EIGHTH ITEM ON THE AGENDA

Reports of the Committee on Legal Issues and International Labour Standards

Second report:

International labour standards and human rights

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I. Report of the Working Party on Policy regarding the Revision of Standards

Examination of the needs for revision of Conventions (third stage)

1. In presenting the results of the Working Party, the representative of the Government of France and Chairman of the Working Party congratulated the Committee for the excellent and constructive climate in which it had carried out its work. He recalled that, due to lack of time, only the document on the Conventions in need of revision had been dealt with by the Working Party and that the examination of the document concerning follow-up measures had been deferred until the November meeting. He emphasized the excellent work carried out by the Office and recalled that the same analytical approach had been used. The objective was to modernize the ILO standard-setting machinery by encouraging the ratification of recent Conventions and proposing the revision of those in need of revision or to shelve other Conventions which were out of date or obsolete. During the present meeting of the Working Party, recommendations had been adopted by consensus for 33 Conventions out of the 35 examined. The examination of two Conventions (Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63) and the Rural Workers' Organizations Convention, 1975 (No. 141)) had been deferred until the November meeting. Proposals for revision had been adopted for two Conventions (Conventions Nos. 6 and 90 respecting night work of young persons).

2. The speaker wished to draw attention to the two annexes of the document on follow-up measures. He proposed that an updated version of Annex I, which was a useful information note on the Conventions examined by the Working Party, should be distributed to members of the Conference Committee on the Application of Standards at its next meeting. As regards the ratifications and denunciations registered since the beginning of the work by the Working Party, presented in Annex II, he emphasized that they contributed to the modernization of the ILO standard-setting machinery, which bore witness to the broad influence of the work of the Working Party. Given the scope of the task which remained to be carried out, he proposed that the Working Party should be allocated an extra half day of time at the November meeting.

3. The Employer members emphasized the importance of the work carried out by the Working Party, which furthermore, was reflected in the statement by its Chairman. It was a delicate task which involved the future of the ILO. The Working Party's report reproduced the points on which consensus had been reached, as well as those on which there was disagreement. The Employer members pointed out that it was a question of ensuring that the Organization could develop the full potential of its standard-setting machinery, which should contain standards likely to be ratified and applied. They insisted on the fact
that steps should be taken to prevent the ILO from becoming a cemetery of standards and that much remained to be done in this respect. The Employer members stated that despite the recommendations of the Working Party, ratifications of old Conventions were still being registered, which was a waste of energy for the supervisory machinery.

4. The Employer members regretted that the Working Party had not had the necessary time to examine the document on the follow-up on the recommendations of the Working Party. A discussion would have allowed a practical framework for the revision work to be established and showed that the ILO standard-setting machinery must not be static. The ILO standard-setting activities should be undertaken within a specific framework and in particular standards which were out of date and which posed serious problems of application should be shelved. Difficulties of application might also appear in the case of Conventions recently adopted by the Conference and their ratification should be encouraged only in as far as it was sure that they could be applied. The international community saw the ILO as an Organization which maintained standards for symbolic rather than practical reasons. The Working Party should continue its work with a view to ensuring that the standards examined were applicable and not maintained merely for accounting purposes.

5. The Worker members said that the results obtained to date were very positive and that the documents prepared by the Office had considerably facilitated the work. When there was a demonstrated need for promoting the ratification of certain Conventions or revising other Conventions, account should be taken of this and the corresponding measures proposed. The Worker members emphasized that they had thus suggested, in the case of a few Conventions, to proceed immediately to their revision. It was at the request of the Employer members, supported by the Governments, that the Working Party had decided to postpone the recommendation for revision to a later date so that account could be taken of information obtained from the constituents. They recalled that the recommendations of the Working Party had been adopted on the basis of consensus.

6. The Worker members insisted that the document on the follow-up measures should be examined on a priority basis at the November meeting. The fact that the document had not been discussed by the Working Party should not imply that action should not be taken pending its examination in November. When the process for the revision of standards had been initiated, the Worker members had insisted on the importance given to the follow-up measures. On taking up the examination of 25 other Conventions, they would like follow-up action to be already under way, in particular as regards the promotion of ratifications. The Worker members supported the proposal of the Chairman of the Working Party for the granting of an extra half day's work during the November meeting. They requested that the recommendations appearing in paragraph 53 of the English version of the report of the Working Party should be amended and that the expression "in due course" should be used instead of "at the appropriate time".

7. The representative of the Government of Germany noted that the document presented by the Office was very useful and that the recommendations adopted by the Working Party, showing that the Organization was alive and well, were a decisive step for the future. The speaker raised two questions. Firstly, it could be seen that in the case of 22 Conventions, member States were invited to examine the
possibility of ratifying the Convention. For only 16 of these Conventions, this invitation to ratify was accompanied by requests for information on obstacles and difficulties encountered. Did this mean that the six Conventions for which this information was not requested (Conventions Nos. 14, 106, 120, 142, 150 and 159) were less important than the others? Secondly, as regards follow-up, was it envisaged to address these requests for information to the constituents in a grouped manner and within what time period would they have to furnish the requested information to the Office? The representative of the Government of Finland said that he shared these concerns. The follow-up measures could place a heavy burden on governments and an attempt should be made to simplify the task for them.

8. The representative of the Government of the United States expressed her support for the proposal to grant an additional half day for the Working Party, given the amount of work that remained to be done. She regretted that the Working Party had not had the time to examine the document on follow-up measures. These follow-up measures were necessary to complete the examination of the Conventions and they should be applied in due course. She supported the proposal for the examination of this document on a priority basis at the November meeting.

9. The representative of the Government of Côte d'Ivoire, speaking on behalf of the African group, made a statement concerning a phrase appearing in paragraph 2 of the report of the Working Party, that Conventions were often ratified in order to benefit from technical cooperation. She recalled that the States of Africa began to ratify ILO Conventions, and in particular the fundamental Conventions, even before the idea of initiating technical cooperation had been raised. The States of Africa had ratified Conventions with a view to promoting the respect of international labour standards. Technical assistance was requested in order to be able to ratify and apply these Conventions.

10. The representative of the Government of Mauritius noted certain differences in the recommendations concerning Conventions Nos. 52 and 132 (paragraphs 75 and 76). He proposed that the content of the two recommendations, both of which either in part or in full concerned Convention No. 132, should be grouped together.

11. The representative of the Director-General, in replying to the questions raised by the representative of the Government of Germany, pointed out that the six Conventions for which no request for information was proposed had been considered by the Working Party as having already been well ratified. No particular obstacle to their ratification had been highlighted. This was the case, for example, with the Weekly Rest (Industry) Convention, 1921 (No. 14) and the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159). As regards the time period for requests for information, the process involved did not involve any weighty procedures. It would be a question of fixing reasonable time periods and staggering the requests for information over time.

12. In reply to the observation by the representative of the Government of Mauritius, the representative of the Director-General pointed out that the Working Party had so far carried out an examination of the Conventions on a case-by-case basis and that it had adopted individual decisions and that it would be advisable to continue to proceed in this way.
13. The Employer members, in connection with the statement made by the representative of the Government of the Côte d'Ivoire, pointed out that they had wanted to draw the attention to the shelving decisions, in order not to have to recommend to a State which had just ratified an obsolete Convention to denounce it in order to ratify the corresponding recent Convention. They shared the concern expressed that technical cooperation should be channelled to countries which had ratified Conventions.

14. The Employer members believed that it was indispensable for the Working Party to have an additional half day of time at its next meeting.

15. The Worker members insisted on the need to formulate requests for information in a positive manner. These requests were not addressed to member States only for the purposes of a possible revision of Conventions but also with a view to identifying obstacles to ratification and the means of overcoming them, in particular through recourse to technical cooperation.

16. The Chairman of the Committee congratulated the Chairman of the Working Party and the two vice-chairmen of the non-governmental groups for the work carried out and their personal contribution which had enabled the Working Party to meet in a constructive spirit, to carry out serious work and to reach consensus. He supported the request, made by several participants, for the Working Party to have an extra half day available to it in November.

17. The Committee recommends the Governing Body to:
(a) take note of the part of the report of the Working Party on Policy regarding the Revision of Standards concerning the examination of the Conventions in need of revision (third stage), carried out on the basis of a document presented by the Office as well as the views expressed during the meeting of the Committee;
(b) to adopt the proposals contained in the corresponding paragraphs of the report and which had been approved by consensus within the Working Party and the Committee;
(c) to request the preparation by the Office, for the next meeting of the Working Party:

- a document containing updated information on the follow-up measures on the recommendations of the Working Party; and
- another document continuing the examination of Conventions in need of revision (fourth stage).

II. Standard-setting policy:
The strengthening of ILO supervisory procedures

18. The Committee had before it a paper prepared by the Office.

19. The Employer members stated that the question under examination was extremely delicate and
important. They welcomed the recognition of the role of the ILO acknowledged recently at the Singapore Ministerial Meeting of the World Trade Organization. The Office paper noted that the question of the strengthening of supervisory procedures had already been discussed three times in recent years, in the Governing Body and then in the present Committee. The Office had been requested to shed light on the various proposals and alternatives already put forward or which could be introduced. It was also asked to supply information on the legal framework for this. The excellent document before the Committee gave an inventory of standard-setting procedures, as well as a clear description of the legal position. The paper's realism and modesty, shown in paragraph 27, highlighted the fact that the proposals were not exhaustive and could be implemented in a complementary way. It clarified some of the Employers' doubts and was a solid basis on which to make progress. The Committee had to reach a reasonable level of consensus, first, so as to uphold the credibility of the standard-setting system, and secondly because of the importance of the fundamental principles to the whole of the ILO. Paragraph 5 mentioned the significant progress achieved in ratification of the seven fundamental Conventions; the situation was still not perfect but there had been very positive developments since the Committee had begun discussing the subject. Paragraph 6 described the decision to increase the frequency of reporting under article 19 of the Constitution on the fundamental human rights Conventions, and the Employer members believed that such reporting was already eliciting a reaction, and in some cases concern, which was perhaps a good thing. They stressed the importance of technical assistance, described in paragraph 9, which required additional efforts. As regards the proposal by the United States outlined in paragraph 25, it should be considered carefully because if a study could identify whether difficulties existed in a country, this could be a way of ensuring full compliance with core labour principles. Regarding paragraphs 10 to 26, the Employer members stressed that the principles under discussion were those contained in the fundamental Conventions. Recognition of this needed to be clear and specific if it was to be the basis of any further proposals or new procedures. On the question of the possible adoption by the International Labour Conference of a declaration or resolution concerning the strengthening of supervisory procedures (analogous to the Declaration on Action against Apartheid), they considered that such a framework would reflect the wide range of debate on this subject. It was obvious that three factors entered into play in the discussion: the need for clear analysis; clarity as concerned the legal basis; and political consensus for decisions to be taken. The Employer members would participate actively in discussion of the current document.

