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MINUTES OF THE 221ST SESSION

The 221st Session of the Governing Body of the International Labour Office was held in Geneva from Tuesday, 16 November to Friday, 19 November 1982.

The Governing Body was composed as follows:

Chairman: Mrs. GONZALEZ MARTINEZ (Mexico).

Government group:

Australia: Mr. WATCHOFN
Bahrain: Mr. AL-HADANI
Bangladesh: Mr. KHASHI
Barbados: Mr. FOGES
Brazil: Mr. TAPAGINO BOTTO
Bulgaria: Mr. PETEOV
Canada: Mr. ARMSTRONG
Colombia: Mr. CHAPPA SAMPER
Ecuador: Mr. ALEMAN SALVADOR
Egypt: Mr. EL FEEDY
France: Mr. VENTEOJ
Germany, Federal Republic of: Mr. NOACK
India: Mr. HAASE
Italy: Mr. DESMUKH
Japan: Mr. FAIuchi
Kenya: Mr. SUZUKI
Malaysia: Mr. MATHIE
Mauritius: Mr. N'DIaye
Mexico: Mr. FOZENTAL
Netherlands: Mr. ALBEDA
Nigeria: Mr. FASANYA
Philippines: Mr. NOFIEL
Senegal: Mr. SENE
South Africa: Mr. KOSTINE
United Kingdom: Mr. ROBINSON
United States: Mr. SEAPBY
Venezuela: Mr. LOPEZ OLIVER
Employers' group:

Mr. BANNERMAN-MENSON
Mr. BAKREKIAN
Mr. FLUNDER
Mr. GORGET
Mr. GHAZABOUI
Mr. GROVE
Mr. LINDNER
Mr. NASR
Mr. OCHSLIN
Mr. POLITES
Mr. TATA
Mr. VERSCHUESEN
Mr. VILLALOBOS
Mr. YOSHINO

Workers' group:

Mr. BAHNAEO
Mr. BROWN
Mrs. CAFF
Mr. DOLAN
Mr. ISSIFU
Mr. LLOYD
Mr. MASASHI
Mr. MEHTA
Mr. MUHE
Mr. FKOKHOPOV
Mr. SANCHEZ MADARIAGA
Mr. SVENNINGSEN
Mr. TANAKA
Mr. WALCOTT

The following regular members were absent:

Government group:

China
Mozambique

Workers' group:

Mr. GONZALEZ NAVARRO
Mr. SOW
The following deputy members, or substitute deputy members, were present at all or some of the sittings:

**Government group:**

- Algeria: Mr. Briki
- Angola: Mr. M'Bolo
- Argentina: Mr. Martinez
- Belgium: Mr. Wallin
- Burma: Mr. Gyi
- Cuba: Mr. Martinez Brito
- Denmark: Mr. Andersen
- Ethiopia: Mr. Tesseh
- Germany: Mr. Knayie
- Hungary: Mr. Matton
- Indonesia: Mrs. Rasamuel
- Madagascar: Mr. Yumjav
- Mongolia: Mrs. Aizueua Perez
- Panama: Mr. Nascimento Rodrigues
- Portugal: Mr. Gudovsko
- Ukraine: Mrs. Nadal
- Uruguay: Mr. Mumphwa
- Zimbabwe: 

**Employers' group:**

- Mr. Al-Jassem
- Mr. Arbesser-Rastburg
- Mr. Deschamps
- Mr. Diaz Garaycoa
- Miss Hak
- Mr. von Holten
- Mr. Mont Balmaceda
- Mr. Moukoko Kingue
- Mr. Owou
- Mr. Feniquet
- Mr. Said
- Mrs. Sasso Mazzifferi
- Mr. Sumwe
- Mr. Villares Ramos

**Workers' group:**

- Mr. Abondo
- Mr. Ahmed
- Mr. Ben-Israel
- Mr. Blondel
- Mr. Briki
- Mr. David
- Mr. Maize
- Mr. Sudono
- Mr. Tinner
- Mr. Vanni
- Mr. Zimba
The following deputy members were absent:

**Employers' group:**
- Mr. CHAMBERS
- Mr. ESCOBAR PADPON
- Mr. MUNGA-wa-NYASA

**Workers' group:**
- Mr. CUEVAS
- Mr. RENDOZA

The following representatives of States Members of the Organisation were present:

- Austria: Mr. KOEFFLER
- Byelorussian SSR: Mr. SHYLOVICH
- Chile: Mr. PLAZA
- Czechoslovakia: Mrs. SLAMOVA
- Democratic Yemen: Mr. FARES
- Dominican Republic: Mr. HERNANDEZ
- Finland: Mr. KAPPIKAINEN
- Gabon: Mrs. NGOUYOU
- Greece: Mr. IVEAXIS
- Hungary: Mr. HAYES
- Iceland: Mr. KITUBANATHAN
- Ireland: Mr. HALFAOUI
- Nicaragua: Mr. VARGAS
- Norway: Mr. HELDAL
- Italy: Mr. SALMON de la JAFÁ
- Poland: Mr. GOPSKI
- Romania: Mr. TUDOR
- Spain: Mr. GAFCIA TEJEDOF
- Sweden: Mr. ISAACSSON
- Switzerland: Mr. ZENGEF
- Tunisia: Miss VEBASA
- Thailand: Mr. EEL HADJ HASSINE
- Yugoslavia: Miss ILIC

The following were also present:

- Mr. BLANCHARD, Director-General
- Mr. BOLIN, Deputy Director-General
- Mr. JAIN, Deputy Director-General
- Mr. WOLF, Assistant Director-General; Legal Adviser
- Mr. YOSHIMUFA, Assistant Director-General
- Mr. GALEF, Assistant Director-General
- Dr. BURGAN, Assistant Director-General
- Mr. KANE, Assistant Director-General
- Mr. CHOUDRAY, Assistant Director-General
- Mrs. BEGUIN, Assistant Director-General
- Mr. TECHOEDJE, Director, International Institute for Labour Studies

**Representatives of international governmental organisations**

**United Nations:**
- Mr. TARZI

**United Nations Conference on Trade and Development:**
- Mr. BENELMOUFFOK

**United Nations Industrial Development Organisation:**
- Mr. PATHMARAJAN
United Nations Children's Fund:  Mr. SHIELDS
Office of the United Nations High Commissioner for Refugees:  Mr. AMUNATEGUI
United Nations Fund for Population Activities:  Mr. B.S. MUNTASSER
United Nations Development Programme:  Ms. WELLS
World Health Organisation:  Mr. AKBIL
International Maritime Organisation:  Mr. DAHLQVIST
International Atomic Energy Agency:  Mr. MASSON
Organisation of African Unity:  Mrs. OFELZ
Arab Labour Organisation:  Mr. O.M. MUNTASSEE
Commission of the European Communities:  Mr. BENNANI
Intergovernmental Committee for Migrations:  Mr. DUFOUR
Mr. HABENICHT

Representatives of international non-governmental organisations:

International Confederation of Free Trade Unions:  Mr. VANDERVEKEN
International Co-operative Alliance:  Mr. KOUZMIN
International Organisation of Employers:  Mr. LAGASSE
International Social Security Association:  Mr. ILJOVICI
Organisation of African Trade Union Unity:  Mr. AKMU
World Confederation of Labour:  Mr. BLEUX
World Federation of Trade Unions:  Mr. LAERNE

Substitutes and advisers

Mr. ABEEU PEPPER, accompanying Mr. LOPEZ OLIVEF
Mr. ALBALATE LAPITA, accompanying Mr. GARCIA TEJEDOR
Mr. ALDEA, accompanying Mr. TUDOR
Mr. AL-HAEMU, accompanying Mr. AL-MADANI
Mr. ALI, substitute for Mr. KHASRU
Mr. AL-MAJED, accompanying Mr. AL-MADANI
Mr. AL-SHAKAE, substitute for Mr. AL-MADANI
Mr. AL-TAGHLABI, accompanying Mr. BENNANI
Mrs. de ALVAREZ, accompanying Mr. CHARRY SAMPE
Mr. ANOUESKHINE-TIMOFEEV, accompanying Mr. ROSTINE
Mr. BACCOUCHE, accompanying Mr. BENNANI
Mr. BAKRISHNAN, substitute for Mr. DESHUKH
Mr. BASTIEN, substitute for Mr. ARMSTRONG
Mr. BATES, accompanying Mr. ROBINSON
Mr. BATIUK, substitute for Mr. GUDOVENKO
Mr. BELOVORUS, accompanying Mr. TAPI
Mr. BERES, substitute for Mr. RAPTON
Mr. BEETELING, accompanying Mr. ALBEDA
Mr. BICHIP, accompanying Mr. TUDOR
Mr. BONE, accompanying Mr. HAASE
Mr. BRILLANTES, substitute for Mr. NOFIEL
Ms. BNUAS, accompanying Mr. HELDAL
Mr. BRUGEZ, accompanying Mr. VENTEJOL
Mr. CABEDES, substitute for Mr. ALEMÁN SALVADOR
Mr. CALEAE SOLEO, accompanying Mr. MARTINEZ BRITO
Mr. CARTIER, accompanying Mr. VENTEJOL
Mr. CATO, accompanying Mr. KWAYIE
Mr. CHEESEP, accompanying Mr. BEIKI
Mr. CHOWDHURY, substitute for Mr. KHASRU
Mr. CHRISTIAN, accompanying Mr. KWAYIE
Mr. CIBLESKI, accompanying Mr. GORSKI
Mr. CISSE, substitute for Mr. SENE
Mr. COESEN, substitute for Mr. WALLIN
Mr. CONDOMINES PEPENA, accompanying Mr. GARCIA TEJEDOF
Mr. CORNELL, accompanying Mr. ISACSSON
Ms. COWCHEE, accompanying Mr. WATCHOEN
Mrs. CSONSTEDT, accompanying Mr. AMUNATEGUI
Mr. CUBAS ZAMORA, substitute for Mr. POZENTAL
Mr. DAYDOV, accompanying Mr. KOSTINE
Miss DIEGUEZ ARMAS, substitute for Mr. POZENTAL
Miss DIMOND, accompanying Mr. ROBINSON
Ms. DJEMAROYE, accompanying Mr. TARZI
Miss DJUBAEBAH, accompanying Mr. DARSA
Mr. van den BOOIJ, accompanying Mr. ALBEDA
Mr. DOWNES-THOMAS, accompanying Mr. AMUNATEGUI
Mr. DUCAY, substitute for Mr. VENTEJOL
Mr. EIJKSEN, accompanying Mr. ANDERSEN
Mr. FAPAG, accompanying Mr. O.M. MUNTASSER
Ms. PAUCHERE, accompanying Mr. BLEUX
Miss PEPEPO, accompanying Mr. LOPEZ OLIVEF
Mr. PRANSEN, accompanying Mr. ANDERSEN
Miss FUJISAWA, accompanying Mr. TANAKA
Mrs. FUNES-NOPPEN, accompanying Mr. WALLIN
Mr. GARCIA, substitute for Mr. ROBINSON
Mr. GARCIA GARCIA, accompanying Mr. LOPEZ OLIVEF
Mr. GHALET, accompanying Mr. PAPES
Ms. GUTERA, substitute for Mr. TEREFE
Mr. HAGEN, accompanying Mr. ALBEDA
Mr. HANDLEF, substitute for Mr. RAASI
Mr. HAUQUE, substitute for Mr. KHASRU
Mr. HARE, accompanying Mr. SEEPE
Miss HAFT, accompanying Mr. ROBINSON
Mr. HAYTONO, accompanying Mr. DARSA
Mr. HASCHEKE, substitute for Mr. NOACK
Mr. HEALY, substitute for Mr. PLUMBEF
Mr. HEINZEMANN, substitute for Mr. LINDNER
Mrs. HERNANDEZ OLIVA, accompanying Mr. MARTINEZ BRITO
Ms. HEPRAH, substitute for Mr. CHAPAY SAMPER
Mr. HESS, accompanying Mr. ANDERSEN
Mr. HLAING, substitute for Mr. GYI
Mr. IDOUX, accompanying Ms. WELLS
Mr. ISHINDA, substitute for Mr. SUZUKI
Mr. JIMENEZ CHOPNET, accompanying Mr. GARCIA TEJEDOR
Mr. JIMENEZ DAVILA, accompanying Mr. MARTINEZ
Mr. JORDAO, accompanying Mr. NASCIMENTO RODRIGUES
Mr. JOURKOV, substitute for Mr. KOSTINE
Mr. JUNGE, substitute for Mr. NOACK
Mr. KAHAEVI, accompanying Mr. PECROMESOV
Mr. KANTCHEV, accompanying Mr. PETROV
Mr. KAPARTIS, accompanying Mr. LAGASSE
Mr. KARPANSKI, accompanying Mr. GOFSKI
Mr. KHALIFA, substitute for Mr. EL REEDY
Mr. KHAN, accompanying Mr. TARZI
Mr. KOLENSIK, substitute for Mr. KOSTINE
Mr. KOMONE, substitute for Mr. SENE
Ms. LAGEGREN, accompanying Mr. ISACSSON
Mr. LAUBEERG, substitute for Mr. ANDERSEN
Mr. LAUEJESSEN, accompanying Mr. VANDERVEKEN
Mr. LINSENWAYER, accompanying Mr. SEEPE
Mr. LISSITSKY, accompanying Mr. TAPZI
Mr. LOHRMANN, accompanying Mr. HABENICHT
Mr. LONG, accompanying Mr. ROBINSON
Mr. MAINESKOU, accompanying Mr. CUDOVENKO
Mr. MALINTOPPI, substitute for Mr. FALCHI
Mr. MALO, substitute for Mr. OUDOVENKO
Mr. MALLON, accompanying Mrs. CARR
Mr. MAMMERI, accompanying Mr. BRIKI
Mr. MANZ, accompanying Mr. ZENGERT
Mr. MARTIN UPANITA, substitute for Mr. LOPEZ OLIVE
Mr. McDONAGH, accompanying Mr. HAYES
Mr. MITYAEV, accompanying Mr. POKKOBOV
Mr. NOMAL, accompanying Mr. VENETJOL
Mr. MOP, substitute for Mr. SUZUKI
Mr. MUSIKO, substitute for Mr. MBATHI
Mr. NAGAE, accompanying Mr. SUZUKI
Mr. NANNSE, substitute for Mr. SUZUKI
Miss NASCINMBENE, accompanying Mr. MARTINEZ
Mr. NEKPELOV, substitute for Mr. KOSTINE
Mr. OLIVA, accompanying Mr. FALCHI
Mr. OPDAHL, accompanying Mr. HELDAL
Mr. ORLOV, accompanying Mr. KOSTINE
Mr. PABON, substitute for Mr. ALBESA
Mr. PANCHECO MUNTZ, accompanying Mr. SALMON de la JARA
Mr. PADOLECHIA, accompanying Mr. PATHMARAJAH
Mr. PEREZ-ARGUELLO, accompanying Mr. B.S. MUNTASSE
Mr. PEPEZ CASTILLO, accompanying Mr. LOPEZ OLIVE
Mr. PETERSON, accompanying Mr. SEABY
Mr. PIOTO, accompanying Mr. DAAS
Mr. POIZSPIER, accompanying Mr. ILIOVICI
Mr. PABRATIEVELO, substitute for Mrs. EASAMUEL
Mr. PAKER, substitute for Mr. KHASU
Mr. RAIVIO, accompanying Mr. KAIRKKAINEN
Mr. RIOTANGAAS, substitute for Mr. OCHSLIN
Miss EYES, substitute for Mr. NOEL
Mr. ROSEL, accompanying Mr. BLEUX
Mr. ROCHA PIMENTEL, accompanying Mr. NASCIMENTO FODFIGUES
Mr. RODIE, substitute for Mr. OCHSLIN
Mrs. RODRIGUZ PEEPE, accompanying Mr. MARTINEZ BRITO
Mrs. RUSETA de FURTEEP, accompanying Mr. LOPEZ OLIVE
Mr. RUTI, substitute for Mr. GROVE
Mr. RYDEP, accompanying Mr. LLOYD
Mr. SAAD, accompanying Mr. NASCIMENTO RODIGUES
Mr. SACI, accompanying Mr. BRIKI
Ms. SAGARRA, accompanying Mr. AMUNATEGUI
Mr. SAKAMOTO, accompanying Mr. SUZUKI
Mr. SANTANA CAESOS, accompanying Mr. NASCIMENTO FODFIGUES
Mr. SCIALOJA, accompanying Mr. FALCHI
Miss SETH, substitute for Mr. DESHMUKH
Mr. SHAFT, accompanying Mr. SEABY
Mr. SENKORO, substitute for Mr. TEESE
Mr. LAVAL, substitute for Mr. MARTINEZ BRITO
Mr. N. STOIMENOV, accompanying Mr. PETROV
Mr. S. STOIMENOV, substitute for Mr. PETROV
Mr. SUIRZ MORA, accompanying Mr. LOPEZ OLIVER
Mr. SUZUKI, substitute for Mr. YOSHINO
Mr. TAHAA, substitute for Mr. EL FEEDY
Mrs. TILTIEH, accompanying Mr. NOACK
Miss TOUATI, accompanying Mr. BRIKI
Mr. TUN, accompanying Mr. GYI
Miss UKEJE, substitute for Mr. FASANYA
Mr. UTHERM, accompanying Mr. HELDAL
Mr. VEGA MASIS, accompanying Mr. VAPGAS
Mr. VERNER SABOITA, accompanying Mr. TARGINO BOTTO
Mr. de VIVES-PEILLINGH, accompanying Mr. VANDERFVEREN
Miss WEBSTER, accompanying Mrs. OPELZ
Mr. WIDODO, substitute for Mr. DAPSA
Ms. WIKLUND, accompanying Mr. ISACSSON
Mr. WILLEMSEN-DIAZ, accompanying Mr. TARZI
Mr. WILSON, substitute for Mr. KWAYZE
Mr. WISZKIELD, accompanying Mr. GORSKI
Mr. YOHANNS, substitute for Mr. TEESE
Mr. ZAKAP, accompanying Mr. MARTON
Mr. ZAWALONKA, accompanying Mr. GORSKI
Mr. ZIESE, accompanying Mr. HAASE
Mr. ZOUPANOS, accompanying Mr. TARZI
FIRST SITTING
(Tuesday, 16 November 1982, morning)

The sitting opened at 10.10 a.m. with Miss González Martínez in the Chair.

OPENING OF THE SESSION

The Chairman welcomed the persons present, particularly those attending a Governing Body session for the first time.

TRIBUTE TO THE MEMORY OF MR. LEONID BREZHNEV

The Chairman thought it fitting, before taking up the business of the session, to pay tribute to the memory of Mr. Leonid Brezhnev, Secretary-General of the Communist Party of the Soviet Union and President of the Presidium of the Supreme Soviet of the USSR, who had died a few days earlier.

Mr. Haase (Government, Federal Republic of Germany), expressing the Government group's sympathy to the representatives of the OSCE on the Governing Body, said that it was not for him, a foreigner, to judge Mr. Brezhnev's life and work. While that would be the task of historians, Mr. Brezhnev's stature had been amply demonstrated by the presence of many prominent figures from all over the world at his funeral.

Mr. Mahr Corker, Federal Republic of Germany; Worker Vice-Chairman) extended the Workers' deeply felt condolences to the Soviet representatives. Mr. Brezhnev had, in the truest sense of the word, made history and the effects would continue to be felt for many years to come. The Workers hoped that his successor, acting in concert with responsible politicians elsewhere, would help to bring peace and prosperity to mankind.

Mr. Oechslin (Employer, France; Employer Vice-Chairman) associated his group with the expressions of sympathy addressed to the Soviet representatives whose country was stricken with national mourning. Further comment would be superfluous: more authoritative voices than his had dwelt on Mr. Brezhnev's important role in his country's history.

The Director-General said that as soon as he heard of President Brezhnev's death he had, on behalf of the ILO, cabled his condolences to the Soviet Government. The Office now wished to be associated with the tribute that had just been paid to the memory of a great statesman. His sincere condolences went to Mr. Kostine and his colleagues, as well as to Mr. Prokhorov, in their sorrow.

Mr. Barton (Government, Hungary) expressed the socialist countries' deep sense of shock at the death of President Brezhnev. At his funeral the day before, he had aptly been described as a fighter for peace and progress. A politician of world stature with an assured place in history, he had been a great friend of the international organisations and had in these troubled times worked for peace and disarmament. Having been through the horrors of the Second World War, he had loathed all war and had striven until the last moment to bring about détente and a lasting peace. The Soviet representatives could rest assured that the memory of Leonid Brezhnev would remain ever fresh in people's minds.

The Chairman, associating herself with the condolences extended to the Soviet representatives, said that the news of Mr. Brezhnev's death had shocked the world. Practically everywhere he had been described as an untiring fighter for the noble cause of peace.

The message of condolences addressed by the Director-General to the Minister of Foreign Affairs of the USSR had faithfully reflected the feelings of the ILO. It had run as follows:

"It is with great sadness that I have received the news of the death of President Leonid Ilyich Brezhnev whose disappearance from the world scene
deprives the Soviet Union of an eminent leader and plunges the international community into mourning. I would ask Your Excellency to accept and transmit to the Government and people of the Soviet Union my most sincere condolences and those of the International Labour Office for this cruel loss. Please accept, Your Excellency, the assurances of my highest consideration.

Mr. Kostine (Government, USSR) voiced the deep gratitude of the Soviet and Ukrainian representatives for the many expressions of sympathy. The Soviet Union and its people had suffered a grievous loss with the disappearance of Leonid Brezhnev, who had devoted all his efforts and great talents to furthering the happiness and welfare of the peoples. The son of a worker, he himself had always been a worker and he had never lost touch with the people. Though born a Russian, he had worked in leading positions all over the USSR and had become the living embodiment of the unity of the Soviet peoples. His personal involvement in the Second World War had filled him with a deep revulsion against all military conflict and he had subsequently carried on an unrelenting struggle for peace. The sorrow of the Soviet people was great but they found solace in the thought that the Party's policy of raising living standards, encouraging self-development and strengthening world peace would continue in the future.

He was truly grateful to all who had offered their sympathy and their statements would be brought to the knowledge of the Soviet Government.

NINETEENTH ITEM ON THE AGENDA

Report of the Director-General

I. Obituary

Mr. Oechslin (Employer, France; Employer Vice-Chairman) said that the news of the death of Mr. Vicente Castellano Sabater, a discreet but competent member of the Governing Body since 1978, had profoundly affected the Employers' group. He was an affable and open-minded man, but also a man of deep convictions and courage. Though weighed down by illness and family cares he had travelled specially last September from Valencia to Madrid to see the speaker. At that meeting Mr. Castellano Sabater had talked mainly about the ILO, to which he had devoted the best part of his life. As a man who had inspired particular affection among the Employers, he had been an example and an inspiration to them all. Their main concern now was to consolidate what he had achieved for the employers of his country, which had a special role to play as a bridge between Europe and the Spanish-speaking world.

Mr. Huhr (Worker, Federal Republic of Germany; Worker Vice-Chairman) conveyed his group's heartfelt sympathy to the Employers. Mr. Castellano Sabater had ably represented the Spanish employers not only on the Governing Body but in many other spheres of life. For several years as the Spanish Employers' delegate to the International Labour Conference he had defended their interests in such a constructive way that the Workers had had no difficulty in co-operating with him. His sudden death was in a sense a call to them all to do their duty in the short time available to them as Mr. Castellano Sabater had done, with all the strength of his inner conviction in the ILO.

Mr. Haase (Government, Federal Republic of Germany), on behalf of the Government group, fully concurred in the tribute paid by previous speakers and extended the Governments' sincere condolences to the Employers' group.

Mr. Yllanes Ramos (Employer, Mexico) associated the Latin American employers with the expressions of sorrow and sympathy on the sudden death of Vicente Castellano Sabater. While still in his prime, Don Vicente had been carried away, leaving behind memories of all the great virtues he had shared with the people of Spain.

The speaker had worked with Don Vicente both in Geneva and elsewhere, as for instance in Central America where he had put up a spirited defence of human rights. He had respected others' convictions but at the same time had affirmed his own. Even during their last talk together, by telephone in Houston where Don Vicente was
undergoing treatment for his fatal illness, he had been as selfless and helpful as he had always been. The family was now doubly stricken owing to the recent loss of his wife’s mother and the speaker would personally convey the condolences and expressions of sympathy he had just heard.

The Director-General felt that Mr. Castellano Sabater would be remembered in the Organisation and particularly in the Governing Body as a warm-hearted and modest but courageous man. Born into an employer family, he had carried on the family tradition and had founded a number of companies. He had been a man of deep convictions and had played a prominent part in the difficult transitional period through which his country had passed. The Spanish Confederation of Employers’ Organisations (CEOE) owed its existence and its strength to him. He was deeply attached to the ILO, and had time and again demonstrated his loyalty. The Director-General associated himself and his colleagues with the tributes that had been paid, and undertook to convey the Governing Body’s heartfelt condolences to his family.

The Chairman had found the news of Mr. Castellano Sabater’s death particularly distressing because of the protracted illness which had preceded it. A highly esteemed colleague on the Governing Body, Mr. Castellano Sabater’s discreet manner had never detracted from the forcefulness of his personality. She associated herself fully with the tributes that had just been paid.

The Governing Body adopted the recommendation in paragraph 7 of the report and observed a minute’s silence in tribute to the memory of the deceased.

The discussion was adjourned to a later sitting.

FIRST ITEM ON THE AGENDA

Approval of the minutes of the 220th Session

Subject to the corrections indicated in the Office paper, the Governing Body approved the minutes of its 220th Session.

ABSENCE OF MR. MOUSSA DEMA SOW,
WORKER MEMBER OF THE GOVERNING BODY

Mr. Muhr (Worker, Federal Republic of Germany; Worker Vice-Chairman) announced that the Mauritanian authorities had confiscated the passport of a Worker member, Mr. Moussa Demba Sow, although he had been invited to attend the Governing Body session. So far, there had been no news of him. As Governing Body members were entitled, under Article 40 of the ILO Constitution, to certain privileges and immunities, the Director-General should as a matter of urgency approach the Mauritanian authorities so that Mr. Sow could attend the current session.

The Director-General replied that the Office had tried, even by telephone, to get into touch with Mr. Sow, but without success so far. He would take up the matter with the Mauritanian authorities immediately after the end of the sitting. As a member of the Governing Body, Mr. Sow was entitled to attend its current as well as future sessions.
SECOND ITEM ON THE AGENDA

Date, place and agenda of the 70th (1984) Session of the Conference

Date and place

The Governing Body decided that the 70th (1984) Session of the International Labour Conference should open on Wednesday, 6 June 1984, and that it should be held in Geneva.

Agenda

Mr. Huhr (Worker, Federal Republic of Germany; Worker Vice-Chairman) recalled how difficult it had been, in the absence of an agreement or consensus, to decide on the number of items to be placed on the agenda. As a result the Governing Body had reached a gentleman's agreement that there should be only four technical items. If that agreement still held, it remained for them to select three new technical items as the fourth - employment policy - would very likely be carried forward from 1983 for second discussion. On that assumption the Workers' group had established the following order of priorities: first, safe use of asbestos; second, revision of the Occupational Health Services Recommendation, 1959 (No. 112); and third, temporary work agencies.

