Minutes of the 277th Session
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The 277th Session of the Governing Body of the International Labour Office was held in Geneva, from Tuesday, 28 March at 3 p.m. to Friday, 31 March 2000, under the chairmanship of Mr. Jean-Jacques Elmiger (Switzerland).

Monday, 27 March was devoted to the meeting of the Working Party on the Social Dimensions of the Liberalization of International Trade, in which most of the Governing Body members participated.

The list of persons who attended the session of the Governing Body is appended.
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FIRST SITTING

Tuesday, 28 March 2000, afternoon

The sitting opened at 3.20 p.m., with Mr. Elmiger in the Chair.

Seventeenth item on the agenda

REPORT OF THE DIRECTOR-GENERAL

Addendum: Obituary – Gerd Muhr

The Chairperson invited the Governing Body to pay tribute to the memory of Gerd Muhr, who for many years had been Worker Vice-Chairperson of the Governing Body and had been its Chairperson in 1990-91. He had known Gerd Muhr personally, and felt a very deep sense of gratitude for the 21 years during which he had placed his remarkable expertise and vast experience on social questions at the service of tripartism, social justice and the human values that lay at the heart of the ILO. Through his impartiality, his determination and his spirit of cooperation he had won the esteem and respect of all members of the Governing Body.

Lord Brett (Worker, United Kingdom; Worker Vice-Chairperson) echoed the Chairperson’s appraisal of the abilities of Gerd Muhr. It was appropriate, however, for the tribute by the Workers’ group to be given by his successor on the Governing Body.

Ms. Engelen-Kefer (Worker, Germany) stated that Gerd Muhr had served on the Governing Body for 21 years. His death was a cause of great sadness to the Workers, for he was a very special trade unionist. He was not only a full-time official for more than 40 years, but for 20 years he was also Vice-Chairperson of the German Confederation of Trade Unions, and the social and labour policies of the German trade unions bore his stamp to this day. Through his social policy expertise, Gerd Muhr, over and beyond any party political views, brought about great progress. He worked untiringly to ensure opportunities for the socially disadvantaged. This reflected his conviction that the market economy and the welfare state were not mutually opposed, but could be complementary. He was among the first to recognize that social policy should not stop at national borders, and hence strove to improve development policies. He endeavoured to ensure that in the framework of the United Nations social and minimum standards were strengthened, improved and recognized worldwide. Gerd Muhr represented the principle of social partnership in social policies, internationally as well as nationally. His trade union activities – even on the most difficult issues – were marked by a desire to find a solution in full knowledge of the facts and taking account of the specific context. He was a leading strategist in the German and the international trade union movements. He had a perfect mastery of legislation, case law, institutions, constitutions, rules and regulations, and he was better able to handle these than most. This was shown more than once in his work in the ILO and earned him universal respect.

He had been involved in the work of the International Labour Organization initially as an adviser at the International Labour Conference, and since 1970 as a member of the Workers’ group of the Governing Body. From 1980 to 1990 he was Vice-Chairperson of the Workers’ group, and in June 1990 he was the first German trade unionist and the second Worker member to be elected Chairperson of the Governing Body. Work in the ILO was for Gerd Muhr, after the disaster of the two world wars and the behaviour of
Germany, a task he took very seriously. His contribution was to reparations and improvements in the situation in Germany, working for its recognition as an international partner. In the decades that he worked in the ILO he earned not only the respect, but also the high esteem of governments, employers and workers throughout the world. He was closely involved in ensuring that the ILO worked to combat the misdeeds of dictatorships, and contributed to democratization in Spain, Portugal and Poland, the latter sowing the seeds of change that ultimately led to the fall of the Iron Curtain. He also worked hard to combat the apartheid system in South Africa.

Many international labour Conventions and Recommendations bore the stamp of Gerd Muhr: he was always a strong defender not only of tripartism but also of the standard-setting activities of the ILO, and championed its cause relentlessly in periods of crisis. Gerd Muhr always worked to strengthen the social policies of the ILO, and to ensure that any threats in the form of inadmissible politicization were eliminated. In periods of financial difficulty he made every effort, through his own and other governments, to ensure that the ILO had sufficient funds available to it. He was almost unique in recognizing that the ILO's achievements could only be achieved with people with real expertise, and he was very much in favour of improving the ILO's internal structures.

The implementation of social clauses in international economic, trade and financial contexts was a constant concern for Gerd Muhr, and he had opposed resistance to the World Summit for Social Development, seeking rather to secure cooperation between the ILO and other international institutions, which was realized in 1995 in Copenhagen.

With his colleagues Gerd Muhr practised a modern style of management, which was something very important to him. Without and within the trade union movement he was respected for his expertise, his clarity of thought and his forthright approach. He was critical of himself and of others, but without offending, and he was a master of diplomacy. After leaving the Governing Body he took on a number of responsibilities for the German Confederation of Trade Unions, both nationally and internationally. He was a model for the future of the trade union movement. Gerd Muhr would not be forgotten.

Mr. Thiising (Employer, Germany; Employer Vice-Chairperson) expressed the Employers' regret and sadness at the death of Gerd Muhr. They had felt a special respect for Gerd Muhr, who had achieved so much in his life. He had joined the trade union movement immediately after the Second World War, when for the first time free independent trade unions were being re-established. After a few years he took on a full-time post in the German Metalworkers’ Union, where his work gained the respect and recognition of all. In 1969 he had been appointed Vice-Chairperson of the German Confederation of Trade Unions, an office that he held for more than 20 years. He was active in the Governing Body for more than 20 years, and his life was devoted to improving the situation of trade unions, calmly and with reflection, consideration, determination and steadfastness. His work on the Governing Body saw perhaps the summit of his professional life when in 1990-91 he was elected Chairperson, an election upheld by all with great conviction, and a wise decision. Gerd Muhr had joined the trade union movement when in the Western occupied zone the free independent unions were just coming into being. He ended his professional career in 1990, at a time when the same thing was happening in the Eastern part of Germany. That coincidence held a symbolic value for his whole professional life.

Gerd Muhr represented something which could not be separated from what he achieved in Germany, where he perhaps found the source of the strength that he brought to Geneva. For many years he was Alternate Chairperson of the Management Board of the German Pensioners’ Association. For many years he was also involved in the Federal Labour Court and was active in Brussels as a member and as Chairperson of the Economic and Social Commission of the European Communities.
In Germany after the War his trade union saw itself as a uniform, single trade union. This was something new, a lesson from the dreadful years that Germany and the world had just left behind. This concept of a single union in a particular sector did not depend on party political or contemporary political interests, but something that drew workers together, and this was a concept he promoted throughout his life. As a representative of the German employers, the speaker had emphasized that Gerd Muhr had served his country invaluabley, for this approach was something without which Germany could not have developed or rebuilt itself.

