



Report of the Credentials Committee

1. The Credentials Committee, which was appointed in conformity with article 9 of the Rules for Regional Meetings at the first sitting of the meeting, met on 29, 30 and 31 August 2006. Its mandate was to examine the credentials of the delegates and their advisers attending the Meeting, as well as any objections to credentials and any complaints concerning the non-payment of travel and subsistence expenses of delegations. The Committee was composed as follows:

Ms. Linda Lipp (Government delegate, Australia), Chairperson;

Mr. C.K. Hyder (Employers' substitute delegate, Bangladesh);

Ms. Carol Beaumont (Workers' delegate, New Zealand).

2. As shown in the appendix to this report, credentials had been received in respect of the members of the delegations in the form of official instruments, official letters or facsimiles. Scanned copies of such documents sent by electronic mail have been considered as equivalent to facsimiles. The Committee noted that at this time and in accordance with past practice, it did not consider or reflect in its reports the communications sent by electronic mail to the International Labour Office or the secretariat of the Meeting, since these communications did not contain signatures and their authenticity could not be verified.
3. The Committee drew the attention of the Governments to the importance of respecting article 9, paragraph 1, of the abovementioned Rules, according to which credentials must be deposited at least 15 days before the opening of a meeting (i.e. 14 August 2006 for this Meeting). The Committee was concerned that credentials from only just over half (20) of the Members invited were received within that time limit, in spite of a reminder of the deadline that was contained in the July 2006 despatch of the Office containing the *Information note* and *Provisional programme*. Although many Members submitted their credentials between 15 and 21 August, the late filing of credentials meant that 10 per cent of the delegations that had been accredited by the end of the Meeting did not appear on the *First provisional list of delegations* produced by the Office on 21 August 2006. Since this list provides advance information that may serve as the basis for objections to the credentials of delegates or their advisers, the absence of full information before the beginning of the Meeting was a concern to the Committee.

Composition of the Meeting

4. By the time of the adoption of this report, of the 42 member States and two territories invited to attend the Meeting, 38 Members and two territories had sent credentials. The Meeting was composed of 76 Government delegates, 38 Employers' delegates and 39 Workers' delegates, i.e. 153 delegates in all. In addition, 88 Government advisers, 30 Employers' advisers and 39 Workers' advisers were nominated, making a total of 157 advisers. Persons appointed as both substitute delegates and advisers have been

included among the advisers. The total number of accredited delegates and advisers was thus 310.

5. Regarding the delegates and the advisers having registered, there were 74 Government delegates, 36 Employers' delegates and 38 Workers' delegates, for a total of 148 delegates. The total number of advisers was 146, of which 83 were Government advisers, 26 were Employers' advisers, and 37 were Workers' advisers. The appendix to this report contains more detailed information on the number of accredited and registered delegates to the Meeting.
6. All delegations were tripartite except for the following. One delegation (Russian Federation) was incomplete for the purposes of article 12, paragraph 2, of the Rules for Regional Meetings, as it did not comprise the Employers' delegate. One delegation (France) comprised only an Employers' and a Workers' delegate and another (United States) was exclusively governmental.
7. The Committee was disappointed at the low proportion of women in the Meeting. It noted that 16 per cent of the delegates accredited and 32 per cent of the advisers accredited to this Meeting were women; at the last Asian Regional Meeting, the figures were respectively 7 per cent and 20 per cent. The Committee recalls that the original letter of convocation to the Meeting and the reminder letter had appealed for efforts by constituents to meet a target of 30 per cent representation of women in delegations. The Committee noted with particular concern that 14 delegations contained no women delegates or advisers (Afghanistan, Fiji, India, Jordan, Kiribati, Kuwait, Lao People's Democratic Republic, Nepal, Oman, Pakistan, Russian Federation, Saudi Arabia, Sri Lanka and Yemen).
8. One head of State, two prime ministers and 30 ministers or vice-ministers of 28 member States of the region attended the Meeting.
9. Four Members invited to the Meeting were not represented (Iraq, Lebanon, Solomon Islands and Democratic Republic of Timor-Leste), a lower figure than the 11 Members which had not attended the last Asian Regional Meeting. In this connection, the Committee welcomed this increase in participation and hoped that all invited member States would in future be in a position to attend the Regional Meeting.
10. The Committee also noted that, in accordance with article 12, paragraph 1, of the Rules, the delegations of all member States represented at the Meeting enjoyed the right to vote.

Observers

11. Brunei Darussalam was, under article 1, paragraph 5, of the Rules for Regional Meetings, invited by the ILO Governing Body to be represented at the Meeting and appointed an observer delegation.