Apart from the information given in the Office paper about the dangers of asbestos, it was common knowledge that asbestosis was an incurable carcinoma that took a heavy toll of human lives. Only if there were more stringent ILO instruments could the problem be tackled effectively. Asbestos industries were tending to shift from industrialised countries with their more rigorous controls to developing countries which were unaware of the dangers or welcomed the additional employment opportunities. The Workers could not condone this trend and therefore gave first priority to the item on asbestos. As it would be unrealistic to expect to get rid of asbestos overnight the next best thing was to ascertain the safest methods of producing or handling it until a harmless substitute could be found. That would be the main objective of the proposed instrument.

The second priority for the Workers was the revision of the Occupational Health Services Recommendation, 1959 (No. 112), not only because of the case made out for it in the Office paper but because the Recommendation had manifestly acted as a catalyst. However, the range and magnitude of the tasks of occupational health services had expanded and a more up-to-date instrument was needed.

The Workers' third priority - temporary work agencies - took different forms in different parts of the world. In Europe such agencies operated by hiring workers out to other employers; the workers consequently enjoyed fewer rights than if under contract to their original employer. The contract labour system was common in Asia, whereas Africa and America had their own particular forms and problems.

The Workers had been unable to agree on a fourth priority. Nevertheless, they attached great importance to the evaluation of PI ACT and would like to see it on the 1984 agenda for a general discussion.

Mr. Oechslin (Employer, France; Employer Vice-Chairman) commented that the proposals in paragraph 122 of the Office paper offered a rather narrow choice, especially in view of Mr. Huhr's allusion to the selection of three out of five topics.

The Employers had consistently maintained that there should be fewer items if better results were to be obtained.

Following a lengthy discussion they had concluded that the evaluation of PI ACT needed the urgent attention of the Conference, as indeed the Governing Body itself had felt when it had contemplated placing the question on the 1984 agenda. To postpone the discussion until long after the PI ACT evaluation meeting held last February would mean having to begin the preparations all over again later on.

As he had pointed out at the 219th Session, the evaluation of PI ACT ran two risks. On the one hand, the discussion might range over too many issues connected
with conditions of work in the broad sense of the term, whereas it was essential to concentrate on a few well-defined issues such as occupational safety and health rather than bringing in questions like hours of work, which were not a matter for collective bargaining. On the other hand, there was a danger that the evaluation might develop into a promotional exercise. That was needed was a genuine critical evaluation and the presence of representatives of the ILO's member States at the Conference would offer an excellent opportunity for assessing the real impact of PHACT on their respective countries.

The Employers' second priority was the revision of the Convention concerning Statistics of Wages and Hours of Work, 1989 (No. 63), which was in need of updating. Reliable statistics of wages and hours of work were a prerequisite of the ILO's effectiveness, but those it published were drawn up by countries following different definitions and procedures. The Conference should concern itself with this problem so that member States attached due importance to producing comparable labour statistics.

Revision of the Occupational Health Services Recommendation, 1959 (No. 112), was third on the Employers' list of priorities. The current examination of the subject might usefully lead to the framing of instruments on occupational medicine. Such instruments offered a way of enforcing occupational safety and health standards. Where procedure was concerned, it was not clear that the words "revision of the Recommendation" meant, as the Office paper suggested that it might even lead to the adoption of a Convention. The question should be clarified before the Governing Body took a decision. There was some danger that the discussion might extend the whole field of occupational medicine and graft a curative function to it. That might be a necessity in countries with inadequate medical services but it was a major issue in countries with adequate medical services it has been properly investigated.

The Employers had no objection to the Conference considering the Workers' first priority - the safe use of asbestos - but it would be better to follow the timetable agreed upon by the Governing Body at the previous session: a code of practice should be drawn up first and then standards should be set. Such a code would have a major impact and only after it was available could the question of asbestos be ripe for discussion by the Conference. As the intention, according to the Office paper, was to submit the code to the Governing Body by the end of 1983, it would be too early for the Conference to consider it in 1980.

Temporary work agencies took, as Mr. Rehr had rightly pointed out, different forms in different parts of the world. Although in Europe such agencies were regulated by the European Communities, they took a great variety of forms elsewhere and the role played by temporary work should be carefully examined before proceeding further. The Office paper, though rather legalistic in its approach, went into the reasons for the growth of temporary work in recent years. Temporary work obviously played a key role in the economy itself. The contribution of temporary work to employment was an open question and called for a more thorough investigation, initially by experts, before it could be laid before the Conference.

Although, at first sight, the Employers might seem to differ from the Workers in their choice of priorities, they were prepared to negotiate.

Mr. Armstrong (Government, Canada) had no hesitation in accepting the Workers' priorities. The question of the safe use of asbestos should be faced squarely, whatever its present and potential impact on jobs.

The scope of the item on temporary work agencies should also be enlarged to include part-time workers. In Canada a commission of inquiry was looking into the conditions of part-time workers the, like temporary workers, were protected on the question of annual and sick leave and it remained to determine the most appropriate benefits for persons working on a part-time basis and for those in the employ of temporary work agencies. Paragraph 92 reflected hopes or aspirations rather than realities. The item on temporary work agencies should be widened to take account of these considerations.

Mr. Onushko (Government, Ukrainian SSR), while endorsing the proposals in paragraphs 1, 2 and 3 of the Office paper, considered that the subject of employment policy, which was likely to be carried forward from the previous session, should be
the central theme of the Conference in 1984. The existence of millions of unemployed in capitalist and developing countries, whose problems were compounded by the arms race and recession, highlighted the need to recognise the right to work as an inalienable human right. An international instrument which answered that need would fill a large gap in the ILO's standard setting on employment. Such a gap was all the more unjustified in that the right to work was already constitutionally guaranteed to all citizens in many ILO member States. Equally desirable was an updating of the World Employment Programme.

The Ukrainian SSE supported the Workers' proposal that the revision of the Occupational Health Services Recommendation, 1959 (No. 112), should be included as a priority item in the 1984 Conference agenda. There was, however, a contradiction in the Office paper between paragraph 56, which reported the existence of curative and preventive occupational health services in the socialist countries of Eastern Europe, and paragraph 69, which said that the health services in those countries were so busy with curative treatment that they could devote little attention to prevention.

There should be a general discussion on PIACT, a programme which could and should make an important contribution to the ILO's efforts to protect and improve the working environment. Close co-operation in that field between the ILO, UNEP and WHO should be encouraged and the Ukrainian SSE had taken practical steps in this direction by organising three large international meetings in Kiev in 1982 alone.

The Office paper was not sufficiently informative about law and practice for the Governing Body to be able to take a decision on the subject of temporary work agencies. The Office proposal to grant these employers' status in the future instrument was also questionable. Many countries did not recognise such a status; moreover, as indicated in paragraph 84, it would be contrary to the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96). It would really be premature to place the item on the 1984 agenda as not enough was known of national law and practice regarding the role of such agencies in labour disputes and the placement of workers abroad, a question of particular relevance to developing countries. Nor did the Office paper say anything about possible ways of regulating the agencies through the future instrument.

The question of disarmament and social policy, already on the agenda of the Governing Body, should be given priority for consideration by a forthcoming session of the Conference so that the ILO could adopt a declaration or some other pronouncement on the links between disarmament and economic and social progress. Also important was the inclusion of an item on the social aspects of the activities of transnational corporations. Finally, the Office should provide precise, comprehensive information about the measures it was taking to give effect to the more important decisions of the Conference, such as the Resolution concerning the economic and social consequences of disarmament.

Mr. Nascimento Rodrigues (Government, Portugal) felt that the ILO's standard-setting activities, which had brought real improvements in workers' conditions, were of fundamental importance in connection with the Conference agenda, particularly at the present time when the need to counter unemployment made it all too easy to overlook the quality of employment. The Governing Body should have as varied a choice of subjects as possible and should reverse the recent tendency to adopt very general instruments by selecting only those subjects which lent themselves to regulation and defined rights and duties clearly. As employment policy was likely to be carried forward to the 1984 session, three new technical items were more than enough.

The safe use of asbestos should have top priority. To the many reasons put forward by previous speakers should be added the Office proposal, which reflected the Governing Body's conclusions on the in-depth review of international labour standards and the implementation of the proposal on this point in the Medium-Term Plan, 1982-87. The proposals in paragraph 39 of the Office paper were sound and those concerning minimum preventive and protective measures and information and education for employers and workers should be underlined.

Temporary work agencies had second priority in view of their distinctive nature and far-reaching implications, especially in an unfavourable employment situation, for the right to work and minimum employment standards. The Office proposal regarding the content of the new instrument should be accepted.
For the reasons given in paragraphs 117 to 120 of the Office paper, the third priority went to the general discussion on OHS, which should be placed as soon as possible on the agenda. The practical difficulties noted in paragraph 121 would be offset by the advantages of not scheduling the Conference evaluation too far apart from the recent tripartite advisory meeting on OHS.

The revision of the Occupational Health Services Recommendation, 1959 (No. 112), should be set against the background of the operation of the more recent Occupational Safety and Health Convention, 1981 (No. 155). On the other hand, the Office proposals in paragraph 112 about the revision of the Convention concerning Statistics of Wages and Hours of Work, 1930 (No. 63), which should be carried out in the light of the recommendations of the last International Conference of Labour Statisticians, were quite inadequate.

Mr. Sabry (Government, Egypt) said that, in view of its paramount importance and the general desire for a discussion, especially on the part of the Third World countries, the item on temporary work agencies should be included in the 1986 agenda. That would result in the adoption of an instrument which would make it possible to regulate the operation of the agencies providing labour for work on building sites, dams and farms. Mr. Sabry had done well to underscore the significance of the issue. At the same time, the various points made by Mr. Goshalin should be taken into consideration. A working party or committee should be set up to study the whole question and prepare the ground for a Conference discussion in 1988.

At a time when, despite some adverse consequences, substantial progress was being made in all fields, the Occupational Health Services Recommendation, 1959 (No. 112), which had been adopted over two decades ago, should be revised so as to take account of the advances in occupational safety and health. That should be the second priority.

Mr. Collin (Government, Belgium), noting that some of the proposed topics had already come before the Governing Body twice or even three times, said he would refrain from repeating the detailed comments he had made on those occasions.

As Mr. Goshalin had computed, there was no such a choice. However, if the more controversial subjects were discarded the Governing Body could nonetheless be left with some important items on which it would be easier to agree within the framework of an international instrument. As the Governing Body would in any case have to choose between the less disputed topics and the more controversial case, it would be useful to arrange them in order of intrinsic importance which, for practical reasons, would not necessarily coincide with their relative oppressiveness as items on the agenda.

The Belgian Government continued to give the highest priority to employment policy, particularly job security. Apart from that, the subject of temporary work agencies was the next important. The ILO had been looking into the question for a number of years and the time had come to place it on the Conference agenda in 1984. The doubts of some Governing Body members on this point, inspired by the seemingly localized character of temporary work, should be dispelled by the Office paper, which showed that it was a worldwide phenomenon subject to regulation in many countries. Nor was it true that temporary work agencies required a promptness and flexibility beyond the capacity of public employment agencies. It could not, however, be denied that temporary work agencies had sprung up in large numbers and that the ILO was powerless against them as their characteristic three-way employment relationship put them beyond the reach of the Pro-Charging Employment Agencies Convention (Revised), 1969 (No. 96). Temporary work did not in fact enjoy the protection of that Convention and had indeed become a commodity in violation of the ILO’s fundamental principles. A new instrument aimed specifically at temporary work agencies should therefore be adopted without further delay.

Revision of the Occupational Health Services Recommendation, 1959 (No. 112), was the second priority, provided that the professional independence of industrial physicians and the protection of workers certified unfit could be safeguarded.

Although the problem of asbestos was of the utmost importance, it was not a priority item as the use of the substance was already regulated in Belgium with the consent of both employers and workers, and the industry did not appear to have suffered in consequence. However, the real issue was not whether the item should be placed on the agenda a year hence or a year later but what were to be the
respective contents of the instrument and the code of practice. It would be much easier for governments to advise the Office about the content of the instrument once they had the code of practice to go on. Should the Office confirm that the code would be distributed in early 1984, the question could very well be placed on the Conference agenda for 1985. But it should not be postponed further.

The not very enthusiastic tone of the Office paper on CHECT reflected a legitimate doubt as to whether an evaluation by the Conference in 1984 would not be premature. Considerable preparatory work would be required before sound well-documented evaluation could be carried out.

A third agenda item, if one were needed, could be the revision of the Convention concerning Statistics of Deaths and Hours of Work, 1938 (No. 63). Even a non-statistician could not fail to see that an instrument which in 60 years had collected only 32 ratifications and indeed had caused to interest either governments or statisticians was badly in need of updating.

Mr. Regnard (Government, Barbados), while not intending to minimize the importance of government protection of workers' health against asbestos, expressed reservations about the vision of having several separate international instruments for specific industries. It would be preferable to use general instruments to alert governments to the need to protect workers' health and a code of practice for each industry to encourage the adoption of technical measures. The revision of the Occupational Health Services Recommendation, 1959 (No. 112), should therefore be accorded high priority.

It was not quite true to say, as did paragraph 38 of the Office paper, that codes of practice and international instruments had no legal force or that they necessarily required the enactment of legislation. Only when governments acknowledged their moral obligation to apply particular standards would legislation and other measures of enforcement follow.

The revision of the Convention concerning Statistics of Deaths and Hours of Work, 1938 (No. 63), and the evaluation of CHECT were the other items that should be on the 1985 Conference agenda, and the arguments advanced by the Employers' spokesmen deserved support.

Mr. Rashid (Government, Brazil) gave the highest priority to the evaluation of CHECT, a programme of great interest to developing countries. Five years had passed since it was launched and it was time to take a searching look at it. As the tripartite advisory meeting on CHECT evaluation had recommended, the Conference should be given an opportunity to indicate its views on the future orientation of the programme.

But in order of priority was the revision of the two instruments - the Occupational Health Services Recommendation, 1959 (No. 112), and the Convention concerning Statistics of Deaths and Hours of Work, 1938 (No. 63).

As a matter of general policy the ILO would do well to update all old instruments and make the Conventions in particular more flexible so as to enable developing countries to ratify them. At the same time something should be done to stop the present proliferation of instruments on given subjects, such as social security, on which there were more than 20 Conventions.

Mr. Jopp (Government, German Democratic Republic) agreed with the Workers both as regards the random number of technical items and their choice of topics, including the evaluation of CHECT. Should CHECT be replaced by some other subject, his preference would go to the revision of the Occupational Health Services Recommendation, 1959 (No. 112).

On the general question of choosing topics for the agenda of the Conference, he wondered whether the Governing Body was really being given an opportunity to consider the most important issues of the day for the agenda. Apparently the Governing Body was merely expected to express its views on a limited number of subjects preselected by the Office. During the previous discussion on the 1980 agenda several delegations, including his own, had recommended a number of other subjects for the agenda, often reflecting past decisions of the Conference or of regional conferences. Yet none of these subjects had been proposed by the Office for consideration. Surely the Governing Body should be able to decide on these items as well. It would be useful if the Office could analyse the suggestions made
at previous sessions and provide the Governing Body with a survey of the relevant international instruments. The Governing Body would thus have a wider choice of topics and could also take into account member States' views on future agendas.

Mr. Robinson (Government, United Kingdom) gave first priority to the revision of the 20-year old Occupational Health Services Recommendation, 1959 (No. 112), particularly as all organisations in the United Kingdom concerned with occupational safety and health were anxious that it should be brought up to date. The revision should result in a Recommendation rather than a Convention. It was doubtful whether the instrument, which had produced very good results as a Recommendation, would continue to be as effective under the more mandatory form of a Convention.

The ILO should give increasing attention to updating existing instruments, a subject several speakers had touched on during the discussion. Several existing instruments such as the pre-war Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63), were getting out of date, some of them embarrassingly so. Owing to recent advances in the statistical art countries like his own which had ratified the Convention would find it more and more difficult to comply with its provisions.

For the reasons already indicated by previous speakers, the evaluation of PIACT deserved attention. So did the question of protecting workers against the hazards of asbestos, though here a problem would arise if, in addition to the Occupational Health Services Recommendation, another instrument in the occupational safety and health area were to come before the Conference in the same year. Mr. Wallin had been right in urging that it would be better for governments to have a code of practice before they were asked to advise on a future instrument. This manner of proceeding would make it possible to design the necessary measures taking into account scientific standards on the one hand and the general legislative framework on the other.

Mr. Liepmayer (Government, United States) said that his Government would certainly go along with the emerging consensus in favour of the revision of the Occupational Health Services Recommendation, 1959 (No. 112).

The Employers' second preference - the revision of the Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63) - came next in order of priority. The Convention was important not only for governments but for the ILO's own work, which had to rely on various statistics.

The next priority was the Workers' third choice - temporary work agencies - which was relevant to a large proportion of the workforce.

While he had no objection to the item on asbestos or the evaluation of PIACT, it was - as previous speakers had said - a question of timing. The item on asbestos could be deferred as work was under way on a code of practice and some delegations might have difficulty in coping with two occupational health items on the agenda. The evaluation of PIACT, too, was a very important issue, but the programme had a substantial occupational safety and health component and the Governing Body seemed to be generally agreed that there should be only one agenda item in that field. Indeed, several members of the tripartite advisory meeting on PIACT evaluation had urged that the Conference evaluation should not take place until 1985.

Mr. Laurberg (Government, Denmark) recalled that his country had always attached importance to having at least one agenda item every year dealing with occupational safety and health. His first priority would therefore be the safe use of asbestos. His second priority, for the reasons already given by other speakers, was the revision of the Occupational Health Services Recommendation, 1959 (No. 112). The third item in order of priority was the revision of the Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63), which after 45 years needed to be looked at again.

The discussion was adjourned to a later sitting.

The sitting closed at 1 p.m.
SECOND SITTING
(Tuesday, 16 November 1982, afternoon)

The sitting opened at 3.15 p.m. with Miss González Martínez in the Chair.

SECOND ITEM ON THE AGENDA

Date, place and agenda of the 70th (1984) Session of the Conference ( concl.)

Mr. Charry Samper (Government, Colombia) regretted that the proposals omitted to mention some of the most acute labour problems facing the world. It was true that the question of employment policy would be before the Conference for a second discussion, but he would have liked to see included - if not now then in the future - proposals more directly related to social security, disarmament and concrete aspects of employment and development. In determining its order of priorities the Colombian Government had borne in mind the desirability of avoiding duplication. It would prefer three new items rather than four and hoped that the decision would be taken by consensus.

His Government's first priority was the evaluation of PIACT, which was a topic of universal interest. Many worthwhile activities had been carried out under the Programme and should be pursued. There were also shortcomings, some of which were attributable to countries rather than to the Office, but they could be remedied by means of international co-operation and particularly by continuing the activities undertaken.

The questions in paragraph 120 were important but there were others which the Conference should also consider, in particular the implications for the Programme of current trends in the financing of international co-operation. Details should also be provided on its implementation, including the nationalities and qualifications of the members of the multidisciplinary teams. The evaluation should not be limited to quantitative aspects but should attempt to assess the Programme's impact and achievements in qualitative terms. It was gratifying to note that a consensus seemed to be developing in favour of including this item in the 1984 agenda.

His Government's second priority was the revision of the Occupational Health Services Recommendation. This topic, which was also of universal interest, had been proposed to the Governing Body a number of times and he hoped that it would now be selected. The rapid pace of technological innovation since the Recommendation's adoption in 1959 and the resultant increase in occupational hazards made its revision all the more timely.

The third priority was the question of temporary work agencies which, even allowing for the differences between developing and developed countries and the diversity of social systems, appeared to be of general concern. The current interest in the reduction of working time as a means of reducing unemployment gave the topic added significance. However, there appeared to be no universally accepted definition of temporary work. It was subject to different interpretations in Europe compared with other regions, for example Latin America, and might in some cases be confused with short-term work and migrant or seasonal labour. It should therefore be defined more clearly.

His Government's reasons for not choosing the remaining items were as follows. As regards asbestos, while it fully recognised the subject's importance, it felt there was a risk of duplication with the occupational health services item. Consideration of the topic would, moreover, require a broader approach than that proposed. For instance, reference should be made to the problems created by the export to the developing countries of surplus stocks of goods which had been banned in the developed countries. Nor was the problem confined to the working environment; it had to be viewed in relation to the environment as a whole. There were unavoidable problems of pollution which could not be solved through a limited

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1 See first sitting.
approach focused on the use of asbestos. They formed part of a more general problem involving organisations such as the WHO and UNEP. Finally, he was not inclined to give priority to the revision of the Convention concerning Statistics of Wages and Hours of Work since, to judge by the number of delegates, the recent International Conference of Labour Statisticians had aroused relatively little interest.

Mr. Kostina (Government, USSR) observed that the attention the Governing Body habitually paid to the fixing of the Conference agenda was understandable since it was necessary to select items which corresponded to the needs and interests of the workers throughout the world. As had already been pointed out, the choice before the Governing Body was rather limited. However, from among the items proposed his Government supported the revision of the Occupational Health Services Recommendation, a topic which had received a large measure of support and was of interest to all categories of workers.

He was surprised at the statement in paragraph 69 of the Office paper that in the USSR and other socialist countries, health services did not concentrate on preventive action. On the contrary, they did in fact do so and possessed much useful experience in this field. Moreover, generalisations about the situation in the socialist countries should be avoided since conditions were not necessarily uniform in all cases.

His Government also attached importance to the evaluation of PIACT, a programme which appeared to have aroused keen interest in both the developed and the developing countries. An evaluation would be useful in determining the most appropriate future policies. While discussion of the topic should not be too broad, it should include the question of hours of work.

In the case of asbestos, a great deal of work was being done in the USSR and elsewhere to develop substitute materials. But since that was a long-term task, the safe use of asbestos remained a question of considerable importance. Bearing in mind that guidelines on the safe use of asbestos were under preparation but would not be ready before 1984, perhaps a Conference discussion might more usefully take place after that date. However, if the Workers considered that the matter could not be postponed he was ready to support their position.

He agreed that the Governing Body should have a wider choice of proposals for the Conference agenda and in particular that important questions such as disarmament and social policy should be included at an early date, thus demonstrating the Organisation's readiness to contribute to a solution.

Employment policy would be discussed by the Conference in 1983 and 1984; there should simultaneously be a review of the World Employment Programme in the light of the worsening unemployment situation. Women workers' problems should also be considered, either as a separate agenda item or as part of the Director-General. Women workers' participation in the labour force was on the increase. Since they also had to bear the burden of maternity and family responsibilities, the implications for future generations had to be taken into account.

Mr. M'Polo (Government, Angola) said that his newly independent country was still reviewing the legal framework it had inherited from colonial times in order to adapt it to current social policy trends. Other African countries were no doubt in similar circumstances. For that reason his Government thought it best to keep an open mind as regards the subjects proposed, while noting with interest the experience of other countries, and to speak in terms of groups of priorities rather than setting a rigid order. A Conference discussion of the following subjects would be particularly useful for Angola: revision of the Occupational Health Services Recommendation, evaluation of PIACT and revision of the Convention concerning Statistics of Wages and Hours of Work. Finally, he supported the comments concerning additional topics, such as disarmament and social policy.

Mr. Briki (Government, Algeria) stated that his Government's first priority was the revision of the Occupational Health Services Recommendation. The subject was of great interest to the developing countries, where such services were in their early stages and needed guidance for the protection and improvement of workers' health. The second priority was the evaluation of PIACT. The Programme was important and an evaluation would be timely and indeed essential for its continuation and development. The third priority was the revision of the Convention concerning Statistics of Wages and Hours of Work, which was also important for his country, where the statistics required for the formulation of a wages policy were at present lacking.
As regards the safe use of asbestos, he appreciated the workers' concern and agreed that the hazards were such that standards to ensure minimum protection were desirable. However, examination of the question could be postponed for a year.

Mr. Händler (Government, Federal Republic of Germany) considered that the agreement whereby the Conference discussed four technical items at each session should be maintained. Since only one technical item would be carried forward from 1983 to 1984, it seemed useful to select two items for first discussion in 1984 and second discussion in 1985, together with an item for discussion in 1986 alone.

His Government was in favour of the revision of the Occupational Health Services Recommendation, revision of the Convention concerning Statistics of Wages and Hours of Work and the item on the safe use of asbestos, although it had no particular preference as to which two should be selected for 1984. Whichever of these items was not chosen for 1984 should be taken up in 1985. The third item should be the evaluation of PIACT, which would be for single discussion only.

Mr. Arizaga (Government, Philippines) felt that all five items had much to commend them but as a choice had to be made his Government's first priority was the revision of the Occupational Health Services Recommendation. The preservation of workers' health was an essential feature of labour and social policy and the Recommendation should therefore be updated and made more relevant to current conditions. The second priority was the revision of the Convention concerning Statistics of Wages and Hours of Work, the provisions of which were over 40 years old and by now largely obsolete. The Convention was of particular importance to the developing countries for purposes of policy formulation and legislative review. His Government's third priority was the question of temporary work agencies, a topic of fundamental importance for the developing countries in view of the large number of workers in both the rural sector and industry who were employed on a contract basis. Without in any way minimising the importance of the remaining two items, he thought the evaluation of PIACT would benefit from more time and could therefore be taken up in 1985. As regards the safe use of asbestos, since work on the code of practice was due to be completed by 1985, he was in favour of including the item in the 1985 agenda.

Mr. Diagana (Government, Mexico) stressed the need for great care in determining the number of items to be placed on the Conference agenda. For 1985, it appeared that the Governing Body intended to select three new items. As the employment policy item would be carried over for second discussion, this meant that four technical committees would be set up in addition to the normal Conference committees. The developing countries were not always able to send sufficiently large delegations to see all the Conference committees, and it was thus physically impossible for them to participate fully in the work of the Conference. This situation underlined the need to consider at a future stage whether they should not adopt a more rational approach to the fixing of the number of items on the Conference agenda.

As regards the proposals for 1986, the Mexican Government had on previous occasions expressed the view that the question of the safe use of asbestos, although urgent, could be postponed until not later than 1985, by when the code of practice, which was closely connected with the proposed standard-setting work, would be available. In the meantime, perhaps the Conference might take up another question of fundamental importance, namely, occupational health services, whose importance had been aptly brought out in the discussion.

His Government's second priority was the question of temporary work agencies. The number of these agencies had increased considerably but their activities were not always adequately regulated, a state of affairs which was generally detrimental to the unemployed workers who had to resort to them.

His third priority was the evaluation of PIACT. A Conference discussion in 1985 would be in accordance with the recommendations of the recent tripartite advisory meeting on PIACT evaluation and would enable the Conference to complete consideration of a Programme which was among the highest priorities of the Organisation.

Mr. Halinoppo (Government, Italy) suggested that the task before the Governing Body was essentially one of phasing, in that the lower priority given to certain questions did not mean their exclusion from future agendas. It should also be borne in mind that the important question of employment policy would be before the Conference in 1984 for second discussion.
As regards the two instruments whose revision was proposed, it was obvious that such a step was sometimes necessary when major changes had taken place in a particular field. However, it should not be undertaken while the changes were still going on - a consideration not to be overlooked when assessing priorities.

The limited choice before the Governing Body restricted its role to eliminating one or two items rather than setting a proper order of priorities based on a thorough review of a wide range of topics. Perhaps the procedure for the submission to the Governing Body of proposals for the Conference agenda should be reconsidered. A tripartite working party, for example, might be set up to make a selection of topics to be placed before the Governing Body.