In all the bodies on which he served social dialogue and the concept of a social partnership were the central concern, although the term only came into being at a later stage. Social partnership was something to which Gerd Muhr was committed throughout his life. While he showed obvious skill in organizing meetings and mobilizing large-scale initiatives, however, he seemed most at ease in the world of debate and discussion, of persuasion and conviction. He always listened carefully to all arguments, seeking with others to find solutions and reach a compromise acceptable to all.

For the Employers Gerd Muhr was not an easy partner, and sometimes he was a very hard opponent, but he was always fair. He was always reliable and his position was always clear. Personally, he was a modest man, and industrious in the best sense of the term. He identified himself with his work and it was always a positive experience to work with him.

Gerd Muhr could look back on his professional life with great pride. He enjoyed tremendous respect, and the Employers expressed their gratitude and appreciation for his work, both within the trade union movement and throughout the world.

Mr. Ohndorf (Government, Germany) expressed sadness at the death of Gerd Muhr, a man who was almost unique in his country as an exponent and an example of the new Germany that came into being after the Second World War. He had through his career given concrete expression to the principles enshrined in Germany’s post-War Constitution. His home in the Rhineland held traditions of social democracy, which were essential to any market economy: Gerd Muhr worked to ensure that economic and social development went hand in hand and complemented each other in the public interest. He made a decisive contribution to the development of the social security system in Germany, to the principle of co-determination and to the development of legislation protecting workers and their rights. It was only logical that he should then involve himself in the work of the ILO. Gerd Muhr’s views were made known internationally through the ILO, and others thereby learnt from his experience and still may learn.

One example showed his concern for others: the speaker had first come to the ILO in Geneva in 1990 when Gerd Muhr was Chairman of the Governing Body. In February 1990 the Governing Body had held a night sitting to deal with the budget. Gerd Muhr ensured that sandwiches were available, and afterwards, when it began to snow, that there was appropriate transport for all members of the Governing Body when they had to leave just after midnight. Thus, while dealing with major issues, he never forgot the small details that were so important. His major achievements were universally acknowledged, and were an encouragement to all to follow his example.

The Governing Body observed one minute’s silence in tribute to the memory of Gerd Muhr, and requested the Director-General to convey its sympathy to the family of Gerd Muhr and to the German Confederation of Trade Unions.
Mr. Diop read out and signed the customary declaration of loyalty.

**First item on the agenda**

**APPROVAL OF THE MINUTES OF THE 276TH SESSION OF THE GOVERNING BODY**

The Governing Body approved the minutes of its 276th Session.

**Sixth item on the agenda**

MEASURES, INCLUDING ACTION UNDER ARTICLE 33 OF THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANIZATION, TO SECURE COMPLIANCE BY THE GOVERNMENT OF MYANMAR WITH THE RECOMMENDATIONS OF THE COMMISSION OF INQUIRY ESTABLISHED TO EXAMINE THE OBSERVANCE OF THE FORCED LABOUR CONVENTION, 1930 (NO. 29)

The Chairperson drew attention to the various papers relating to this item. In addition to the main paper, which contained points for decision, the Governing Body also had before it a second report by the Director-General which reproduced a communication from the Government of Myanmar dated 22 March 2000, replying to comments made by the ICFTU, as well as an addendum containing the text of a letter sent to the Director-General of the ILO on 27 March 2000 by the Director-General of the Department of Labour of Myanmar. There was another addendum containing the text of a draft resolution that could be forwarded by the Governing Body to the Conference within the framework of the point for decision proposed in paragraph 21(b) of the main paper.

The latter recapitulated in Part A the available information concerning measures taken by the Government of Myanmar following the recommendations of the Commission of Inquiry and action taken in the ILO since the Governing Body's last session in November 1999. Part B listed a number of measures that might be recommended by the Governing Body to the Conference for possible adoption under article 33 of the Constitution. He stressed that the Governing Body was not invited at this stage to decide itself on measures which could be taken to ensure the implementation of the recommendations of the Commission of Inquiry, but to formulate proposals that would enable the Conference to take appropriate decisions at its next session in June 2000.

For this purpose, the Officers of the Governing Body had considered it useful to request the Office to prepare the text of a self-contained resolution that could be addressed to the Conference within the framework of the point for decision proposed in paragraph 21(b) of the main paper. The wording of that resolution was designed to give the Conference every latitude to retain one or other or even all of the measures proposed, while also making it possible for the Conference to add further measures in the light of any developments that might occur in the meanwhile. Finally, the Conference would have available to it a report reflecting the Governing Body's discussions, which would enable the Conference to take a fully informed decision on the basis of the preferences expressed in the Governing Body and any other useful elements.

Lord Brett (Worker, United Kingdom; Worker Vice-Chairperson) considered that the Governing Body should not shirk its responsibilities in tackling this serious issue. It was clear from Part A of the paper that the Government of Burma had shown no tangible commitment to comply with the recommendations of the Commission of Inquiry. While
the workers would have been tempted to strengthen the language in paragraphs 16-20 of the document, they recognized that the decision of judgement was for the Conference to make. The essential task was to ensure that forced labour in Burma was brought to an end as soon as possible. Therefore, if between now and June 2000 the Government complied with its obligations, then, whatever views one might harbour about the regime in Burma, one should be prepared to recognize that it had met its obligations. By leaving unamended the wording of Part B of the paper and the draft resolution appended to it, the Governing Body would neither be rushing to judgement nor amending the judgement to be made by the Conference.

The speaker reminded those governments that might be inclined to give more time to the Government of Burma that the latter had already had ample time to fulfil its obligations, but by placing the item on the Conference agenda the Governing Body would in fact be giving the Government three additional months to comply. However, any attempt to eliminate or attenuate the proposals in paragraphs 16-20 would amount to sending an entirely wrong signal to the Government of Burma. He therefore urged the Government and Employer members to join the Workers in supporting the points for decision in paragraph 21, thus effectively leaving the decision with the Conference, in the hope that the Director-General would in the meanwhile be able to report compliance on the part of the Government of Burma. If the latter did not take advantage of this last opportunity, it ran the risk of being judged very harshly by the world community.

Mr. Thiising (Employer, Germany; Employer Vice-Chairperson) pointed out that the Government of Myanmar had so far taken no concrete action to apply the recommendations of the Commission of Inquiry. The letter reproduced in addendum No. 2 only referred to an earlier invitation for the ILO to send a technical team to Myanmar to exchange views on matters of mutual interest, including measures taken by Myanmar with regard to Convention No. 29, and in no way altered the facts of the case.

This letter did not reveal any binding commitment or any genuine intention to request assistance as regards compliance with the report of the Commission of Inquiry. In these circumstances, two courses of action were possible. The first would be to close the case, but the Employers did not feel this to be the correct approach because the substance of the case involved the actual practice of forced labour and because the very credibility of the ILO in ensuring that its values were implemented was at stake here. Myanmar had ratified Convention No. 29 and therefore had to abide by the rules.