Representatives of official international organizations

12. Of the official international organizations invited to attend the Meeting, in accordance with the relevant agreements or decisions of the Governing Body, the following were represented:

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- United Nations Economic and Social Commission for Asia and the Pacific;
 - United Nations Economic and Social Commission for Western Asia;
 - Office of the United Nations High Commissioner for Human Rights;
 - International Monetary Fund;
 - Association of Southeast Asian Nations.

Representatives of non-governmental international organizations

13. The non-governmental international organizations that were invited to participate at the Meeting, in conformity with article 1, paragraph 7, of the Rules, and were represented were:

- International Cooperative Alliance;
- International Confederation of Free Trade Unions;
- World Federation of Trade Unions;
- International Organisation of Employers;
- Confederation of Asia-Pacific Employers;
- General Confederation of Trade Unions;
- International Transport Workers' Federation;
- Building and Woodworkers International;
- Brotherhood of Asian Trade Unions.

Objections

14. The Credentials Committee received one objection, concerning the Workers' delegation of the Republic of Korea.

Objection concerning the nomination of the Workers' delegation of the Republic of Korea

15. The Committee had before it an objection lodged by the Korea Confederation of Trade Unions (KCTU) concerning the nomination of the Workers' delegation of the Republic of Korea, which alleged a violation of article 1, paragraph 4, of the Rules for Regional Meetings.

16. In its objection, the KCTU stated that it had transmitted to the Government of the Republic of Korea the list of the "6 advisers who had been agreed to be part of the Workers' delegation" and provided a copy of this list. The *Second provisional list of delegations*, published on 29 August 2006, did not contain the name of one of the delegates who had been on the list which the KCTU had submitted: Mr. Anwar Hossain, President of the

MTU, the Korean migrant workers' trade union. The KCTU asked the Committee to request the Government of the Republic of Korea to include this additional name that the KCTU had designated in the Workers' delegation. In its objection, the KCTU remarked that the "nationality of the nominee or their residence, legal or not, in Korea or elsewhere, is irrelevant for the International Labour Organization".

17. In response to the Committee's request to the Government to provide comments and information relating to the objection, the Director-General of the International Cooperation Bureau provided the Government's position, in writing, on the KCTU's objection. This statement cited the most recent official statistics, from 2004, regarding the membership of the KCTU (668,136 members) and of the Federation of Korea Trade Unions (FKTU) (780,183). In an annex, the Government provided copies of official letters it had sent to the FKTU and the KCTU to request their nominations of delegates and advisers.
18. In the first letter, dated 10 July 2006, the Ministry of Labour had written, with reference to article 9 of the Rules for Regional Meetings, to the two trade union federations and the employers' organization asking them to finalize their lists by 21 July 2006. The letter described the delegation as composed of one delegate each (trade union and employer) and advisers, "keeping in mind the size of the ILO Regional Meeting". It then provided instructions on how to nominate a delegate or adviser, noting that it was possible to nominate an adviser as a substitute representative. Following despatch of this letter, the Government indicated that the Ministry had made a number of verbal requests to expedite the process.
19. The second letter, sent by the Ministry on 22 August 2006, was addressed to the FKTU and the KCTU and recalled that the earlier letter had asked them to make nominations in accordance with article 1, paragraph 4, of the Rules for Regional Meetings. Noting that the deadline for the submission of delegations was long past, the Ministry indicated that, if by 22 August there was no nomination for the union representative based on consultations between the two trade union organizations in accordance with the Rules for Regional Meetings, the most representative Worker leader would be nominated as a representative of Korean labour. The second letter annexed to the information provided to the Committee did not refer to advisers.
20. The Government informed the Committee that the KCTU had submitted the names on 16 August and re-submitted the final version on 28 August 2006 with the list that was attached to the objection, i.e. a list of six names, including Mr. Anwar Hossain. In addition, the Government indicated that the two trade union bodies had agreed that the FKTU would be taking the role of delegate.
21. In its written submission to the Committee, the Government stated:

The government understood that the delegate of workers (in this case the FKTU) should have submitted all the names but the KCTU sent their own names with [which] the government had not agreed. When the Government found Mr. Anwar Hossain in the list received from the KCTU, it regarded this as inappropriate and raised an objection to both trade unions. FKTU, as the delegate of the workers, told the government that they need[ed] time for consultation with the KCTU. However, no decision had been made on the trade union's side until a day before the opening of the meeting.

The Government then submitted a preliminary delegation list without Mr. Hossain's name. According to the Government, "in the meantime, Mr. Hossain declared that he would register as an ICFTU advisor and the government believed that the issue had been resolved that way".