As regards the proposals for 1984, there appeared to be a consensus in favour of revising the Occupational Health Services Recommendation. The Italian Government had already made it clear that it attached high priority to this question. The proposed revision would also involve a review of working conditions, including those in specific industries. As for the form of the new instrument, it was true that Recommendations did not have the same legal authority as Conventions; nevertheless, under the ILO's reporting procedures, member States were called upon to submit periodical reports on Recommendations as well. The form of the instrument therefore seemed less important than the need to ensure that its contents formed a good basis for standard setting. However, as it appeared that the revised Recommendation might indeed take the form of a Convention, a possibility which was not apparent from the wording of the proposed agenda item, the latter might be modified so that member States were duly informed in advance.

His Government's second priority was the evaluation of PIACT. This item was also important from the viewpoint of a possible new procedure for determining Conference agenda items, since the proposed general discussion should lead to the identification of specific topics suitable for Conference action.

As its third priority, his Government was inclined to prefer temporary work agencies to the statistics item, since the former covered an area where national legislation diverged widely and the time appeared to have come to set some standards. The possible distorting effects on international trade also had to be considered. The revision of the Convention concerning Statistics of Wages and Hours of Work also merited attention in view of the different evolution of national statistical systems. But it was precisely because this evolution was not yet complete that it seemed somewhat early to consider the question.

As regards asbestos, the importance attached by his Government to the code of practice had been stated on previous occasions. Legislation on the safe use of asbestos had been introduced in Italy as far back as the last century, but his Government would have no difficulty, in accepting the item in the interests of the Organisation, although it considered that the code of practice should be completed first. The code could then be followed up by more detailed work and possibly by a Convention or Recommendation.

With reference to the remarks of Mr. Oechslin and Miss Dieguez Anas concerning the number of subjects to be placed on the Conference agenda, it was important that the discussion of the subjects selected should be thorough and involve as many delegates as possible from all three groups. Accordingly, while respecting the consensus that three new subjects be selected for 1984, he would be inclined to favour reducing the number in future.

Mr. Cairo Soler (Government, Cuba) agreed with previous speakers that an excessive number of items on the Conference agenda made it difficult for the delegations from developing countries to participate in all the Conference committees. Since, however, there appeared to be a consensus in favour of three new items, he attached first priority to the evaluation of PIACT, a subject of interest to the developing countries in general and to his country in particular. As stated in paragraph 118(a), the improvement of working conditions and environment was a subject often forgotten in times of economic difficulty. It was therefore right that the Conference should evaluate the Programme, especially in the light of the financial difficulties currently facing technical co-operation, and that the developing countries should have an opportunity of making known their needs in this field so that the necessary financial resources could be mobilised.

His Government's second priority was the revision of the Occupational Health Services Recommendation. The aims of these services, as defined in paragraph 42, warranted the revision of the Recommendation, which was now outdated, and the possible adoption of a Convention.
As regards the workers' other two priorities, he had no particular preference for either, although the safe use of asbestos appeared to be more universal in scope than temporary work agencies. Finally, he endorsed the suggestion that an item on disarmament and social policy be included in a future Conference agenda.

**Mr. Stojanov (Government, Bulgaria)** said that his Government attached priority to the revision of the Occupational Health Services Recommendation and to the evaluation of XI/4. The problems connected with occupational health services were of concern to workers all over the world. Revision of the Recommendation would make it possible to reflect the experience of Member States and to include problems not covered in the existing instrument. XI/4 was also of interest to all workers and should therefore be evaluated with a view to increasing its effectiveness.

**Mr. Huckova (Government, Zimbabue)** also regretted that the choice of items was so limited. Other subjects, such as a review of the World Employment Programme, would have been of more interest. His Government's first priority was the revision of the Occupational Health Services Recommendation and its second that of the Convention concerning Statistics of Wages and Hours of Work. The two items were of universal importance and could assist newly independent countries such as his own in establishing a comprehensive policy and legislative framework. His Government's third priority was the evaluation of XI/4, the fourth being temporary work agencies. Regarding the safe use of asbestos, he agreed that the subject was important, but its complexity required a sound basis of technical information which was not yet available. It should therefore be postponed to 1985.

The representative of the Director-General (Mr. Jain, Deputy Director-General) observed that all the items proposed by the Director-General had received a good deal of support. The main problem confronting the Governing Body appeared to be one of timing, as regards the items to be taken up in 1984 and those which might be held over until 1985. If the Governing Body were to decide to select three new items for 1984, then, as suggested by Mr. Handler, it would perhaps be useful to select two items for standard setting which, under the double-discussion procedure, could be carried forward to 1985, and one item for general discussion which could be completed in 1984.

With reference to the comments concerning the size of the choice before the Governing Body, the Office was of course guided by the Governing Body's in-depth review of the international labour standards which had identified topics for new standards as well as existing standards which should be revised. It was also guided by the discussions on the Indian-Ten Plan, the discussion on the Conference agenda which took place each year, as well as the resolutions and conclusions adopted by the Conference, regional conferences and Industrial Committees. However, the overriding consideration for the Office in proposing items for the Conference agenda was that all the necessary preparatory technical work should have been completed. This was particularly important in the case of items for standard setting. Otherwise, the Office refrained from making proposals.

Regarding items for general discussion by the Conference, there had been a steady evolution in thinking over the years. Either by means of the Report of the Director-General or a separate technical item, the Conference had in fact recently undertaken general discussions of a number of important topics and could continue the practice in 1983. Moreover, the employment policy item which would be on the agenda in 1983 and 1984 would no doubt provide an opportunity, besides the specific discussion of standards, for a review of the World Employment Programme and the world employment situation in general.

On the safe use of asbestos, the meeting of experts held in October 1981 had taken the view that there was no incompatibility between the adoption of a code of practice and Conference standard-setting action, as had indeed been recognised in the discussion. The problem at issue was rather one of timing. He could continue that work on the code of practice should be completed by the end of 1983.

As regards Mr. Rostine's comments on paragraph 69, the apparent contradiction to which he had referred was due to an omission in the English text. If the word "only" was added at the end of the pertinent sentence of that paragraph, the contradiction disappeared.

With reference to the revision of the Occupational Health Services Recommendation, Mr. Halintoppi and Mr. Cairo Soler had pointed out that the proposed title was too restrictive in view of the possibility that the Conference might
decide to adopt a Convention. If the Governing Body wished to give the Conference that option, the title could be worded in more general terms and refer only to occupational health services.

The Office had found the discussion extremely useful and would of course be guided by the comments made when finalising the relevant Conference reports.

Mr. Oechslin (Employer, France; Employer Vice-Chairman) noted that there appeared to be a consensus in favour of including three new items in the 1984 agenda, and the Employers could accept that. There also appeared to be a certain consensus that the safe use of asbestos should be postponed until 1985. The Employers would support the inclusion of the item in the 1985 agenda, when all concerned had been able to examine the code of practice which, as Mr. Jain had confirmed, would be completed by the end of 1983.

As regards the selection of the items for 1984, there seemed to be general agreement on the revision of the Occupational Health Services Recommendation, subject to some modification of the title, as well as on the evaluation of PIACT. As for the third item, however, opinions seemed to be divided between temporary work agencies and statistics. He therefore proposed that the choice between them be decided through a vote by show of hands instead of the lengthy voting procedure provided for under article 18 of the Standing Orders.

Mr. Muhr (Worker, Federal Republic of Germany; Worker Vice-Chairman) said that the Workers could only accept such a compromise solution with some difficulty because of the high priority they attached to the safe use of asbestos, but the agreement to deal with the item in 1985 had facilitated matters. They could accept both the occupational health services item and that concerning the evaluation of PIACT. As regards the third item, they were prepared to abide by the majority decision as between temporary work agencies and statistics. He therefore agreed that a vote be taken without further discussion.

The Chairman observed that there was a consensus that the items concerning occupational health services and the evaluation of PIACT should be accorded the first two priorities and accordingly be included in the 1984 agenda. As regards the item concerning the safe use of asbestos, there appeared to be a general agreement that it should be placed on the agenda of the 1985 Conference.

She then invited the Governing Body to vote by show of hands in order to decide whether item (c), temporary work agencies, or item (d), revision of the Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63), should rank third in order of preference.

A vote by show of hands having been taken, the Governing Body noted that each item had received 27 votes, with no abstentions.

Mr. Muhr (Worker, Federal Republic of Germany; Worker Vice-Chairman) commented that the large number of votes given to each item showed that the Governing Body considered both to be important. Perhaps one could therefore be dealt with in 1984 and the other in 1985. If the Governing Body agreed, the decision might be taken by drawing lots.

Mr. Oechslin (Employer, France; Employer Vice-Chairman), while recognising there was clearly a good deal of support for both items, pointed out that the Employers' position on temporary work agencies was not the same as on asbestos, where the problem was merely one of timing, since they were in agreement on the principle. In the case of temporary work agencies, however, the proposals appeared to be largely based on the problems of the industrialised countries, particularly those of Western Europe and North America. The Employers therefore considered that further study was required in order to provide a clearer picture of the dimensions of the problem throughout the world. Their disagreement was thus one of substance, and unless it were possible to agree on a formula whereby a more thorough study of the problem could first be made by a group of experts, the Governing Body appeared to have no alternative but to decide by lot, as provided by article 18 of the Standing Orders.

Mr. Watchorn (Government, Australia) pointed out that the vote just taken by the Governing Body had revealed that it was two votes below its full voting strength. If a further vote was to be taken, perhaps it should be postponed to the following morning.

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Mr. Fasanya (Government, Nigeria) suggested that the Employers' and Workers' groups give further reflection to the matter in order to try to arrive at a compromise solution.

Mr. Oechslin (Employer, France; Employer Vice-chairman) replied that paragraph 2, article 17 of the Standing Orders provided that, in case of doubt as to the result of a vote by show of hands, the Chairman might retake the vote by calling the roll of members entitled to vote. However, the result was not in any doubt since there had certainly been 27 votes cast in favour of each item. Article 17 therefore did not seem applicable. On the other hand, the provisions of the last sentence of paragraph 3, article 18, although relating to the intricate voting procedure provided for under that article, did seem to be applicable by analogy to the present situation. It was not a fully satisfactory solution, but appeared to be the only one available. The Employers could not accept an arrangement of the "asbestos" type, whereby the item on temporary work agencies was simply postponed until 1985.

The Chairman took it that the Governing Body would wish to proceed as provided for in the last sentence of paragraph 3, article 18 of the Standing Orders, which read as follows: "If the voting is still equal, the order of preference shall be decided by lot". As it was by no means certain that the two Governing Body members now absent would be present the following morning, she proposed that the decision be taken straight away.

Mr. Muhr (Worker, Federal Republic of Germany; Worker Vice-chairman) regretted that the Employers had been unable to accept the Workers' proposal which he still considered justified, bearing in mind that 27 members of the Governing Body had voted in favour of temporary work agencies. Nevertheless, he agreed that the Governing Body should proceed as provided for in the Standing Orders.

It was decided by lot that item (d), revision of the Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63), should rank third in order of preference.

The Governing Body accordingly decided that, in addition to the standing questions which the Conference would have before it and to the items likely to be carried forward for second discussion from the preceding session, the following items should be placed on the agenda:

(b) occupational health services (first discussion);

(d) revision of the Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63) (first discussion);

(e) evaluation of the International Programme for the Improvement of Working Conditions and Environment (PIACT) (general discussion).

The Governing Body noted that, as a result of the decisions just taken and having regard to the items which would necessarily be before the Conference, the agenda of the 1981 session would be as follows:

I. Reports of the Governing Body and the Director-General.

II. Programme and budget proposals and other financial questions.

III. Information and reports on the application of Conventions and Recommendations.

IV. Employment policy (second discussion).

V. Occupational health services (first discussion).

VI. Revision of the Convention concerning Statistics of Wages and Hours of Work 1938 (No. 63) (first discussion).

VII. Evaluation of the International Programme for the Improvement of Working Conditions and Environment (PIACT) (general discussion).

The Governing Body further noted that the Conference would also have before it a special report on the application of the Declaration concerning the policy of apartheid in South Africa, as updated by the Conference at its 67th (1981) Session.
EIGHTH ITEM ON THE AGENDA

Report of the Allocations Committee

The Chairman said that as the third item — Selection of Members of chief industrial importance — should be examined in the light of the report of the Allocations Committee, the Governing Body would first take up that report, which included a recommendation that it decide to submit to the 1983 session of the Conference a resolution concerning the cancellation of the arrears of contributions due from China.

Mr. Oechslin (Employer, France; Employer Vice-Chairman) considered this question to be one of the most important on the agenda of the present session and referred back to his statement at the November 1980 session of the Governing Body.

It was somewhat paradoxical that a problem of such importance, which did not simply concern China's arrears of contributions but related essentially to the resumption by China of active participation in the Organisation, should have been treated as a routine question and thus dealt with by a committee which was not tripartite. Although the procedure was in conformity with the Standing Orders and was understandable where financial technicalities were involved, the present case concerned a problem of substance on which all three groups would no doubt wish to comment.

The decision should take into account not only the resolution's quite considerable financial implications but also China's capacity to fulfil the obligations arising out of the Organisation's tripartite structure. Perhaps the Director-General would inform the Governing Body of the assurances given by China in that respect. Furthermore, China's resumption of active participation raised the question of the international labour Conventions it had ratified. What was the position of the present Government in respect of the application of those Conventions, by which China of course remained bound?

To revert to the financial aspects, it could be anticipated that China's active participation would give rise to additional expenses, and the Governing Body would be called upon in due course to examine the provision of the necessary services. It would, however, have been preferable if the decision concerning the cancellation of China's arrears had also taken into account both the extra cost which its participation would involve for the Organisation and the additional income which would result from its contribution to the ILO budget at the rate indicated in the report.

The Employers were also concerned that the cancellation of China's arrears might constitute a precedent in respect of other countries in a similar situation. Moreover, it should be quite clear that he did not prejudge the position that might be taken by the Employers' group at the Conference as regards relations with the Employer members of the Chinese delegation.

It was probable that the Governing Body would approve the recommendations of the Allocations Committee and the Employers had no intention of opposing the submission of the resolution to the Conference. It would, of course, be for the Conference to decide on its adoption, but the Employers would certainly be guided by such information and assurances as might be forthcoming on the points mentioned.

Mr. Ruhle (Worker, Federal Republic of Germany; Worker Vice-Chairman) said that the Workers needed time to examine the report. He would accordingly inform the Governing Body of their position at its next sitting.

The Director-General commented that Mr. Oechslin had been right in pointing out that the Allocations Committee was not tripartite. It was therefore all the more necessary that the Governing Body as a whole should be fully aware of the implications of the proposal before it.

By a communication dated 21 July 1982 from the Government of the People's Republic of China, he had been informed of its decision to resume activities in the Organisation as from the next session of the Conference. The report now before the Governing Body constituted the concluding stage of the discussion which had taken place in November 1980, when the Governing Body had agreed in principle that a resolution concerning the cancellation of China's arrears should be submitted to the Conference.

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At the invitation of the Government, he had visited China recently. During his lengthy discussions there, the Government had confirmed its desire to participate fully in the ILO's activities subject to the adoption by the Conference of the resolution in question. On the assumption that it would be adopted, the Government was already making arrangements for its delegation to participate actively in the work of the Conference.

The Government had confirmed its intention of meeting all its obligations as a Member of the Organisation, including the prompt payment of its contribution as from the date of resuming its seat at the Conference.

As regards the question of ratified Conventions, it was true that China had lost touch with the Organisation. The Government was, however, fully aware of the problem. It had also recalled its communication to the Secretary-General of the United Nations in 1971 regarding the Conventions ratified by the Taiwan Government. It had stated its intention of examining the Conventions one by one with a view to deciding which it wished to apply or denounce. He had suggested that this be done in close collaboration with the Office, which was in a position to provide advice and ensure that the relevant constitutional and other provisions were observed. He would, of course, keep the Governing Body informed of developments.

Naturally, it had not been possible to discuss, still less resolve, all outstanding problems during his relatively short stay in China. However, it was his opinion that satisfactory progress had been made and that China had taken a firm decision and would abide by it.

With reference to Mr. Oechslin's question about the financial implications for the Organisation of China's resumed participation, he would provide the relevant information when submitting his programme and budget proposals for 1984-85. The problems involved, including the introduction of Chinese, which was a working language in the United Nations system, were at present under examination by the Office. The necessary financial provision would have to be fitted into the programme and budget for 1984-85, and he would try to make his proposals as realistic and acceptable as possible. In addition to Chinese linguistic staff, other personnel of Chinese nationality would naturally be recruited and it was his intention that this should be done gradually, as and when vacancies arose.

As far as he knew, there were no other member States in a position similar to that of China. The rather complex problems of arrears of contributions which the Conference, and in particular the Finance Committee of Government Representatives, had before it every year, were of another order.

Finally, it should be emphasised that the question was not new but the outcome of discussions with the Chinese Government which had started in 1980 and had led to its decision to resume active participation.

The discussion was adjourned to a later sitting.

The sitting closed at 6.20 p.m.
THIRD SITTING
(Wednesday, 17 November 1982, morning)

The sitting opened at 10.50 a.m. with Miss González Martinez in the Chair.

EIGHTH ITEM ON THE AGENDA
Report of the Allocations Committee (concl.)¹

Mr. von Holten (Employer, Sweden) said that Mr. Oechslin had already expressed the Employers' concern that the cancellation of China's arrears might be taken as a precedent by other countries with long-standing arrears of contributions. If any of those countries were to request equal treatment with China, was there a legal basis for refusing such requests?

Mr. Haase (Government, Federal Republic of Germany) commented that the Director-General's statement seemed to imply that if certain items of expenditure were accepted by other UN organisations they should as a matter of course be accepted by the ILO. That prompted him to point out that the report contained, besides the recommendation in paragraph 11 concerning the cancellation of China's arrears, a recommendation in paragraph 12 that the Director-General be requested to provide information on the financial implications for the Organisation of China's resumption of activities. The intention of that paragraph was to avoid a situation wherein the Governing Body would be confronted with financial estimates in the programme and budget proposals for 1984-85 without having had a proper opportunity of discussing their substance and which it would have little alternative but to approve. The information requested, which should be provided in a separate paper, should include the reasons for the declining rate of assessment of China's contribution, to which reference was made in paragraph 8, as well as the way in which China's resumption of activities had been dealt with in other UN organisations, so that a decision could be taken on the basis of facts rather than assertions. The Governing Body should not delude itself: an excess of expenditure over income could only be met by increasing the contributions of other member States or making programme cuts. The purpose of paragraph 12 was to ensure that the Governing Body was fully aware of all the implications. The Allocations Committee would not wish to be told later that it had cancelled arrears and cut contributions without drawing attention to the other consequences of China's resumption of activities.

Mr. Muhr (Worker, Federal Republic of Germany; Worker Vice-Chairman) underlined the importance attached by the Workers to China's resumed participation, which would enable the Organisation to be truly universal in character. China was, of course, a founding Member of the Organisation and had always remained a Member, a fact that was the source of some of the problems now facing the Governing Body.

As regards the decision taken at the November 1980 session, which was reflected in paragraph 2 of the report, the Workers felt strongly that having authorised the Director-General to pursue negotiations with the Chinese authorities on the assumption that a resolution concerning the cancellation of China's arrears would be submitted to the Conference, the Governing Body should now abide by that decision. Those who had reservations should have expressed them at the time the decision was taken.

The Workers also attached considerable importance to the principle that China, having remained a Member of the Organisation, must continue to be bound by the Conventions she had ratified. In no circumstances could a change in a country's political regime be invoked by the new government as justification for repudiating Conventions ratified by its predecessors. To accept such a premise would be to open the door for any government that so wished to free itself from the obligations which its country had assumed under previous administrations, thus undermining the very foundations of the ILO's standard-setting activities. The Director-General should

¹ See second sitting.
therefore explained to the Government that the obligations assumed by China were still binding and that if it wished to denounce ratified Conventions the only way to do so was in accordance with the procedures laid down in the Constitution.

As regards the financial implications, the Workers were inclined to share Mr. Haase's view. It was of course not possible to reckon the difference between a Government's contribution and the expenditure arising out of its participation, but it was necessary to inquire whether the need for such expenditure was self-evident. For instance, what was the practice in other UN organisations concerning the use of Chinese? If its introduction now appeared to be self-evident, why was that not the case when China was participating in the Organisation in the years prior to 1971 - the nature of its membership had not changed and Chinese was presumably a working language of the United Nations at that time. It was difficult to understand why a need which was not self-evident before 1971 had now become so, and the point should be clarified.

Mr. Charry Sapper (Government, Colombia) recalled that at the time of the return of the United States to the Organisation, stress had been placed on the importance of the principle of universality rather than on certain other considerations, and he believed that this principle should be the major consideration at present.

The resumption by China of its seat as one of the States of chief industrial importance was an event of historic significance for the Organisation. Praise was due to the Director-General for the successful way in which he had carried out the mandate entrusted to him and Mr. Muhr was right to say that there could be no going back on the Governing Body's decision of November 1980 to cancel China's arrears. However, it was surprising that the discussion had not started by considering the consequences of the resumption of activities by the most populous country in the world, all the more so since the ILO, as a pre-eminently social organisation, needed to concern itself more closely with the problems of the rural sector and to come to grips with realities in the developing countries. When a question of such importance was before it, the Governing Body should surely have started not by discussing contributions but by recording its satisfaction that the universality of the Organisation would now be complete as a result of the participation of the country with the world's largest population and one of its most ancient civilisations. China's resumption was also linked with the question of members of chief industrial importance. Although the abolition of that category was now under review, China was resuming activities at a time when the current rules still applied.

A number of other aspects also had to be considered. First, it was hardly appropriate to impose conditions on one member State and not on the others. It was not possible to examine the internal situation of China as regards the application of certain principles that pertained to the membership status as provided under Article 1 of the Constitution, when a country became a Member of the Organisation, it accepted all the obligations of the Constitution. It was also a fact that Chinese was one of the six official languages of the United Nations, and the ILO should follow United Nations practice; there could be no justification for quibbling over the use of the most widely spoken language in the world. China's right to have its nationals on the staff of the Office was so obvious that it called for no discussion. The Organisation needed specialists not only from the developed countries but also from countries with experience of the problems facing it. Naturally, China's resumption of activities would give rise to expenditure, but its situation was different from that of other countries which were in arrears of contributions and therefore required to be treated differently.

Mr. El-Tiedy (Government, Egypt) shared the views of Mr. Charry Sapper. China's resumption of activities would be the best way of demonstrating the ILO's belief in the principle of universality. Her experience in both industrial and agricultural development would be of immense value to the Organisation.

His Government supported all the efforts made by the Director-General to enable China to resume full participation in the Organisation and exercise its legitimate rights. However, it would certainly be necessary to find solutions to the problems which had been mentioned, especially the question of arrears of contributions, the introduction of Chinese and the recruitment of Chinese nationals.

The Director-General, referring to the query by Mr. von Holten about the possibility of similar requests from other countries, said there were no other
countries in a comparable situation to China, which had never ceased to be a Member of the Organisation. Following the decision by the United Nations General Assembly in 1971 to substitute the Beijing Government for that of Taipeh in the United Nations system, the former Government had considered how China could resume participation in each organisation, and had taken its decision on a case-by-case basis. The formula at present before the Governing Body for cancelling China’s arrears corresponded to that used in other organisations. There was no risk of a similar situation arising with other countries; unfortunately, problems of arrears of contributions occurred before the Conference each year and sometimes involved special payment arrangements, but the situation arising from China’s decision to resume active participation was quite different. The Governing Body would recall that it had decided on its own initiative in 1971 to substitute Beijing for Taipeh; the Beijing Government had not asked it to do so.

As regards the financial implications, it was clear that there would be expenditure through, for example, the introduction of Chinese, and the necessary provision would have to be fitted into the programme and budget proposals for 1984-85. However, if it was the wish of the Governing Body - and this appeared to be the sense of paragraph 12 - that it be provided, perhaps in a separate paper, with information on the financial implications, that could be done. The implications did not appear, on the face of it, to be particularly onerous. The Chinese Government was aware that the financial situation was tight and while there was no doubt that it intended to participate actively in the Organisation, it seemed prepared at the same time to exercise patience.

As regards Mr. Muhr’s request for information about Chinese language facilities elsewhere, the position was that interpretation and documentation services were provided for all general conferences and governing bodies in all the organisations to which China belonged. Provision for other services varied according to the organisation. It was clear, however, that they had developed gradually over time, and it would be sensible for the ILO to adopt a similar approach in the light of, of course, of the actual needs of the Chinese delegation at the Conference, the Governing Body and other ILO meetings.

Finally, it should be reiterated that the proposals now before the Governing Body were the logical outcome of the negotiations it had authorised him to undertake. China had decided to resume its participation in ILO activities, subject to the adoption by the Conference of the resolution proposed in paragraph 11. He hoped that the Governing Body would decide to submit that resolution to the Conference. As regards paragraph 12, the information would be provided next February.

Mr. Oechslin (Employer, France; Employer Vice-Chairman) asked why paragraph 1 of the resolution did not specify the actual amount of the contributions assessed on China as from 16 November 1971, whereas the arrears due in respect of the period prior to that date were specified in paragraph 2.

The Director-General said that the actual amount referred to in paragraph 1 would depend on the date on which the Conference adopted the resolution. The figure in paragraph 2 corresponded to the arrears due by Taipeh.

The Governing Body adopted the recommendations in paragraphs 11 and 12 of the report.

THIRD ITEM ON THE AGENDA

Selection of Members of Chief Industrial Importance

Report of the Officers of the Governing Body

Mr. Chary Samper (Government, Colombia) had reservations about the paper, particularly the point for decision in paragraph 10. Although the eventual abolition of the status of chief industrial importance was under consideration as part of the pending structural reform, the Governing Body had of course to act in accordance with the existing rules. Past experience had demonstrated the difficulty of the subject, which required to be treated with extreme caution.
Article 7, paragraph 3 of the Constitution provided that the Governing Body "shall make rules to ensure that all questions relating to the selection of the Members of chief industrial importance are considered by an impartial committee before being decided by the Governing Body". The basic flaw in paragraph 10 was that it did not refer to any rules; in his opinion, they should be established before or concurrently with the appointment of the experts. Should the Governing Body wait until the experts had reached their findings before making rules, or, as he himself proposed, first make rules on which the findings of the experts would be based?

He was not prepared to accept any compromise proposal which would have the effect of increasing the number of non-elective seats over the ten provided for in the Constitution. Nor could he agree to any proposal to appoint substitute members, since there could be no such thing as substitutes for the ten States of chief industrial importance. Nothing in life was permanent. The ten States of chief industrial importance were no exception, and the possibility of a complete revision of the list should be kept open.

Moreover, as the previous discussion had demonstrated, certain criteria would be fundamental in measuring industrial importance in 1982. How was the contribution of services and agriculture to be judged? How were population growth, national product, income per head, reserves, balance of payments, foreign debt, contributions to the ILO budget and the economically active population, including women, to be taken into account? Everything hinged on the weighting factors used. Would the ratio of national income to labour force be 3:1 or 4:1? Those who had participated in the previous discussion were aware of the significance of those figures. It would also be useful to agree on the number of countries to be considered, either before or at the same time as the appointment of the experts. His preference, for which there were valid reasons, was for 25 countries, although he was prepared to consider other views. Another important question was whether the countries should be listed alphabetically or in ranking order. As regards the statistics themselves, the data used should at least relate to the last two years.