A further step was therefore required and, on the basis of the point for decision proposed, it would be for the Conference to choose freely among the various measures proposed or take other appropriate measures. This would be the first time in the 80 years' history of the ILO that article 33 of the Constitution would be invoked and this would constitute a very strong signal on the part of the ILO. Such a decision would also leave the way open for further developments, and he appealed to governments in the region concerned to act bilaterally to try and persuade the Government of Myanmar to adopt a more positive attitude. He hoped that the Governing Body would be able to reach an agreed view in deciding to put the matter before the Conference and, once this decision was taken, the Office should communicate the decision to the Government of Myanmar together with a renewed offer to provide any useful help as regards the implementation by Myanmar of the recommendations of the Commission of Inquiry.

Mr. Mya Than (Government, Myanmar) stressed that his own presence as an observer delegate at this session demonstrated the seriousness of his Government on this issue. As a responsible Member of the ILO, Myanmar had fulfilled its obligations under all of the 19 ILO Conventions it had ratified and had in particular taken serious and effective measures to implement Convention No. 29 and would continue to do so.
In June 1999, the International Labour Conference had adopted a resolution on Myanmar which his Government had totally rejected. One of the main problems was that this resolution and the decisions of the Commission of Inquiry were based on distorted information emanating from one-sided sources such as the so-called Free Trade Union of Burma (FTUB), which in fact only counted a handful of members and was not in any way representative of the Myanmar population.

Even before the resolution was passed, the State Peace and Development Council had of its own accord instructed the Ministry of Home Affairs to review the Village Act and the Towns Act of 1907. As a result, the Ministry had issued Public Order No.1/99 of 14 May 1999, which suspended the relevant provisions of the two abovementioned Acts.

Although the Government had neither recognized nor accepted the mandate of the Commission of Inquiry, it had in practice achieved the latter’s objectives because at the domestic level Public Orders had force of law and therefore had the effect of translating the Government’s obligations under international law into national law. Moreover, the abovementioned Public Order had been published in the Government Gazette of 25 June 1999 and given the widest possible publicity at various levels.

As regards action taken against any persons responsible for alleged use of forced labour, the Penal Code of Myanmar already had a provision (section 374) which, in the event of any complaint lodged by an individual subjected to unlawful compulsory labour, enabled legal proceedings to be instituted against the persons responsible.

His Government had already reported to the ILO on all these implementation measures. As a further positive gesture, the Director-General of the Labour Department had on 14 October 1999 extended an official invitation to the ILO Director-General to send a technical team to Myanmar to discuss matters of mutual interest, with an open agenda that could cover anything including the implementation of Convention No. 29. On 27 March 2000, this invitation had been renewed and the speaker himself had engaged in positive internal consultations with senior ILO officials on the draft programme of the technical team.

The proposals now before the Governing Body outlined a number of drastic measures including resort to article 33 of the ILO Constitution. The usefulness of the latter lay solely in its deterrent effect and article 33 should therefore only be invoked as a last resort in very extreme cases. The present question was not an extreme case, and this view was shared by many members of the Governing Body.

Myanmar was a responsible member of the international community, with a long and positive record of cooperation with international organizations. For example, despite initial difficulties with the International Committee of the Red Cross (ICRC), which had closed its office in Myanmar in 1995, discussions had continued and this had finally led in May 1999 to the first visit by an ICRC delegate to all prisons in Myanmar. Similarly, after lengthy consultations between the Government and the UNHCR, his Government had accepted the presence of the UNHCR on the western border of Myanmar in order to help with the repatriation of returnees. These were concrete examples of how extremely delicate issues could be solved through a step-by-step diplomatic approach.

The speaker was a believer in the virtues of cooperation and, despite the fact that his Government had dissociated itself from the 1999 Conference resolution and all activities connected with it, he had been able to convince his Government to extend an official invitation to the ILO to send a technical team to Myanmar. His own presence at this session was a signal that the Government took this question seriously.

He therefore urged the Governing Body to weigh this matter very carefully. Article 33 of the Constitution had never been invoked before, and to apply it now would
have far-reaching consequences not only for the ILO, but for the UN system as a whole.
He therefore pleaded for a cooperative approach rather than coercive measures. The
Governing Body should refrain from taking any drastic measures under article 33 but
should instead adopt a prudent and pragmatic approach by agreeing to send a technical
team to Myanmar and to engage in dialogue with his Government. The people of
Myanmar, like other ASEAN countries, believed in pursuing consensus and avoiding
extremes.

Mr. Fadil Azim (Government, Malaysia), speaking on behalf of the governments of
the ASEAN countries, expressed appreciation of the positive gesture made by the
Government of Myanmar in extending an invitation to the ILO to send a technical team.
They believed that it was preferable and more effective to promote cooperation between
the ILO and the member State concerned than to resort to drastic measures under
article 33 of the ILO Constitution. They accordingly called upon the Governing Body and
the Conference to refrain from taking measures under article 33, and to adopt instead a
pragmatic approach and send a technical team to Myanmar to engage in dialogue on this
issue.

Ms. Dvitiyananda (Government, Thailand) considered that there was an immediate
need for both the Government of Myanmar and the ILO to adopt a cooperative approach
in resolving this issue. She therefore urged that agreement on the mandate and timeframe
of the ILO’s technical team be reached as soon as possible, as a first practical step
towards the implementation of the recommendations of the Commission of Inquiry.

Mr. Warrington (Government, United Kingdom), speaking also on behalf of the
Governments of Austria, Bulgaria, Canada, Croatia, the Czech Republic, Denmark,
Finland, France, Germany, Hungary, Italy, Lithuania, the Netherlands, New Zealand,
Norway, Portugal, Sweden, Turkey and the United States, commended the Director-
General on his report, which chronicled the failure of Burma to implement the
recommendations of the Commission of Inquiry. Nearly two years after the latter had
issued its findings, the Director-General had found that: (a) the Village Act and the
Towns Act had not been amended; (b) the Public Order issued by the Government on
14 May 1999 did not exclude the imposition of forced labour in violation of Convention
No. 29, and in actual practice forced or compulsory labour continued to be imposed in a
widespread manner; and (c) no action had been taken under article 374 of the Penal Code
to punish those exacting forced labour.

In short, the Government of Burma had wilfully ignored the Commission’s
recommendations and in so doing it had shown contempt towards the ILO. For these
reasons, the governments for whom he spoke had been forced to consider what measures
might be taken under article 33 of the Constitution. They had not done so lightly, as
article 33 was designed precisely for very rare situations in which all other means had
failed. He also recalled that Burma had been suspended from ILO regional and technical
meetings other than those which would lead to the implementation of the Commission of
Inquiry’s recommendations.