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22. On 29 August 2006, the International Confederation of Free Trade Unions (ICFTU) requested that Mr. Hossain be included in the ICFTU delegation, specifying, however, that should there be an agreement to include his name in the Korean Workers' list, the latter should be given precedence.
 23. The Government stated that it sees participation of Mr. Hossain as a member of the Korean tripartite delegation as improper because he entered the Republic of Korea without a visa on 24 May 1996 and became an illegal alien in September of that year. He was to be deported on 14 May 2005 but was released from a processing centre for illegal aliens because of a need for medical treatment. According to the Government, the condition of this release was that no activity was allowed other than what was necessary in relation to recovery from his illness.
 24. The Committee took note of the information provided by the Government. It recalled that in accordance with article 1, paragraph 4, of the Rules for Regional Meetings, Employers' and Workers' delegates and advisers shall be chosen in agreement with the industrial organizations, if such organizations exist, which are most representative of the employers or workers as the case may be in the State or territory concerned. As the Committee has stressed in the past, this implies that governments must accept the most representative organizations' choice regarding the persons to be nominated as the Employers' and Workers' delegates. Once it is agreed that the Government will also nominate advisers to the delegates in accordance with article 1, paragraph 2(1), of the Rules, this principle equally applies to their nomination: the government must accept the choice of the most representative employers' and workers' organizations regarding the persons to be nominated as advisers. The Committee noted that an impartial and transparent nomination process can facilitate the timely and uncontested submission of credentials.
 25. In view of the membership figures provided by the Government, the Committee had no doubt that the FKTU and KCTU were the most representative workers' organizations in the Republic of Korea. It noted that they had both been asked to designate Workers' advisers and that they had done so. The Government nominated all persons designated as advisers by the KCTU except Mr. Hossain. The question before the Committee was therefore whether the Government was justified to refuse to nominate him on the grounds put forward by the Government, linked to his alleged status as an illegal alien in the Republic of Korea. The Committee stressed that its mandate was limited to the application of the Rules for Regional Meetings and the principles and practice governing credentials in the ILO, and that it was not within the scope of its mandate to comment on the application of the immigration laws of the Republic of Korea. In coming to its conclusions, it took into account recent developments in the ILO and the United Nations in relation to the human rights of migrants, and in particular their rights in relation to freedom of association, as well as the sovereignty of all member States in determining their own migration policy. The Committee observed that Mr. Hossain had been designated as Workers' adviser by the KCTU and that, according to the information provided by the KCTU, which was not disputed by the Government, he was President of the MTU, the Korean migrant workers' trade union. While understanding the Government's reluctance to nominate a person on the Workers' delegation of its country whom it considers to be an illegal migrant, the Committee stressed that the acceptance by governments of the designations made by the most representative employers' and workers' organizations is a consequence of the tripartite nature of delegations to ILO Regional Meetings and, in fact, an essential condition for the functioning of the tripartite Organization. The Committee therefore concluded that the Government should not have excluded Mr. Hossain as an adviser and hoped that the Government would in the future fully respect its obligations under article 1, paragraph 4, of the Rules for Regional Meetings.

Communication

26. The Committee received a communication from the ICFTU noting that several Workers' delegates appeared in the *Second provisional list of delegations* published on 29 August 2006 without specific information about the organization they represent, thus making it difficult to assess whether they were members of the most representative workers' organization in the country, as required by article 1, paragraph 4, of the Rules for Regional Meetings. The ICFTU asked the Credentials Committee to urgently request the Governments that had submitted insufficient information to complete it before the end of the Meeting.
27. The Committee recalled the report of the Credentials Committee to the Thirteenth Asian Regional Meeting (Bangkok, 28-31 August 2001) which had already noted that:

... a certain number of Governments had not indicated on the Form for Credentials of Delegations the capacity in which delegates and advisers were participating in the delegation, especially in the case of Employers' and Workers' delegations. This information being indispensable in order for the Committee to fulfil its mandate, it urged Governments to clearly specify in future, for all Employers' and Workers' delegates and advisers, the organization which they represented and their function within that organization.

Similar statements could also be found in the reports of Credentials Committees of the International Labour Conference. The Committee recommended that the Office should review the form for credentials of delegations to ensure that it is clear that such information is mandatory.

28. On behalf of the Committee, the Chairperson wrote to four Government delegations to request that their governments provide the missing information in time to be reflected in the *Final list of delegations* published on the morning of the last day of the Meeting. Of these, Hong Kong Special Administrative Region, China, provided the information requested.

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29. The Credentials Committee adopted this report unanimously. It recommended that the Meeting request the Office to annex it to the report of the Meeting and to bring it to the attention of the Governing Body of the ILO, in conformity with article 9, paragraph 5, of the Rules for Regional Meetings.

Busan, 31 August 2006.

(Signed) Ms. Lipp,
Chairperson.

Mr. Hyder.

Ms. Beaumont.