In view of the severe criticism levelled at the experts' findings last time, it was for the Governing Body rather than the experts to lay down the criteria of industrial importance, since the question was far too important to be left to technicians alone. Before paragraph 10 was adopted, therefore, it should be amended to include a reference to the criteria. They would of course have to act quickly in order to enable China to resume its seat at the June session of the Conference.

Mr. Targino Botto (Government, Brazil) observed that the resumption of active membership by China would greatly enhance the Organisation's universality and was to be welcomed.

He agreed with the proposal that the Governing Body should undertake the selection of the Members of chief industrial importance. Since the reform of the ILO's structure was still under consideration it was of the utmost importance to abide strictly by the existing procedures of the Constitution and the Standing Orders. Clear, open procedures were the best guarantee of objectivity and impartiality. Bearing in mind that it was for the Governing Body to decide on the rules and criteria and to make the final selection, it would be helpful if the statistical experts were to study the minutes of its previous discussions on the subject, particularly the views expressed regarding the weighting to be given to population and rational income. The Governing Body should also be informed at its next session of the statistics used by the experts. Finally, as regards the committee's composition, here again past experience should be borne in mind.

Mr. Armstrong (Government, Canada) endorsed the action taken by the Director-General with a view to China's resumption of participation in the Organisation. However, while not opposing the establishment of the committee of experts, he wished to draw attention to the possible consequences of its work. For Canada, the ILO was the secular voice for freedoms. Canada, a country which had great faith in the rule of law and in parliamentary democracy, had been closely involved in the evolution of the ILO from the very beginning, having joined the Organisation in 1919 and been a member of the Governing Body for 60 years. It was true that industrial importance might fluctuate, but it would be a pity to adopt a mechanical approach to the problem. The Organisation was going through a transitional period between the old and the new Constitution. However, the procedure now proposed tended to perpetuate the old system, and the Governing Body would thus be moving away from the objectives of the pending constitutional reform. The present transitional period surely called
for flexibility. Could not, for instance, the number of non-elective seats be increased from ten to, say, 12, subject to their allocation so as to preserve group balance? Such a course would not be unconstitutional, since plenty of scope seemed to be provided under paragraph 4, Article 7 of the Constitution. It would, in his view, be in the best interests of the Organisation to adopt such an approach.

Mr. Deshmukh (Government, India) had no objection to the recommendation in the paper since it was the consequence of China's welcome return to its legitimate place in the Organisation. At the same time, he felt that it might logically be asked if the setting up of another committee of experts was really necessary bearing in mind that the previous committee had met as recently as 1980 and had identified not only the ten countries of chief industrial importance but had also indicated the three following countries in ranking order. Nevertheless, it would give the Governing Body an opportunity of reviewing the whole question in the light of the most recent developments and data and in that connection he had a number of observations.

The committee of experts appointed in 1978 had fixed the ratio of national income to labour force at 3:1. The 1980 committee, however, had chosen to increase that ratio to 4:1 on the ground that greater weight should be given to national income. The lesser weight given to the labour force went against the interests of the developing countries. If the overriding objective of the ILO's activities was social justice, surely it would be incongruous if the target of those activities - the worker - were not given proper importance. The developing countries therefore considered that the ILO should give equal weight to the factors of national income and labour force. It was of course true that national income was a product of the economically active population. The 1978 committee had evolved a compromise formula that the ratio between these two factors should be 3:1, and the developing countries prepared to consider that ratio. They wished, however, to make it clear that they would not accept the ratio of 4:1 adopted by the 1980 committee, and supported the views of Mr. Charcy Samper and Mr. Targino Botto that the matter should not be left entirely to the experts' discretion.

As regards the number of experts, there appeared to be no justification for the change from six to five and it should be kept flexible. An element of continuity should also be maintained in its composition, since it was doubtful whether an entirely new committee would be familiar with past traditions and practice.

The statement in paragraph 9 that the committee would not include anyone from a State which might prove to be either just above or just below the line of demarcation between a State of chief industrial importance and the other countries seemed to prejudge the issue and it would be desirable to know what its implications were. It was also difficult to understand the proposal concerning the appointment of substitutes to serve in case of need. The Working Party on Structure was nearing the completion of its work, and it would be unfortunate if the Governing Body were to give the impression that it was envisaging a long-term arrangement.

Mr. Oechslin (Employer, France; Employer Vice-Chairman), speaking both as an Officer of the Governing Body and as the Employers' spokesman, pointed out that the Governing Body was not now called upon to take a decision on the provision of paragraph 2, Article 7 of the Constitution concerning the existence of ten Members of chief industrial importance. Nor was it called upon to decide on the application of paragraph 2, Article 13 of the Standing Orders of the Governing Body. Of course, the Governing Body was faced with a difficult task, and one that inevitably involved some degree of arbitrariness since industrial importance was not defined in the Constitution. Nevertheless, the rules as they stood had to be strictly applied and the Employers were not prepared to deviate from them, however painful the consequences might be. The rule of law was a fundamental principle of the Organisation which should not be set aside for any reason whatsoever, even the most laudable.

Under paragraph 2, Article 13 of its Standing Orders, the Governing Body was required to take the advice of a committee of experts or the most appropriate criteria of industrial importance and on the relative industrial importance of States assessed on the basis of such criteria. It was open to the Governing Body to discuss, modify, reject or accept the experts' recommendations but before examining the matter it was required to seek their advice. The Governing Body was thus asked to do no more at present than to set the procedure in motion by appointing the committee of experts. Naturally, the highly qualified professionals on the
The committee would take due account of the work of their predecessors, and its composition therefore seemed to be of subsidiary importance. In view of the observations made during the previous discussion, their report should contain all the data used in reaching their findings, even if that was contrary to any rule of the United Nations. The Governing Body would therefore have before it a full record of all the observations it needed to reach a decision.

Mr. Rüht (Worker, Federal Republic of Germany; Worker Vice-Chairman) said that the Workers preferred to adopt a reserved attitude since the question was primarily of concern to governments. Nevertheless it was plain that it was for the Governing Body as a whole to select the Members of chief industrial importance as occasion required. The occasion had arisen as a result of the welcome resumption by China of participation in the Organisation.

The Governing Body was now faced with the difficulties that had been foreseen when the matter was discussed in March 1981, but that was no excuse for inaction. Mr. Kochel was right in saying that at the present session all that the Governing Body was required to do was to appoint the committee of experts. All the other consequences arising from Article 7 of the Constitution would have to be decided at the Governing Body's next session. The Governing Body should not anticipate that discussion but should create the conditions to enable it to be held and he therefore supported the proposal in paragraph 10.

Mr. Khasru (Government, Bangladesh) also welcomed the resumption of participation by China, which would make the Organisation really universal. It had been suggested that the number of non-elective seats might be increased from ten to twelve. If that were reasonable, it was logical to conclude why the Governing Body should draw the line at twelve? Why should it not increase the number to twenty? All the Federation was saying that all that was required was to appoint the committee of experts before reaching its findings. It was clear from paragraph 4 of the paper that China had all along remained a Member of chief industrial importance and it was to be hoped that it would soon resume its rightful place so that the Organisation could benefit from its valuable experience.

Mr. Fasanja (Government, Nigeria) thought it right and proper that China should reoccupy its seat among the Members of chief industrial importance. However, he could not accept the suggestion that the number of non-elective seats in the Governing Body should be increased since it would be the developing countries that would have to bear the consequences. According to the rules at present in force, the number of Members of chief industrial importance was limited to ten. Pending the conclusion of the reform of structure, those rules should be observed.

Mr. Malintano (Government, Italy) agreed with previous speakers that China’s resumption of activities was taking place at a time of transition for the Organisation. From a purely formal point of view, the Constitution was of course unchanged, but, as everybody knew, structural reforms involving the abolition of the category of Members of chief industrial importance and a more equitable geographical distribution of seats in the Governing Body were in the offing. It was against that background that the problem should be considered in trying to devise a practical solution which would at the same time avoid any adverse effects for the developing countries.

The Director-General had drawn attention to the need to make room for China’s return. But bearing in mind that the basic reason for increasing the size of the Governing Body was to respond to the growing number of member States, perhaps the best way of making room would be to expand the Governing Body a little. Pending structural reform, there was such “to be said for making an adjustment”, within the framework of the existing rules and on the basis of the results achieved by the Working Party so far, which anticipated the outcome of that reform.

Mr. Fitojo (Government, Indonesia) also thought that criteria should be established for the determination of the Members of chief industrial importance. The number of such Members should be limited to ten and he supported the proposal in paragraph 10 of the report.

Mr. Vétegel (Government, France) earnestly hoped that the structural reforms to which many speakers had referred would soon see the light of day. His delegation had made proposals in respect of the permanent seats with a view to facilitating agreement between all the parties. That agreement would not be revoked; on the contrary, as far as his Government was concerned, it would be reaffirmed.
As regards China, his Government, with its firm belief in the principle of universality, welcomed that country's resumption of activities in the Organisation, subject to the reservations concerning the financial implications to which reference had already been made.

China's return forced the Governing Body to revert to the question of the Members of chief industrial importance. The most sensible course was surely to await the advice of the experts, and the Governing Body should therefore appoint a committee first. Once it had issued its findings, the Governing Body would of course examine them and take whatever decision it thought fit. Decisions taken in haste today would certainly be disputed later on and the Governing Body should therefore follow the path of prudence and accept the proposal in paragraph 10.

Mr. Peterson (Government, United States) thought it essential that in exercising judgement on the very important matter before it, the Governing Body should act with due process, with a view to ensuring not only a procedurally just outcome based on the observance of the appropriate constitutional provisions but also one which was substantively just, involving the relevant expertise and the careful weighing of all the elements involved. His Government would support a decision requiring the observance of these elementary concepts of due process.

Finally, he recommended that the Governing Body take the necessary time to consider carefully all relevant factors, including the reform of structure and the need for an equitable composition of the Governing Body, with a view to performing its task with excellence and in the observance of those procedural processes that were acceptable to the parties which had the most at stake.

Mr. Brik (Government, Algeria) expressed the pleasure felt by Algeria, which had not previously been a member of the Governing Body, at seeing China resume its proper place in the Organisation. With its return the universality of the Organisation would be complete.

The question before the Governing Body seemed quite clear. The Constitution referred to ten Members of chief industrial importance and the Governing Body had now to decide how to select them.

Great efforts had been made over the years in the Working Party on Structure to make the Constitution more responsive to present-day realities. The fundamental concern of the developing countries was to have equality of opportunity written in to the Constitution, with the consequent abolition of the non-elective seats in the Governing Body. These reforms now seemed to be on the point of materialising. The proposal to increase the number of permanent seats was surprising, since it ran counter to one of the fundamental demands of the developing countries. The Governing Body should, instead, proceed on the assumption that the Constitution would soon be amended and abandon any idea of extending the list of permanent members. For these reasons his Government supported the proposal in paragraph 10, although in its view the committee should be larger. The Office proposals concerning its membership should ensure an equitable geographical and economic distribution.

Mr. Kostine (Government, USSR) had no objection to the proposal in the report. He wished simply to stress the need for thoroughness. Bearing in mind the difficulties caused last time by the fact that the changes in the criteria had not been sufficiently well founded, the committee should submit to the Governing Body not only its findings and recommendations but also the principal calculations and background data so that the Governing Body would be able to take a decision in full knowledge of the facts.

Mr. Seto (Government, Senegal) welcomed China's return to active participation in the Organisation. Within the United Nations, China had resumed its seat as one of the permanent members on the Security Council and it was therefore entirely fitting that in an important Organisation such as the ILO it should also resume its seat as one of the members of chief industrial importance, thus contributing to a better balance between social and economic interests and giving a universal dimension to the Organisation.

It was important that the Governing Body should abide by the Constitution and its Standing Orders and observe the principle of equality. It had been suggested
that a solution be devised which would somehow anticipate the outcome of the reform of structure. Such a course would risk jeopardizing all the work that had been so painstakingly accomplished over the years. The Governing Body should not try to go faster than the Working Party itself and should base itself on the situation as it now existed. His Government supported the proposal in paragraph 10, since the experts would provide the Governing Body with the necessary data for its decision.

Mr. Al-Shakar (Government, Bahrain), speaking for an Asian country, was gratified that China would soon take its rightful place in the Organization. He agreed that it was necessary to establish criteria for the selection of the Members of chief industrial importance, but had reservations about the suggested increase in their number. He supported the proposal in paragraph 10.

Mr. Wallin (Government, Belgium) also endorsed the proposal. The Governing Body should abide strictly by the rules in force, which provided for ten Members of chief industrial importance, and there should be no question of changing that figure.

The suggestion by Mr. Malintoppi that the Governing Body might anticipate the outcome of the work of the Working Party on Structure, although tempting, would not only entail departing from the Constitution but would risk setting a dangerous precedent. If the Governing Body were in the present case to act on the Working Party's conclusions beforehand who could say it would not be confronted with other requests to do so in future? Where would it draw the line? The Governing Body should confine itself to appointing the committee of experts, who would decide on their criteria and weighting factors. It should have confidence in the Director-General as regards the selection of the experts and in the experts themselves as regards their methods of work. However hard it might be for any country to have to leave the group of ten, the existing rules had to be observed.

Mr. El-Reedy (Government, Egypt) said that in dealing with a matter of such importance and difficulty clear and definite principles were required. In the first place, it was necessary to abide by the Constitution as it existed. An increase in the number of non-elective seats would not only be unconstitutional but would place pressure on certain smaller countries. The return of China was welcomed by all and it was therefore necessary to revise the list of the ten Members of chief industrial importance. Finally, the list should be revised on the basis of precise criteria which were acceptable to all concerned. He therefore supported the proposal in paragraph 10 of the report.

Mr. Armstrong (Government, Canada) wished to make it clear that his Government welcomed China's return and accepted the appointment of the committee of experts. He was sure that they would take into account their predecessors' recommendation that the ratio of national income to labour force should be at least 4:1. Pending the structural reform, he hoped that consideration would be given to an ad hoc arrangement.

The discussion was adjourned to a later sitting.1

The sitting closed at 1 p.m.
FOURTH SITTING

(Wednesday, 17 November 1982, afternoon)

The sitting opened at 3.10 p.m., with Miss Gonzalez Martínez in the Chair.

THIRD ITEM ON THE AGENDA

Selection of Members of chief industrial importance (cont.)

Report of the Officers of the Governing Body (concl.)

Mr. Parag (representative of the Organisation of African Unity) felt that any increase in the number of Members of chief industrial importance would have an adverse effect on the allocation of seats to the developing countries. It would therefore be preferable for the number to be kept at ten and the matter referred to the Working Party on Structure.

Mr. Bozental (Government, Mexico) expressed his Government's pleasure that China had decided to take up its seat in the Organisation, as its contribution to the ILO's activities would be valuable. However, he agreed with previous speakers that, in view of its likely effect on the participation of developing countries, any change in the number of Members of chief industrial importance should be ruled out, and the Standing Orders of the Governing Body should be strictly observed.

Although he approved of the recommendations in the report, he was concerned that the wishes of certain Governments should not be overlooked. It would therefore be advisable to await the findings of the Working Party on Structure before deciding on any changes, which should form part of a comprehensive reform.

Mr. Halinstoppi (Government, Italy) wished to make it clear that he had never proposed that the Governing Body should simply increase the number of Members of chief industrial importance. The tendencies in the revision of the Organisation's structure should also be taken into account before any decision was taken. There was no need to take liberties with the Constitution to resolve the situation. He would merely urge the members of the Governing Body to reflect on the scope and implications of the constitutional rule embodied in paragraph 6 of Article 7.

Mr. Chary Samper (Government, Colombia) had no difficulty in accepting paragraph 10, but felt that the Governing Body should postpone any in-depth debate on the matter until the following session, by which time the Director-General would have provided them with the necessary information to enable them to arrive at a decision in accordance with the procedure required by the Constitution as it stood. The information should include details of the criteria taken into consideration. There could be no question of any temporary departures from the Constitution, and any structural reforms that might be contemplated were irrelevant in this particular case.

The Director-General said that he would be prepared to submit, before the end of the week, a list of experts for appointment to the Committee. As for the criteria, they would have to be defined by the Committee itself, which would present recommendations only, leaving it to the Governing Body to take the final decision at the next session.

He would see to it that the 1980 debate was brought to the attention of the experts, who would have the advantage of basing their recommendations on more up-to-date statistics than were then available. The appointment of such a Committee would in no way detract from the Governing Body's freedom of decision.

The Governing Body adopted the recommendations in paragraphs 7 and 10 of the office paper.

1 See also eleventh sitting.
2 See third sitting.
SIXTH ITEM ON THE AGENDA

Reports of the Committee on Freedom of Association

Mr. Verschueren (Employer, Belgium) reported that at its November meeting the Committee had had before it 94 cases concerning 41 countries in all parts of the world. Of the 59 cases that it had examined, 25 had led to definitive conclusions.

Paragraphs 4 to 11 concerned the cases which had had to be adjourned because observations had not been received from governments, or had arrived too late or were incomplete. The Committee drew special attention to the cases concerning Bolivia, the Central African Republic, India, Nicaragua and the Sudan, in which urgent requests for replies had been sent to the Governments. The Committee would examine these cases at its next session, even if the Governments' observations had not been received. Paragraphs 12 to 30 concerned 19 cases in which Governments had kept the ILO informed of the effect given to previous recommendations by the Committee. The latter had noted with interest that in Chile, Greece, India and Morocco, workers dismissed as a result of labour disputes had been reinstated.

In one of the cases which had led to definitive conclusions, that of Mauritania described in paragraphs 125 to 150, the Committee had been forced to examine the allegations in the absence of the Government's observations. The Committee deeply regretted that the Government had not replied to the complainants' allegations, and drew the attention of the Committee of Experts on the Application of Conventions and Recommendations to the deteriorating trade union situation in that country.

In a case concerning Morocco (No. 1058), the Committee again deplored the Government's refusal to allow a representative of the Director-General to visit the country in order to examine the case, and recommended the Governing Body to instruct the Director-General to request the Government authorities once more to allow such a mission to take place as soon as possible.

The Committee also submitted three separate reports concerning Argentina, Turkey and Poland. In the case of Argentina, the Committee presented interim conclusions drawing the Government's attention to a number of principles concerning strikes, collective bargaining and the supervision of trade union organisations. It also requested the Government to supply information about a number of persons who were either still under arrest or had disappeared.

In the case of Turkey, the Committee noted the report of the direct contacts mission undertaken by a representative of the Director-General in July 1982. The Committee had adopted interim conclusions, based on information obtained during the mission to Turkey and on other observations communicated in writing by the Government, concerning the effects of the imposition of martial law, in particular the suspension of trade union organisations, the preparation of a new law on trade unions and the prosecution of a number of trade union officials.

The Committee had examined the case of Poland in the light of information received by the ILO during the visit to Geneva of a Government delegation, which was received by the Committee, and on the basis of written observations communicated by the Government and statements made by the Vice-Minister of Labour to the Committee. The Committee had reached interim conclusions, and recommended the Governing Body to decide at its next session, in the light of the information, both factual and legal, at its disposal, whether or not to follow up the complaint submitted under Article 26 of the Constitution by appointing a commission of inquiry.

Finally, the Committee expressed its gratitude to Mr. Delarbre for his past work for the Committee, in particular in presenting its reports to the Governing Body. His profound sense of justice, clear perception of complex situations and exceptional ability to guide the Committee would be greatly missed.

TWO HUNDRED AND EIGHTEENTH REPORT

Mr. Haier (Worker, Austria) associated himself with the comments made by Mr. Verschueren, and also asked the French Government representative to convey the thanks of the Workers' group to Mr. Delarbre for the capable way in which he submitted the Committee's reports to the Governing Body.
The 218th Report concerned a large number of cases, some of them particularly serious, and it was extremely important that governments should co-operate with the Committee by communicating the information requested of them. This, particularly applied to the cases involving Grenada and Bolivia mentioned in paragraph 5 of the 218th Report. Similarly, the urgent appeals directed to the Governments of Bolivia, the Central African Republic, India, Nicaragua and the Sudan, contained in paragraph 11, should be complied with as soon as possible. Paragraphs 12 to 31 dealt with follow-up action taken or planned by Governments in connection with past cases; the Workers' group requested that the Governments referred to in these paragraphs be urged to resolve the problems involved and to inform the Committee of the steps they had taken to give effect to its recommendations.

As regards the cases covered in paragraphs 72 to 246, he drew particular attention to those concerning Nicaragua and Mauritania, and hoped that the governments concerned would give effect to the Committee's recommendations. Of those dealt with in paragraphs 247 to 361, special reference should be made to the cases concerning Chile and the complaint against the Government of El Salvador. The first of the cases concerning Morocco should also receive attention, as the Government had so far failed to grant the Committee's request to send a direct contacts mission to inquire into the allegations. He also drew attention to the cases concerning Romania and Uruguay. In the one concerning Upper Volta, the alleged violation of the principle of freedom of association was particularly serious, and action should be taken on the Committee's recommendations as soon as possible.

Mr. Issifu (Worker, Ghana) emphasised the danger to the workers involved of adjourning the cases concerning Bolivia and Grenada for lack of a reply from the Governments. The failure of governments to reply to requests for information was a constant source of grave concern to the Workers' group, and the Director-General should, in transmitting the urgent appeals for information to the governments concerned, ensure that they were capable of responding to the Committee's requests effectively. The case of Mauritania further underlined this point; its inclusion in the present report followed adjournment of the case at the preceding May session of the Governing Body for lack of the Government's observations on its alleged interference in trade union activities. The Government's continued failure to reply suggested the inevitable conclusion that it was guilty of the allegations, although that was not necessarily true. Possibly lack of resources was the cause of certain failures to reply, and the ILO should therefore devise ways of aiding member States to discharge their obligations to the Organisation. In the case of Sierra Leone, it was regrettable that the fate of the banned trade union executive was not known. The refusal of the Government of Morocco to grant the request for a direct contacts mission was extremely disappointing, and he hoped the Government would soon change its mind on this point.

Mrs. Carr (Worker, Canada), referring to paragraph 23 of the report, regretted that the Government of Alberta did not consider it necessary to amend its legislation. As there were other cases pending in connection with that Province the Workers had formally requested the Director-General to send a direct contacts mission to the Federal Government of Canada in Ottawa as a means of persuading the Provincial Government to enter into discussions.

Mr. Sánchez Madariaga (Worker, Mexico) was alarmed at the increase in violations of human rights, and more particularly of trade union rights. Some of the allegations were particularly serious, involving murder and the seizure of trade union property, but in view of their gravity and the time-scale of the events involved, the cases concerning El Salvador deserved particular attention.

Mr. Barnabo (Worker, Togo) strongly supported Mr. Issifu's statement. The situation in Upper Volta required rapid action now that the new authorities had been installed. As they were likely to be more favourably disposed towards the ILO, the reply from the Government of Morocco was inadequate, and the ILO should follow the situation closely to achieve the release of the imprisoned trade unionists. Worse than an inadequate reply, however, was a failure to reply, and the silence of the Government of Mauritania should impel the Director-General to send a direct contacts mission to the country to investigate. The case was of particular interest to the Governing Body in that it involved a Workers' delegate, Mr. Sow, being prevented from attending the Governing Body's session in London, and the Office should therefore intensify its efforts to rectify the serious violations of trade union freedom in Mauritania.

The situation in Ghana was even worse. It was not even known what had happened to the trade union officials there. They could only glean by hearsay what
was happening on the other side of Ghana's closed borders, and it would be useful if the Office could obtain more reliable information. Perhaps the Secretary for Labour and Social Welfare of the Government of Ghana, who was present in the Governing Body, could answer their questions.


Mr. Blondel (Worker, France) felt strongly that the definitive conclusions on the case of Mauritania should in no way prevent the Office from taking other action to obtain the release of Mr. Sow. The wording of subparagraph (d) implied that public authorities had the right to intervene in the financial problems of trade unions where irregularities were presumed, whereas the irregularities should surely be proven before any such intervention was permitted. He supported the request made by Mr. Barnabo for action to be taken as soon as possible to enable Mr. Sow to rejoin the Governing Body.

The Governing Body adopted the recommendations in paragraph 150 of the report.

The Governing Body further adopted the recommendations in paragraph 160 of the report.

Mr. Deshmukh (Government, India) observed that, as Case No. 1107 concerning India involved inter-union rivalry, it was difficult to imagine what the Government could do; by intervening the Government would lay itself open to the accusation of interference in trade union affairs.

Mr. Tata (Employer, India) agreed that the case involved conflict between rival trade unions. India's labour laws gave more freedom to trade unions than any other country in the region. There was far-reaching protection of employment, and some of the regulations placed considerable restraints on employers themselves. The recent Essential Services Act and the National Security Act had been invoked only rarely, and then not always against trade unions, in order to protect the Government against efforts to destabilise it. The trade unions in his country had been unreasonable and disinclined to negotiate settlements, contrary to ILO principles, even though they were now calling on the ILO for help.

The Governing Body adopted the recommendations in paragraph 195 of the report.


Mr. Tanaka (Worker, Japan) complimented the Committee on Freedom of Association on its findings in Case No. 1151. The Japanese Government should take due note of the recommendations, which were more clear and precise than those made previously. The Japanese trade unions would do all they could to obtain prompt implementation of the awards.

Mr. Mori (Government, Japan) gave an assurance that his Government fully appreciated the principles stated in subparagraph (a) of paragraph 361. However, the current unprecedented financial crisis in Japan had forced the Government to refer arbitration awards to the Diet, in full accordance with the law, which required it to await the Diet's findings. The next extraordinary session of the Diet would be held at the end of November, and the Government would inform the Committee on Freedom of Association of its findings.

Mr. Haier (Worker, Austria) supported Mr. Tanaka's statement and the Committee's recommendations. It would be interesting to learn in what way a government could submit an award of this type to a parliament, and he trusted that the findings of the Diet would be in accordance with the Committee's recommendations.

The Governing Body adopted the recommendations in paragraphs 361, 390, 399, 415 and 436 of the report.

Mr. Verschueren (Employer, Belgium) pointed out that Cases Nos. 1007 and 1129 concerning Nicaragua involved complaints from both trade unions and employers. This suggested that something was seriously wrong with labour relations in that country quite apart from the restrictions already placed on trade unions, the muzzling of the press and the attempts to divide employers' organisations. Would it not
therefore be advisable to send a direct contacts mission to Nicaragua to report on
the trade union and labour relations situation and to investigate the legal and
actual status of employers' and workers' organisations?

The governing body adopted the recommendations in paragraphs 466 and 481 of
the report.

Mr. Al-Shaker (government, Bahrain) stated that he had received the report too
late to study it properly. Nevertheless, a cursory reading suggested that the
Committee's recommendations did not reflect the true situation or take account of
the Government's point of view. The Government's replies to the Committee's
previous questions had in his opinion been adequate, but the Committee's
recommendations would be referred to the responsible authorities in Bahrain.

The governing body approved the recommendations in paragraphs 565, 566,
572, 597, 630 and 654 of the report.

Mr. Deshmukh (government, India) affirmed that the Government would continue
to take appropriate steps in Case No. 1100, in regards the deaths in Haryana State,
he was curious to know the source of the Committee's information on this point, as
it was not mentioned either in the complaint or in the Government's observations.
It was stated that a number of workers had been killed in Haryana, but the only
deaths of which he had knowledge had occurred in other states.