20. Mr. Noakes (Employer member) expressed appreciation of the document's clear and logical explanation of complex issues. He recalled that, at the last session of the Governing Body, the Employer members in both the Committee on Legal Issues and International Labour Standards and the Working Party on the Social Dimensions of the Liberalization of International Trade had put forward a number of proposals, which were accurately outlined in paragraphs 14 and 20 of the current document. These included a Conference declaration or resolution aimed at enunciating the essential elements or principles of the core Conventions, as an elaboration or clarification of the Constitution, to provide a basis for follow-up action, representing a commitment by the Organization's constituents to the core values of the ILO. The second element, put forward in a spirit of open-mindedness, would be follow-up action using elements of the existing supervisory machinery. The latter could comprise reporting, observations and representations from employers' and workers' organizations and governments; and examination by the Conference Committee on the Application of Standards. This would in no way change the current
procedures of the Committee on Freedom of Association or expand them into other areas. The Employer members would now add to those proposals support for reporting as outlined in paragraph 23. They would also add, with regard to possible representations, the need for a filtering process or some form of preliminary examination of them, for example, by the Officers of the Governing Body. This would involve not only technical questions of receivability, but also an assessment of the gravity of the representation, such as failure to pursue a national policy on a particular core principle. The Employers’ proposals did not amount to a complaints procedure, did not involve creating any new bodies and would involve no constitutional amendments. Nor would the proposals affect the obligations of member States which had ratified the fundamental Conventions, to which the existing procedures would continue to apply. He repeated that their proposals did not exclude taking other measures, such as the continuation of efforts to promote ratification of core Conventions, enhanced technical assistance, country examinations and specific action like that currently under way to eliminate exploitative child labour. Many questions of detail remained to be addressed, and other options might arise requiring examination. The current proposals, however, constituted a sound basis for progress in the current discussions and in other forums. It was not desirable to attempt to take firm decisions at this time, but the Committee had to be seen to be making progress. The Office would have to explore further options and the questions of detail, taking into account today’s discussions and those on the report that the Director-General would submit to the next session of the International Labour Conference. The general aim would be for firm decisions to be taken at the November 1997 Session of the Governing Body. He stressed again the importance of the ILO being able to show that it was capable of responding to the challenge in relation to the core principles and in the area of standards in general, that it was not locked into existing procedures and could modify them when necessary.

21. The Worker members recalled that this question was of capital importance for the ILO. In their opinion, the debate since 1994 supported the need to reinforce the supervisory system. At the Committee’s previous meeting the Director-General had drawn attention to the responsibilities facing the Committee but, despite this and the climate of growing awareness and consensus noted in paragraph 1 of the current document, the Committee on Legal Issues and International Labour Standards had not been able to meet this challenge to date. It was therefore important that progress be made for the credibility both of the ILO and of the governments which had recognized the ILO’s role at the recent Singapore Ministerial Meeting of the World Trade Organization. The Worker members welcomed the excellent Office paper, which gave a brief but specific résumé of the views expressed so far and of the legal and political considerations. It addressed situations where there was ratification of the core Conventions and application of the principles contained in them in the absence of ratification. As reflected in the document before the previous session of the Committee, the Workers’ members were convinced that the Constitution provided the basis for a new system of supervision irrespective of ratification of the fundamental rights Conventions. A declaration on fundamental principles was not legally necessary, but if the Committee was in favour of this option, they could envisage it in accordance with the statements in paragraph 16, namely, that it would simply enunciate or clarify the content of the principles which, although not expressly stated in the Constitution, were considered by member States to be inherent in membership of the ILO. As in the case of the Declaration on Action against Apartheid, such a declaration would not have constitutional status. That option should be examined at the same time as discussion on the adoption of new machinery, as they should go together. Without such a mechanism,
the Declaration would not make any sense. Paragraph 18, on the Committee on Freedom of Association, recalled that the Conventions themselves were not the legal basis of that procedure, but were used as a point of reference. This was important and new arrangements to strengthen the supervisory system should follow that precedent. New machinery could also involve the examination of representations by the Committee of Experts on the Application of Conventions and Recommendations. The Worker members understood why paragraph 27 stressed that all the proposals were complementary and could be combined, but pointed out that any strengthening of the supervisory procedures should aim at producing concrete and significant results. Finally, they requested clarification on the last sentence in paragraph 9 of the Appendix.

22. The representative of the Government of Canada, speaking on behalf of the Governments of Industrialized Market Economy Countries (IMEC), commended the Office for the excellent paper, which provided useful background for the important discussion. The issues raised required serious reflection, and IMEC Governments intended to contribute constructively to this ongoing work. They affirmed that the ILO should promote universal adherence to a flexible and meaningful set of international labour standards through a combination of improved and enhanced standard setting, implementation and supervisory procedures, and other important ILO means of action, in particular technical cooperation. As noted in the Office paper, it was important to recall the background to the debate, which included follow-up on the Director-General's Report to the 1994 Session of the International Labour Conference, reinforced by the mandate given to the ILO at the World Summit on Social Development and, more recently, the affirmation by ministers at the World Trade Organization Ministerial Meeting in Singapore that the ILO was the competent body to deal with core labour standards. This context had created a climate of awareness, and expectation that the ILO would make significant progress in adjusting its means of action to fulfil its mandate in the new global economy. The Office paper outlined a number of ideas, which individually or in combination were worthy of further elaboration and consideration. IMEC believed that all ILO constituents must first agree to the broader policy framework for developing specific options. Work on that broader policy framework was beginning at the present session of the Governing Body. The discussion of the Director-General's Report to the Conference in June 1997 on normative activities would also be a step forward for the development of that framework. The issue was to seek the most effective means of promoting greater adherence to core labour Conventions and the fundamental constitutional principles of the ILO. One of the key measures in this regard was to promote increased ratification of those Conventions, together with increased compliance with their principles. In doing so, it was necessary to understand better the reasons why countries found it difficult or impossible to ratify them. Such an analysis may point to mobilizing other ILO means of action, which could include extending or enhancing supervisory or procedural measures to non-ratifying States. Technical cooperation may also need to be more closely linked to removing obstacles to the ratification and implementation of standards. IMEC Governments were ready to listen to all proposals arising from the discussions, taking into account all the suggestions that came from the Office paper as well as the debate in the LILS Committee and other parts of the Governing Body. IMEC proposed that, after the debate on the Director-General's Report in June 1997, the Office prepare a document for discussion at the November session of the Governing Body. The document should: (1) analyse the discussions at the present session of the Governing Body and at the June 1997 Conference; (2) provide further clarification on the issues; and (3) outline options, time-frames and
23. The representative of the Islamic Republic of Iran, speaking on behalf of the Asia and Pacific Government members, reiterated their firm commitment to the principles and objectives set out in the Constitution of the ILO and the Declaration of Philadelphia. They recalled that the international community has repeatedly expressed its categoric rejection of any attempt to establish any conditionality or linkage between international trade and international labour standards. International labour standards could and should be promoted through the means available to the ILO, as foreseen in the Constitution. They supported the work of the ILO in identifying those Conventions in need of revision or abrogation. They also supported the Director-General's efforts to promote the ratification of international labour standards through dialogue with constituents. Emphasizing the role of technical cooperation in the promotion of international labour standards, they considered that it could be used, to a much greater extent than at present, to address the problems of non-ratification or the problems of application. They recalled that a set of proposals on the expansion of the ILO's supervisory mechanisms had been discussed, but not adopted, at previous sessions of the Governing Body. Government members from the Asia and Pacific region had objections to such proposals that were not in conformity with the Constitution of the ILO and therefore with international law. They had been initiated in the period leading up to the Ministerial Meeting of the World Trade Organization and were aimed at the introduction of a trade linkage. Such proposals did not address the real problems of ratification and application of the standards, and contradicted the promotional role of the ILO; they could even hinder further ratifications. Most importantly, strengthening of the procedure required an attempt to identify and discuss its weaknesses. They therefore proposed discussing improvements to the existing supervisory machinery so as to ensure a due role for the governments in a tripartite context. Such a discussion could also examine whether the existing treatment of representations was in line with the Constitution. The question of jurisdiction and terms of reference also needed to be addressed. Transparency, objectivity and criteria for access to the supervisory machinery should also be evaluated.

24. The representative of the Government of Mexico, speaking also on behalf of the Governments of Brazil, Colombia, Costa Rica, Panama and Peru, supported several points made by the two previous speakers. These Governments believed that it was appropriate for debate on this item to commence with an evaluation of the existing procedures in order to make them better adapted to current conditions. It would be better to improve what already existed and to avoid the problems of the past. There had to be guarantees of objectivity, impartiality and transparency. They expressed their firm support for the ILO Constitution and the Declaration of Philadelphia. They also supported ratification and better application of the core Conventions, as well as the steps currently being taken to revise other Conventions and abrogate those that were no longer relevant. They were in favour of a detailed study of those possibilities which to date had not been utilized, including article 19(5)(e) concerning unratified Conventions. Technical cooperation played a primordial role in the promotion of labour rights, and the approach here should be to combat poverty, promote employment and eliminate social marginalization, as these problems were obstacles to the ratification and application of Conventions. The June 1997 Report of the Director-General would present a fresh occasion to review the subject, and they hoped that it would look at the implications of each proposal being studied during the present session of the Governing Body. They looked forward to the Director-General's Report with great interest, since any guidelines arising.
from it would be valuable for this Committee's future work. They reiterated their commitment to constructive discussion on the various proposals, and on any new points that might arise in the current discussion.

