfortunately, as was very aptly described in this year’s Global Report, this is still not the case in many regions.

The past three weeks we have spent together will be among the most pleasant and enriching moments of my professional life.

I have been extremely impressed by the highly professional manner in which the Conference has been run by the Office. I have been surrounded by many human qualities and will certainly take back with me many fond memories of the humour and companionship that one inevitably encounters at important international gatherings such as this one.

I wish to thank my fellow Conference Officers, Her Excellency Ms. Abdel Hady, Mr. de Regil and Mr. Adyanthaya, who have kindly shared the presidential duties with me.

My sincere thanks also go to the Director-General, Mr. Juan Somavia, and his senior management team, especially to Mr. Kari Tapiola, both of whom have always been extremely kind and helpful. Thanks to them, some of the well-kept secrets on how to preside successfully over a complex Conference of this scale have been revealed to me.

I would also like to thank the Chairpersons of all the Conference committees, who have energetically fulfilled their demanding obligations and produced concrete results.

A very special role at the Conference has been played by the Director of the Relations, Meetings and Document Services Department, Mr. Steve Marshall, by Mr. Ian Newton, Clerk of the Conference, and his deputy, Mr. Tom Higgins. It was precisely the qualities of these very kind and gracious gentlemen that served to ensure a smooth-running event and made life much easier for the President.

I am also deeply grateful to the Office for having provided me with the excellent and kind help of Ms. Angela Brown and Mr. Luděk Rychlý, both dedicated ILO officials, whose experience with the ILO's structures and procedures was absolutely invaluable.

I should also like to express my thanks to my colleagues on the Czech delegation and members of staff at the Permanent Mission, who have given me their full support throughout the Conference. I thank

them all for their essential contribution to our work here. Special thanks go to Mr. Jiri Blazek for his dedication and unfaltering support.

Last, but by no means least, my thanks go to all of you who were behind the scenes, but without whom the Conference would look like the construction of the Tower of Babel: interpreters, translators, secretaries, technicians, drivers, and all other members of the ILO secretariat.

Let us applaud and thank all of them for their devotion to our Conference and to the Office.

I would like to wish all of you a safe journey back to your home countries. Let us take with us a feeling of solidarity between the peoples of the world; let us take home a message of friendship and cooperation between nations.

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The SECRETARY-GENERAL OF THE CONFERENCE

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Mr. President, as you know, and our friends here know, it is customary for the Director-General to hand over his gavel to the President of the Conference as a token of his authority and in remembrance of the moments that he shared with us and led us in this successful Conference.

I am honoured to present him with this keepsake in appreciation for the skill that he has shown in conducting our work.

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The PRESIDENT

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With these words of Mr. Somavia, I now declare the 95th Session of the International Labour Conference closed.

*(The Conference adjourned sine die at 1.25 p.m.)*

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