The representative of the Director-General (Mr. Lagergren, Chief of the
International Labour Standards Department) thought that the source had been the
Government's reply. However, the Office would investigate the matter thoroughly
and, if an error had occurred, it would be rectified in the next report on the case.

Subject to this qualification, the governing body adopted the recommendations
in paragraphs 589 and 780 of the report.

Mr. Deshmukh (government, India), referring to Case No. 1113, stated that it
involved an unrecognised union, representing less than 10 per cent of the workers in
the sector, which was challenging the supremacy of the two recognised
confederations, of which more than four-fifths of the workers were members.

The governing body adopted the recommendations in paragraphs 721, 736, 759,
782 and 800 of the report.

Mr. Wilson (government, Ghana), replying to Mr. Barnabo, pointed out that his
Government had already replied to the complaints lodged by various international
trade union organisations alleging infringement of trade union rights in Ghana, and
that its reply had been duly acknowledged by the Committee. Furthermore, the
Minister of Labour had travelled to Geneva to discuss the trade union situation in
Ghana with the Director-General and other officials of the ILO. Efforts were being
made by the Government to help the Trade Union Congress of Ghana to return to
normal. The Government would make its full views known when the Committee on
Freedom of Association had deliberated on the case.

Two Hundred and Nineteenth Report

Mr. Maier (worker, Austria) stated that the Workers' group lent their full
support to the Committee's recommendations, while noting that the two decrees
mentioned in the recommendations of the Committee had slightly improved the
situation. It was to be hoped that the state of emergency in Argentina, which had
lasted for six years, would soon be lifted and that things would return to normal.
The Government could still, however, cooperate with the Office more fully in the
matter of the arrested and disappeared persons listed in the report.

Mr. Martinez (government, Argentina) thanked Mr. Verschueren for his
introduction to the case and Mr. Maier for his comments. The improvements already
mentioned were part of a general trend towards democratisation in Argentina, and
marked progress could be expected in the next few months. As regards the list of
people given in the Annex, he hoped to be able to clarify the situation in the very
near future.

Mr. Blondel (worker, France) felt that the Government's reply to the questions
concerning the disappearance of a number of trade unionists was inadequate. It was
quite unacceptable to state that the investigation was complete and there was nothing more to add. The matter was giving rise to grave concern, and the greatest possible co-operation was required from the Government if the case was to be settled.

The Governing Body adopted the recommendations in paragraph 32 of the report.

TWO HUNDRED AND TWENTIETH REPORT

Mr. Sánchez Madariaga (Worker, Mexico), as a member of the Committee on Freedom of Association, reiterated his support for the report's conclusions and recommendations, which confirmed that the grave concern of the complainant organisations over the repression of trade unions and the torture and imprisonment of trade unionists was well founded. The report contained detailed information on the situation in Turkey, and was supplemented by the report of the direct contacts mission. It was unfortunate that the representative of the Director-General had been refused permission to meet the 52 imprisoned trade unionists currently awaiting trial, despite many requests, and their fate was still a cause of considerable concern. As the report stated, there was no justification for the suspension of trade union organisations, whatever the previous situation had been. Nor were the provisions of the new Constitution in accordance with the principles and standards of the ILO. The ILO was naturally prepared to assist in the drafting of new labour legislation, but only within the framework of tripartism. In the meantime, it was essential that all legislation preventing the full exercise of trade union rights should be rescinded and all imprisoned trade unionists freed.

The Governing Body adopted the recommendations in paragraph 107 of the report.

SEVENTEENTH ITEM ON THE AGENDA

Composition and agenda of standing bodies and meetings

(First paper)

The Governing Body adopted the recommendations in paragraphs 7, 10 and 14 of the first paper.

NINTEENTH ITEM ON THE AGENDA

Report of the Director-General

First supplementary report

Mr. Malintoppi (Government, Italy) thanked the Office for the report, which had been prepared at his request. His aim had been to prevent different interpretations from occurring in opinions expressed by the Office and in reports of the Committee of Experts on the Application of Conventions and Recommendations. He would be entirely satisfied if, in advancing its opinions on the interpretation of Conventions, the Office would point out that they could not be cited as evidence to either the International Court of Justice or the Committee of Experts.

Mr. Oechslin (Employer, France; Employer Vice-Chairman) found the paper extremely useful. However, what body was competent to request interpretations of Conventions by the International Court of Justice - the Governing Body or some other organ? It was his belief that previous requests for interpretation of the Constitution had always come from the Governing Body, but in the case of Conventions the position was less clear.

Mr. Juge (Government, German Democratic Republic) agreed with the Office that, when requested by governments, it could only give information or indications
concerning the interpretation of Conventions. However, as stated in paragraph 7 of the paper, it was for the government directly concerned to assess the conformity of national law and practice with the standards laid down in a particular international labour Convention. It would therefore be preferable to avoid using the term "Office interpretation", even though the expression was in current usage, and replace it by the word "information" or "indication", used elsewhere in the paper.

Mr. Kostin (Government, USSR) felt that the question of Office interpretations of international labour Conventions was an important one. He shared Mr. Halintoppi's concern at possible discrepancies between Office interpretations and those used by the Committee of Experts on the Application of Conventions and Recommendations.

The representative of the Director-General (Mr. Wolf, Legal Adviser), replying to Mr. Oechslin's question, stated that, in accordance with the agreement between the United Nations and the International Labour Office whereby the ILO became a specialised agency of the United Nations Organisation, a request for advice could be submitted by the International Labour Office to the International Court of Justice by a decision of the Conference or by the Governing Body when authorised to do so by the Conference. A Conference decision adopted in 1946 granted the Governing Body a general authorisation to consult the International Court of Justice direct.

The Governing Body took note of the paper.

FIFTH ITEM ON THE AGENDA

Record of the Thirteenth International Conference of Labour Statisticians

(Geneva, 18-29 October 1982)

The Governing Body took note of the paper.

The sitting closed at 6.15 p.m.
FIFTH AND SIXTH SITTINGS
(Thursday, 18 November 1982, morning and afternoon)

At these sittings, which were held in private, the Governing Body considered
the Reports of the Officers of the Governing Body on the fourth item on its agenda
(Action to be taken regarding the appointment of the Director-General).

In accordance with Article 14, paragraph 4, of the Standing Orders of the
Governing Body, the minutes of these sittings are being issued separately.
SEVENTH SITTING

(Thursday, 18 November 1982, afternoon)

The sitting opened at 5.45 p.m., with Miss Gonzalez Martinez in the Chair.

FOURTH ITEM ON THE AGENDA

Action to be taken regarding the appointment of the Director-General

Reports of the Officers of the Governing Body

The Chairman announced the decisions taken by the Governing Body at its Sixth Sitting, which was held in private:

1. The Governing Body had adopted the recommendation in paragraph 2 of the report of the Officers of the Governing Body, that the appointment of the Director-General should take place on Tuesday, 1 March 1983 at 3 p.m.; the Governing Body would hold a private sitting and would vote by secret ballot.

2. The Governing Body had decided that the closing date for submission of candidatures would be 1 February 1983, and candidatures should be submitted or supported by a member of the Governing Body or by the Government of a member State of the International Labour Organisation.

3. The Governing Body had also decided that the term of office of the Director-General to be appointed on 1 March 1983 would be for a period of five years, as from the date of his taking office.

NINTH ITEM ON THE AGENDA

Report of the Committee on Standing Orders and the Application of Conventions and Recommendations

The Governing Body adopted the recommendations in paragraphs 17, 24, 27 and 30 of the report.

Mr. Marton (Government, Hungary) welcomed the adoption of these recommendations, although he regretted that all the proposals made by the Spanish Government had not been accepted and that the Governing Body had not had an opportunity of discussing the Spanish Government's further proposals. Nevertheless, the amendments would make the Organisation more democratic.

SEVENTH ITEM ON THE AGENDA

Reports of the Programme, Financial and Administrative Committee

FIRST REPORT

Mr. von Holten (Employer, Sweden) drew attention to paragraph 22 of the report, which stated that the Committee had asked the Office to submit proposals in May concerning interest charges on late payments of contributions. The main purpose would be to ensure that countries paying punctually were not indirectly penalised by other countries' delays in payment.
The Chairman agreed that delays in the payment of contributions were a subject of serious concern.

Mr. Von Holten (Employer, Sweden) pointed to the agreement of the Committee, reported in paragraph 39 of the report, that more realistic budgeting was necessary. However, this did not mean that the Committee did not expect recourse to be made in future to the working capital fund to offset unforeseeable exchange rate fluctuations and inflation; it simply meant that considerably greater resources should be made available under Part II of the budget.

Turning to the recommendations concerning the contribution to the Turin Centre, he reiterated that, as stated in paragraph 59 of the report, the Employers' support for the contribution was conditional upon the Committee receiving definite proposals at the following session to bring the Turin Centre progressively under greater ILO financial and administrative control.

The Governing Body adopted the recommendations in paragraphs 61, 63, 67 and 72.

Mr. Von Holten (Employer, Sweden) trusted that the Committee's debate on the report of the United Nations Joint Inspection Unit would be taken into account in the Office's discussions with the Administrative Committee on Co-ordination.

The Governing Body adopted the recommendation in paragraph 86 of the report.

Mr. Bares (Government, Hungary) observed that his statement in paragraph 102 had been summarised inaccurately. His reference to the "super-armament" race which had been set in motion two years ago should have been qualified by the phrase "by one of the superpowers". His Government felt that the ILO should pay greater attention to working with other organisations in the UN system towards peace, security and disarmament. The programme and budget proposals for 1984-85 should include a set of measures concerning the collection, analysis and dissemination of information deriving from studies on disarmament-related subjects throughout the world. It should also undertake studies on the advantages of halting the arms race for economic development, organise tripartite seminars and co-operate with other UN agencies. The cost should be met out of the regular budget through savings made by discontinuing obsolete or less important programmes. Work along these lines should commence immediately, without awaiting implementation of the next budget.

In view of the world economic situation, no increase in the budget would be possible for the next few years; that was the main problem currently facing the Organisation, which at the same time had to continue its essential programmes, introduce the others he had just referred to and make its structure and working procedures more democratic.

Mr. Koack (Government, Democratic German Republic) welcomed the proposal for a research programme concerning the economic and social consequences of disarmament. Unfortunately, the Committee had not placed any emphasis on the subject, although it was not proposed to commence work immediately. Work should begin in 1983, making analyses possible in 1984, as he had proposed in the Committee; there should be a wide range of activities, and not only studies, in order to give full effect to the Conference resolution.

The Governing Body adopted the recommendation in paragraph 112 of the report.

The Governing Body further adopted the recommendations in paragraphs 114, 118 and 123 of the report.

SECOND REPORT: PERSONNEL QUESTIONS

The representative of the Director-General (Mr. von Mutius, Chief of the Financial and Central Administrative Services Department) drew the Committee's attention to an omission at the end of paragraph 14 of the English text of the report. The words "which would result in 1982-83 in an additional cost of $196,000", should be added after "Regulations".

Mr. Von Holten (Employer, Sweden), commenting on the statement by the staff representative to the Committee, recalled that the increase in General Service salaries for officials recruited before 1 January 1979 was decided upon
independently by the Governing Body following a ruling by the Administrative Tribunal. However, the Employers considered that no further increases should be awarded on the old scale, which should be frozen until the two scales equalised.

The Governing Body adopted the recommendation in paragraph 33 of the report.

Mr. von Holten (Employer, Sweden) said that the Committee's recommendation on professional category salaries had been based on a desire to retain the Organisation's freedom of decision. The General Assembly's decision would of course be taken into account but the Employers were strongly of the opinion that the Office staff should not be allowed to fall behind officials in other agencies, even if that involved retroactive payments.

Mr. Mühr (Worker, Federal Republic of Germany; Worker Vice-Chairman) reiterated the Workers' opposition to the Committee's decision, which it regarded as incomprehensible. The original proposal had merely been to act on the decision by the General Assembly, which in no way prejudged the ILO's ultimate decision. It was illogical for the Governments to leave the Office powerless to award pay increases when they had agreed to the proposal in other agencies.

The Chairman hoped that the decision of the General Assembly would prove acceptable to all the UN agencies.

The Governing Body adopted the recommendation in paragraph 53 of the report.

Mr. von Holten (Employer, Sweden) stated that the actuarial deficit of the United Nations Joint Staff Pension Fund had been incurred because of inappropriate investment policies and practices, which should be geared exclusively to the Fund's objectives. He requested the Director-General to transmit this view to the United Nations.

The Director-General agreed that the situation of the Pension Fund was serious. He would convey the Committee's view to the General Assembly very shortly.

The Governing Body adopted the recommendation in paragraph 60.

SIXTEENTH ITEM ON THE AGENDA

International Centre for Advanced Technical and Vocational Training

Mr. Georget (Employer, Niger) welcomed the decision to grant financial support to the Centre, which reflected a true appreciation of its value for the developing countries. The two papers before the Governing Body fully covered developments at the Centre.

Mr. Mühr (Worker, Federal Republic of Germany; Worker Vice-Chairman) regretted that the Workers' delegates to the Board were not present, and that the meeting of the Board had been held at the same time as elections for membership of the Industrial Committees.

The Governing Body took note of the two papers.
FIFTEENTH ITEM ON THE AGENDA

International Institute for Labour Studies

Appointment of non-Governing Body members of the Board

The Governing Body adopted the recommendation in paragraph 3 of the Office paper.

Mr. Huber (Worker, Federal Republic of Germany; Worker Vice-Chairman) suggested that, in order to make better use of the time available during Governing Body sessions, it would be advisable for the first sitting of the Governing Body to be held already on the first Monday afternoon of the session in order to allow more time in the mornings later in the week for the groups to study in-session documents. The Workers’ group would be prepared to start its meetings at 9 a.m. on Monday morning.

Mr. Gerschlin (Employer, France; Employer Vice-Chairman) agreed that this was a useful suggestion, and proposed that the Officers give consideration to it, although it was doubtful if it could be introduced at the next session.

The Chairman thought that the Government group should also consider the matter at its next meeting. The situation would also be improved if papers were submitted earlier.

The sitting closed at 6.50 p.m.

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1 See also eleventh sitting.

E-5785-3:12
EIGHTH SITTING
(Friday, 19 November 1982, morning)

The sitting opened at 10.15 a.m. with Miss González Martínez in the Chair.

SIXTH ITEM ON THE AGENDA

Reports of the Committee on Freedom of Association

TWO HUNDRED AND TWENTY-FIRST REPORT

In accordance with paragraph 5, article 26 of the Constitution, the Chairman gave the floor to the representative of the Government of Poland, the Vice-Minister of Labour, Mr. Gorski.

Mr. Gorski stated that the Government of Poland had on many occasions given proof of its good will and desire to maintain a dialogue with the ILO. It had supplied the Committee with accurate information and had advised it of its proposals to restore the social and political situation in Poland to normal. He had personally answered the Committee's questions, and had made a statement to the Committee.

Poland was passing through an extremely difficult phase in its history. The action taken by the authorities had been in accordance with the Constitution of Poland, and the state of martial law was only temporary. Furthermore, Article 4 of the International Covenant on Civil and Political Rights, requiring Poland to inform other States of its intention to depart from the Covenant, had been observed. The introduction of martial law had been necessary to protect the very existence of the country and to safeguard its sovereignty and independence. It had thereby prevented the dangerous clash sought by the extremists, which would have led to civil war. The authorities had met Solidarity leaders to discuss the movement's restoration as a true workers' union, but unfortunately the talks had ended in failure, and he had tried to explain the reasons for this result.

The recommendations of the Committee, however, were disappointing. He had hoped that, as he had personally attended the Committee, its attitude would reveal greater understanding, but it now seemed that his presence had achieved little.

The Polish authorities fully believed in the need for trade unions, and had decided to restore the trade union movement through the introduction of the new legislation. The ILO's experts themselves, commenting on the first chapter of the new Act, had stated that the general definition of the workers' right to form trade unions and to join them, and also of the right of those organisations to draw up their own rules, elect their officials and organise their activities, as required by Article 2 of Convention No. 87, presented no problem for the ILO. The Committee had chosen to ignore that opinion, and he therefore felt entitled to consider that its report was tendentious. The principles underlying the new legislation were in conformity with ILO Conventions.

Those in the West who had hoped that the activities of Solidarity would bring about a change in the constitutional order in Poland were now beginning a new anti-Polish campaign by blaming the new trade union legislation for the disappearance of Solidarity. In so doing they had adopted a stance amounting to interference in the internal affairs of a sovereign State, which no one could accept. The Western media had made no mention of the content of the talks held between the Prime Minister, General Jaruzelski, and Monsignor Glemp, the Primate of Poland. An agreement had in fact been reached to calm social unrest and create a climate conducive to work. The same media, in their Polish-language broadcasts, had urged subversive groups in Poland to strike and to demonstrate on 10 November. The interests of these groups had nothing in common with those of the trade union movement; they were motivated by hatred of the legitimate socialist Government of the country, and hoped to plunge

1 See fourth sitting.
Poland into chaos and anarchy. Their provocation had fortunately failed, which showed that the Polish people were becoming increasingly aware that social peace and co-operation were essential to bring about national concord and an end to the present crisis.

The new trade unions would be open to all members of the former organisations: the new legislation sought to help the country emerge from its economic crisis, which was only worsened by the sanctions imposed by the West. Poland would continue with its programme of economic, social and political reform, drawing on the patriotic spirit of the nation. It would not baulk at any obstacle placed in its path by external forces seeking to aggravate the present situation and to interfere in its internal affairs, thereby using Poland to maintain tension in international relations.

The Polish Government had shown the greatest possible good will by explaining its actions to the International Labour Organisation. He was grateful for the understanding displayed by some speakers, but regretted that the Committee's report gave a distorted picture of the current situation in Poland and of the authorities' true intentions. It was further evident of the attempts being made to interfere in the country's internal affairs through the International Labour Organisation. The Polish authorities categorically refused to yield to such an approach and rejected the Committee's report as unacceptable.

Mr. Maier (Worker, Austria) thanked Mr. Gorski for his statement and for answering the questions put to him by the Committee. Its recommendations had been drafted in a spirit of conciliation; most of the Workers' group hoped that they would be taken seriously by the Government of Poland and would lead to compliance with the principles and provisions of Conventions Nos. 87 and 98, which Poland had ratified.

As regards the allegation of interference in Poland's internal affairs, paragraph 73 of the report explained that the Committee was acting within the mandate conferred upon it by the Governing Body in deciding that the initial complaint was receivable. It was therefore impossible to accuse it of interfering in Poland's internal affairs, either in law or in fact.

Although some of the Office's comments on the draft legislation had been taken into account, the legislation was still completely at variance with the relevant Conventions, and the Committee urged the Polish Government to take into account the other comments made by the Office on its legislation. The transitional period for a return to trade union activities was still too long, particularly as regards the return of trade union assets, the fate of which was unknown. As for the number of detainees, it was believed to be far higher than the figure of 700 stated in the report, and those trade unionists who had not yet been brought to trial or sentenced for actions of a trade union character should be released and amnestied. He noted with interest that the official communication from the Government to the Committee concerning the release of Lech Walesa had referred to him as the leader of the trade union Solidarity. Finally, as the Committee had recommended that the decision on whether to take further action on the complaint by appointing a commission of inquiry should be postponed until the next session of the Governing Body, he hoped that in the meantime adequate information would be supplied by the Government on the various points regarded as essential by the Committee in the light of Conventions Nos. 87 and 98, and that consideration would be given to all the Committee's recommendations.

Mr. Verschueren (Employer, Belgium) rejected any suggestion that the Committee had failed to show understanding and its normal scrupulous objectivity. It had noted a number of positive developments, among them the fact that the Polish Government had consulted the ILO on the new legislation, even if it had done so at the eleventh hour. It had also noted the changes in the draft legislation made as a result of the ILO's observations, even though the amendments had fallen far short of the Office's wishes. The release of certain internees had been welcome, but there was room for many more. The release of Mr. Walesa had been noted with particular satisfaction, and the Committee had certainly not construed it as a political manoeuvre. The reinstatement of many workers had also been mentioned. Following these observations, the report made a number of conclusions and recommendations, using standard formulae employed previously in many other cases. On those occasions no one had complained that they constituted interference in the internal affairs of the State concerned, and it was indeed one of the main purposes of the international organisations to concern themselves with the internal affairs of their member States: otherwise their existence was pointless, and no dialogue was possible.
The Polish Government would do well to note that the Committee had in fact brought to bear very few of its procedural resources so far, particularly as regards complaints submitted under Article 26. By refraining to make full use of its powers, it had deliberately given the Polish Government a chance to display its good will, but if the Government intended to avail itself of this opportunity it should do so in the very near future. Unfortunately hitherto, it had merely blown hot and cold, and considerable progress would have to be made in the next three months, involving at least the beginnings of real change, if the Committee was to be convinced of the Government's sincerity.

Mr. Brown (Worker, United States) considered that the Committee's recommendations were very moderate. Although he would have preferred the appointment of a commission of inquiry, he accepted the Committee's decision to postpone action on that point, and hoped that sufficient improvements would be forthcoming before the next session to make such a step unnecessary. However, he seriously doubted it.

The tragic fate of the Polish people was a source of constant concern for all. No military regime could create a trade union movement at rifle point, or defeat the spirit of a free trade union movement by repression. Thousands of legitimately appointed trade union leaders, previously recognised by the Government, had been thrown into jail. How was it possible to speak of re-establishing a trade union movement in such circumstances? It was preposterous to claim that a military regime, imposed by force, was acting legitimately when the legitimate representatives of the overwhelming majority of both the workers and the people of Poland were in prison. Might had prevailed, but that did not make it right. Such contempt for civil rights was further reflected in the so-called release of Mr. Walesa, who was effectively under house arrest. It was impossible therefore to interpret the actions of the Polish authorities as evidence of good will. A further cause of concern was the possible fate of trade union leaders and others who, after release from jail, might be consistently refused work on account of their beliefs and then find themselves charged with social parasitism. Still worse was the actual fate of Anna Walentinowicz, who was dismissed in 1980 for her involvement in the strike in Gdansk, had since been constantly refused employment and was now reported to be in a psychiatric clinic.

Mr. Timmer (Worker, Hungary) said that he had already made his views clear on the subject of Poland. He regretted that the report did not adequately reflect the present situation. There had been many changes and much progress towards economic and social reform, including the adoption of the new trade union legislation. The report did not reflect that, and he could therefore not accept it.

Mr. Barnabo (Worker, Togo) echoed Mr. Maier's remarks. He welcomed the release of Mr. Walesa and other workers, but regretted that many others still remained in prison. Referring to paragraph (b) of the Committee's recommendations, banning Solidarity the Polish Government had also closed the door to assistance from outside to rebuild the economy. The claim that martial law had been introduced in order to end violence was groundless, because the trade union movement had not committed any. Unless the present deadlock was ended, it was highly probable that a commission of inquiry would be necessary; indeed, if Solidarity was not reinstated, the Workers' group would strongly press for such a commission. The international free trade union organisations would keep the issue of the Polish workers' movement alive not only in the ILO, but in every possible international forum.

He urged all in authority in Poland to listen to the urgent appeal now being addressed to them.

Mr. Blondel (Worker, France), as one of the sponsors of the complaint under Article 26, felt that the attendance of a Government representative from Poland was
The claim that there was a conspiracy against Poland was entirely without foundation. He himself was acting as a representative of a truly independent trade union and was not working in collusion with anybody. By sponsoring the complaint, he was not interfering in Poland’s internal affairs, but making a gesture of solidarity towards the Polish workers. Not to have taken action would have been a dereliction of duty. The Polish authorities’ claim that there had been progress was unconvincing, as was their assertion that the new legislation was not aimed at dissolving the Solidarity movement. The new trade union legislation was not an attempt to recreate the trade union movement, but simply a device to place the trade unions under supervision.

The number of internees was another cause for concern. According to recent reports and statements made in the present sitting, the figure quoted in the report was already inaccurate. Now there was even a report of forcible hospitalisation in a psychiatric clinic, leading to the imprisonment of rights already suffered by the imprisoned workers. Such developments could hardly be termed a return to normal. As regards the persons released, an individual example of which he knew—that of Edmund Baluka—illustrated that release often represented only a meagre improvement. Release was evidently not enough, and counted for little where freedom of expression and association were denied.

Finally, the Committee had welcomed the announcement of Mr. Walesa’s release but regretted that he was in effect still in a cage.

Mr. Ducray (Government, France) was disappointed by the conclusions drawn by the representative of the Polish Government. The Committee was to be congratulated on yet again having unanimously adopted a set of coherent recommendations. Its procedure had been designed to avoid conflict through respect for common rules that were freely accepted by all Members of the Organisation and could not be construed as deliberate interference in internal affairs.

His Government approved the recommendations of all the Committee’s reports, particularly those concerning Poland. They were the result of an objective assessment of the situation and of recent developments both in law and in fact. The Committee’s recommendations should be acted upon as soon as possible. Compromise was not possible in matters of freedom of association: it was a basic principle recognised by the ILO as essential to ensure respect for the dignity of labour, which must be protected by guaranteeing citizens their full rights.

The French Government hoped and trusted that by the next session of the Conference the state of emergency would be a thing of the past. He therefore appealed to the Government of Poland to act on the Committee’s recommendations.

Mr. Koëck (Government, German Democratic Republic) fully supported the opinion expressed by the representative of the Polish Government. As he had stated at previous sessions, the accusations levelled against Poland were unfounded: the measures taken by the authorities there were an internal matter exclusively within the Government’s competence. It had acted in accordance with the Polish constitution in dealing with forces seeking to undermine the State and destabilise the social order. The Committee’s recommendations provided confirmation that certain States were seeking to interfere in Poland’s internal affairs and reverse decisions taken in full accordance with the law. Not only had they tried to prevent a return to normal but they had also distorted the facts and stirred up trouble, thereby greatly aggravating the economic crisis. The ILO should dissociate itself from this anti-Polish campaign, support for which would be contrary to the fundamental principles of its Constitution. It should not allow itself to be used by those who claimed to promote abroad the economic and civil rights they denied to their own citizens. Like any other State, Poland would allow nobody to interfere in its internal affairs. The Committee’s recommendations were unacceptable, and the entire complaint should be dropped.

Mr. Neaton (Government, Hungary) also felt that the complaints procedure was unjustified in the case of Poland. As regards the report itself, the Polish Government had on a number of occasions demonstrated its good will by providing the Office with the necessary information and implementing an office recommendation.

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The Committee's latest report did not give a clear picture of the present situation: there had been clear signs of progress in Poland recently, including increased productivity, talks between the Government and the Catholic Church and the release of Lech Walesa. Over a thousand factory trade unions had been formed in a relatively short space of time. More progress could take place if there was an end to economic and political pressures. The recommendations of the Committee went beyond the competence of the ILO, and constituted interference in the internal affairs of a member State. The Office should give more attention to promoting the development of the new trade unions if it wished the situation in Poland to revert to normal.

Mr. Prokhorov (Worker, USSR) contended that the report was an unfair attack on a sovereign State. The ILO should not act as a court placing the Polish People's Republic on trial, as it would only fuel the anti-Polish campaign and encourage further unrest. Had the United Kingdom, the Federal Republic of Germany or the United States consulted the ILO on their legislation? The latter had certainly not done so when drafting anti-worker legislation in 1980.

Mr. Seabury (Government, United States), speaking on a point of order, requested Mr. Prokhorov to restrict his comments to the subject of the report.

The Chairman asked Mr. Prokhorov to confine himself to the report.