25. The representative of the Government of Germany stated that the document contained a profound analysis of the current factual and legal situation. It showed, in particular, the ways to safeguard fundamental workers' rights, even when the Conventions had not been ratified. States had been encouraged to ratify the fundamental human rights Conventions, and progress had been achieved in this field, but this was not enough to fulfil the role assigned to the ILO by the Social Summit in Copenhagen, nor to prove to the World Trade Organization that the ILO was the organization of the UN family which had the responsibility to protect minimum social rights, even in countries which tried to circumvent them for dubious economic reasons. They supported the IMEC statement, but it was not very action-oriented and could be interpreted to mean that it could be years before action was taken. There was no time to lose, and the mandate given the ILO must not be eroded. He noted the constructive way in which the workers' and employers' members were working to strengthen the supervisory machinery, and hoped that progress would soon be achieved if governments were able to act in a constructive way as well. Speaking also on behalf of the Governments of Belgium and the Netherlands, he emphatically supported the proposal described in the Office paper as it applied to those countries that had not ratified the core Conventions, but which were obligated to apply the principles of the ILO Constitution and the Declaration of Philadelphia as Members of the ILO. He urged the Committee to start concrete discussions as soon as possible in order to be in a position to approve a Declaration at the 1998 Session of the Conference.

26. The representative of the Government of Brazil fully supported the statement by the representative of the Government of Mexico. The meeting provided a timely occasion to continue the discussion. The Brazilian Government's policy was to be open to a dialogue on the strengthening of the ILO's supervisory machinery and to engage in a constructive relationship with the social partners and the ILO to search for better implementation of the fundamental ILO standards. He emphasized the importance the Government of Brazil attached to the observance of fundamental human rights, including the international labour standards it had ratified. The Constitution and laws provide wide protection for workers' rights. Although Brazil had not ratified two of the core Conventions (Nos. 87 and 138), it had improved the national legislation to meet their standards. He welcomed the initiatives to promote the ratification of the seven fundamental ILO Conventions and to help member States to overcome obstacles to ratification. He was aware of the importance of strengthening of the ILO's supervisory procedures and was open to discussion of a Declaration on fundamental principles without amending ILO's Constitution. This Declaration should embody the essence of the core labour Conventions and provide guidelines for more effective action within the supervisory system. Adequate understanding of the legal implications of the establishment of any new supervisory mechanism or procedure was necessary. Careful attention had to be paid to how to do this without eroding the important distinction between ratifying and non-ratifying States. His Government was more favourable to initiatives conducive to a review of the situation of countries that had not yet ratified the core Conventions, with the full participation of ILO constituents involving consideration of reports from member States and observations from employers' and workers' organizations. This mechanism should rely on the existing supervisory machinery and
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should not be based on complaints. In this process technical cooperation should be stressed as the most constructive and effective way of promoting international labour standards. He would support measures that might bring about concrete ways of helping countries to overcome their difficulties in the application of the core labour Conventions.

27. The representative of the Government of Italy supported the views expressed by the delegate of the Government of Canada on behalf of the IMEC countries. He congratulated the Office for the quality of the document and the broad range of options it presented. The suggestions in paragraphs 14 to 16 on the adoption of a Declaration on core labour standards had attracted his Government's attention. This would be a strong signal and would form a clear point of reference for further action. It would contain reference to the action of the Director-General in encouraging countries to ratify the seven fundamental Conventions, which had been identified as embodying the core principles in the Constitution and in the Declaration of Philadelphia. The implementation of these principles by member States should be encouraged in a Declaration. It should make special mention of child labour, in the light of the expected adoption of a new Convention on this subject in 1998. As concerned concrete measures to strengthen the existing supervisory system, the Governing Body must examine these questions in depth after the discussion of the Director-General's Report in June. The existing supervisory mechanism was substantially adequate as concerned ratified Conventions. For the non-ratifying countries, the Committee on Freedom of Association dealt with two of these standards, and its work did not require further consideration. The simplest solution for the other three core principles would be the creation of another committee similar to the Committee on Freedom of Association, but he could not go that far at this stage. Some additional measures might be based on article 19 of the Constitution, as proposed in the document.

28. The representative of the Government of the United States thanked the Office for the excellent document, particularly for the summary of existing procedures that her Government had requested. She was encouraged by what appeared to be a broad consensus to move forward. The United States Government supported the IMEC statement and looked forward to a further Office paper in November 1997 containing an analysis of the current discussions and those at the next session of the Conference with a view to laying out specific options. This paper should include time-frames for the implementation of proposals, as well as their financial and organizational implications. On a number of occasions, the United States Government had highlighted the need for the ILO to take full advantage of this unique window of opportunity and the climate of expectation around the world. It was therefore essential to move ahead with all deliberate speed, with the full understanding that the ILO was setting a course that would have a significant long-term impact on the Organization and on all of its constituents.

29. The representative of the Government of Egypt paid tribute to the Office paper. Her Government appreciated the value of international labour standards in fighting for human rights, in particular concerning child labour and forced labour. The ILO had to improve its ability to help countries apply the fundamental human rights Conventions, taking into account different stages of development and national circumstances. The Social Summit had confirmed the ILO's role in protecting social rights, and the WTO Ministerial Meeting in Singapore had rejected the use of international labour standards for protectionist purposes. Her Government supported ILO measures to develop the supervisory machinery
under the Constitution, as well as the ratification campaign and the programme of revision of standards. Some developing countries had difficulty in ratifying core Conventions, and the Office should concentrate increasingly on helping those countries in ratifying and applying those Conventions. The Committee of Experts and the MDTs should devote more attention to the difficulties faced by governments in the application of those Conventions. Non-ratification of the core Conventions was not necessarily the result of a lack of political will, and it was necessary to understand the practical obstacles which prevented ratification. Technical cooperation was important to help governments fulfil their obligations and to promote ratification of the core Conventions, and to help countries to prepare or revise their national legislation in the light of these Conventions. The MDTs were important in the field, and more experts were needed on international labour standards in them. Some positive results had been achieved through seminars and workshops on labour standards, and she hoped this would continue. Technical cooperation should not be made conditional on compliance with the principles and objectives of the ILO. The supervisory machinery should be supported in its present form. She also advocated a campaign of information and communication to promote the standards and principles of the Organization, which required that sufficient resources be allocated for this purpose. Her Government did not support proposals for measures to promote fundamental rights which were not based on the Constitution. Therefore, the existing supervisory machinery should be strengthened and should not be based on the principle of representations and complaints. She expressed support for wider use of article 19 of the Constitution concerning non-ratified Conventions.

30. The representative of the Government of Austria stated that the strengthening of the supervisory machinery must not be allowed to take a great deal of time, and that a timetable should be established either for the amendment of the Constitution or for adopting a Declaration. Amendment of the Constitution would require a certain number of ratifications to enter into effect; this was a slow process, as was well known. A Declaration would have the advantage of being done very quickly, but would face some legal questions that deserved more attention. The question was whether the Declaration would have any effect on countries' willingness to apply Conventions. The Committee should examine carefully the advantages and disadvantages of these two options. Although he was not fully convinced about the establishment of new mechanisms to strengthen the supervisory machinery, further thought should be given to this question, which would send the necessary signals that the ILO would continue to deal with the matter of the full application of the fundamental human rights Conventions. Peer pressure should also be used to obtain progress, and country studies, as proposed by the United States, could be a way to achieve that. He saw no point in limiting the article 24 procedure to the core ILO Conventions, but thought that the idea of a permanent committee for article 24 and 26 complaints made sense. He welcomed the use of the MDTs to help member States in the application of the core Conventions. He welcomed the use of MDTs to advise countries on the application of Conventions, in particular the human rights Conventions. These teams should all have experts on ILO standards assigned to them as quickly as possible.

31. The representative of the Government of Cuba associated herself with the statement by the representative of the Government of Mexico on behalf of five Latin American countries. She thanked the Office for the excellent document, which combined quality and depth in a concise manner, allowing the Committee to appreciate the different alternatives for strengthening the supervisory machinery. She
supported the efforts of the Director-General to ensure that the Conventions that protected the rights of workers were ratified by a larger number of countries. The fundamental means of action to achieve wider ratification and application were technical cooperation and the use of the supervisory machinery. There should be no underlying notion of punishment when discussing the possible options for strengthening the supervisory machinery. Her Government supported the ILO's work on the revision and abrogation of obsolete standards. Before adopting any decision on further measures, consultations should continue with governments, and a good opportunity for this would be the discussions on the issue during the Conference in June. One of the points that should be analysed in depth was how to guarantee the application of the principles of universality, objectivity and impartiality in the functioning of the supervisory machinery, and how to guarantee that the selection criteria for discussing cases in some bodies of the supervisory machinery took into consideration the equality of States. These guarantees were of such importance that they sometimes might affect the position of member States with regard to some of the proposals currently being made. She was willing to collaborate with the ILO to look for ways to continue protecting the rights of workers while preserving the credibility of the supervisory machinery.

32. The representative of the Government of Finland stated that, following the statements by the IMEC Governments, his Government welcomed the effort to strengthen the supervisory machinery, and felt that the possibility of adopting a Declaration seemed the right approach: it would constitute an expression of common commitment and, more important, would clear the way for various possibilities to improve the effect of the present supervisory machinery, or even add new elements to these procedures, as suggested in paragraph 24 of the document. Implementation of the core labour Conventions could be monitored and promoted much more efficiently than was at present the case.