If the ILO did not react to the continued defiance of the Burmese Government, the
whole credibility of the ILO would be threatened. He therefore believed that the
proposals set out in paragraphs 16-18 and 20 of the Office paper constituted a sensible
way forward and he supported the point for decision in paragraph 21 to place the item on
the agenda of the 88th Session of the Conference.

Mr. Li Donglin (Government, China) supported the statement made on behalf of the
ASEAN States. His own Government had always held the view that the international
community should replace confrontation and sanctions with dialogue and cooperation.
From the letter addressed by the Government of Myanmar to the Director-General and the
statement just made by its representative, it was clear that the Government had already
taken some effective steps to implement Convention No. 29 and aspired to strengthen its cooperation with the ILO, and this was to be welcomed.

Mr. Schlettwein (Government, Namibia) considered that Myanmar's non-compliance with Convention No. 29 was by now well established, and it was therefore appropriate to place on the agenda of the Conference in June 2000. Secondly, his own Government had voted in favour of the Conference resolution on Myanmar, adopted in June 1999, and hence for the implementation of the terms of that resolution. Should there be no progress regarding the effective implementation of the requirements of that resolution and the recommendations of the Commission of Inquiry, he supported the measures proposed in the Office paper and its annex. The ILO was the appropriate organization to ensure the protection of women and defenceless communities in Myanmar and he therefore supported an approach whereby Myanmar would only receive assistance from the ILO and other UN agencies for the exclusive purpose of ensuring compliance with Convention No. 29 and thus ending the sufferings of the exploited victims.

Mr. Samet (Government, United States) stated that the Governing Body was being called upon to deal with a matter of impelling urgency, which had not come before it hastily or without serious deliberation. It followed repeated and unheeded appeals to the Burmese authorities to cease their violations of human rights regarding forced labour, and the ILO had already exhausted all other available supervisory and procedural action over some two decades of concern. The Governing Body was responding to the recommendations of the Commission of Inquiry, which it had adopted in 1998. Burma had not only ignored the appeals of the ILO, but also those of the UN Commission on Human Rights and the UN General Assembly, that forced labour be stopped.

The Commission of Inquiry's report had in particular stated that "all the information and evidence before the Commission shows utter disregard by the authorities for the safety and health as well as the basic needs of the people performing forced or compulsory labour" and had gone on to catalogue a horrifying list of occupational hazards, work accidents and sicknesses, lack of medical treatment and physical and sexual abuses suffered by the victims of compulsory labour.

In the light of these horrifying practices, the proposals in the Office paper might appear somewhat inadequate, but he agreed with the Worker and Employer members that the Governing Body should proceed with the document in its present form.

It was not an overstatement to say that the situation of Burma presented not only a human rights crisis but also a profound constitutional challenge to the ILO. There was therefore no alternative but to place the matter before the ILO Conference. To quote the Commission again, "this report reveals a saga of untold misery and suffering, oppression of large sections of the population inhabiting Myanmar ... the Government, military and the administration seem oblivious to the human rights of the people and are trampling upon them with impunity".

Failure to proceed on this matter would amount to committing an act of grave indifference towards the sufferings of the Burmese people. He therefore hoped that the Governing Body would achieve a consensus to move forward and allow the International Labour Conference to decide on the ILO's future course of action.

Mr. Sumi (Government, Japan) supported placing the issue on the agenda of the next session of the Conference. His Government believed that the international community shared concern about forced labour in Myanmar and that the ILO should continue its involvement in this problem. However, the Japanese Government expressed its concern about paragraph 21(b) of the Office paper which recommended measures under article 33 of the ILO Constitution and considered that this paragraph should be deleted from the points for decision.
It was understandable that many ILO constituents did not wish to defer this matter any longer as there had been little progress so far. However, his own Government believed that the aim should be to improve the situation without isolating Myanmar.

Secondly, according to the resolution adopted by the Conference in June 1999, the ILO should provide technical assistance to Myanmar to implement the recommendations of the Commission of Inquiry. Discussions were now proceeding with the Office on such technical assistance and under the circumstances it was important to encourage this dialogue between Myanmar and the Office.

Thirdly, it was important to consider thoroughly whether any satisfactory result could be achieved by invoking article 33 of the ILO Constitution, as the Organization had no previous experience in implementing this article. If measures based on article 33 were taken hastily, there was a real risk that Myanmar would turn its back on the ILO and lose any incentive to find a solution on this issue.

The speaker reiterated Japan’s serious concerns about forced labour in Myanmar and sincerely hoped that the situation would be improved. To this end, two different approaches were possible. The first involved criticizing and trying to force the Government of Myanmar to change its practices. However, the Government of Japan preferred another approach, which consisted in encouraging patient dialogue between the ILO and the Myanmar Government with a view to promoting voluntary efforts by the latter to solve the problem.

Mr. Topan (Government, Burkina Faso) considered that this was a delicate and preoccupying issue as it touched upon the observance of basic rights at work, and impinged on measures to be taken in order to induce a member State to comply with the principles to which all ILO member States had freely subscribed. This matter should be addressed without undue haste, but taking into account the values and the credibility of the ILO. He therefore supported the points for decision in paragraph 21 of the Office paper, which would in effect leave the appropriate decision with the International Labour Conference.

Mr. Pirogov (Government, Russian Federation) favoured resolving this politically sensitive issue by means of dialogue. He therefore supported the statements made by the governments of a number of Asian countries. Efforts should be made to achieve a satisfactory resolution of this issue, particularly for the sake of the people and workers of Myanmar.

Mr. Oni (Government, Benin) considered that, bearing in mind the various admonitions addressed to the Myanmar Government and the present state of affairs in that country, it was necessary to place the matter on the agenda of the Conference so as to enable the latter to evaluate compliance with the resolution adopted in 1999.

Mr. Mejia Viedman (Government, Chile) found this issue extremely delicate both because of the very serious allegations made against the Government of Myanmar and because this would be the first time ever that the ILO had considered invoking article 33 of its Constitution. Nevertheless, he considered that more than sufficient time had been allowed for the recommendations of the Commission of Inquiry to be implemented, but this had not yet occurred. In these circumstances, measures under article 33 would be perfectly valid, and it was imperative to place this item on the agenda of the 88th Session of the Conference. Chile was particularly sensitive to these issues because it recognized the usefulness of international vigilance in relation to human rights issues and in view of its own experience with regard to human rights violations.