Sixth Item on the Agenda

Reports of the Committee on Freedom of Association

Two Hundred and Twenty-First Report (cont.)

Mr. Prokhorov (Worker, USSR) did not feel he was digressing. The report was an example of biased application of ILO principles, made in response to Western media. The new trade union legislation had covered the essential points initially listed by Solidarity in its demands. No country in the world granted an unlimited right to strike. Political strikes were prohibited to different degrees in various countries, and were banned in virtually all countries whenever they were intended to undermine the constitutional structure, for example in the Federal Republic of Germany and Italy. Japan and the United States, to quote other cases, used a variety of legal devices to hamper strike action.

Further evidence of the Western campaign against Poland was the establishment by NATO of a special group to study events in that country. Similarly, Western trade unions had recently decided to break off all connections with Polish trade unions other than Solidarity and its fellow unions, while the World Federation of Trade Unions was condemned for allegedly ignoring the issue. The fate of the Polish trade union movement should and would be resolved in Warsaw, and nowhere else, and the ILO should therefore refrain from involving itself in an anti-Polish campaign. It should beware of taking on an anti-socialist character. The Governing Body should heed the words of the Secretary-General of the United Nations, Mr. Juan Perez de Cuellar, who had recently declared that the United Nations had no reason to concern itself with events in Poland, which were a purely internal matter.

Mr. Albeda (Government, Netherlands) felt that the report had been very moderate. Far from being a mere reflection of public opinion, trade union views or political preferences in the West, it had presented the situation objectively in measured language. Nor did it condemn the Polish Government, however logical condemnation might seem. In fact, it said that there were grounds for hope, and he was therefore disappointed that the Polish Government should consider the report to be biased and an attempt by the Committee to interfere in the internal affairs of a sovereign State. The Government's assertion that it was establishing a new trade union movement, when it had just dissolved the country's legitimate trade union, was a contradiction, just as its claim that the ILO had no business concerning itself
with freedom of association in its member States was untenable. The Polish workers had already shown themselves capable of organising themselves without paternalistic help from the Government. Many would consider the report if anything too moderate and diplomatic, and he strongly urged the Governing Body to adopt it.

Mr. Petrov (Government, Bulgaria) argued that the statement made by the representative of the Polish Government clearly demonstrated the efforts the Government was making to overcome the country's difficulties, which had been created by individuals who did not represent the true interests of the Polish people. The new trade union legislation guaranteed full autonomy and independence for workers' organisations, and went even further than Convention No. 87 in a number of respects. The complaint against the Government of Poland should therefore be dropped, as it was based on attempts to re-establish an organisation that had conducted anti-constitutional activities. The recommendations amounted to interference in the internal affairs of a sovereign State, which was incompatible with the ILO's Constitution. It would only hamper the Government's efforts to help the workers of Poland.

As the Bulgarian Government representative had stated at the previous session, the matter was outside the ILO's competence, and his Government would oppose the adoption of the report.

Mr. Yumjav (Government, Mongolia) declared that the Committee's recommendations were unacceptable to his Government. The ILO was being used, in defiance of its Constitution, to interfere in the internal affairs of a sovereign State. The representative of the Polish Government had already shown that the Committee's report gave a distorted picture of the situation; the introduction of martial law was in accordance with the Polish Constitution, and the Committee was not therefore competent to demand its termination. As for Solidarity, it had been an organisation acting under the mask of a trade union to undermine the socialist structure and threaten the independence of Poland itself. The complaint should be dropped, as only the Polish Government had the right to resolve its country's problems.

Mrs. Carr (Worker, Canada) found the report a little modest. The Committee on Freedom of Association was a conscientious tripartite body, and the moderation of its recommendations made it difficult to see why they were unacceptable if the Polish Government, as it claimed, was seeking to stabilise the situation. As for the contention that certain elements in the West were conducting a campaign, concern at the situation of the people of Poland was surely legitimate. Whether or not the case was referred to an commission of inquiry, her own trade union movement would continue to follow events in Poland and comment on them.

The terms of release of Mr. Walesa had come as a disappointment. Imprisonment in his case had simply been exchanged for house arrest. However, it was interesting that his release should have occurred at that particular moment, and if it had been arranged to placate the Governing Body, there was reason for concern at his fate when the session closed. Furthermore, Mr. Walesa was only one of many detainees, numbers of whom were still separated from their families, while others had simply disappeared.

The attitude of several previous speakers was also disturbing, as it was thoroughly negative and showed total disregard for the Committee. No one should be surprised if a people's struggle for freedom and democracy led to political strikes, which were sometimes necessary. The Committee was in fact being extremely patient with the Polish authorities; on this occasion it had postponed its decision on whether to establish a commission of inquiry. It was unreasonable to accuse it of distorting the facts when the Polish authorities themselves were concealing relevant information. Appeal to the Committee on Freedom of Association was in effect a last resort for any labour movement suffering oppression.

The Polish people deserved admiration for their steadfastness and their devotion to a union movement of their own making, in which they would receive the full support of the Canadian trade union movement.

Mrs. Aiznurua (Government, Panama) pointed out that Poland had joined the Organisation of its own volition, thereby undertaking to observe its rules and regulations. It would have been understandable if the Minister had considered some of the Committee's recommendations to be unacceptable or had asked for certain allegations to be re-examined. To reject them categorically, however, was a sign
that the Polish Government did not believe in the Organisation or in tripartism. The IILC's concern at the situation in Poland was quite legitimate, and she appealed to the Government to examine the recommendations objectively and to comply with them to the best of its ability.

Mr. Falchi (Government, Italy) supported the Committee's recommendations, which were very moderate. The complaint about interference in the internal affairs of Poland was unworthy and invalid: sovereignty was not a licence to ignore obligations into which a State had freely entered. Poland had a duty to accept the procedure for monitoring observance of Conventions, as did other member States. Refusal to accept would be out of keeping with her long social, political and cultural traditions. He appealed to the Polish authorities to show themselves more receptive to the Committee's arguments and to make genuine progress by the next session of the Governing Body. The Committee's report at that session should contain a supplement analysing the new legislation and giving details of any positive developments.

Mr. Watchorn (Government, Australia) fully supported the views of Mr. Verschueren, Mr. Haier and Mr. Ducray. The Committee on Freedom of Association had a long tradition of considering each case carefully and objectively. Like previous speakers, he was disappointed at the reaction of the Polish authorities, as the Committee's recommendations reflected a sensible approach and made allowances for developments in the situation. Those who complained of interference in Poland's internal affairs should refer to paragraph 73 of the Committee's report, which proved that the claim was unjustified, and he therefore hoped it would not be repeated. The Committee would in fact be failing in its duty if it did not concern itself with the case of Poland. The speakers making such an accusation were themselves guilty of inconsistency. In other cases concerning Bolivia and Chile, for example, they had taken a very different line.

POINT OF ORDER

Mr. Prokhorov (Worker, USSR), speaking on a point of order, felt that, as he himself had been requested to confine his comments to the subject of Poland, the speaker should be asked to do the same.

The Chairman replied that Mr. Prokhorov's point was duly noted. All speakers should keep to the subject.

SIXTH ITEM ON THE AGENDA

Reports of the Committee on Freedom of Association

TWO HUNDRED AND TWENTY-FIRST REPORT (cont.)

Mr. Watchorn (Government, Australia) remarked that it was in his opinion important to point out the inconsistency of certain previous speakers. Consistency was necessary in the Governing Body's treatment of alleged violations of the freedom of association. There could be no grounds for a selective approach to the cases referred to the Committee, or for favouring one political system. He therefore urged the Governing Body to adopt the Committee's recommendations.

Mr. Oechslin (Employer, France; Employer Vice-Chairman) remarked that the Committee's recommendations were more moderate than he himself had expected, and he had therefore hoped that the debate would be constructive. Unfortunately, the argument that the Organisation was interfering in Poland's internal affairs had once again been brought up. No objection had been raised to the two other special reports submitted by the Committee to the present session, which both concerned the internal affairs of member States. Nor was it true that the Governing Body was a kind of court in which the Polish Government was on trial. The ILO provided an opportunity for dialogue, for discussion on how a member State was to meet its obligations under a ratified Convention. By sending a high-level representative to the session, the Polish Government had signified its readiness to talk. There was
no question of any type of State being granted immunity from criticism, which was the implication of the argument: the value of dialogue lay in the exchange of opinions and the resulting improvements in the country concerned, as was amply illustrated by other cases in which the Committee had made recommendations. If other governments could show responsiveness to the Committee's views, Poland could do the same, particularly in view of the moderation of the recommendations themselves. The situation in Poland gave just cause for concern, and the logical expression of that concern was the procedure currently being followed.

Mr. Wallah (Government, Belgium) echoed the previous speaker's views on the accusation of interference. Did the representative of the Government of Poland really feel that the Committee had sought to interfere or had been acting as part of an international conspiracy? If so, why had he appeared before the Committee? The report had tried to reproduce his statements with the utmost accuracy and to analyse the case objectively. As for the question of interference, the principle of sovereignty had to yield to the more important demands of the ILO's Constitution, which derived from the concept of basic human rights. The Committee did not object to martial law in itself, but rather to the limitations it imposed on the exercise of trade union freedom and the right to organise. That was a subject fully within its competence. In its reply of 22 October the Polish Government had stated that it intended, notwithstanding martial law, to respect the Constitution of the ILO and the obligations incumbent upon it under the international labour Conventions ratified by Poland. When the Government had translated its intentions into practice, the Committee would cease to concern itself with that case. The Government's claim that there was dialogue in Poland on trade union matters was unconvincing. The Committee's comment, in its reply of 22 October, that martial law was not in itself a violation of the ILO's constitutional standards and international labour obligations, was still valid. Furthermore, the reference made by Mr. Gorski to an Office communication sent to the Government of Poland, did not adequately reflect the full content of that communication. The Committee was not convinced that a valid dialogue had taken place.

The new legislation required extensive examination by the Committee of Experts and the Conference Committee on the Application of Conventions and Recommendations, but that would only be possible if by the next session of the Governing Body sufficient progress was reported to make the appointment of a commission of inquiry unnecessary. In effect, the Polish Government had a choice: either it could continue to ignore the Committee's recommendations and thereby confirm the grave doubts expressed by certain members of the Governing Body, making a commission of inquiry unavoidable, or it could recognise the legitimate interest of the ILO in the trade union affairs of its member States and ensure that progress was made by the next session, leaving the case in the hands of the Committee on Freedom of Association, the Committee of Experts and the Conference Committee.

Mr. Restine (Government, USSR) stated that his Government had made its views on the case concerning Poland known at previous sessions. Its opinion had not changed: the situation in Poland was outside the ILO's competence, because it did not concern trade unions, but rather a group of counter-revolutionary activists working under the mask of trade union activities. The Polish Government had been patient and had shown good will in discussing the matter with the ILO. It was working hard to bring the country out of a crisis and to re-establish a trade union movement on the basis of Poland's constitutional standards and international obligations. But the ILO was allowing itself to be used by those seeking to interfere in the internal affairs of Poland and to undermine the efforts to restore the situation to normal. If Mr. Verschueren really meant that the ILO existed for the purpose of interfering in the internal affairs of member States, very few governments would be prepared to participate in the activities of such an organisation. Other speakers had referred to the need for dialogue and criticism and for observance of the Constitution and Conventions, but that did not necessarily imply interference. Even one Western newspaper had recently expressed the opinion that the West should leave Poland enough time to put its own house in order. The Committee on Freedom of Association, however, had adopted conclusions and recommendations that were tendentious and failed to reflect the true situation. It had thereby played into the hands of those who were working to prevent a return to normal in Poland. The manner in which a commission of inquiry had been suggested by Mr. Walvin also pointed to a biased judgement of the situation. The Committee in fact appeared to be challenging the decision of the last session of the Conference not to approve the Report of the Committee on the Application of Conventions and Recommendations. If the situation was prejudged, then there was certainly no point
in considering the matter at the next session; that was dangerous, as it could turn
the ILO from an instrument for international co-operation in the interests of
workers into a weapon in the struggle against the socialist countries. It would be
incompatible with the Constitution and objectives of the Organisation and with the
fundamental principles of international relations. His Government could not
therefore accept the Committee's conclusions and recommendations.

The discussion was adjourned to a later sitting.¹

The sitting closed at 1.15 p.m.

¹ See below, ninth sitting.
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NINTH SITTING
(Friday, 19 November 1982, afternoon)

The sitting opened at 3.10 p.m., with Miss González Martinez in the Chair.

SIXTH ITEM ON THE AGENDA

Reports of the Committee on Freedom of Association

TWO HUNDRED AND TWENTY-FIRST REPORT (concl.)¹

Mr. Noack (Government, German Democratic Republic), replying to Mr. Watchorn's comments on his statements in the past, contended that the authorities in Poland had taken action to prevent the type of counter-revolutionary take-over that had been perpetrated in Chile. He did not therefore feel that he had been inconsistent.

Mr. Haase (Government, Federal Republic of Germany) stated that his own interest in the Polish situation stemmed partly from the fact that he had been born and raised in what was now Poland, and he had returned there on a number of occasions to negotiate with the Polish authorities on behalf of his Government before the imposition of martial law.

He did not consider that the Committee's conclusions and recommendations were in any way anti-Polish. Nor did they constitute interference in Poland's internal affairs; Mr. Verschueren had rightly stated that the Organisation would be useless if it did not take an active interest in economic and social conditions in its member States.

As for the assertions made by Mr. Prokhorov concerning the Federal Republic of Germany, he advised him to check his information.

Mr. Polites (Employer, Australia) also stressed that the Committee on Freedom of Association was not engaged in an anti-Polish campaign or trying to exceed its mandate. It was merely asking the Polish authorities to create a climate in which compliance with Conventions Nos. 87 and 98 would be ensured. Where the detainees were concerned, it had simply requested what everyone else, the Polish authorities included, claimed to desire, namely their release. How then could it be accused of bias? The Committee had appreciated the visit of the Vice-Minister of Labour, and hoped that further good will would be shown by the Polish authorities before the next session in order to make further discussion of the case unnecessary.

Mr. Hüb (Worker, Federal Republic of Germany; Worker Vice-Chairman), commenting on Mr. Noack's statement, questioned the logic underlying his comparison of the situation in Poland with what happened in Chile in 1973. The latter experienced a military coup that had ousted the duly elected Government. In Poland martial law had been instituted, and Mr. Noack's comparison therefore led one to wonder what kind of coup it had prevented.

As he had stated previously, Solidarity was neither a political movement nor a pressure group. It was a trade union with some ten million members, and those who claimed that it was a subversive political organisation were thereby admitting that over ten million Poles were opposed to their Government.

It had been claimed that the Committee was tendentious. The main reason, however, why so much attention was being given to Poland was that the Committee's competence had been questioned, which meant that the Organisation's effectiveness and the value of Convention No. 87 were being challenged. Most governments against which complaints had been lodged under that Convention at least recognised the Committee's authority to examine the complaints, but some of them were refusing to do so in the case of Poland. The present procedure was in fact merely designed to ensure respect for the principles of the Organisation.

¹ See eighth sitting.
Mr. H'Polo (Government, Angola) thought that many of the Committee's conclusions were no longer relevant to the situation in Poland. The Governing Body should adopt a more even-handed attitude and demonstrate its confidence in the Polish Government by helping it to restore the situation to normal. Hasty decisions should be avoided as they would only be counter-productive.

Mr. Searby (Government, United States) felt that the report had omitted a number of important questions; the specific reason for the imprisonment of the union leaders, the justification for abolishing their trade union by legislation without right of appeal and the possibility for those imprisoned leaders to engage in trade union activities on their release were all issues that had been overlooked. Had a government a right, let alone a duty, to recreate a trade union movement that it had itself destroyed? The Committee had, however, noted that recent events might signal the Government's willingness to improve the situation. It was to be hoped that the Government would realise that the exercise of workers' rights did not constitute a threat to national sovereignty or progress. Some speakers had tried to draw a line between economic and political issues. But where was the line to be drawn? Economic policy was a valid public concern and no trade union official could ignore it.

The Committee's report was extremely moderate, in both form and content; it had expressed continuing concern at the lack of progress, while noting the Government's co-operation in supplying information. The Polish Government should therefore give effect to its recommendations. As the report was reasonable in leaving the Polish authorities adequate time to rectify the situation, there was no obstacle to its adoption by the Governing Body.

Mr. Martinez Brito (Government, Cuba) argued that the report was unacceptable, as it dealt with matters that were within the exclusive competence of the Government of Poland and overstepped the limits of freedom of association. It did not reflect recent developments adequately, and contained completely unwarranted criticisms.

Mrs. Gutema (Government, Ethiopia) considered that the Polish Government had shown its good will by maintaining close contact with the ILO. Its reply had clearly demonstrated that martial law would be lifted as soon as the situation improved. It had also expressed its readiness for continued constructive dialogue with the ILO to improve general understanding of the crisis. Poland should therefore be allowed sufficient time to solve its problems, and the hasty appointment of a commission of inquiry would do nothing to help restore things to normal.

Mr. Mori (Government, Japan) expressed his admiration for the quality of the report. It described the situation clearly, and its conclusions and recommendations were fully within the competence of the ILO. The Polish Government should therefore remove the restrictions placed on freedom of association in Poland as soon as possible.

Mr. Robinson (Government, United Kingdom) thought that the Committee had done the best it could in extremely difficult circumstances, and he fully endorsed the conclusions and recommendations. It was regrettable that there had not been sufficient progress to make it possible to close the case. While welcoming the release of Mr. Walesa, he also hoped that the other detainees would be freed as soon as possible.

The familiar accusation that the Committee's report was tendentious and biased was completely unjustified, as was the claim that the matter was outside the ILO's field of competence. He fully agreed with the previous comments on this issue made by the Government representatives of Australia, Italy, Panama and others, who had praised the Committee's objectivity, consistency and impartiality. In the circumstances, its conclusions could hardly have been more moderate. The Government of Poland had ratified Conventions Nos. 87 and 98 of its own free will and ratification entailed supervision of observance. The Polish Government should therefore respond positively to the Committee's findings, and the Governing Body should adopt the report.

Mr. Sane (Government, Senegal) felt that the continuing dialogue between the ILO and the Polish authorities was a valuable asset in the search for a solution to the problem. The presence of the Vice-Minister of Labour had also been useful, even if his Government was unprepared to accept the Committee's recommendations, as his visit was an expression of Poland's belief in the ideals and objectives of the ILO.
The reason for the heated debate on this case was Poland's geo-political situation, for it had historical and cultural links with both Eastern and Western Europe. Senegal did not intend to take sides; over the years it had built up a warm friendship with the Polish people through international co-operation and their joint efforts to build universal peace. Nevertheless, it could hardly be argued that the Committee's conclusions constituted interference in Poland's internal affairs, or that the Committee had been putting the Polish Government in the dock. The Committee was merely following its normal procedure for supervising international standards on freedom of association in a country that had ratified the relevant Convention.

All who wished Poland well were anxious to see the country recover its economic stability, achieve social peace, lift martial law and restore freedom of association. The Committee's conclusions and recommendations certainly left the Polish Government with enough latitude to achieve this end. There was every sign, in both recent and forthcoming developments, that the situation would improve and that Poland would recover from its present crisis.

Mr. Oudovenko (Government, Ukrainian SSR) reiterated his Government's view that the Committee's examination of the complaint constituted interference in the domestic affairs of a sovereign member State of the Organisation. It was contrary to the Constitution of the ILO and the generally accepted standards of international law. The aim appeared to be to destabilise the situation in Poland, which created a risk of the ILO becoming a focus of hostility towards the Polish People's Republic.

The Committee had exceeded its competence in calling for the abolition of martial law, decisions on which were entirely a matter for Poland itself as a sovereign State. It was also in contradiction with the Committee's own assertions that it was not empowered to draw conclusions concerning the appropriateness or otherwise of martial law. The Committee had clearly been influenced by external elements which were not interested in restoring the situation in Poland to normal. It had distorted facts and ignored various positive developments, failing to appreciate the full value of the new trade union legislation and the need for stability. The tragedy lay, not in the situation of the Polish people, but in the attempt, by strikes, terrorism and other forms of disruption, to wreck the nation's social structure. The Polish Government should be congratulated on its efforts to solve the economic crisis and the Polish people should be left to resolve their problems by themselves. For its part, the Governing Body should avoid associating itself with those in the West who were seeking to aggravate the situation, for example by their recent halting of supplies of essential raw materials to Polish industry. The socialist countries would do all they could to offset these hostile policies. The accusation that they were inconsistent in their attitude should be levelled at the Western countries, which had chosen to elect Israel, a country guilty of recent aggression in the Lebanon, to membership of nearly every Industrial Committee for which it had applied. The Governing Body would do well to direct its attention to more important matters than the problems of Poland, such as the large-scale violations of trade union rights in the Israeli-occupied territories.

Mr. Wallin (Government, Belgium), replying to a comment by Mr. Kostine, denied that he had in any way prejudged the decision the Governing Body would take at its next session. He had simply stated the choice available to the Governing Body: either to leave the matter with the Committee of Experts and the Conference, or to set up a commission of inquiry.

Mr. Gorski (Vice-Minister of Labour, Government of Poland) repeated that he had been disappointed at the report in view of the atmosphere of co-operation that had prevailed in the Committee's discussions. His disappointment was due, first, to the lack of any reference either to recent economic improvements, or to the poor response to the call for a general strike on 10 November. Second, the recommendations constituted interference in the internal affairs of a sovereign State, on which much had already been said. Nor had the report made any mention of the Western attempt to interfere in Poland's internal affairs by imposing economic sanctions. Many speakers in the debate had given their own interpretation of events, ignoring the strenuous efforts made by the Government to restore the situation to normal; they had failed to grasp the true nature of Solidarity, despite the considerable evidence of its political aims. Their remarks, allying lip-service to freedom and democracy, showed little understanding and much political prejudice. As General Jaruzelski had said in an interview with a leading Western newspaper, it was dangerous to try to use Poland as a detonator to change the established political and territorial order in Europe.
Mr. Noack (Government, German Democratic Republic) requested that the matter be put to the vote.

The Chairman invited the Governing Body to vote on paragraph 99 by show of hands.

By 47 votes to 4 with 3 abstentions, the Governing Body adopted the recommendations in paragraph 99 of the report.

Mr. Gorski (Vice-Minister of Labour, Government of Poland) thanked the delegations and members of the Committee on Freedom of Association who had demonstrated understanding of the situation in Poland and of his Government's intentions. He stressed that his Government's attitude to the Committee's recommendations would remain unchanged. The Governing Body's decision was at variance with the principles the ILC ought to be upholding. It had allowed itself to be influenced by the tendentious arguments of the representatives of certain countries and trade union organisations.

In protest against the Governing Body's decision, the Polish delegation would withdraw.

The sitting closed at 4.25 p.m.
At this sitting, which was held in private, the Governing Body considered the
nineteenth item on its agenda (Report of the Director-General - Sixth Supplementary
Report: Report of the Committee set up to examine the representation presented by
the International Labour Organisation of Employers under Article 24 of the Constitution
alleging non-observance of the Abolition of Forced Labour Convention, 1957 (No. 105)
by Nicaragua and Ninth Supplementary Report: Third Report of the Officers of the
Governing Body: Representation presented by the Swedish Trade Union Confederation,
the Central Organisation of Salaried Employees and the International Confederation
of Free Trade Unions under Article 24 of the Constitution alleging non-observance of
the Employment Injury Benefits Convention, 1964 (No. 121) by Sweden).

In accordance with Article 14, paragraph 4, of the Standing Orders of the
Governing Body, the minutes of this sitting are being issued separately.
ELEVENTH SITTING
(Friday, 19 November 1982, afternoon)

The sitting opened at 5.05 p.m., with Miss Gonzalez Martinez in the Chair.

THIRD ITEM ON THE AGENDA

Selection of Members of Chief Industrial Importance (concl.)

Proposals for the appointment of the Committee of Experts

Mr. Armstrong (Government, Canada) felt that the Director-General had made a wise choice of experts for the Committee, and approved their nomination.

Mr. Rozental (Government, Mexico) referred to the statement he had made in the fourth sitting, in which he had advocated that, when the Committee came to examine the question, it should give special consideration to the views expressed in 1980 when the membership of the Governing Body was last revised. The statistics used should be the most recent available; those concerning the economically active population should include all activities, including the rural, service and industrial sectors, and the various factors should be weighted appropriately in order to be acceptable to the Governing Body.

Mr. Oechslin (Employer, France; Employer Vice-Chairman) approved the proposed list of experts. He presumed the Director-General would supply the experts with the necessary statistical data and see that they were briefed on past discussions on the subject in the Governing Body.

The Governing Body adopted the recommendation in paragraph 4 of the Office paper.

TENTH ITEM ON THE AGENDA

Report of the International Organisations Committee

Mr. Villares Famos (Employer, Mexico), speaking on behalf of Mr. Tata, the Employers' spokesman on the Committee, stated that the work of the session of a special character of the Governing Council of the United Nations Environment Programme was of particular interest to the Employers' group. The World Assembly on Aging had made some valuable proposals, and he hoped that the good intentions expressed in the preamble to the Vienna International Plan of Action on Aging would be put into practice. As for the IAEA/IL/WHO Code of Practice on radiation protection of workers in mining and milling of radioactive ores, it was a publication of great value and should receive full support from the ILO. The entry into force of the UNIDO Constitution would probably make it necessary to revise the Memorandum of Understanding between the ILO and that organisation. Attention should be drawn to the fact that the Economic and Social Council had set up a sessional working group of governmental experts on the implementation of the International Covenant on Economic, Social and Cultural Rights, Article 8 of which recognised the right of everyone to form trade unions and join the trade union of his choice, and acknowledged the predominant importance in this respect of the ILO and the Committee on Freedom of Association.

Mr. Falchi (Government, Italy) called attention to the Resolution concerning the environment in 1982: Retrospect and Prospect, adopted by UNEP at its session of

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1 See third and fourth sittings.
a special character, which called for "the integration of an environmental component in the training of enterprise managers, technicians, skilled workers and decision makers concerned with environmental and resource management". All future ILO training activities should give effect to this aspect of the Resolution in order to further the aims of the UNEP.

Commenting on Mr. Jain's statement, summarised in paragraph 4 of the report, he urged that the report on employment policy being prepared for the 1983 session of the Conference should give particular attention to the need to harmonise the use of human and natural resources.

Mr. Sudono (Worker, Indonesia), speaking on behalf of the Workers' group, recommended adoption of the report.

Mr. Batjoug (Government, Ukrainian SSR), Chairman of the Committee, stated that the ILO delegation to the special session of UNEP in Nairobi had been of great value in defining the role of the ILO in protecting the environment. The work of PIAC had received favourable comment.

As regards the World Assembly on Aging, the provisions of the International Plan of Action of special interest to the ILO were those concerning the right of the elderly to work, education, medical services and housing. The ILO should pay particular attention to the Plan of Action in its future activities.

The Second Special Session of the General Assembly devoted to disarmament had laid the foundation for a world disarmament campaign. It had unanimously called on all governments and international organisations to participate actively in the campaign. The ILO therefore had an obligation to take action, especially in view of its Constitution and the Declaration of Philadelphia.

The ILO would also have to give attention to the development of safety standards governing work in the open sea, which was one of the topics covered by the proposed UN Convention on the Law of the Sea. On this point, the Ukrainian Government fully shared the concern expressed by the Worker members of the Committee.