33. The representative of the Government of Pakistan stated that his Government had a special interest in the debate and expressed appreciation for the document prepared by the Office. There had been a clear reaffirmation of the role of the ILO in the domain of labour standards at the WTO Ministerial Meeting in Singapore. His Government had never doubted that the ILO was the only forum which had the mandate and the expertise to deal with labour issues. His Government associated itself with the main themes of the statement made on behalf of the Asia and Pacific Government members. Existing ILO supervisory machinery provided suitable and effective tools for the implementation of the ILO's core Conventions. However, it was essential that the existing machinery be reviewed, through an effort to identify the obstacles to the effective implementation of the core Conventions. Before any attempt was made to look at new mechanisms, it was essential that the existing ones be made more effective through an objective appraisal of their shortcomings and proposals for their streamlining, which should be reviewed by the Governing Body. The universal ratification of the core Conventions constituted a first step towards this effort. The Director-General's campaign to promote universal ratification of the core Conventions had already borne fruit, and there was a need to explore further the possibilities offered by universal ratification. Those countries which were not party to the core Conventions but wished to lead the charge for the implementation of labour standards internationally should first ratify those Conventions; otherwise they escaped the scrutiny of the existing supervisory machinery. Any proposal for a declaration to reaffirm the core Conventions had to ensure that the ILO machinery would be streamlined in a non-threatening context to promote the core labour standards in the developing
countries. It should include two elements in particular: first, it should state that the ILO had a duty towards all workers of the world and, accordingly, a responsibility to speak out against arbitrary and unilateral action and protectionist campaigns against countries which were making a sincere effort for the implementation of the core Conventions, as it was usually the workers of those countries who were harmed by such action. Secondly, it should provide that targeted countries must be able to bring complaints to the ILO in case of unilateral measures, and that the ILO had to stand by these countries. Finally, further technical assistance was needed to implement the core standards.

34. The representative of the Government of Japan stated that since the Social Summit, the promotion of the ILO's core labour standards had acquired further importance. The outcome of the WTO Ministerial Meeting in Singapore could not be construed as having provided any additional mandate to the ILO. There were various ways to address the issues under consideration, including promoting the ratification and implementation of the core labour standards; strengthening the links between those standards and technical cooperation; and promoting the ILO's fundamental principles in countries which had not yet ratified the relevant Conventions. It was necessary to make progress in this area and to continue discussing the issue in order to reach a consensus. Japan, which belonged to both the Asian region and the IMEC group, had various concerns. However, it was important to overcome difficulties and to find common solutions throughout all regions of the world by reaching a consensus on the matters under discussion.

35. The representative of the Government of South Africa stressed the importance of the obligations in the ILO Constitution and the Declaration of Philadelphia. The implementation of the core labour standards should not involve criminalizing any problems identified and should aim towards the harmonization of those standards around the world. This could be regarded as applying an optimal intervention theory at the source. There was a need for a sophisticated and comprehensive approach, involving a considerable amount of research. The Conventions had to be reviewed from the standpoint of making ratification easier. The concept of the universality of human rights required a humanitarian approach and shared values. Such considerations would go a long way towards addressing many of the concerns of member States. There had been recognition that the ILO was the appropriate multilateral forum to deal with this issue and that there existed jurisprudence which could serve as an international yardstick to measure the performance of member States, without reference to trade considerations. ILO principles recognized the interdependence between economic growth and human or social progress and this was consistent with a developmental approach that included multilateral cooperation in the form of technical assistance and incentive schemes to ensure effective implementation of the agreed core standards. If member States could be persuaded to ratify core Conventions, then a human rights framework for upholding labour standards would have been established within which the easier movement of capital, goods and people could occur. This legal framework would obviate the necessity for intervening directly in the economies of other States and would guarantee to constituents the freedom to negotiate standards appropriate to their socio-economic situations on the basis of the universally accepted rights specified in those Conventions.

36. The representative of the Government of the United Kingdom complimented the Office on having produced an excellent document and expressed strong support for the stated position of the IMEC group.
37. The representative of the Government of China expressed support for the comments made on behalf of the Asia and Pacific group. Even though there had been several discussions on strengthening the supervisory machinery of the ILO, it was important to continue this process until a consensus had been reached and clear conclusions had been formulated. This was the only way in which to ensure that the supervisory measures concerned would be convincing. It was important that any new mechanism be consistent with the ILO Constitution and with the Declaration of Philadelphia. The Government of China had always stressed that importance should be attached to the positive measures outlined in the Office paper -- such as technical cooperation and assistance -- as being the most concrete way to strengthen the supervision of ILO Conventions.

38. The representative of the Government of India complimented the Office on the quality of the document. While the paper contained a number of suggestions to strengthen the existing supervisory machinery, each of those options had its own rationale in a particular setting. The ILO's standard-setting activities had spanned nearly eight decades, and each Convention and Recommendation was associated with a particular point in time, on the basis of the prevailing political and economic philosophy. It was an eloquent testimony to the collective wisdom of the constituent member States and the social partners that, ideological considerations and sharp differences notwithstanding, they had lent a remarkable measure of solidarity and support to creating, sustaining and consolidating these instruments. As one of the founding, permanent and non-elective members of the Governing Body, India had an understandable feeling of pride and distinction in having been actively associated with this great historical process. While the ILO's track record has been exemplary in terms of its adoption of these vital instruments, that was not the case as concerned their ratification and application. Neither the ILO nor the member States were to be blamed for this situation, which was an evolutionary process. The ratification of an ILO Convention depended on the political will and commitment of the sovereign government of the member State. Each member State responded to a Convention adopted by the International Labour Conference according to its own perspectives and needs, and also in accordance with fast-changing political and economic requirements which were often peculiar to each member country. The ILO's supervisory mechanism and procedures should be in a position to understand, empathize with and be sensitive to the problems, constraints and bottlenecks experienced by each member State in not being able to ratify a Convention or to implement the provisions of the instrument, even though it had the best of intentions. This should by no means be construed as a lack of political will and commitment. The ILO's supervisory mechanism could not be a substitute for the political wisdom of the government of a sovereign member State. The supervisory machinery needed to be open, transparent, accountable and effective in order to inspire credibility and to earn the confidence and goodwill of a member State. It was in this context that the formulations contained in the Office paper might be taken up for discussion and analysis in an open and transparent manner that covered all dimensions and complications of the issue. The Report of the Director-General presented to the 1994 International Labour Conference had been reinforced by the mandate given to the ILO at the Social Summit and further reaffirmed in the Ministerial Declaration adopted in Singapore. This historic Declaration lay to rest much of the doubt and dispute about the ILO's role vis-à-vis that of the WTO in the area of labour standards. The ILO's supervisory machinery had a host of means at its disposal to promote greater respect for core labour standards, such as obtaining reports and explanations from member States, increasing the frequency of reporting, and linking
technical cooperation to the ratification and implementation of Conventions. The procedure of the
Committee on Freedom of Association was an exceptional one and should not be extended to other
Conventions. The proposal to set up a supervisory procedure applicable to all member States, regardless
of whether they had ratified a particular Convention or not, was unacceptable. It would also dilute the
process of ratification. India had ratified most of the Conventions being discussed and, therefore,
voluntarily accepted those obligations. A mechanism based on the principles of the Conventions and not
on the Conventions themselves might set aside these Conventions and thus be a retrograde step. This
might not leave any incentive for the ratification of these Conventions by member States. No decision
should be taken in haste, as a wrong step could be misconstrued by the international community and
affect the confidence and trust placed in the Organization. A broad consensus was required.

39. The representative of the Government of France considered that the question had been posed
properly in the Office paper. With a range of possible solutions, it was now possible to have a real
debate on the matter. Referring to paragraph 26 of the Office paper, it might be useful for the Director-
General to submit a report concerning fundamental human rights that could describe the current situation
and highlight the progress accomplished. He wondered whether this would mean an annual report. As a
general debate on strengthening the supervisory machinery had taken place since 1994, it was now
appropriate to seek to establish a timetable. The Director-General's Report to the June 1997 Conference
would probably refer to this question, and the Conference discussion was therefore an element to be
included within any such timetable. A special mandate had been given to the ILO by both the Social
Summit and the WTO Singapore Meeting. The adoption of a solemn declaration in 1998 would provide
an opportunity to express the spirit of the Organization. Article 41 of the Constitution could become the
basis for this work, as it was a provision which had been included in the original Constitution and which
had never been abrogated.

40. The representative of the Government of Swaziland commended the Office on having produced a
paper of such high calibre, which was informative and provided a rich background for the discussion. In
spite of previous good presentations by the Office concerning the ILO's evolution and the development
of its supervisory systems, the Governing Body had not been able to reach any conclusions on this issue.
However, paragraph 14 of the Office paper indicated that the polarization of views between the
Employers and Workers on this subject had narrowed considerably. He expressed support for the
Employers' proposal that the Conference adopt a declaration aimed at improving the ILO's supervisory
system, but considered that such a declaration should not be incorporated into the Constitution. In this
respect, he recalled that, at its 48th Session in 1964, the Conference had adopted a resolution concerning
freedom of association which inter alia invited the Governing Body to study the possibility of including
in the Constitution certain essential principles contained in Conventions Nos. 87 and 98, but the
Governing Body had considered the matter and decided not to proceed further. Conventions should not
be obscured by measures that might risk their being subsumed by the Constitution, otherwise their
importance and the respect accorded them by member States might be negated. The operation of article
24 of the Constitution should not be restricted, as had been suggested by the United Kingdom (paragraph
7 of the Office paper). As concerned the proposal made by the Government of the United States
(paragraph 25), when reading the Preliminary Report on a Synthesis of the ACC Task Force on Country
Employment Policy Reviews, he had formed the impression that the exercise was a promotional effort
by the Office to encourage the countries concerned to open up a dialogue with, and to request technical assistance from, the ILO to overcome their difficulties. He asked the Office to clarify whether the proposal on this issue sought to secure a similar objective.