Mr. Alfaro Mijangos (Government, Guatemala) believed that the Governing Body had no alternative but to invoke article 33 of the Constitution in this case. A great deal of
time had passed since this matter had first arisen and there seemed to be no intention to apply Convention No. 29 on the part of the Government of Myanmar. The latter's representative had just stated that it did not accept the resolution adopted by the Conference in 1999. It should be clearly understood that international law in fact transcended all national legislation. While some might think that this undermined national sovereignty, it was one of the conditions which all member States had to accept when deciding to join an organization such as the ILO, and this was in the interest of the peoples of all countries. If some governments systematically disregarded human rights principles with respect to their citizens, it became necessary for the international community to take drastic measures. In this particular case, the limits on the State's sovereign rights had clearly been reached, and he therefore fully supported the points for decision in paragraph 21(a) and (b).

Mr. Mishra (Government, India) stated that his Government had repeatedly expressed grave concern regarding the persistence of forced labour in any form and in any part of the world. Forced labour was an outrage against human dignity and values and should therefore be energetically repudiated. There was no change in the Indian Government’s total support for the principles enshrined in the ILO's Constitution and the Declaration of Philadelphia.

However, the question was how exactly these lofty principles should be translated into concrete reality. Should ILO Conventions be ratified and enforced through voluntary means or should one resort to punitive measures?

His own Government was of the view that the ratification of any ILO Convention was a voluntary process and its application should likewise be voluntary. By this voluntary process of ratification, a member State attempted to demonstrate its commitment to the principles espoused by that instrument. There could be genuine difficulties during the implementation of the Convention, either due to problems of interpretation of its provisions or because of specific economic and social difficulties at the national level. There was a method for resolving such difficulties through constructive dialogue between the member State concerned and the ILO supervisory bodies.

After hearing the representative of the Government of Myanmar, he was not entirely clear about the situation in terms of ground-level realities. In particular, there was a contradiction between the documentation before the Governing Body and the Government's statements with regard to the amendment of certain provisions of the Village Act and the Towns Act and other measures to prevent the occurrence of any recourse to forced labour, and the exact situation needed to be clarified unequivocally.

As the Government had in October 1999 invited the Director-General of the ILO to send a technical team to Myanmar, and had reiterated this invitation recently, the speaker requested the ILO to consider the invitation so that the technical team could engage in constructive dialogue with the Government of Myanmar.

His own Government was of the view that any application of article 33 of the ILO Constitution should be judicious and circumspect, as otherwise it would not achieve the desired result of promoting the ILO's objectives. To use it for punitive purposes might in fact be a disincentive for member countries in their efforts to ratify ILO Conventions. His Government was therefore not in favour of any action of this nature but would prefer a solution to the case within the ILO itself instead of referring it to other UN bodies such as the Economic and Social Council. The advisability of proceeding with the whole set of measures suggested in paragraphs 16-20 of the paper should therefore be weighed very carefully.

Mr. Djouassab Koi (Government, Chad) considered that the Government of Myanmar's apparent willingness to participate in the work of the ILO could not be
enhanced without respect for the fundamental principles of the ILO. The inclusion of this item in the agenda of the next session of the Conference was therefore justified.

Ms. Hernández (Government, Cuba) believed this to be an extremely difficult case both because of the allegations of forced labour made against Myanmar and the measures proposed. Such measures should be taken in a framework of cooperation and should not have the effect of breaking off the dialogue with that country. Recourse to article 33 should therefore only be envisaged with the utmost caution. It was appropriate that any decision to this effect should be analysed by the Conference and in the meanwhile efforts should be made to strengthen the dialogue in the interest of improving conditions in Myanmar.

Mr. Kettledas (Government, South Africa) stated that his Government had voted in favour of the resolution adopted by the Conference in June 1999, with the hope that the ILO was sending a clear message to the Government of Myanmar to the effect that the patience of the international community on this issue was running out and that the Government of Myanmar should take action. He therefore supported all efforts to bring an immediate end to forced and compulsory labour in Myanmar, as otherwise the ILO would be failing in its duty to protect the communities affected by that brutal practice. His Government therefore supported the points for decision in paragraph 21(a) and (b).

Mr. Rodríguez Cedeño (Government, Venezuela) felt that this was a delicate subject, particularly as regards applying article 33 of the ILO Constitution, which required careful reflection. His own Government believed that the provisions of the Forced Labour Convention, 1930 (No. 29), were of fundamental importance from the human rights point of view and was therefore in favour of the absolute abolition of forced labour and the repeal of any legislation which allowed that practice to continue. However, the competent body to examine the issue and to take decisions on labour standards was the International Labour Organization. It was not opposed to the suggestion that the matter be referred to the Conference and that appropriate measures be taken on the basis of the conclusions of the Commission of Inquiry and the statements made by the Government representative of Myanmar. On the other hand, the Venezuelan Government had express reservations regarding decision paragraph 21(b) and particularly paragraph 18 of the document which referred to the involvement of other international organizations which had no competence in labour matters and might for example put into effect commercial sanctions which Venezuela had constantly opposed.

Mr. Albuquerque (Government, Dominican Republic) recalled that his Government had voted in favour of the resolution adopted by the Conference in June 1999. Since this resolution had not yet been implemented, as the Committee of Experts had clearly indicated, the ILO could not remain indifferent to this serious violation of human rights. His Government was therefore in favour of placing this question on the agenda of the Conference and supported the point for decision in paragraph 21(b).

Mr. Haydoub (Government, Sudan) agreed that forced labour was an inhuman practice and that member States must respect their constitutional obligations towards the ILO, especially those concerning the ILO's core Conventions. Nevertheless, he felt that the application of article 33 of the Constitution and the other measures proposed would be excessively harsh measures against the people of Myanmar. For this reason, he joined other governments which had advocated alternative solutions to this problem, namely through dialogue, especially since the representative of the Government of Myanmar had extended an offer of dialogue.

Ms. Missambo (Government, Gabon) said that her Government had recently organized in Gabon a subregional meeting on child victims of trafficking, which was a subject closely akin to forced labour. It was in favour of including the present issue on the agenda of the Conference in the hope that the ILO would play its proper role in ensuring
the application of the Conventions protecting human rights and also in avoiding exposing workers to reprisals on the part of those who imposed forced labour.

*Mr. Maimeskul* (Government, Ukraine) supported the Office proposals in paragraph 21 of the paper, bearing in mind that it would be the Conference that would take the final decision in June 2000. There was still some time left before then, and it would be advisable to continue the dialogue in the meanwhile in order to enable the Conference to take the latest developments into account when reaching its decision.

*Mr. Mya Than* (Government, Myanmar) refuted the accusations made against his Government regarding the widespread use of forced labour, which were totally unfounded. In fact, the findings of the Commission of Inquiry, as well as the reports before the Governing Body were entirely based on one-sided and hostile sources. They emanated from small organizations which in no way represented the Myanmar population of 50 million.