Mr. Farag (Organisation of African Unity) commended the good relations between his Organisation and the ILO. Among the many fields of co-operation, the provision of assistance to refugees was of particular interest; the OAU's new refugees division at headquarters in Addis Ababa should henceforth be associated with all work on refugee problems. He asked for further information on the ILO's participation in refugee assistance missions, mentioned in the report.

Mr. Murerwa (Government, Zimbabwe) stressed the problems faced by countries receiving refugees in providing basic services for them. He drew attention to the appeal addressed by the International Conference on Assistance to Refugees in Africa to all international organisations and specialised agencies, asking them to expand their assistance to refugees in Africa in close co-operation with the countries of asylum, the Secretary-General of the OAU and the UNHCR. It was a field in which the ILO could make a valuable contribution, and he was pleased to note that the ILO had introduced an item on assistance to refugees in the Medium-Term Plan, 1982-87. Greater efforts were required, however, to offset the increasing gravity of the refugee situation in Africa: there was a particular need for more programmes on income-generating activities, especially in such areas as vocational training and rehabilitation, workers' education and the training of instructors and trainers, preferably financed out of the regular budget. He trusted that close co-operation would continue with the OAU, the UNHCR and the countries of asylum in Africa.

The representative of the Director-General (Mr. Bolin, Deputy Director-General) explained that he ILO was currently working out an informal agreement on co-operation with the UNHCR, which would shortly be presented to the Governing Body. In reply to Mr. Farag, he stated that the reference in the report was to project identification missions organised by the UNHCR in co-operation with the ILO and other specialised agencies to select schemes in which the agencies could become involved in collaboration with the High Commissioner.

As for Mr. Murerwa's proposals, discussions were being held with several bilateral donor agencies on projects of the kind he had mentioned. In addition to the provision for assistance to refugees in the Medium-Term Plan, there were a number of proposals in the 1984-85 budget concerning refugees, which would be presented to the Governing Body at the next session.
He also informed the Governing Body of two corrections to the report suggested by the representative of UNIDO: in paragraph 48, the first sentence should read "The Committee was also informed of the possible entry into force very shortly of the UNIDO Constitution"; and in paragraph 52, the following words should be added at the end of the sentence: "and the Constitution had entered into force".

Mr. Terrefe (Government, Ethiopia) suggested that consideration should be given not only to the refugee problem in countries of asylum, with which the report had dealt, but also to the problem in the countries of origin when refugees returned and he hoped that future reports would indicate a number of resettlement projects.

The Governing Body adopted the recommendations in paragraphs 36, 39, 44 and 46 of the report.

ELEVENTH ITEM ON THE AGENDA

Reports of the Industrial Activities Committee

First report

Mr. Chamy Samper (Government, Colombia) felt that it was important that whenever an Industrial Committee included representatives of at least four Spanish-speaking countries, the reports should be available in Spanish in their entirety rather than in summary form.

Mr. Lüdger (Employer, Federal Republic of Germany) found the report fully acceptable. The Employers' group was concerned, however, that Resolution No. 82 adopted by the Eleventh Session of the Coal Mines Committee dealt solely with freedom of association and trade union rights as they affected workers, and made no mention of the corresponding rights of the employers. As regards Resolution No. 80 adopted at the same session, it should be made clear that the ILO's competence did not extend beyond the environment at the workplace.

Commenting on the section of the report dealing with the composition of the Fourth Tripartite Technical Meeting for Mines Other Than Coal Mines, he stressed that it was important that the ILO should, when making suggestions for the composition of such Committees, only propose countries that were sure to send a full delegation.

Mr. Lloyd (Worker, United Kingdom) pointed out that the Committee had failed to propose an agenda for the First Session of the Joint Committee for Postal and Telecommunications Services, and he would therefore propose the following:

1. Methods of wage determination in the postal and telecommunications sector.
2. The working environment and safety and health.

The Governing Body adopted the recommendation in paragraph 11 of the report.

Mr. Wallin (Government, Belgium) was pleased to note that the subject of occupational safety and health was included in most of the agendas for major meetings. He trusted that the reports of the Inland Transport Committee and the Forestry and Wood Industries Committee would as usual contain a special section concerning methods of supervision and problems of labour inspection.

The Governing Body adopted the recommendations in paragraphs 17, 32, 40, 43, 48, 50, 52, 54, 55, 58 and 60 of the report.

Mr. Wallin (Government, Belgium) welcomed the proposal to update the Coal Mineworkers' Charter, which was one of the first instruments adopted by the Industrial Committees when they were first set up. Its revision could be considered for inclusion in the agenda of the Conference.

The Governing Body adopted the recommendations in paragraphs 62, 64, 66, 68, 70, 76, 79 and 85.
Second report

Mr. Pabon (Government, Netherlands), Chairman of the Committee, reported that the Committee had conducted the sixth general review of the membership of the Industrial and analogous Committees on the basis of the criteria set by the Governing Body, despite misgivings on the part of certain governments over the appropriateness of the criteria. The deadline for applications had unfortunately not been set by all countries, and further discussion was therefore necessary on the relevant rules. The review concerned the period beginning 1 January 1984, from which date the number of Industrial and analogous Committees would be increased to 13. Each of the new Committees would have 27 seats. The number of seats on the Metal Trades Committee would be increased from 27 to 30, and on the Textiles Committee from 30 to 33, while the totals for the Coal Mines Committee and the Committee on Work on Plantations would be reduced to 18.

The Committee had decided, in future, greater importance should be attached to the enforcement of deadlines and the comparability of statistics.

Each applicant country had obtained a seat on at least one Committee. The subject of the seventh review had not been discussed.

Mr. Briki (Worker, Algeria) was disappointed that the progress achieved by the Working Party on Structure had not been reflected in the general review, particularly its conclusions on the need for better representation of all the regions. The Third World, particularly Africa, was under-represented on the Committees.

The Governing Body should reconsider the problem of deadlines, bearing in mind the inadequate technical resources of many developing countries, which in the present instance had probably prevented them from submitting applications on time and securing seats on the Committees. Certain countries had not been informed of the extension of the deadline from 15 July to 28 October, even though they could probably have provided the necessary information in those badly needed extra months. In order to offset this discrimination against developing countries, those that were not selected for membership should be allowed to attend the Committee meetings as observers to enable them to make their contribution.

Mr. Lindner (Employer, Federal Republic of Germany) felt that in the case of one Committee the increase in the number of seats was open to question. One serious problem encountered by the Committee had been the comparability of statistics, and it had been further complicated by a number of countries which had not provided any statistics in support of their application. The Committee could not be accused of ignoring Africa's interests, as over 80 per cent of its requests had been granted - 41 seats against 51 applications.

The deadline for applications in the next general review should be strictly adhered to. Governments should bear in mind that consultation with employers' and workers' organisations and the sending of complete delegations were regarded as important criteria when the records of governments as members of the Committees were assessed.

Mr. Charry Samper's proposal concerning the Spanish language should be supported.

Mr. Noack (Government, German Democratic Republic) did not feel that the criteria set by the Governing Body had been adequately observed. In particular, the criterion concerning geographical distribution could not have been applied correctly when Western Europe had received 38 per cent of the seats and Eastern Europe only 10 per cent, despite the latter's higher industrial output. In view of such a biased application, the Industrial Activities Committee should be asked to propose alternative procedures for the application of the criteria before the seventh general review, taking into account the requirements of geographical distribution and the principle of universality, as well as the justified claims of the socialist and developing countries.
Mr. Oudovenko (Government, Ukrainian SSR) expressed his appreciation of the work of the Industrial Committees. In view of their importance, national delegations should always include specialists qualified in the branch concerned. The ILO should therefore assess the qualifications of all participants and draw the attention of governments to the need for expertise. Committee meetings could also be improved by the use of films, photographs and other forms of information to instruct the members.

As regards the criteria governing eligibility, he endorsed the proposal that the selection should be made by the Governing Body itself in order to ensure a fairer distribution of seats among members. The criterion of geographical distribution in particular seemed to have been ignored.

Mr. Jinsenbauer (Government, United States) strongly disagreed with the two previous speakers. He did not feel that the Committee was guilty of bias and he fully supported the Committee's procedures and conclusions.

Mr. Kostine (Government, USSR) was pleased to note that the Committee's work had resulted in a more balanced membership of the Committees, although the fact remained that the present selection procedure did not ensure sufficient compliance with the criteria set by the Governing Body. His own Government had made proposals to improve the procedure, details of which were given in the Committee's report. The Governing Body should give particular attention to the proposal to select members on a regional basis in order to share seats among developed and developing countries on a more equitable basis.

Mr. Taha (Government, Egypt) expressed his appreciation of the work of the Committee. It had shown a high sense of responsibility and achieved admirable results. However, the meagre representation of developing countries on the Industrial Committees was a cause for regret, although it was not certain whether the responsibility lay with the developing countries themselves or with the selection procedure. Africa in particular had a disproportionately small share of seats. It was necessary to review the role of the Industrial Committees in the work of the ILO as a preliminary to adopting new selection procedures that took account of the interests of the developing countries and also with a view to stimulating interest in the Committees' work.

Mr. Cherief (Government, Algeria) agreed with the views expressed by Mr. Briki, Mr. Noack, Mr. Kostine and Mr. Oudovenko. There was clearly a need to revise the selection procedure in order to reflect the needs of the developing countries more adequately. His own Government had recently sent a letter to the Director-General, after the expiry of the time-limit, requesting membership of two Committees. Should that prove impossible, he hoped that observer status could be granted.

Mr. Villaseñor (Employer, Mexico) supported Mr. Charry Sanper's request for full use of the Spanish language at meetings of the Industrial Committees. Eight of the thirteen Committees had more than four Spanish-speaking members, and he proposed that the necessary provision for issuing the reports in Spanish be made in the budget for the next biennium. It would have the added advantage of making it possible to keep the Spanish-speaking countries informed in more detail of the proceedings of the Industrial Committees.

Mr. Lloyd (Worker, United Kingdom) was surprised at the criticism of the results from African countries. In the case of Algeria, its application was not received in time to be taken into consideration by the Committee, which had to set some deadline. Most of the applications from African countries had been successful. There was possibly room for improvement in the selection procedure, but the Committee should not be criticised, as it had worked within the criteria set for its deliberations.

Mr. Pasapra (Government, Nigeria) congratulated the Committee on its work. It was regrettable that few African countries were members of the Committees, but that was due to the small number of applications sent in by the African countries as a whole. A deadline was obviously necessary for applications, and it had even been waived in certain cases. It was therefore unreasonable to criticise the Committee for allocating few seats to the developing countries; on the contrary, it had performed extremely well.

Mr. Haase (Government, Federal Republic of Germany) also felt that the Committee had achieved admirable results. Mr. Noack's criticisms were misleading.
he had omitted to point out that, by comparison with Eastern Europe, twice as many applications from Western Europe had been rejected - 28 as against 15.

The Director-General noted the comments made by various speakers. The Committee's recommendations seemed on the whole to have satisfied the Governing Body.

Any country wishing to take part in the meetings of the Industrial Committees as an observer was fully entitled to do so, and would receive every help from the Office to enable it to derive the greatest possible benefit from attendance.

The Governing Body adopted the recommendation in paragraph 96 of the report.

TWELFTH ITEM ON THE AGENDA

Report of the Committee on Operational Programmes

Mr. Deshnukh (Government, India), introducing the report as Chairman of the Committee, stated that the Committee had been generally satisfied that the ILO's operational programmes, as reflected in the review of the role of technical co-operation inputs submitted to the Committee, were being implemented with increasing flexibility to meet the changing needs of developing countries and help them achieve greater self-reliance. The Committee had concluded that, firstly, good project design, effective monitoring and accurate project evaluation were essential to ensure that project inputs interacted successfully and thus had the desired effect on the development process; secondly, that the project inputs chosen should be adequate to meet the specific needs of the host country - which included consideration of cost and quality and the need to diversify the sources of inputs and to make greater use of local experts and resources - and thirdly, that the principle of tripartism should receive greater emphasis at all stages in the planning and implementation of operational activities.

In addition to the review, the Committee also examined the major issue faced by the technical co-operation programmes - the expected decrease in funds from the UNDP and the corresponding need to increase multilateral sources of funding. Both the Deputy Director-General and the UNDP representative had referred to the disappointing results of the recent Pledging Conference in New York, which had made it necessary for the Administrator of the UNDP to advise governments to revise downward their planning estimates of programme resources available for the 1982-86 cycle to some 55 percent of the targets originally set. The consequences for the ILO's technical co-operation programmes would be very serious, and the Committee now recommended the Governing Body to approve its request to the Director-General to continue to participate actively in all inter-agency efforts aimed at increasing multilateral aid. He was further requested to mobilise support and goodwill through his broad range of contacts with governments and national non-governmental organisations, particularly national employers' and workers' organisations. A number of Committee members had felt that the programme and budget proposals for 1984-85 should include greater provision for technical co-operation in the regular budget.

The third major issue examined by the Committee was the new arrangement between the UNDP and the ILO concerning tripartite participation in UNDP-funded technical co-operation activities executed by the ILO. The Committee had greatly appreciated this initiative taken by the Director-General and Mr. Jain, which they felt adequately reflected their previous concerns. The Committee had made recommendations to the Governing Body on the practical application of these arrangements, which chiefly concerned the ILO staff directly involved in the projects, such as office directors, technical advisers and experts.

Finally, he expressed his appreciation of the work of Mr. Karasaki, the Chief of the Office's Technical Co-operation Bureau, who was shortly to retire. The Committee was particularly grateful to him for having postponed his retirement in order to participate in the discussion of the past and future of ILO technical co-operation. His advice had been greatly valued by the Committee throughout his career, which had been largely devoted to technical co-operation. He was known as a strong advocate of decentralisation, and in the 1970s had made a remarkable contribution to the creation of the Asian Regional Department. He trusted that Mr. Karasaki's successor would continue his efforts with equal determination.
Mr. Sudoro (Worker, Indonesia) approved the recommendations of the Committee. He joined the previous speaker in tendering the thanks of the Workers' group to Mr. Karasaki for his excellent work in the past. Mr. Karasaki had been of immeasurable value to ILO activities in Asia, and had skillfully handled relations with governments, employers' and workers' organisations and external funding agencies. He wished him a long and happy retirement.

Mr. Chavy Samper (Government, Colombia) supported the Committee's recommendations. The announcement by the UNDP had given rise to a certain amount of pessimism, but nevertheless the ILO could do a number of things to offset it and to improve technical co-operation in other ways. The promotion of horizontal co-operation and the decentralisation of technical co-operation activities would make the ILO's work more responsive to the needs expressed by developing countries, and would produce more feedback than at present. More experts could be recruited from the developing countries, as they were more likely to have direct experience of the situation in such areas.

The decrease in UNDP funds called for urgent action. Clearly a greater allocation for technical co-operation should be made out of the ILO's regular budget. The criteria governing priorities for different programmes should also be revised, and more effective advisory machinery should be set up for the purpose; the regional advisory committees might be given a greater say in such matters. As regards equipment, there should be a list of criteria governing its selection as well as a survey of the developing countries that could actually supply it.

Mr. von Holten (Employer, Sweden), speaking on behalf of the Employers' group in the absence of Mr. Nasr, associated himself with the tribute paid to Mr. Karasaki. Technical co-operation was an extremely complicated field, and Mr. Karasaki was to be congratulated on the able way in which he had handled ILO activities. He had always been available to answer questions and had co-operated with all those involved.

The Employers' group approved the Committee's recommendations. Referring to paragraph 67 of the report, he trusted that the information referred to in the second sentence would be made available. Paragraph 69 did not quite reflect the full content of his statement, but the subject could be discussed at the next session when the budget proposals were examined. He hoped that copies of the instructions given to field offices concerning the promotion of tripartism would, as requested by Mr. Nasr in paragraph 91 of the report, be made available to the Committee.

Mr. Linsenmayer (Government, United States) referred to his comments in paragraph 76 of the report, and trusted that they would receive consideration in the future. Subject to that qualification, he had no objection to paragraph 88.

Mr. Rogers (Government, Barbados) supported the Committee's recommendations and wished the Director-General every success in his efforts to secure additional resources for technical co-operation. The fall in resources from the UNDP called for greater allocations from the regular budget and the rationalisation of various aspects of technical co-operation activities. It would be necessary for recipient countries to co-operate more extensively in the provision of suitable counterparts and in retaining them for reasonable periods in their projects after the experts had left. He was pleased to note the increase in the number of experts from developing countries and in the number of women experts.

The reference to paragraph 93 in paragraphs 60 and 61 of the Committee's report presumably referred to the Office paper. Either paragraph 93 as amended should be given in its entirety, or paragraph 61(b) should be amended.

The Chairman said that this observation would be noted.

Mr. Noriel (Government, Philippines) welcomed the proposal to increase the regular budget allocation for technical co-operation in the 1984-85 biennium. On behalf of the group of Asian governments, he expressed his full support for the Director-General's proposal and the Committee's recommendations. Many ILO technical co-operation projects in Asia were of the utmost value, and it was urgent to

1 In paragraph 61(b) of the Committee's report, the word "above" should be deleted.

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increase the region's share of resources from the regular budget. Asia was particularly in need of workers' education, labour administration and skills development programmes that were adapted to local conditions. Rural employment programmes were also of great value in view of Asia's vast rural economy.

He drew attention to the conclusions of the Ninth Asian Regional Conference held in Manila in 1980, in particular its resolution concerning ILO technical co-operation activities in Asia and the Pacific. These referred to the need to allocate greater budgetary resources to technical co-operation activities in Asia and the Pacific, to promote tripartite consultation in technical co-operation programmes, and to encourage and promote TCDC in the region.

He joined the previous speakers in wishing Mr. Karasaki a long and happy retirement, and paid tribute to his valuable contribution to the ILO, to its technical co-operation activities, and particularly to the Asian region.

Mr. Mori (Government, Japan) supported the Committee's recommendations. He too paid tribute to Mr. Karasaki on his retirement. Mr. Karasaki had served the ILO with the utmost dedication for 25 years, and had rendered yeoman service in its technical co-operation activities. He wished him a happy new life in Japan after his retirement.

Mr. Cherief (Government, Algeria) noted with regret the announcement by the UNDP that technical co-operation resources would be reduced. It was particularly alarming for the ILO, as more than half its technical co-operation funding derived from that source, and the Governing Body should do everything possible to offset the effects of this severe blow. It would be necessary to give fresh thought to the financing of technical co-operation and to evolve a new policy. The ILO should make more of its own resources available to technical co-operation in order to place it on a more secure footing; above all, the projects currently being implemented in the least developed countries should not be terminated on account of the reduction.

The review of operational activities submitted to the Committee had been particularly valuable. It was necessary to maintain the high quality of experts while diversifying sources of recruitment; more national experts could be recruited, as they would have a better knowledge of their own countries. The prior training of counterparts should be an essential part of every project, and their integration into projects should be regarded as fundamental. The planning and follow-up of fellowships required greater attention, as did project evaluations; the Office report had not given the latter sufficient emphasis.

Current efforts to develop policies and procedures for the selection and supply of equipment meeting international standards should continue, with emphasis on the need for appropriate technology. It was also necessary to purchase equipment from a wider range of suppliers, and where possible to obtain it in the host country or in nearby more advanced developing countries.

Mr. Murerwa (Government, Zimbabwe) fully supported the Committee's recommendations. The report had unfortunately misinterpreted his proposal concerning the employment of young graduates as experts. He had proposed that, in countries where there were unemployed young graduates, efforts should be made to employ them as an alternative to associate experts or volunteers for whom the government would have to defray the costs of housing, transport and health insurance.

Mr. Patag (Organisation of African Unity) hoped that the ILO would endeavour at least to maintain the present level of financing for technical co-operation, despite the expected reduction in UNDP resources. As regards the promotion of tripartism in technical co-operation activities, he fully supported the recommendation that ILO Office Directors should brief Resident Co-ordinators and other agency representatives on the role of workers' and employers' organisations and the need for tripartite participation in technical co-operation.

Mrs. Sutena (Government, Ethiopia) congratulated the Office on its paper. She agreed that the effectiveness of projects depended largely on good timing and the effective co-ordination of the various inputs, which required careful planning. Counterparts should be given greater over-all responsibility in the execution of projects, and priority should be given to the fellowship and equipment components.

The announcement that UNDP resources would be reduced was extremely disheartening, and she called on the major industrialised donor countries and others
to reconsider the amount of resources they could make available for technical co-operation through the UN system. The ILO should also increase its regular budget allocation for technical co-operation in view of the great importance attached by developing countries to such activities.

The Director-General was pleased that the Office papers had met with the Committee's approval. The Committee's recommendations and observations were particularly valuable. The Office attached great importance to technical co-operation, and he had been very concerned by what he had learned at the recent meeting of the Administrative Committee on Co-operation in New York. The implications were serious - a decline in the volume of resources available to the international organisations and a probable increase in the proportion of bilateral aid. The New York meeting had also called for a more exhaustive analysis of the situation for presentation at the next meeting, to be held in Paris next March, in order to assist the Secretary-General of the United Nations and his colleagues in deciding what action to take.

The programme and budget proposals for 1984-85, currently being prepared, would include provision for a greater allocation for technical co-operation from the regular budget. The Office had also for the past two years pursued a policy of increasing regular budget allocations to the regional centres, which were major instruments of technical co-operation. In addition, they offered valuable opportunities for horizontal co-operation, and strengthening them, although requiring greater resources, would be eminently worthwhile as well as being in line with the policy of decentralisation.

He joined all the previous speakers in paying tribute to the past work of Mr. Karasaki, who had matched a high sense of discretion with great efficiency. He had made an exceptionally valuable contribution to the Office's technical co-operation activities, in which he had involved himself with great enthusiasm. He was certain that he would enjoy a happy and active retirement.

He also paid tribute to Mr. Christer von Stedingk, the retiring Director of the Europe Regional Office. It was fitting to do so under this item on the agenda, as Mr. von Stedingk during his career had made a substantial contribution to the ILO's technical co-operation programmes. In the course of his long and varied service, he had been in charge of the Employers' Relations Branch; he had worked in New York; and he had headed the Personnel Department for nearly four years. He then took over what at the time was called the Field Services Department. In all these duties he had shown sterling judgement and exceptional devotion to the Organisation.

Mr. Oechslin (Employer, France; Employer Vice-Chairman) joined the Director-General in his appreciation of Mr. von Stedingk's services. During his years as Chief of the Employers' Relations Branch, as elsewhere, he had always extended a warm welcome, both at work and at home, to those with whom his duties brought him into contact. The Employers in particular had been gratified to see him enjoy such an extremely successful career with the Organisation, and the tributes paid to him for his many services were well merited.

Mr. Muhr (Worker, Federal Republic of Germany; Worker Vice-Chairman) echoed the words of the Director-General. Mr. von Stedingk, who had come from the Employers' camp, had always shown absolute respect for the principle of tripartism, and the Workers' group was particularly grateful to him for his efforts on behalf of the Organisation. It was encouraging to note that a former representative of one of the social partners could climb so high within the Office. The Workers were sorry to see his leave, and wished him good health and happiness throughout his retirement.

The Chairman also felt that both Mr. Karasaki and Mr. von Stedingk would be missed in the ILO, and wished them both every happiness in their new lives.

Mr. Haase (Government, Federal Republic of Germany) added his wishes to Mr. Karasaki and Mr. von Stedingk for an enjoyable retirement. Proof of Mr. von Stedingk's impartiality lay in the fact that he had not previously known that he came from the Employers' side. Both Mr. Karasaki and Mr. von Stedingk had been extremely co-operative in their work and the Government group greatly appreciated all their help in the past.

The Governing Body adopted the recommendations in paragraphs 61, 88 and 93 of the report.
THIRTEENTH ITEM ON THE AGENDA

Report of the Committee on Discrimination

Mrs. Carr (Worker, Canada), introducing the report, stated that the Committee was concerned at the difficulties surrounding the application of the Night Work (Women) Convention (Revised), 1948 (No. 89). The Committee had been pleased to note that, in response to the Decade for Women, the question of sexual equality and women's employment was to be proposed for inclusion on the agenda of the 1985 session of the Conference for a general discussion in order to assess progress since 1975. The Committee had also expressed its concern at the situation of young people.

The Committee noted that for the first time since 1963, the Committee of Experts on the Application of Conventions and Recommendations had received reports from South Africa on the application of the Conventions it had ratified, by which of course it was still bound.

She requested governments and employers' and workers' organisations to give special attention to the second questionnaire concerning the policy of apartheid in South Africa, which was needed for the preparation of the Director-General's Special Report on Apartheid for 1983.

She was pleased to note that more than one and a half million dollars had now been committed to ILO projects of assistance to Southern Africa, and trusted that budgetary provision would be made to increase this amount slightly. The Committee was particularly grateful for two voluntary contributions made by the Governments of Pakistan and the Philippines.

Mr. Oechslin (Employer, France; Employer Vice-Chairman) felt that the report was an accurate description of the Committee's proceedings, and trusted that the Office would take note of its contents.

Mr. Nadal (Government, Uruguay), referring to paragraph 3 of the report, in which his country was mentioned, stressed that Uruguay had been, and still was involved in every forum concerned with human rights within the UN system, such as the Human Rights Commission and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and also in others outside the UN system, such as the Human Rights Committee set up by the Optional Protocol to the International Covenant on Civil and Political Rights. When questioned in the past by the supervisory bodies of the ILO, Uruguay had respected their competence and co-operated with them all, including the Governing Body Committee on Freedom of Association, the Committee of Experts on the Application of Conventions and Recommendations, and the Conference Committee on the Application of Conventions and Recommendations. It would also co-operate with the Committee on Discrimination, for it believed that human rights transcended issues of national sovereignty. As regards discrimination itself, he pointed out that his Government had ratified the International Convention on the Elimination of All Forms of Racial Discrimination, and was the first State to make the declaration provided for in Article 14 of that Convention, whereby it accepted the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals claiming to be victims of racial discrimination; no such communication had yet been received by his Government. Although the Committee's report referred only to certain aspects of the complaint and the Government's reply, he noted with interest that the complaint and the reply would be submitted in a more detailed form to the Committee's next meeting. The section of the report dealing with the complaint suffered from a number of important omissions; for example, it observed that the complaint and the Government's reply had acknowledged that only activities linked to organisations conducting or encouraging terrorist activity were prohibited, which was true, but did not point out that the complaint was based on Institutional Act No. 7, the aims of which were devoid of any ideological connotation and referred basically to reductions in the national budget to bring it into line with the needs and possibilities of the State and its finances. The same paragraph also stated that part of the Government's reply concerned the validity of the procedure with respect to a country which had not ratified the Convention and that the Governing Body had approved the procedure in question, but failed to point out that the procedure had never been applied in practice. Nor did it observe that Uruguay had invited and received three direct contacts missions to investigate its labour situation in the past four years. He trusted that a more detailed paper taking account of these facts would be submitted to the Committee's next meeting.
Mr. Faraq (Organisation of African Unity) was pleased to note progress in the implementation of the Declaration concerning Apartheid, and emphasised the need for more detailed information on the subject. The deadline of 10 November for the submission of information for inclusion in the Director-General's Report should therefore be postponed.

He agreed with the Employers' proposal that an international tripartite seminar on action against apartheid, similar to the one held in Livingstone in 1981, should be held in one of the front-line States. The Workers' proposal for the preparation of an inventory of action taken by other organisations concerning apartheid was also valuable.