41. The representative of the Government of Sweden indicated that both the Social Summit and the Singapore WTO meeting had confirmed that the ILO was the appropriate body for setting standards and for supervisory action. Her Government supported the views expressed in the IMEC statement and associated itself with the supplementary views expressed by the representatives of the Governments of Germany, the United States, Finland and Austria. It was hoped that the June Conference would provide further guidelines for action and that the Office paper to be submitted in November would present concrete proposals.

42. The representative of the Government of Canada expressed strong support for the statement made by the IMEC group. The document prepared by the Office constituted an excellent basis for discussion of the options to be considered for strengthening the ILO's supervisory system and of the measures which might be taken to promote the application of the fundamental principles of the Constitution. At the 1995 Copenhagen Social Summit, Canada had been among the countries that had solemnly reaffirmed the fundamental nature of the core labour standards by inviting all governments to protect those rights and to promote their application. In December 1996, Canada had been among the 120 WTO member governments which -- by renewing their commitment to the observance of internationally recognized core labour standards and by referring to the ILO as the competent body to set and deal with these standards -- acknowledged the relevance of core labour standards to their mandate of raising the standard of living worldwide. These important political milestones pointed towards the emergence of a consensus that, in a world of growing interdependence, different means of international action might be appropriate in response to changed global conditions. Canada supported strongly specific ILO contributions to this objective with a view to modernizing the ILO and to enhancing its role. The sequel to this first initiative was now being considered, namely the directions for reviewing and strengthening the supervisory and promotional procedures with respect to core labour Conventions and fundamental Constitutional principles. The Office had provided a menu which offered very interesting and, in some cases, exotic and intriguing dishes. There would certainly appear to be a good mix of easily digestible and more substantial courses. The suggestion in paragraph 14 of a declaration of fundamental constitutional principles to be developed in parallel with a meaningful supervisory or promotional procedure (elements of which appeared in paragraphs 19 to 26) was quite attractive. Before ordering the meal, however, some critical information was needed with respect to the impact of these ingredients on the Constitution. She supported an approach that would allow examination by the Governing Body in November of a set of proposals aimed at strengthening the supervisory and promotional procedures for the core Conventions and the fundamental Constitutional principles. This should include further elaboration of the proposal for a declaration, both with a view to articulating a common standard of achievement and to clarifying the constitutional foundation for the core labour standards. Such a declaration would also give a clear signal to the international community that the ILO had fully assumed its mandate to clarify the core labour standards and fundamental Constitutional principles. In parallel, her delegation wished to endorse the proposal that there be a move forward to examining means to strengthen the implementation and promotion of core labour Conventions and fundamental
Constitutional principles. This should include an examination as to how technical cooperation and assistance could be reinforced and better targeted to achieve the observance of core Conventions and Constitutional principles. As already mentioned in the IMEC group statement, a future paper on these issues should take into account also the outcome of the political debate on the Director-General's Report to the forthcoming Conference. Her delegation would welcome a further articulation of the legal implications of each proposed element and an indication of the effect of the proposed changes and new procedures on existing mechanisms and obligations.

43. The representative of the Government of Chile congratulated the Office on the document. It was necessary to promote an increased rate of ratification of the ILO's core Conventions. In addition, there had to be a full examination of the existing machinery, including the possibilities afforded by article 19 (5)(e) of the Constitution. Technical cooperation should be promoted and it should go hand in hand with the supervisory machinery. However, there was doubt as to whether these measures were sufficient and there had to be consideration as to the best means to make greater progress. The proposal for a declaration of fundamental principles was an interesting alternative but could not replace the need to ratify the basic Conventions. Paragraph 16 of the document contained some ideas to explore but it was clear that any new procedure would have to be elaborated carefully. More research was, therefore, required to explore the legal and other implications.

44. The representative of the Government of Malaysia endorsed the position taken by the Asia and Pacific group and reiterated that it was the responsibility of the ILO to promote labour standards, especially the core standards, in its efforts to seek and enhance social justice in line with its Constitution. Efforts by the ILO to promote core labour standards among its member States should be consistent with its philosophy, as enunciated by the Declaration of Philadelphia, which stated that "... the manner of their application must be determined with due regard to the stage of social and economic development reached by each people ...". In this regard, the approach adopted by the ILO to promote the ratification of Conventions, and to stamp out child labour through technical assistance such as the International Programme for the Elimination of Child Labour (IPEC), was a step in the right direction. The Government of Malaysia was convinced that through technical assistance, member States would be able to build up gradually their capacity to ratify international labour standards. It also supported the need to strengthen the existing supervisory mechanism, if necessary, to enable the ILO to discharge its obligations effectively. The Malaysian Government urged the ILO to conduct an in-depth study and to suggest measures to make the existing supervisory mechanism more transparent, impartial and objective.

45. The representative of the Government of Saudi Arabia congratulated the Office on an excellent paper. He supported the statement made on behalf of the Asia and Pacific Governments, as well as the comments made by the representative of the Government of Egypt. Importance was attached to all ILO Conventions and Recommendations and efforts were made to apply the spirit of those instruments, so long as they were in line with the Shari’a. Saudi Arabia had ratified four of the core Conventions and was studying the ratification of the others. His Government favoured the efforts by the Director-General to promote the core labour standards, especially in cooperation with the social partners. Technical cooperation programmes could assist greatly the promotion of international labour standards, and such efforts should be furthered to maintain also the full implementation of ratified Conventions. There
should be no link between international labour standards and trade. The ILO was the correct forum to oversee the promotion and implementation of international labour standards. Consideration should be given to the level of development of countries and there should be good cooperation with the labour administration in each country. Assistance should be given to governments to enable them to understand fully the obligations flowing from ratification. There was no need for new mechanisms in this regard.

46. The representative of the Government of Argentina congratulated the Office on the paper. There was general agreement on the importance of promoting the fundamental human rights of workers, and the role of the ILO in this respect had been highlighted at the Social Summit and the WTO Ministerial Conference in Singapore. Argentina supported the proposal to strengthen the ILO's role in promoting fundamental human rights. The ILO had to acquire adequate means which would allow it to implement the principles it defended. The Government supported the strengthening of the supervisory procedures and believed that this could be done simultaneously by strengthening the mechanisms relating to ratified fundamental Conventions as well as by seeking a procedure to ensure the application of fundamental labour standards in those countries which had not ratified them. The Committee's work would be enriched by the discussions on standards which would take place at the next session of the Conference. Section II of the document highlighted a complex question, that of promoting the application of the fundamental principles of the Constitution where the Member had not ratified the Convention concerned. In this context, he supported the elaboration of a Declaration as a valid alternative, and believed that this would give flexibility to the exercise. The fundamental labour standards of the Organization provided the framework for discussing the contents of a Declaration. Another step to consider was the establishment of a procedure to monitor the application of fundamental principles. This did not have to include the creation of a new mechanism, but could be achieved through the existing bodies. This should not be a complaints procedure, but could be considered as a more systematic supervisory mechanism. The Office's help would be necessary to make progress, and the question could not be postponed further.

47. The representative of the Government of the Russian Federation praised the quality of the Office paper, and provided much food for thought. His Government continued to support the approach of strengthening existing mechanisms, and believed that there was no urgent need to create new supervisory mechanisms before exhausting the possibilities of the existing ones. This did not preclude considering new supervisory procedures, as any new mechanisms should be balanced, and should promote fundamental ILO principles; the interests of all countries should be given equal weight, and the decision should be based on consensus.

48. The representative of the Government of Nigeria, speaking on behalf of the African Governments, also expressed appreciation for the document under discussion. On the basis of the positions adopted by the African group at the Ministerial Conference in Singapore, they reaffirmed their commitment to the promotion of the ILO Constitution, and to the fundamental rights enshrined in the Constitution and the Declaration of Philadelphia. They believed the ILO to be the only competent body for international labour standards. There should be no linkages between international labour standards and trade policies. As concerned children's rights and child labour, the African Charter on the Protection of Human and Peoples' Rights contained ample provisions on this subject and was being implemented in member
States. They welcomed the current discussions on the ILO's supervisory procedures and efforts for the promotion of ratification, a subject also on the agenda of the OAU Labour Commission to be held in Addis Ababa in April 1997, when the OAU would formulate its position. Without prejudice to the statements made by the different national delegations, they welcomed the current debate and looked forward to continuing the discussion at the next session of the Governing Body in November and beyond.

49. The representative of the Government of Mexico recalled that his country had demonstrated its commitment to the ILO with 76 ratifications. There was renewed interest in the ILO as a result of the Social Summit, which had asked the ILO to guarantee the rights and basic interests of workers. One of the strategies for doing so was the discussion on strengthening the supervisory procedures. It was important to clarify the mechanism, which needed to be strengthened, and how this would be done. There had been no agreement in the previous discussions on the creation of new mechanisms. The title of the document being discussed today referred to "strengthening" and this did not automatically imply creation. There had to be careful discussion and consensus had to be achieved, or the result could be the opposite of what was sought. Before considering the creation of new mechanisms it was necessary to evaluate and strengthen existing ones, and he drew attention to articles 19, 24 and 26 of the Constitution in this respect. He supported the position, as expressed by other speakers, that the basis for any mechanism to supervise the application of international instruments must be the express consent of States, as only ratification created binding obligations under the Vienna Convention on the Law of Treaties. They also commented on the importance of technical cooperation within the special mandate of the ILO: the struggle against poverty, unemployment and social marginalization. Its objectives went beyond promoting compliance with the basic Conventions. He supported the view expressed by earlier speakers that it was premature to initiate detailed discussions on the various proposals and believed it advisable to evaluate and improve existing mechanisms.