There was a tradition in Myanmar whereby the people loved to contribute voluntary labour, which was considered to be a meritorious deed. All labourers employed on community projects received adequate remuneration and humane treatment, and this was entirely consistent with national and international law. The Government had also taken action by issuing Public Order No. 1/99 of 14 May 1999 and had reported to the ILO on the implementation measures it had taken over the past year. As seeing was believing, his Government had invited an ILO technical team to visit Myanmar and evaluate the situation on the spot. A balanced and unbiased judgement could only be reached by using sources from both sides.

*Lord Brett* (Worker, United Kingdom; Worker Vice-Chairperson) was somewhat astonished by the last statement, which implied that all porters carrying heavy goods in Burma were volunteers and the soldiers were merely there for their protection. Although the Government of Burma had at the outset declared itself in favour of cooperation and consensus, it had rejected the report of the Commission of Inquiry, which was a consensus report, and had made no effort to comply with the Commission's findings. As evidenced in the report, the gross denial of human rights in Burma had now gone on for some 13 years. It was not a mere question of allegations of forced labour as those allegations had been tested in the Commission of Inquiry and had unanimously been found to be true. However, this continued situation of human rights violation did not appear to be a serious case in the eyes of the Government of Burma or the governments of the ASEAN countries.

It was perhaps not coincidental that those who were most opposed to taking any action against forced labour in Burma were the same group of countries that were opposed to doing anything about trade and labour in another forum. They should understand that if the ILO did nothing about forced labour in Burma, its credibility would be destroyed and solutions would have to be found in the WTO. The world community would not allow the situation in Burma to continue without some degree of progress.

Instead of trying to gain extra time, the apologists for Burma should persuade the Government that it now had ten weeks left to comply with the Commission's recommendations, failing which it would expose itself at the Conference to the risk of incurring all the measures set out in paragraphs 16-20 of the Office paper.

*Mr. Thüsing* (Employer, Germany; Employer Vice-Chairperson) noted that, while there was no real unanimity on this issue, a large majority of speakers had supported adopting a middle-of-the-road position, which could lead to constructive results and also send a clear message indicating that the Government of Myanmar should comply with the recommendations of the Commission of Inquiry.
The Chairperson noted that a large majority had expressed itself in favour of adopting the points for decision in paragraph 21(a) and (b) of the paper, and thus of placing the item on the agenda of the 88th Session of the Conference (May-June 2000). In considering this item, the Conference would have before it a full record of the Governing Body’s present discussion, in which all the objections and reservations expressed concerning paragraph 21(b) would be duly recorded. The Conference would have every discretion to adopt the measures it wished to take on this matter.

The Governing Body, taking into account the statements made and reservations expressed, and recalling that the continuation of dialogue with the Government of Myanmar must be based on the resolution on the widespread use of forced labour in Myanmar adopted by the International Labour Conference in 1999, and that such dialogue should deal with the implementation of the recommendations of the Commission of Inquiry –

(a) decided to place on the agenda of the 88th Session of the Conference (May-June 2000) an item entitled: “Action recommended by the Governing Body under article 33 of the Constitution – Implementation of the recommendations contained in the report of the Commission of Inquiry on Forced Labour in Myanmar (Burma)”;

(b) decided to submit to the International Labour Conference, at its 88th Session (2000), the resolution contained in document GB.277/6(Add.1);

(c) noted that the Conference would take its decision on the draft resolution in the light of the discussions held at this session of the Governing Body as reflected in the report to the Conference and of any new developments.

Mr. Mya Than (Government, Myanmar) categorically rejected the decision just taken by the Governing Body and its recommendation to the International Labour Conference to take drastic measures against Myanmar under article 33 of the ILO Constitution. This action was both unreasonable and unjust. His own delegation dissociated itself totally from this decision and any activities and effects deriving therefrom, and he placed on record the Government of Myanmar’s protest in the strongest terms.

The sitting adjourned at 6 p.m. and resumed at 6.40 p.m.

Second item on the agenda


First paper

The Governing Body adopted the recommendations in paragraphs 1 and 2 of the Office paper.

Lord Brett (Worker, United Kingdom; Worker Vice-Chairperson) recalled that in subparagraph 20(a) of the Office paper the Governing Body was invited to place an item on the protection of workers in situations identified by the Committee on Contract Labour on the agenda of the 90th Session of the Conference. This was with the proviso that the Governing Body review this item at its 278th Session (June 2000) and, if necessary, take a final decision on the matter at its 279th Session (November 2000). Since this item was subject to review, in order to save time, rather than choose a general discussion item from
the topics listed in subparagraph 20(b) to complete the agenda at the present sitting, the Governing Body should, as proposed in subparagraph 20(c), defer this decision until its November 2000 session. At that time the Governing Body would be in a better position to select an item to complete the agenda. Furthermore, if the Governing Body finally decided not to select the item on the protection of workers, it would still have the opportunity to replace it with one of the items in subparagraph 20(b) which was suitable for standard setting. Consideration of paragraph 20 as a whole should therefore be deferred until November 2000.

Mr. Thüising (Employer, Germany; Employer Vice-Chairperson) endorsed the Workers' proposal. As the Meeting of Experts on Workers in Situations Needing Protection was scheduled to meet during the second half of May 2000, it was hardly likely that a detailed report of its deliberations and recommendations would be available in June 2000 and, in any event, the Governing Body would not have sufficient time to consider them at its post-Conference sitting. While taking a decision on paragraph 20 in November might impose time constraints for the preparation of the item, it was important for all concerned to be flexible and willing to speed up the preparation process.

Lord Brett (Worker, United Kingdom; Worker Vice-Chairperson) concurred with Mr. Thüising that there would not be adequate time between the Meeting of Experts and the Governing Body session in June to review the item on the protection of workers. Like Mr. Thüising, he was concerned about the impact of the shortened time frame on the preparation of a general discussion item or indeed on that of a standard-setting item for single discussion if the selection was made only in November 2000. He asked the Office whether it was technically feasible to take the decision at that time.

The representative of the Director-General (Mr. Tapióla) stated that while taking a decision on general discussion items in November was not problematic, it would be too late to decide on standard-setting items at that time. It would, however, be possible to take such a decision in June.

Ms. Niven (Government, United Kingdom) considered the Workers' proposal a reasonable one. However, rather than take the final decision on the general discussion item in November 2000, the Governing Body should defer it until March 2001. She also proposed that the recommendations concerning revision of standards which had been made by the Working Party on Policy regarding the Revision of Standards be added to the list of items submitted for the Governing Body's consideration.

Mr. Willers (Government, Germany) asked whether the six subjects listed in paragraph 20(b) included topics which might be taken into consideration for standard setting and, if the Governing Body were to make its selection only in November 2000, how much time would governments and the social partners have to answer the questionnaire.

Ms. Iwata (Government, Japan) was pleased to note that the Office had submitted concrete proposals in response to the view reiterated by her Government and several others that decisions on Conference agenda items should be taken much closer in time to the actual debate.