More information was needed on the activities of multinational enterprises in South Africa, as they lent considerable support to apartheid, despite United Nations recommendations and resolutions. The Office's work on apartheid, particularly that of the Committee on Discrimination, was particularly appreciated by his Organisation.

Mr. Al-Jasser (Employer, Kuwait) hoped that the Office would devote close attention to the situation of workers in the occupied Arab territories, and thanked the representatives of those governments that had made statements supporting Arab workers in connection with recent events in Beirut.

Mr. Taha (Government, Egypt) stated that his Government attached great importance to the ILO's activities to combat discrimination. Its 1981 Declaration provided a general framework for efforts to fight racism in the African continent, and tripartite co-operation was a great asset in the struggle. He joined the previous speaker in calling for continued attention to be given to the situation of workers in the occupied Arab territories. Their plight had been repeatedly emphasised in the Director-General's Reports, and had been aggravated by recent developments. He therefore urged the Director-General to ensure that the ILO co-operated with other interational organisations in order to improve their lot.

The Governing Body took note of the report.

FOURTEENTH ITEM ON THE AGENDA

Report of the Committee on Multinational Enterprises

Mr. López Oliver (Government, Venezuela), Chairman of the Committee, stated that the Committee had noted with satisfaction that the Office had distributed a questionnaire to governments on the effect given to the Declaration of Principles covering the years 1980-82, and that the resulting report would be submitted to it in November 1983. The Committee attached great importance to this study, which would assess the effectiveness of the Declaration, and trusted that employers' and workers' organisations would be consulted more extensively than before. He appealed to all delegations to ensure that their countries co-operated fully. The Committee further noted that the Office had received no request for any interpretation of the provisions of the Declaration. Naturally, time was needed for the Declaration to take effect.

The Committee was pleased to note the progress achieved by the Office in translating studies from English into other official languages, and voiced its appreciation of the efforts to co-ordinate activities with the United Nations in order to avoid duplication.

Some members of the Committee had felt that additional resources were necessary for the Office's work on this subject, while others stressed current financial difficulties. The Committee had noted a number of proposals for future research to be undertaken in the 1984-85 biennium, which would meet certain requests made by other bodies. Most of the projects and studies currently under way would be completed during the 1982-83 biennium, but the view had also been expressed that it would be better to provide for a smaller number of more exhaustive studies. It was also stressed that the information brought to light by the government replies should be taken into account in future proposals.
The Committee noted recent events in other organisations concerning codes and instruments connected with multinational enterprises. The Office report was informative, and reflected the efforts being made to protect the ILO's interests. The Committee had likewise noted with great interest that the United Nations Commission on Transnational Corporations expected to complete its code in 1983 and would make a special reference to the ILO Declaration, which was of particular importance for the future activities of the Organisation.

Mr. Charry Samper (Government, Colombia) regretted that his comments and proposals in the previous discussion in the Governing Body on the rejection of a request made by the Trade Unions International of Food, Tobacco, Hotel and Allied Industries Workers had not been acted upon. The application of the Declaration in this connection was most unsatisfactory. Although the Office's studies and reports on the operations of multinationals were welcome, it seemed to be giving too much attention to the academic and theoretical aspects of the problem. Multinational enterprises now stood on an equal footing with sovereign States in the international world. Some of them in fact were more powerful and wealthy than many of the ILC's member States. It was therefore only logical that they should be answerable to some form of international body in matters of social policy, just as sovereign States parties to ILO Conventions were answerable to the ILO for the effect they gave to them. He therefore again called on the ILO to investigate the reason for the dismissals of workers in his country employed by a multinational enterprise, for which his Government was not responsible and was being unjustly criticised, as it was an illuminating example of the practices of multinationals. Investigation of such cases should have priority in the allocation of the limited funds available to the Committee.

The increased co-ordination of activities between the ILO, UNCTAD and the UN was to be welcomed. Greater attention should be paid in future to the problem of multinational, or transnational, enterprises as they should be called; Mr. Cheysson, the French Minister of External Relations, had recently urged this, and it was certain that many others realised it too. Much had been said at the present session concerning sovereignty and interference in internal affairs, and he hoped that multinational enterprises would not be exempted from examination of their operating practices by the ILO.

Mr. Flunder (Employer, United Kingdom) supported the work of the Committee and approved its report as an accurate reflection of its proceedings.

Mr. Shaft (Government, United States) stated that his Government was particularly interested in the effect given to the tripartite Declaration, and he supported the proposal to include a discussion of the findings of the questionnaire in the agenda of the Committee next November. As regards future research, he favoured work on special investment incentives and social policy, which was well within the Office's field of competence.

Mr. Muhr (Worker, Federal Republic of Germany, Worker Vice-Chairman) was fully in agreement with the Committee's report. Although it might be felt that progress in this field had been less than could be expected, it should be remembered that the Office was still dependent on voluntary co-operation from many different sources of information in various countries. These included many trade unions, which for all their co-operation had not yet developed an adequate interest in the subject, but time was sure to change that.

Mr. Haase (Government, Federal Republic of Germany) felt that the Office had achieved worthwhile results, despite the limited resources available. His Government was particularly interested in the effect given to the Declaration, and therefore awaited with interest the findings of the new questionnaire concerning its implementation over the years 1980-82. The Office report showed that the ILO had achieved a good deal in this field compared with other organisations, and had adequately protected its interests.

The Committee took note of the report.
FIFTEENTH ITEM ON THE AGENDA

International Institute for Labour Studies

Report on the 24th Session of the Board of the Institute

Mr. Oechslin (Employer, France; Employer Vice-Chairman) felt that, although the rest of the report was quite accurate, paragraph 41 was somewhat misleading. It was presumably clear that the Director was invited to comply with the wishes expressed by the Board.

Mr. Mahr (Worker, Federal Republic of Germany; Worker Vice-Chairman) said that the Workers' group was fully in agreement with the report.

The Governing Body took note of the report.

SEVENTEENTH ITEM ON THE AGENDA

Composition and agenda of standing bodies and meetings (cont.)

Second paper

Committee of Experts on the Application of Conventions and Recommendations

Mr. Beres (Government, Hungary), speaking on behalf of the socialist countries of Europe, felt that the present proposals would result in the Arab and African countries being under-represented on the Committee, while Europe remained over-represented. It had been proposed that two seats on the Committee should be taken away from the European countries - one from Western and one from Eastern Europe - and allocate them to an African and an Arab country. In 1981 the Eastern European countries, as a gesture towards the African countries, had given up a seat on the Committee on the understanding that Western Europe would subsequently do the same in favour of a developing country. It now appeared that Western Europe was not prepared to do anything of the kind. On the contrary, an expert from the Federal Republic of Germany was to be replaced by another expert from the same country. Did the Federal Republic of Germany hold a permanent seat on the Committee? Had the Office tried to find an Arab expert? The proposals were certainly not in accordance with current developments in the Working Party on Structure, nor were they compatible with the aims of the Organisation. It was necessary to restore the balance in the Committee, particularly as regards the Arab and African countries, which would inevitably involve a reduction in the number of experts from Europe, but that should not be at the expense of the socialist countries alone.

Mr. Oechslin (Employer, France; Employer Vice-Chairman) stressed that members of the Committee were appointed in their individual capacity, and not as representatives of any country or region. Admittedly, it was necessary to preserve a balance between the different regions, and efforts should be made to recruit experts from formerly unrepresented countries. His group was therefore pleased to note the nomination of Mr. Kéba Mbaye, an eminent jurist from Senegal, and Professor von Maydell, whose expert qualities were well known. The nomination of Professor von Maydell would satisfy the need for an expert in the legal systems of the German-speaking countries.

Mr. Cherief (Government, Algeria) stated that, although he had no objection to the individuals nominated as experts, it was necessary for more experts to be

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1 See seventh sitting.
2 See also fourth sitting.
appointed from regions that were under-represented, such as the Arab countries. It would also be preferable to appoint more women as members of the Committee in order to give effect to the ILO's policy of non-discrimination. He supported the statement made by Mr. Beres.

Mr. Haase (Government, Federal Republic of Germany) reminded the Governing Body that his country had only very recently given up a seat on the Administrative Tribunal to the representative of a developing country.

The Director-General pointed out that the Governing Body was not called on to take a final decision on the full composition of the Committee. Africa was certainly under-represented, despite the nomination of Mr. Kéba Mbaye, but further appointments could be made: there were now only 17 members as compared with 20 a few years ago. As for the appointment of a replacement for Professor Beitzke, the abilities of Mr. von Maydell were well known, and warranted his selection.

In approaching this problem of regional distribution, he had considered Europe as a whole. Nor were experts nominated on the basis of nationality. Europe as a whole now had eight on the Committee, compared with eleven from Africa, America and Asia. That was a fair breakdown in view of the number of ratifications by European countries. The nominations, if accepted, would be in accordance with the requirements of balance and regional distribution.

The composition of the Committee was not immutable; further experts could be appointed in the future, and he had felt that a useful solution to the problem would be to find a woman expert from a Gulf State. Unfortunately, his search had hitherto been unsuccessful. He therefore recommended the Governing Body to adopt the proposals and to consider further nominations at some future date.

Mr. Cairo Soler (Government, Cuba) fully supported the statement made by the Government representative of Hungary. He had understood that the term of office of the former Hungarian expert member of the Committee had not been renewed at the previous session of the Governing Body in order to make room for a representative from an Arab country. The present proposal did nothing to restore the balance within the Committee, which should reflect both geographical distribution and differences in economic and social systems.

Mr. Kostine (Government, USSR) also endorsed the statement made by the Government representative of Hungary. He too had understood that there was an unwritten agreement whereby a representative of a developing country would be nominated to replace the outgoing Hungarian expert. He could not agree that experts were nominated exclusively as individuals. That would be unjustifiable, as the requirements of geographical distribution and balance between different economic and social systems were of particular relevance to this Committee and were far from being reflected in its present composition. He therefore requested that the subject be re-examined.

Mr. Malintoppi (Government, Italy) stressed that the members of the Committee were selected on the basis of their abilities and personal integrity. The criteria governing their selection were their knowledge of comparative labour law and of different legal systems - an unusual combination - and the eminent membership of the Committee in the past had rightfully earned it a high reputation. In order to maintain these standards, he suggested that in future all nominations submitted to the Governing Body should be accompanied by copies of candidates' curricula vitae. He had no doubts whatsoever about the qualifications of Professor von Maydell or Mr. Mbaye, but felt that, in general, his proposal would be useful.

Mr. Al-Jassim (Employer, Kuwait) agreed with Mr. Malintoppi's suggestion. The Director-General's proposal to nominate a woman from an Arab State was particularly welcome, and there should be no problem in finding a suitable candidate.

Mr. Beres (Government, Hungary) felt that Mr. Oechslin had not been consistent in his claim that experts were not nominated on the basis of their nationality, while at the same time arguing that Professor Beitzke could only be replaced by a fellow national of the Federal Republic of Germany. One could only conclude that that country had a permanent seat on the Committee. Had not the Director-General stated at the 219th Session, according to the minutes, that it was necessary to achieve a better geographical balance between Europe, both East and West, and the developing countries? That had been the main reason for the agreement to reduce the number of European experts by two, one from the West and one from the East. The present proposals would result in an imbalance between Eastern and Western Europe, which was unacceptable.
The Director-General was pleased that the Governing Body had shown such interest in the Committee's composition. He must repeat that its membership was not immutable; in 1984 a further expert from Europe was due to leave the Committee, and it would again be necessary to select a replacement. There was therefore room for further adjustment. He hoped to be able to propose a woman from an Arab State to the Governing Body at a future session, as part of his effort to achieve a better balance within the Committee. There was no limit to the number of members, and in view of the Committee's increasing workload, it would perhaps be advisable to increase their number.

He would make a full report on the situation of the Committee, together with further proposals, at the next session.

Mr. Oechslin (Employer, France; Employer Vice-Chairman) pointed out that on a previous occasion a Swiss member of the Committee, Mr. Ruegger, had not been replaced by an expert from Western Europe.

Mr. Al-Shakar (Government, Bahrain) thought that it was important to comply with the requirements of geographical distribution in appointing members of the Committee. He noted with satisfaction the Director-General's intention to appoint an expert, possibly a woman, from an Arab country.

Mr. Shaft (Government, United States) was pleased to note the nomination of Mr. Mbaye, who was well known to his Government in his capacity as Chairman of the UN Human Rights Commission. The appointment of a woman as a member of the Committee would also be extremely welcome. However, no one country or group of countries had any exclusive claim on a seat in the Committee. The manner in which experts were selected was adequate, and he was satisfied with the explanation given by the Director-General.

Mr. Kostine (Government, USSR) suggested that, as the proposed experts were not known to him, approval of the nominations should be postponed to the next session.

The Chairman proposed that the Governing Body approve the nominations on the understanding that the Director-General would make additional proposals at the next session.

The Director-General pointed out that, if the present nominations were not approved, the Committee would find itself short of experts at its meeting in March. He therefore recommended that the Governing Body agree to the Chairman's suggestion, on the understanding that he would make additional proposals at the next session.

Mr. Malintoppi (Government, Italy) felt that the Governing Body would no doubt wish to extend its thanks to Professor Beitzke for his work on the Committee.

The Governing Body adopted the proposals in paragraphs 3 and 4 of the Office paper.

Third paper

Tenth Session of the Advisory Committee on Rural Development and Third Session of the Joint Committee on the Public Service

Mr. Rogers (Government, Barbados) was disappointed that no worker representative from the Caribbean had been nominated for the Third Session of the Joint Committee on the Public Service, and asked for an explanation of this omission.

Mr. Muhr (Worker, Federal Republic of Germany; Worker Vice-Chairman) explained that the proposals had been made after full consultations with all the trade union organisations concerned.

The Governing Body approved the nominations in paragraphs 3 and 5 of the Office paper.
EIGHTEENTH ITEM ON THE AGENDA

Symposia, seminars and assimilated meetings

The Governing Body took note of the Office paper.

NINETEENTH ITEM ON THE AGENDA

Report of the Director-General (concl.)

I. Obituary (concl.)

Mr. Oechslin (Employer, France; Employer Vice-Chairman) paid tribute to the memory of Mr. Akio Mishiro, who was the first Japanese Employer member of the Governing Body after the Second World War. Mr. Mishiro was a man of the utmost courtesy who had distinguished himself in all his duties on the Governing Body. After his retirement he had maintained a constant interest in all the Organisation's activities, both in Geneva and elsewhere. He thanked the Director-General for mentioning his death in the report.

Mr. Muhr (Worker, Federal Republic of Germany; Worker Vice-Chairman) felt that Mr. Mishiro's long membership of the Governing Body merited praise. He extended the condolences of the Workers' group to the family of Mr. Mishiro.

Mr. Haase (Government, Federal Republic of Germany) joined the previous speaker in expressing the condolences of the Government group to the families of Mr. Mishiro and Mr. Kaite.

Mr. Mori (Government, Japan) also expressed his sorrow at the death of Mr. Shingo Kaite. He then paid tribute to the memory of Mr. Mishiro, who had worked hard to generate support for the ILO in Japan in the years following the Second World War, and had thus greatly contributed to the involvement of Japan in the Organisation's work. He would convey the Governing Body's condolences to the families of Mr. Kaite and Mr. Mishiro.

Mr. Muhr (Worker, Federal Republic of Germany; Worker Vice-Chairman) stated that the Workers had been deeply struck by the death of Otto Kersten. Not only had Mr. Kersten been an active and committed defender of workers' interests in his work for the ICFU; he had also greatly valued the ILC, and as General Secretary of the ICFU had attended every session of the Conference since 1972, at which he had made many remarkable speeches. His illness was no doubt due in part to the three years he had spent in a mine performing forced labour, to which he was sentenced for his strongly-held democratic beliefs. The Workers' group asked the Director-General to convey its warm sympathy to his widow.

Mr. Oechslin (Employer, France; Employer Vice-Chairman) commented that the Employers had also been struck by the death of Otto Kersten. Mr. Muhr had rightly referred to the quality of his speeches at the Conference as General Secretary of the ICFU, which were always highly interesting and made valuable contributions to the debates. The Employers' group extended their deepest sympathy to Mr. Kersten's widow.

Mr. Haase (Government, Federal Republic of Germany), speaking on behalf of the Government group, associated himself with the grief expressed by Mr. Muhr and Mr. Oechslin. Mr. Kersten had been an outstanding contributor to the annual Conferences and his death had come as a great shock to all who had known him. He extended condolences both to Mr. Muhr and the Workers' group for their loss, and to the family of Mr. Kersten.

The Director-General stated that both he and his colleagues in the Office all felt deeply the loss of Mr. Kersten. All who knew him had greatly appreciated his

1 See also first sitting.
warmth and openness, his belief in the trade union movement and his profound convictions. His close interest in the work of the Organisation had been particularly appreciated. No obituary could pay full tribute to all his qualities. He extended his deepest sympathy to the Workers' group and to the representatives of the ICFTU, and undertook to convey the Governing Body's condolences to Mrs. Kersten's widow.

The Chairman associated herself with all that had been said concerning the qualities of Otto Kersten, who had been a good friend. He had constantly worked to improve the living and working conditions of workers throughout the world, and had particularly distinguished himself by his efforts to help those in the Third World. He was also well known for his many human qualities, including a warm sense of humour, from which his colleagues had greatly benefited. He would be greatly missed by all who had known him.

II. Composition of the Governing Body.
Governing Body committees and various bodies

Mr. Oechslin (Employer, France; Employer Vice-Chairman) proposed that Mr. José María Lacasa Aso should also be appointed a member of the International Organisations Committee.

The Governing Body approved this appointment, together with the proposal in paragraph 24 of the report.

III. Progress of international labour legislation

Mr. Muhr (Worker, Federal Republic of Germany; Worker Vice-Chairman), referring to paragraphs 36 to 38 of the report, noted that the British Trades Union Congress had expressed dissatisfaction at the consultation procedure followed by the Government when denouncing Convention No. 94. The Workers' group endorsed this objection. The consultations had been purely formal and were inadequate for the purpose. Moreover, the Government had failed to consult the TUC on the problems arising out of denunciation. The TUC had rightly pointed out that it was a retrograde step which eliminated an important element of protection for low-wage earners.

Mr. Robinson (Government, United Kingdom) replied that the British Government's procedures in respect of denunciation were governed by the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). That Convention had been closely observed in this case. The Government regularly consulted the TUC on ILO issues of mutual interest. In the present case the TUC had been invited to give its views on the denunciation of Convention No. 94, and the invitation to do so had referred specifically to Convention No. 144. The TUC's reply had expressed opposition to the proposed denunciation, but gave no indication of any desire for further consultations on the matter, although it was open to the TUC to have sought discussions at ministerial level. The Government had therefore fully observed its obligations under the relevant international labour Conventions.

Mr. Lloyd (Worker, United Kingdom) trusted that, in future, the Government would engage in full consultations with the appropriate organisations when denouncing standards.

The Governing Body took note of this part of the report.

IV. Internal administration

V. Publications and documents

The Governing Body took note of these parts of the report.
Second Supplementary Report

First report of the Officers of the Governing Body:
Incomplete delegations at tripartite meetings

The Clerk of the Governing Body referred to a mistake on page 5 of the report; a reply had in fact been received from the Government of Ethiopia to the letter of inquiry concerning its delegation to the Third Tripartite Technical Meeting for the Timber Industry. The reply stated that the second Government delegate was not appointed in time by the relevant sector.

The Governing Body took note of the report and of the addendum.

Third Supplementary Report

Composition of Asian regional conferences

Mr. Pitoyo (Government, Indonesia) welcomed Qatar to membership of the Asian Regional Conference.

Mr. Al-Shakar (Government, Bahrain) was also gratified at Qatar's entry. Its membership would be valuable and would help to improve co-ordination between the western Asian members of the Committee.

The Governing Body adopted the recommendation in paragraph 4 of the report.

Fourth Supplementary Report

Draft Code of Practice on Occupational Safety and Health in the Iron and Steel Industry

The Governing Body adopted the recommendation in paragraph 4 of the report.

Fifth Supplementary Report

Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers: Procedure for examination of complaints from teachers' organisations

Mr. Nekipelov (Government, USSR) felt that the ILO should respect UNESCO's opinion that the Joint ILO/UNESCO Committee of Experts should not concern itself with complaints from teachers' organisations. Paragraph 9 of the report seemed to suggest that the ILO had no legal basis for establishing formal complaints machinery, which seemed logical in view of the fact that Recommendations were not binding. The Government of the USSR supported the recommendations in subparagraphs 21(a) and (b). However, the proposals in subparagraphs (c) and (d) to refer complaints to the Joint Committee were not warranted, and conflicted with paragraph 6, Article 19 of the Constitution. The Governing Body should therefore only adopt subparagraphs (a) and (b).

Mr. Oechslin (Employer, France; Employer Vice-Chairman) proposed that discussion of the report be postponed to the following session.

Mr. Nuhr (Worker, Federal Republic of Germany; Worker Vice-Chairman) agreed with this proposal, and requested the Director-General to supply further information on the full implications of subparagraphs (c) and (d).
Mr. Brugère (Government, France) also supported the proposal to postpone examination of the report.

The Governing Body decided to postpone examination of the report to the following session.

Seventh Supplementary Report

Complaints concerning the observance by Panama of the Officers' Competency Certificates Convention, 1936 (No. 53), the Repatriation of Seamen Convention, 1926 (No. 23) and the Food and Catering (Ships' Crews) Convention, 1946 (No. 68), made by the Government of France under Article 26 of the ILO Constitution

Mr. Brugère (Government, France) stressed the importance of the complaint, and asked whether the letter referred to in paragraph 5 of the report had in fact been received. He hoped there would be no further delay in responding to the complaint, and that concrete results would be achieved in the near future. In any event, the question should come before the next session of the Governing Body.

Mrs. Aizpurua (Government, Panama) explained that her Government had already stated the reasons for its delay in replying. It had decided to submit the draft code to tripartite consultation, largely at the request of the employers, who did not agree with various features of the draft. Five meetings had been held on key issues and work was now in progress on a final text for submission to the Legislative Council. Her country lacked sufficient experts on maritime labour law to handle the case, and the latest developments in international maritime law also had to be taken into account. She therefore hoped the Governing Body would appreciate the reasons for the delay.

Mr. Brugère (Government, France) took note of this explanation, but repeated his inquiry as to whether a message had been received.

The Director-General replied that the Office had sent an expert to Panama, and since then considerable progress had been made. As regards Mr. Brugère's question concerning the letter referred to in paragraph 5 of the report, no official reply had been received from the Panamanian authorities. He trusted that full information would be available for the February-March session.

The Governing Body took note of the report.

Eighth Supplementary Report

Second Report of the Officers of the Governing Body: Arrangements for submitting to the Governing Body information or symposia, seminars and assimilated meetings

The Governing Body took note of the report.
The Governing Body took note of the report.

TWENTIETH ITEM ON THE AGENDA

Programme of meetings

Mr. Pitoyo (Government, Indonesia), commenting on the proposed dates for the Eighteenth Session of the Asian Advisory Committee, referred to his comments at the two previous sessions of the Governing Body. The Asian Government group agreed that the meeting should be held in Geneva, and felt that, in order to accommodate the new members of the Committee from western Asia, the meeting should be held from 8 to 11 February 1983, immediately preceding the Governing Body session.

Mr. Muhr (Worker, Federal Republic of Germany; Worker Vice-Chairman) remarked that those dates would unfortunately coincide with the meeting of the Working Party on Structure.

Mr. Oechslin (Employer, France; Employer Vice-Chairman) agreed that this was a major objection.

Mr. Al-Jassem (Employer, Kuwait) pointed out that the dates would also coincide with a meeting of the Arab Labour Organisation.

Mr. Al-Shakar (Government, Bahrain) appreciated the gesture made by the Asian governments; it would be the first time that Arab countries from western Asia took part in the Committee. However, they would be unable to participate if the Committee were convened any later than 8 to 11 February 1983.

Mr. Cherief (Government, Algeria) added that the Conference of Arab Labour Ministers would be held during the first two weeks of March, and that some other date would have to be found if the west Asian States were to take part.

Mr. Muhr (Worker, Federal Republic of Germany; Worker Vice-Chairman) proposed that the meeting be held in November.

Mr. Oechslin (Employer, France; Employer Vice-Chairman) proposed this proposal.

The Director-General observed that, if the meeting were held in February, there would be a certain amount of overlap with other meetings. He therefore suggested that the meeting should be postponed either to May or November 1983.

Mr. Tanaka (Employer, Japan) agreed that May or November was the only possible date.

Mr. Watchorn (Government, Australia) remarked that, when it was decided to hold the Asian Advisory Committee meeting in Geneva, reservations were expressed by a number of countries at the possibility of the present situation developing. The Asian Advisory Committee had not met for five years, and its forthcoming meeting was of particular importance in view of the new members. The possible postponement of the meeting illustrated the dangers of deviating from regular practice.

The Chairman asked the Asian Government members to hold a brief, informal consultation among themselves, while the Governing Body proceeded with its agenda.
TWENTY-FIRST ITEM ON THE AGENDA

Appointment of Governing Body representatives on various bodies

Governing Body delegation to ILO meetings to be held in 1983

The Chairman invited the three groups to make nominations.

Asian Advisory Committee (Eighteenth Session, Geneva)
The following nominations were made:

Government group:
Mr. EL REEY (Egypt)

Employers' group:
Mr. VERSCHUERE

Workers' group:
Mr. ZIMBA

Building, Civil Engineering and Public Works Committee (Tenth Session, Geneva, 12-21 April 1983)
The following nominations were made:

Government group:
Mr. ARMSTRONG (Canada), Chairman

Employers' group:
Mr. LINDBER

Workers' group:
Mr. LLOYD

Joint Committee on the Public Service (Third Session, Geneva, 2-11 May 1983)
The following nominations were made:

Chairman: Mr. WALLIN (Government, Belgium)

Government group:
Mr. MANIURUK (Indonesia)

Employers' group:
Mr. POLITES

Workers' group:
Mr. BLONDEL
Substitute:

Mrs. CARR

The Governing Body approved the above nominations.

TWENTIETH ITEM ON THE AGENDA

Programme of meetings (concl.)

Mr. Pitoyo (Government, Indonesia) reported that the Asian Government members were agreed that the Asian Advisory Committee should meet immediately after the 224th Session of the Governing Body in November.

The Chairman announced that the Committee would therefore meet in Geneva from 21 to 24 November 1983.

The Governing Body approved the programme of meetings as amended.

The session was declared closed at 10.35 p.m.
# Annex: Alphabetical List of Persons Attending the Session

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>French</th>
<th>English</th>
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<td>Conseiller technique gouvernemental (membre adjoint) - Government adviser (deputy member)</td>
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<td>Conseiller technique travailleur (membre adjoint) - Worker adviser (deputy member) - Workers' adviser (deputy member)</td>
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<td>Représentant d'une organisation internationale non-gouvernementale - Representative of an international non-governmental organisation - Representante de una organización internacional no gubernamental</td>
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<td>GI</td>
<td>State Member invited in accordance with Article 24 or 26 of the Constitution - Estado miembro de la Organización invitado en virtud del artículo 24 o 26 de la Constitución.</td>
<td>Gouvernement invité au titre de l'article 24 ou 26 de la Constitution - Representante de un gobierno no Membre</td>
<td>Representante de un gobierno no Membre</td>
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</table>
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