50. The Employer members noted that the discussion had been rich and generally positive, and that there was general agreement to study ways and means to advance the work in progress. His group had put forward specific proposals, and the debate would be further enriched by the discussions at the forthcoming Conference. They looked forward to the Director-General's Report with great interest as the discussions on it would provide the guidelines for further discussions. It was the task of the Office to assist in finding the way forward. They highlighted the importance of the revision of existing standards and of technical cooperation and noted that this was complementary to any other approaches to the supervisory procedures. There had been sufficient material in the discussion to ensure that the debate could continue, and that it was moving in the right direction.

51. The Worker members noted that they were encouraged by the afternoon's discussion. Many statements had targeted the need to focus on concrete measures, and it was clearer in which direction the discussion should be continued. They emphasized that they were continuing the discussion on the basis of a desire to elaborate a representations procedure that would cover governments that had not ratified the basic Conventions, and that they were willing to discuss a Declaration within this context. With reference to the statements on the linkages between international labour standards and trade, they would not develop their views today, but were not necessarily in agreement with the views expressed so far.
52. The Deputy Director-General, speaking in reply to the various points raised, stated that, regarding the question whether paragraph 9 of the Appendix had accurately stated that the operation of the supervisory system was suspended for one year during direct contacts missions, the answer was that it was suspended to allow for the solution of problems. Regarding the contents of the Director-General’s Report on respect for fundamental human rights suggested in paragraph 26 of the document, the Office had refrained from making specific suggestions, but would do so if this point continued to be of interest. The representative of the Government of Swaziland had requested clarification regarding the country reviews proposed by the United States (paragraph 25 of the document). The proposal was for specific reviews of compliance with core international labour standards, and should not be confused with other country reviews already being carried out.

53. The Chairman summarized the conclusions of the debate as follows. The Committee had had a profound and important discussion on the basis of the document prepared by the Office, which all the speakers agreed was of excellent quality. The Committee welcomed the recognition given to the strengthened role of the ILO on the fundamental human rights which were within its mandate, recognized by the Copenhagen World Summit for Social Development and the WTO Ministerial Meeting in Singapore. In this context, the Committee stressed the great importance for the credibility of the Organization of the promotion of basic principles and rights, and the strengthening of the supervisory machinery.

54. First, there was a proposal to make the mandate of the ILO more explicit by means of a document, which might take the form of a Declaration, which could be adopted by the Conference. This document would not modify the Constitution, but would clarify its meaning in relation to the fundamental principles. Secondly, the Committee had heard a number of opinions on the ways in which the supervisory machinery could be strengthened on the subjects covered by all the fundamental rights standards. No one had suggested changes or revisions in the system of the Committee on Freedom of Association.

55. The Committee asked the Office to prepare a document for its meeting during the November session of the Governing Body which would take full account of the present discussion and of those that would take place in June during the International Labour Conference on the Report of the Director-General. This document should analyse the discussions, identify options, contain concrete proposals together with a calendar for action, and indicate the legal, financial and organizational implications of the different alternatives.

III. Standard-setting policy: The ratification and promotion of fundamental ILO Conventions

56. The Committee had before it two documents on the subject following the discussions which took place at the 265th Session (March 1996) of the Governing Body.
57. A representative of the Director-General (Deputy Director-General, policies related to standards, sectoral activities and relations with ILO organs) updated the information contained in the two documents in question. Since the preparation of the second document, i.e. 17 March 1997, the former Yugoslav Republic of Macedonia had confirmed its previous obligations with respect to six of the seven fundamental Conventions, namely Conventions Nos. 29, 87, 98, 100, 111 and 138. The external offices had provided the following information: the Minister of Labour of Burkina Faso had placed before the Council of Ministers the proposed ratification, inter alia, of Conventions Nos. 105 and 138; the Minister of Labour of Jamaica had just requested employers' and workers' organizations to comment on the ratification in the near future of Convention No. 138; the National Assembly of Madagascar had just authorized the ratification, inter alia, of Convention No. 98; the Government of Trinidad and Tobago had recently decided to ratify Convention No. 100; and the Government of Zaire had just adopted a bill to authorize the ratification of Convention No. 87. The Office had received two new replies to the last communication of the Director-General since 17 March 1997: as regards Convention No. 29, Rwanda stated that measures were being taken with a view to ratification, without mention of any time period; the United Republic of Tanzania stated that in connection with Convention No. 87, the Government was in the process of harmonizing relevant national legislation and the provisions of the Convention with a view to ratification in the near future. The Government stated that it envisaged ratification of Convention No. 138 with assistance from the IPEC programme. As regards Conventions Nos. 100 and 111, its position had not changed, namely that ratification was envisaged but not in the immediate future. The speaker then updated the table of ratifications contained in document GB.268/LILS/7 and said that the following corrections should be made to the table of ratifications: El Salvador had ratified Convention No. 138; Estonia had ratified Conventions Nos. 29 and 105; South Africa had ratified Conventions Nos. 87 and 98; and Suriname had ratified Convention No. 98 (a revised version of the table of ratifications is contained in the annex to the present document). The speaker concluded by stating that following the discussions which had taken place in the Committee in 1995, the ILO had organized on 19 February 1997 an information meeting for officials of the Permanent Missions to the United Nations and specialized agencies in Geneva, i.e. a few days before the opening of the 53rd Session (10 March-18 April 1997) of the Commission on Human Rights. He had informed the Commission that more than 80 missions had agreed to participate in this exercise which had proved very positive and that the Office was studying ways of developing this kind of initiative.

58. The Employer members expressed satisfaction with the results obtained and gave their unreserved support to the initiative proposed by the Director-General. They attached great importance to activities for the promotion of human rights. Following the oral updating by the representative of the Director-General, they wondered whether some member States, appearing on the list of countries which had never replied directly to the various letters from the Director-General (paragraph 65 of document GB.268/LILS/7), should not now be withdrawn from this list.

59. The Worker members said that the information provided by the document was very important. In this respect, they believed that it would be interesting to receive information on the ratification rate in the years preceding the beginning of the campaign in order to be able to assess the effectiveness of the initiative taken by the Director-General, even if ratifications by new member States might render it
difficult to make an exact comparison. The Worker members noted with interest the good outlook for ratification mentioned in paragraph 64 of document GB.268/LILS/7, in particular as regards Convention No. 138. They were nevertheless concerned by the fact that on 24 February 1997, 39 countries had still not replied to the circulars from the Director-General, although they noted the fact that this figure had dropped since the 265th Session (March 1996) of the Governing Body -- down from 55 to 39. They took this opportunity to ask whether the circular from the Director-General had been sent only to governments or also to employers' and workers' organizations of the countries concerned. Finally, as regards technical assistance, they noted that the number of requests mentioned in the document was not very large and urged the Office not to simply wait for requests from its constituents but to take the initiative and propose its services on the basis of the information gathered. In this respect they recalled the wish expressed at a previous session of this Committee that each multidisciplinary team in the field should necessarily include a specialist in international labour standards amongst its staff.

60. Referring to paragraph 6 of document GB.268/LILS/7(Add.1), the representative of the Government of Turkey informed the Committee that the Parliament of his country was currently examining a proposal for the ratification of Conventions Nos. 29 and 138 and that his Government hoped to be able to register the formal instruments of ratification of these instruments by the 85th Session (June 1997) of the International Labour Conference. The speaker therefore asked the Office to amend accordingly the symbols used for Turkey appearing in the table of ratifications (appended to document GB.268/LILS/7).

61. After thanking the Office for having prepared these two documents, the representative of the Government of the United States wished to make two remarks. First, she asked for a correction to be made to the statement appearing in paragraph 24 of the first document, which stated that the position of the United States had not changed since its previous communication. In fact, in its reply to the last letter of the Director-General, the Government of her country had informed the Office that in 1996 a Presidential Commission had asked the Tripartite Advisory Panel on International Labour Standards to re-examine, as a matter of priority, the national situation with regard to the six fundamental ILO Conventions not yet ratified and concluded that there had not been other developments since the previous communication of the Government of the United States. Paragraph 38 of the first document should not indicate that the United States did not have the intention for the moment of ratifying Convention No. 100 since the Government report did not reflect this position; as regards paragraph 58, it should indicate that no decision had been taken as regards Convention No. 138. After recalling that her Government gave its full support to the continuation of the Director-General's initiative until the objective had been attained, she believed that such a document should not simply be a compilation of data but should also analyse the information received, compare obstacles to ratification mentioned by member States and analyse requests for technical assistance made by the various countries. Such an analytical exercise could lead to the establishment of a genuine strategic plan for achieving the final objective of this promotional campaign, namely the ratification and universal application of fundamental ILO standards.

62. A Worker member (Mr. Blondel) said that he would like to inform the Committee of the questions raised by the sometimes surrealist reading of these two documents. As regards paragraph 8 of the first document, he wondered whether the document really reflected the position of the Government in
question in so far as, as regards forced labour, it was of little substantial importance whether prisons were run by private companies or by the State. He repeated the same question as regards paragraphs 4, 21 and 54 of the first document. If the document correctly reflected the position of the Government concerned, i.e. whether the Constitution, Labour Code and relevant legislation respected the major principles enshrined in ILO instruments, why did it not ratify the relevant Conventions?

63. As regards paragraph 64, the wording of which he believed was confusing, the representative of the Government of Pakistan pointed out that his country had ratified five of the seven fundamental ILO Conventions. He also believed that one of the measures to be taken with a view to universal ratification consisted of studying articles to ratification and why certain countries took so long to ratify fundamental Conventions.

64. The representative of the Government of Uganda confirmed the information contained in paragraph 17 of the Add.1 document and wanted that to appear in the revised table of ratifications. He took this opportunity to formally request technical assistance from the Office with a view to the possible ratification of Conventions Nos. 100, 111 and 138.

65. The representative of the Government of Argentina informed the Committee that his country had sent in the instrument of ratification of Convention No. 138 and that the Office would register it when all the formalities had been completed.

66. The representative of the Government of Malaysia pointed out that, contrary to what was stated in paragraphs 31 and 40 of the first document, the position of his country was not mentioned in the section on Convention No. 105 and he thus requested that the reference to Malaysia should be deleted from these two paragraphs.