When the Governing Body concluded its discussion on the comprehensive review of standard-setting activities, it should once again consider the issue of an agenda for standard setting. The framing of new standards should begin in principle with a preliminary general discussion in the first year, followed by one or two discussions in the subsequent years. If agreement was reached on this matter, the Governing Body would be able to defer its selection of even standard-setting items much closer to the relevant session of the Conference. As regards the choice of a general discussion item for the 2002 Conference, she supported Ms. Niven's proposal to postpone this decision further to the
Governing Body session in March 2001. The Office would thus still have enough time to conduct the preparatory work and the Committee on Employment and Social Policy would be able to discuss the item in advance.

Like the United Kingdom, her Government also placed greater priority on promoting the revision of standards than on adopting new Conventions every year. She therefore urged the Governing Body to reflect on ways to speed up the revision of the existing standards. With regard to the possible future revision of Conventions Nos. 111 and 121, if the relevant items were included in the Conference agenda the revision of Convention No. 111 should be conducted independently, and that of a technical standard such as Convention No. 121 should be grouped with the revision of similar Conventions.

Mr. Spring (Government, United States) fully supported the Workers' proposal as well as the one put forward by Ms. Niven to defer the decision on the general discussion item until March 2001. The Governing Body could thus ensure topicality of the item. He also joined Ms. Niven and Ms. Iwata in suggesting that the Governing Body consider at its November 2000 session the proposals for the revision of Conventions made by the Working Party on the Policy regarding the Revision of Standards.

Ms. Robinson (Government, Canada) also endorsed the Workers' proposal and supported the views expressed by previous speakers concerning the selection of the general discussion item in March 2001. She also agreed that the items proposed by the Working Party on Policy regarding the Revision of Standards should be considered for inclusion in future Conference agendas.

Mr. Brupbacher (Government, Switzerland) supported the Workers' proposal and agreed that the general discussion item should be chosen in March 2001. This would allow the Governing Body to take more recent topics into consideration. He reiterated the wish expressed by his Government in November 1999 for the Governing Body to have a general discussion on the reform of standards policy at the 2002 Conference.

Mr. Thiising (Employer, Germany; Employer Vice-Chairperson) questioned the necessity of deferring the decision on the general discussion item until March 2001, as it could be taken once and for all in November.

The representative of the Director-General (Mr. Tapiola) stated that the Governing Body had to decide whether it wished to have a general discussion which could possibly lead to standard-setting action later or not. If it deferred the choice of a general discussion item for the 2002 Conference to March 2001, it would not be possible to conduct the kind of regional consultations that were normally held when the Office prepared such items.

Lord Brett (Worker, United Kingdom; Worker Vice-Chairperson) requested clarification regarding the purpose and rationale of regional consultations in respect of general discussions and who participated in these consultations.

The representative of the Director-General (Mr. Tapiola) stated that the regional consultations were conducted by the Office as part of the preparation of Conference reports. While it was quite possible to carry out the preparatory work in less time, the result might be a shorter and lighter Office report. If the Governing Body wished to have general discussions which might subsequently lead to standard-setting action, a considerable amount of preparation was necessary. The shorter the time for preparation, the less chance there would be of conducting this process thoroughly. In this connection, it should be recalled that when the Governing Body had asked the Office to indicate the deadline for item selection, the staff from the different technical departments and units had felt very strongly that a decision in November 2000 was the latest possible time to ensure proper preparation for a general discussion in 2002. Furthermore, the drafting, translation and reproduction of the reports required considerable time.
Regarding Mr. Willers’ queries, items 1 or 6 in subparagraph 20(b) were suitable for standard setting and in order to have the normal time required for the preparation of a single discussion item, it would have to be selected in June.

Lord Brett (Worker, United Kingdom; Worker Vice-Chairperson) asked the Office to provide in November, either in a separate paper or as part of the review of standard-setting activities, information on what actually took place in the 18 or 26 months leading up to the discussion of Conference agenda items. Otherwise it could be erroneously assumed that the time was excessive, when the Office was actually conducting very useful activities. As regards regional consultation, he asked whether this was internal or external to the ILO. An explanation of these matters would enable the Governing Body to have a greater appreciation of them.

The representative of the Director-General (Mr. Tapiola) stated that the information requested would be included in a paper to be submitted to the Governing Body in November. While regional consultations could take different forms depending on the Office department responsible for the agenda item, the basic purpose of these consultations was to ensure that when a paper was presented by the Office on a general discussion item, it took account of trends and developments in each of the regions.

The Governing Body decided to defer to the session of November 2000 the decision proposed in paragraph 20 of the Office paper.

Second paper

Proposals for the withdrawal of Recommendations Nos. 1, 5, 11, 15, 37, 38, 39, 42, 45, 50, 51, 54, 56, 59, 63, 64, 65, 66, 72 and 73

Mr. Funes de Rioja (Employer, Mexico) endorsed the proposal in paragraph 8 of the Office paper to place an additional item concerning the withdrawal of 20 Recommendations on the 2002 Conference agenda.

The Governing Body decided to place on the agenda of the 90th Session (2002) of the International Labour Conference an item relating to the withdrawal of Recommendations Nos. 1, 5, 11, 15, 37, 38, 39, 42, 45, 50, 51, 54, 56, 59, 63, 64, 65, 66, 72 and 73.

It also deferred all other decisions concerning the agenda of the 90th Session (2002) of the International Labour Conference until its 279th Session (November 2000).

The sitting closed at 7.10 p.m.
SECOND SITTING

Wednesday, 29 March 2000, morning

The sitting opened at 11 a.m., with Mr. Elmiger in the Chair.

Third item on the agenda ¹

REVIEW OF ANNUAL REPORTS UNDER THE FOLLOW-UP TO THE DECLARATION ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK

The Chairperson recalled the historic significance of the discussion about to take place, which was the first step in promotional follow-up on the ILO Declaration on Fundamental Principles and Rights at Work. The purpose of the discussion was an examination of the compilation of annual reports submitted by member States not having ratified one or more of the fundamental Conventions; it would take place in a committee of the whole, which would also give an opportunity to States not represented on the Governing Body to supply further information regarding their specific situations. Subsequently, the committee of the whole would report to the Governing Body, which would then take a decision regarding the recommendations formulated by the Expert-Advisers who had prepared the compilation.

Since printing the compilation, reports had been received from the Governments of Benin, Pakistan, Papua New Guinea, Paraguay, Sudan, Thailand and Yemen, which would appear in the next compilation. In the French version of the Expert-Advisers' Introduction, in section B, paragraph 22(9), the text should be amended to read: "Consider moving the deadline ... to 1 September"; in section E, paragraph 55, "national" should replace "international"; in Annex 6, paragraph 76, the text should read: "rehabilitation".

Mr. Skuratovskiy (Government, Ukraine) pointed out that, contrary to what was stated in the Expert-Advisers' Introduction, Convention No. 29 had been ratified by Ukraine.