Appendix

Accredited delegates and advisers *

(updated as of 5 p.m. on 31.08.2006)

	Government delegates	Government advisers	Employers' delegates	Employers' advisers	Workers' delegates	Workers' advisers
Afghanistan	2	-	1	-	1	-
Australia	2	-	1	1	1	5
Bahrain	2	2	1	-	1	-
Bangladesh	2	-	1	3	1	1
Cambodia	2	-	1	-	1	-
China	2	6	1	2	1	2
Hong Kong Special Administrative Region, China	2	2	1	1	1	1
Macau Special Administrative Region, China	2	-	1	-	1	-
Fiji	2	-	1	-	1	-
France	-	-	1	-	1	-
India	2	1	1	-	1	-
Indonesia	2	8	1	7	1	-
Iran, Islamic Republic of	2	1	1	-	1	-
Iraq	-	-	-	-	-	-
Japan	2	7	1	1	1	5
Jordan	2	-	1	-	1	-
Kiribati	2	-	1	-	1	-
Korea, Republic of	2	21	1	9	1	10
Kuwait	2	2	1	1	1	1
Lao People's Democratic Republic	2	-	1	-	1	-
Lebanon	-	-	-	-	-	-
Malaysia	2	3	1	1	1	-
Mongolia	2	1	1	-	1	2
Nepal	2	-	1	-	1	3
New Zealand	2	-	1	-	1	-
Oman	2	2	1	-	1	-
Pakistan	2	2	1	-	1	-
Papua New Guinea	2	1	1	-	1	-
Philippines	2	2	1	-	1	1
Qatar	2	6	1	-	1	-
Russian Federation	1	-	-	-	1	-
Samoa	2	-	1	-	1	-

	Government delegates	Government advisers	Employers' delegates	Employers' advisers	Workers' delegates	Workers' advisers
Saudi Arabia	2	-	1	-	1	-
Singapore	2	3	1	-	1	6
Solomon Islands	-	-	-	-	-	-
Sri Lanka	2	-	1	-	1	-
Syrian Arab Republic	2	1	1	1	1	1
Thailand	2	8	1	1	1	-
Timor-Leste, Democratic Republic of	-	-	-	-	-	-
United Arab Emirates	2	7	1	1	1	-
United States	2	-	-	-	-	-
Vanuatu	2	-	1	-	1	-
Viet Nam	2	2	1	1	1	1
Yemen	1	-	1	-	1	-
Total	76	88	38	30	39	39

* Delegates and advisers for whom credentials were submitted.

Registered delegates and advisers *
(updated as of 5 p.m. on 31.08.2006)

	Government delegates	Government advisers	Employers' delegates	Employers' advisers	Workers' delegates	Workers' advisers
Afghanistan	2	–	1	–	1	–
Australia	2	–	1	–	1	4
Bahrain	2	2	1	–	1	–
Bangladesh	2	–	1	3	1	1
Cambodia	2	–	1	–	1	–
China	2	5	1	2	1	2
Hong Kong Special Administrative Region, China	2	2	1	1	1	1
Macau Special Administrative Region, China	2	–	1	–	1	–
Fiji	2	–	1	–	1	–
France	–	–	1	–	1	–
India	2	1	1	–	1	–
Indonesia	2	8	1	7	1	–
Iran, Islamic Republic of	2	–	1	–	1	–
Iraq	–	–	–	–	–	–
Japan	2	7	1	1	1	5
Jordan	2	–	1	–	1	–
Kiribati	2	–	1	–	1	–
Korea, Republic of	2	21	1	8	1	10
Kuwait	2	2	1	1	1	1
Lao People's Democratic Republic	2	–	1	–	1	–
Lebanon	–	–	–	–	–	–
Malaysia	2	3	1	1	1	–
Mongolia	2	1	1	–	1	2
Nepal	2	–	1	–	1	2
New Zealand	2	–	1	–	1	–
Oman	2	2	1	–	1	–
Pakistan	2	2	1	–	1	–
Papua New Guinea	2	1	1	–	1	–
Philippines	2	2	1	–	1	1
Qatar	2	6	1	–	1	–
Russian Federation	1	–	–	–	–	–
Samoa	2	–	1	–	1	–
Saudi Arabia	2	–	1	–	1	–
Singapore	2	3	1	–	1	6
Solomon Islands	–	–	–	–	–	–

	Government delegates	Government advisers	Employers' delegates	Employers' advisers	Workers' delegates	Workers' advisers
Sri Lanka	2	-	1	-	1	-
Syrian Arab Republic	1	-	1	1	1	1
Thailand	2	8	1	-	1	-
Timor-Leste, Democratic Republic of	-	-	-	-	-	-
United Arab Emirates	2	5	-	1	1	-
United States	2	-	-	-	-	-
Vanuatu	2	-	1	-	1	-
Viet Nam	2	2	1	-	1	1
Yemen	-	-	-	-	1	-
Total	74	83	36	26	38	37

* Accredited delegates and advisers who were registered as attending the Meeting.