67. The representative of the Government of India thanked the Secretariat for the initiative taken concerning the promotion and ratification of fundamental ILO Conventions and welcomed the results obtained so far. However, he wished to emphasize that ratification was a progressive process which should take account of the individual political, economic and social situation of each member State of the Organization -- recalling that this requirement should not be used as a pretext to put off ratification indefinitely. He informed the Committee that his country had ratified Conventions Nos. 29, 100 and 111 and that it was actively considering the ratification of Convention No. 105, which he hoped would occur shortly. As regards Conventions Nos. 87 and 98, he recalled the technical reasons preventing ratification of these Conventions by his Government. He pointed out that these two Conventions applied to all workers, including employees in the public sector. Now, as regards freedom of association, public sector employees could not and should not have the same rights as employees in the private sector since they had their own special machinery for the settlement of disputes. As regards Convention No. 138, he pointed out that the central Government and the regional governments were trying to harmonize their legislation on the minimum age for admission to employment; furthermore, the central Government was carrying out a very active campaign against child labour and had adopted a major programme on this subject. Finally, he wondered whether Conventions Nos. 29 and 138 were really adapted to the objective
being sought, namely the abolition of the most intolerable forms of forced labour by children and expressed his Government's support of the adoption of a new ILO instrument on this subject.

68. A Worker member (Mr. Ahmed) supported the statements by the Workers' spokesperson and in turn congratulated the Director-General on his initiative. For his part, he believed that the developed countries which had not yet ratified the fundamental ILO Conventions should set an example. He also expressed the wish that more developing countries ratify the fundamental Conventions and actually apply them and one of the means to this end would be to help member States to translate ILO instruments into all the national languages in order to disseminate information amongst the persons really concerned. As regards freedom of association, he recalled that this was a fundamental principle of the Organization, established furthermore by the Declaration of Philadelphia, and that it went hand in hand with the right to strike. In this connection, he regretted that very often governments hesitated to ratify Conventions Nos. 87 and 98 because of a distinction made between employees in the public sector and employees in the private sector.

69. The representative of the Government of Chile informed the Committee that the Bill for the ratification of Conventions Nos. 87 and 98 mentioned in paragraph 22 of the first document was now before Parliament and in all probability would be adopted in the near future.

70. The representative of the Director-General thanked the different speakers for the information provided, the suggestions and observations made, as well as the corrections pointed out. As regards the question raised by the Employers, he said that paragraph 65 of document GB.268/LILS/7 should be read in conjunction with paragraph 27 of document GB.268/LILS/7(Add.1). Thus, as of 20 March 1997, 33 countries (and not 39) had not replied to the various circulars sent out by the Director-General. In this connection, he pointed out that the letter of the Director-General addressed to all member States which had not ratified all the fundamental Conventions was sent only to governments -- with the Office counting on the countries to disseminate the information amongst the social partners. However, he pointed out that international employers' and workers' organizations were regularly kept abreast of this kind of exercise. As regards technical assistance, he pointed out that part II of the document before the Committee mentioned only the requests for or offers of assistance expressly mentioned by governments in their replies to the last circular from the Director-General. He said that the Office was making an analysis of the requests for and offers of technical assistance concerning fundamental Conventions, from which it appeared that as of 20 March 1997 more than 70 countries had received ILO technical assistance (information and promotion of fundamental ILO standards with a view to possible ratification, informal consultations on the application of certain provisions of Conventions, drafting of legislative amendments or Labour Codes, tripartite national or subregional seminars, translations of ILO instruments into national languages, etc.). He said that he took note of the request for technical assistance made by the Government of Uganda. He also said that he had taken due note of the request for modifications to the table of ratifications and pointed out that account would be taken in the revised table to be annexed to the present report of the Committee. As regards the observations made by the representative of the Government of the United States, the speaker confirmed that they would be reflected in the present report.
71. As regards the suggestions made on several occasions by some members of the Committee for the preparation of a more analytical than descriptive document on the information provided by member States, the representative of the Director-General pointed out that a more analytical approach to these same questions would be taken into account within the framework of the new procedure for the establishment of reports under article 19 of the ILO Constitution in respect of fundamental ILO Conventions, but that this Committee could also examine the question in a wider context than that initially established. In this respect, in reply to an observation by a Worker member, he recalled that the two documents placed before the Committee reflected the positions officially expressed by the member States in their replies to the circular from the Director-General. As regards the risk of confusion pointed out by the representative of the Government of Pakistan concerning the wording of paragraph 64, he noted that part III of the two documents concerned only Conventions not yet ratified by member States; as regards the remark by the representative of the Government of Malaysia, he confirmed that this would be reflected in the present report.

72. The Worker members, noting that the circular from the Director-General had been sent only to governments, asked whether the ILO could not also send a copy of this correspondence to the employer' and workers' organizations of the countries concerned, in particular for member States which had not yet expressed their position concerning the ratification of fundamental ILO Conventions. Recalling the importance of tripartism within the ILO, the Worker members said that, if the objective was to ensure the success of the initiative taken by the Director-General concerning the ratification of fundamental ILO Conventions, contributions should be sought from all the social partners and that governments should not be the ILO's sole interlocutor.

73. The representative of the Director-General took due note of the statement by the Worker members and said that the ILO would examine ways and means to address it. He pointed out that he would consult the Bureau for Employers' Activities and the Bureau for Workers' Activities on this point.

74. The Employer members said that they shared the concern of the Worker members about the large number of non-replies to the circulars from the Director-General. However, they supported the position that the Office should examine later the question of sending a copy of the circular letter to employers' and workers' organizations. The Employer members pointed out that the promotion of tripartism was in their eyes independent of a simple exchange of correspondence between the ILO and the member States of the Organization.

75. The Committee took note of the Office paper.

IV. General status report on ILO action concerning discrimination in employment and occupation

76. The Employer members noted the Office report and its contents with satisfaction. As concerned paragraph 8 of the document, they reiterated the need for modernization of the labour market and the need to avoid reverse discrimination.
77. The Worker members welcomed the report and encouraged the Office to extend its activities in the field. In respect of paragraphs 4, 5 and 12 it was necessary to ensure follow-up to implement the recommendations arising from such tripartite activities. As concerned paragraph 15 of the document, which indicated that tripartite national steering committees had been set up in eight countries in connection with the project on women workers' rights, the Workers requested information on the countries involved and wished to know whether the trade unions were involved fully in the work. Similarly, the Workers were concerned that there be trade union involvement in the interregional project to combat discrimination against migrant workers and ethnic minorities, mentioned in paragraph 22. In paragraph 30, some might find that the activities to promote the two very different instruments on indigenous and tribal peoples to be contradictory, but this matter would be examined by the Working Party concerned with the revision of standards. Information was sought on any activities taken in this area in Brazil. With regard to paragraph 33, the Workers endorsed and supported the activities being taken in favour of workers in the occupied Arab territories and were happy that there was a desire to improve the situation. In sum, the Workers appreciated and gave their support for this document as a whole.

78. The representative of the Arab Labour Organization condemned Israel's decision to build settlements in Arab East Jerusalem, work on which had started the previous day and was continuing. The Office paper was useful and important, and the ILO was to be thanked for having taken an objective and broad approach in highlighting its work to counter discrimination in all of its forms everywhere in the world. As regards paragraphs 32 and 33 of the document, he expressed deep appreciation to the ILO for its efforts in favour of workers in the occupied Arab territories, which were in keeping with the ILO resolutions adopted in this connection. In 1996 the Director-General's Report had outlined Israeli breaches of all principles and Conventions concerning the right to work and social justice -- in the extension of settlements, the confiscation of land and water and the continuation of closures. The obstacles met by Arab workers on their way to work had led to their being laid off, without social security coverage. Such measures had hit the Palestinian economy hard, despite foreign assistance, including that given by the ILO. The reports prepared by the ILO missions that had visited the Palestinian and other occupied territories were credible, objective and fair and they had earned credibility and respect. The Arab Labour Organization had always wished to maintain a cooperative link with such missions and hoped that this had been seen clearly during the last mission, which had taken place only recently. It was hoped that the report of this latest mission would be obtained at an early stage, and would not be subject to the same delay as the previous report. He hoped the report would take into account the written comments submitted by the Arab group during the International Labour Conference in 1996. The report presented in 1996 had become involved in some marginal issues, and had mentioned the problems that Palestinian militants were having among themselves. New fresh recommendations were needed that would enable the ILO to take an effective approach. The Governing Body had decided in 1995 that that would be the last year in which a special sitting would be held at the Conference. The Governing Body had taken an optimistic outlook of the situation when it made this decision, but it had miscalculated. It should reconsider the situation in light of developments. The peace process was a mirage. The situation was worse now than it had been in 1995. The Arab group hoped that the legitimate request that would be made next week would be viewed with favour, in order to uphold
79. The representative of the Government of the Syrian Arab Republic noted that the document had highlighted the ILO's efforts for the workers of the occupied Arab territories. The Government had cooperated in the most recent mission, which was to be thanked for its efforts. He urged the Governing Body to consider favourably the proposal made by the previous speaker. Paragraphs 32 and 33 of the document made no mention of Syrian labourers in the occupied Golan Heights, who suffered all kinds of discrimination and lived extremely difficult lives. There were many new settlements in that area. The Israelis insisted on a symbolic price for agricultural products or else destroyed the crops. This was just one example of the problems being faced by workers as a result of Israeli settlements. The Governing Body had been misguided in putting an end to the special sittings of the Conference. The implementation of the settlement policy in Arab East Jerusalem was in clear defiance of international will. He called on the Governing Body to review its previous decision and to reinstitute special sittings of the Conference.

80. The representative of the Government of Germany noted that in section IV of the document, dealing with migrant workers, paragraphs 22 and 23 referred once again to a series of ILO studies, some of which dated back to 1991, and requested that these references be either updated or eliminated from this part of the report. Referring to paragraph 23, he sought clarification on the meaning of the term "net discrimination rates".

81. The representative of the Government of Egypt supported the statement made by the representative of the Arab Labour Organization. She paid tribute to the efforts made by the Office to study the situation of workers in the occupied Arab territories, which highlighted the deteriorating living conditions of Palestinian workers. It was hoped that these missions would continue, pursuant to the 1980 resolution adopted by the Conference. It was also hoped that these missions and the reports would take full account of the situation. She referred to the recent decision by the Israeli Government to build new settlements in occupied Arab territories. ILO technical assistance was needed to help Palestinian workers who were facing unemployment and poverty. She paid tribute to the ILO for its work to strengthen social and economic growth through its technical cooperation programmes, which were being undertaken in cooperation with the Palestinian authorities and with the social partners. Technical assistance should be strengthened through projects geared to reinforcing the infrastructure of the Palestinian society.

82. The representative of the Government of Brazil, referring to the question posed by the Worker members, stated that the implementation of Convention No. 111 was one of the principal aims of the Government's human rights programme. In this regard, multidisciplinary task forces had been created, which included representatives from each of the ministries; a standing committee had been established to deal with questions concerning women workers; and a further group was charged with eliminating discrimination in employment generally. The Ministry of Labour was working together with the ILO to promote tripartite measures to eliminate discrimination based on gender and race. The secretariats of regional administrative offices had been invited to become involved in organizing a seminar to discuss the application of Convention No. 111, and these efforts had been made known widely to workers. A further seminar in June 1997 would be an important contribution to this effort. The Office had played an
important role in assisting Brazil to resolve problems of discrimination.

83. The representative of the Government of the United States recalled that, in March 1995, the Governing Body had reached an understanding that because a consensus was necessary for any decision to hold a special sitting on the occupied Arab territories, that would be the last year for holding a special sitting. Nothing had changed in that respect. If a motion were tabled next week to reopen the question, the United States Government would have to oppose it.

84. The representative of the Government of Saudi Arabia expressed appreciation to the Office for its efforts, which were outlined in paragraphs 32 and 33 of the document, as well as for having undertaken the recent mission to the occupied Arab territories. The workers in these territories were experiencing great difficulties, despite the efforts to support peace, including those by the ILO. The ILO should work in an impartial manner to understand the truth of the situation. He supported the statements made by the representatives of the Arab Labour Organization and the Government of Syria. The ILO's efforts were helpful and his Government supported them. He hoped that the ILO would continue with its objective and impartial work. His Government supported the holding of a special sitting and considered that this, together with technical assistance, would help to further peace in this region.

85. The representative of the Government of the Islamic Republic of Iran considered it important for the ILO to examine the situation of Palestinian workers and others in the occupied Arab territories. The current setbacks and tensions had occurred for obvious reasons. The ILO should address the main causes of social injustice and assist improvements in the situation of the workers. The Government supported the holding of a special sitting at the next Conference.

86. The representative of the Government of Sweden attached great importance to ILO activities to combat discrimination. While the concrete content of such activities was not always obvious from the report, she commended the Office for its follow-up on the Fourth World Conference on Women through the creation of the International Programme on More and Better Jobs for Women, which had captured much attention, including in the Swedish press. Referring to paragraph 24 of the document, she wondered whether the work of the Tripartite Meeting of Experts on Future ILO Activities in the Field of Migration, to be held in April, could contribute to the Conference Committee discussion on contract labour, and asked the Office to be prepared to convey the conclusions of the April meeting, if useful, to the Conference Committee.

87. The representative of the Government of Namibia commended the Office for the document. He expressed appreciation to the Government of Norway for having supported the technical cooperation project in Namibia, which was referred to in paragraph 5 of the document. His country had benefited considerably from this technical assistance. There was support also for the other activities outlined in the document, especially those aimed at follow-up on the Fourth World Conference on Women. On behalf of his Government and the Government of South Africa, he expressed support for the ILO's activities in favour of Arab workers. There had been progress towards finding solutions, and both parties should be urged to solve the situation speedily. The holding of a special sitting of the Conference to discuss the
situation of workers in the occupied Arab territories was supported. The situation had not changed sufficiently and a special sitting would assist in finding solutions to support those workers.

88. The representative of the Government of Turkey referred to section IV of the document concerning migrant workers and announced that his Government supported the ILO activities being taken in this regard, particularly as concerned the interregional project outlined in paragraph 22.

89. A representative of the Director-General (Chief, Equality and Human Rights Coordination Branch) stated that, as regards paragraph 15 of the document on which the Workers sought information, all of the tripartite national steering committees set up in Suriname, El Salvador, Viet Nam, China, Hungary, Zimbabwe and Egypt had met, and the committee in Mali was due to meet soon. In regard to paragraph 30, no operational activities were taking place in Brazil concerning indigenous peoples, although the Committee of Experts and the Conference Committee had suggested that the Government request assistance in this regard.

V. Draft UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel

90. The Committee had before it a paper summarizing the outcome of the UNESCO Meeting of Governmental Experts which examined, revised and adopted the text of the draft UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel. The final report of the meeting of experts which contained the revised Recommendation was made available to the Committee. The paper before it noted the participation of the Office in the UNESCO meeting, as requested by the Governing Body, the revised sections which came within the ILO's competence, and the revised provision concerning monitoring, which remained a cause for concern to the Governing Body. It invited the Committee to take note of the provisions of the draft UNESCO Recommendation which fell within the ILO's competence to invite the Director-General to communicate the record of the Governing Body's examination of this item to the Director-General of UNESCO, and to ensure ILO representation in the discussion of this item by the UNESCO General Conference.

91. The representative of the Director-General of UNESCO, invited to speak by the Chairman, recalled the close cooperation with the ILO in the preparation of the instrument and its revisions, reminiscent of the cooperation which had marked the preparation of the ILO/UNESCO Recommendation concerning the Status of Teachers of 1966. This was the third time within the last year that the matter had also been considered by the Governing Body, evidence of its interest in an instrument which, everyone hoped, would help improve the status of more than 5 million university teachers worldwide. UNESCO had undertaken several rounds of consultation with non-governmental organizations, with governments of member States and with the ILO to prepare the current text. The UNESCO Meeting of Governmental Experts held in October 1996 had been attended by some 70 representatives of governments and the principal NGOs representing teachers, a sign of the strong interest in the draft Recommendation. The revisions made by the meeting affected ILO and UNESCO areas of competence, including institutional autonomy and accountability and the rights and freedoms of higher-education teaching personnel. The
text better reflected the realities of the higher education sector. It should provide a sound basis for consideration by the 29th Session of the UNESCO General Conference in October 1997. UNESCO would continue to pay close attention to the Governing Body's views on eventual revisions within the ILO's areas of competence, including views expressed on the instrument's possible supervisory mechanisms.

92. The Employer members stated that they were satisfied with the paper before the Committee and the information supplied by the UNESCO representative. Their one concern was with the last sentence in paragraph 64 of the revised draft Recommendation, which referred to the right of organizations representing higher-education teaching personnel to choose representatives to be a part of the governance and administration of pension plans. They recalled the position of the ILO regarding pension plans capitalized with government funds but privately managed, and expressed their concern that the present text might be inconsistent with this position.

93. The Worker members referred to the possibility of further revisions of the draft text during the UNESCO General Conference, as pointed out in paragraph 7 of the Office paper. They did not wish to see revisions of sections within the ILO's areas of competence which would weaken the current text. For this reason, they called on the governments of ILO member States to ensure that their representatives at the UNESCO General Conference supported the present text. Furthermore, the ILO should be adequately represented and maintain close consultations with UNESCO during the General Conference debate on these questions, especially with regard to the supervisory mechanisms for the new instrument, which remained an open question.

94. The representative of the Director-General stated that the Office had taken careful note of the comments by the Employer and Worker members and would, as requested, maintain close cooperation with UNESCO to ensure that the Governing Body's views and the ILO's principles were properly taken into account in the final text of the draft Recommendation. The Director-General intends to ensure appropriate representation of the ILO at the 29th Session of the UNESCO General Conference which will consider the text.

95. The Committee accordingly recommends that the Governing Body --

(a) take note of the provisions of the draft UNESCO Recommendation which fall within the competence of the ILO;
(b) invite the Director-General to communicate the record of the Governing Body's examination of this item to the Director-General of UNESCO for consideration by the 29th Session of the General Conference of UNESCO, and to ensure ILO representation in the discussion of this item by the General Conference.

VI. Forms for reports on unratified Conventions
(article 19 of the Constitution)
Migration for Employment (Revised) Convention (No. 97) and Recommendation (No. 86), 1949; and the Migrant Workers (Supplementary Provisions) Convention (No. 143) and Migrant Workers Recommendation (No. 151), 1975

96. The Committee approved without modification the draft special report forms that are appended (Appendix I).

97. The Committee recommends that the Governing Body adopt the appended draft report forms for the Migration for Employment (Revised) Convention (No. 97) and Recommendation (No. 86), 1949, and the Migrant Workers (Supplementary Provisions) Convention (No. 143) and Migrant Workers Recommendation (No. 151), 1975.

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)

98. After amending questions 2, 5 and 7 in the report form for Convention No. 87, the Committee approved the draft special report forms for these two instruments.

99. The Committee recommends that the Governing Body adopt the amended draft report forms for 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), which are appended.


Points for decision:

Paragraph 17;
Paragraph 95;
Paragraph 97;
Paragraph 99.

1. GB.268/LILS/ WP/PRS/1.

2. GB.268/LILS/ WP/PRS/2.

3. GB.268/LILS/ WP/PRS/1.
4. GB.268/LILS/5, as amended, reproduced in the annex (GB.268/LILS/5(Rev.1)).

5. GB.268/LILS/6.

6. GB.268/LILS/7 and GB.268/LILS/7(Add.1).


For further information, please contact the Official Relations Branch at Tel: +41.22.799.7732, Fax: +41.22.799.8944 or by e-mail: RELOFF@ilo.org