The Governing Body decided, in accordance with article 9bis of its Standing Orders, to meet as a committee of the whole for the purpose of examining the compilation of annual reports and the Introduction thereto by the ILO Declaration Expert-Advisers.

The proceedings of the committee of the whole are appended to these minutes.

¹ See also third sitting and Appendix.
THIRD SITTING

Wednesday, 29 March 2000, afternoon

Third item on the agenda

REVIEW OF ANNUAL REPORTS UNDER THE FOLLOW-UP TO THE DECLARATION ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK (concl.)

After meeting in a committee of the whole, the Governing Body reconvened at 5.50 p.m.

The Chairperson presented a report of the Governing Body's meeting in a committee of the whole. He proposed that the Governing Body recognize the quality of the work accomplished by the Expert-Advisers and the Office, and note that this was an initial step to be followed by the presentation and discussion of the Global Report at the Conference in June 2000 as well as the determination by the Governing Body at its November 2000 session of technical cooperation measures.

The Governing Body might wish to recommend that this process be pursued as initiated, and reaffirm its support for the Declaration and its promotional follow-up mechanism, in the hope that they might continue to contribute to the ratification and application of fundamental Conventions.

It was noted that the follow-up did not replace the standards supervisory machinery. The Governing Body might wish to note that the response rate was not yet satisfactory and express the hope that, in future, a larger number of governments would reply to the questionnaire.

In this regard, the discussion had highlighted the need for promotional measures, such as Office assistance and technical cooperation, to enable governments to meet the obligations ensuing from the Declaration.

The role of tripartism was recognized, and the role of associations of workers and employers was broadly supported as part of the process of implementing the Declaration.

More generally, the recommendations appearing in paragraphs 22-25 of Part 1 were broadly supported. The Governing Body might wish to take note of the explanations supplied by the Office regarding, inter alia, the comments and reservations made in respect of the term "established practice" in connection with the publication of comments supplied by international organizations of workers and employers, as well as on other specific items.

Finally, the Governing Body might wish to note with satisfaction the statement made by the Director-General and express the hope that this promotional process be pursued with a view to reinforcing the role and position of the International Labour Organization in an environment of economic globalization.

1 See also second sitting and Appendix.
It was so decided.

Lord Brett (Worker, United Kingdom; Worker Vice-Chairperson) thanked all who had participated in the debate. On behalf of the Workers' group, he supported the approval of the recommendations made by the Expert-Advisers.

Ms. Musulin (Government, Croatia) wondered whether this preliminary examination constituted sufficient preparation for the Global Report, which would address situations in both ratifying and non-ratifying States. The level of information had not always proved satisfactory. This aspect had also been highlighted by the Expert-Advisers, and for that reason her Government supported their recommendations.

Mr. Li Donglin (Government, China), with regard to links with international organizations, believed that they should also be used as channels through which respect for fundamental principles and rights should be encouraged in pursuit of sustainable economic growth and poverty alleviation. Thorough discussions were required between the ILO and the international financial institutions. The Governing Body should be careful to devote sufficient attention to these relations in the future. At the same time, the Organization should be vigilant regarding any attempts to link international labour standards to the Organization's technical cooperation.

Mr. Khan (Government, Pakistan) endorsed the comments made by the Government representative of China.

The Governing Body adopted the recommendation in paragraph 4 of the Introduction by the ILO Declaration Expert-Advisers to the Compilation of Annual Reports.

The representative of the Director-General (Mr. Tapiola) indicated that details would be given in due course regarding the publicity strategy for the Global Report; the target date for publication was, at present, mid-May.

The sitting closed at 6.15 p.m.
FOURTH SITTING

Thursday, 30 March 2000, morning

The sitting opened at 10.55 a.m., with Mr. Elmiger in the Chair.

Ninth item on the agenda

REPORTS OF THE COMMITTEE ON FREEDOM OF ASSOCIATION

320th Report

Ms. Engelen-Kefer (Worker, Germany), the Committee’s Reporter, stated that despite its extremely heavy workload the Committee had succeeded in dealing with the cases before it in a very cooperative manner. There were currently 98 pending cases, of which the Committee had examined 31 on their merits, reaching definitive conclusions in 22 and interim conclusions in nine cases.

In several cases – concerning Ethiopia, Gabon, Haiti, Morocco and Swaziland – the Committee had observed that, despite the time that had elapsed since the submission of the complaints, it had not received the full observations of the governments concerned and had therefore appealed to them to transmit their observations as a matter of urgency. Cameroon had been the subject of an urgent appeal at the last session. In the absence of any cooperation on the Government’s part, the Committee was obliged to proceed with an interim examination on the basis of the complaint alone. The Committee had regretted this state of affairs and had mentioned Cameroon in a special paragraph of its introduction concerning a serious lack of cooperation.

She drew attention to the progress report on the direct contacts mission carried out in Colombia, prepared by two independent experts appointed by the Director-General following an agreement reached between the Colombian Government and a number of workers’ organizations in Colombia (CUT, CTC and CGTD). This report would be considered by the Committee in May 2000, and in June the Governing Body would decide whether to establish a commission of inquiry.

As regards follow-up on its earlier recommendations, the Committee had examined 20 cases in which the governments concerned had kept it informed of the measures taken to give effect to those recommendations. The Committee had been able to note positive developments in several cases: Brazil, where check-off facilities for trade union dues had been restored; Latvia, in which real estate rights had been restored to the Latvian Book Industry Union; Morocco, where disciplinary sanctions had been lifted in respect of strike action; Romania, where a new Act concerning the resolution of labour disputes had been adopted; and Thailand, which had enacted a State Enterprise Labour Relations Bill.

However, there were other cases (Bahrain, Bangladesh, Belarus, Canada/Ontario and China/Hong Kong) in which previous recommendations by the Committee had not been implemented.

Among the cases that the Committee had fully considered on their merits, one case (No. 2054) concerning Argentina related to discriminatory treatment between merely registered trade unions and those that enjoyed official trade union status with respect to the
collection of trade union dues, and the Committee had recommended that this discrimination should be eliminated.

In a very comprehensive case relating to Australia (No. 1963) the Committee had examined allegations in respect of anti-union discrimination, violation of the right to strike and to carry out sympathy action and legislative infringements on collective bargaining rights. The Committee requested the Government of Australia to take steps to prevent the training of persons to replace strikers and to amend the Workplace Relations Act in so far as it linked restrictions on strike action to interference with trade and commerce. A particularly relevant element in this case was that the maritime enterprise, the Patrick Group of Companies, was involved in the training of defence personnel in Dubai for the purpose of acting as a strike-breaking force. In her view, the Committee had reached adequate conclusions in this respect, and had requested the Government to amend the Trade Practices Act so as to enable workers to take sympathy action when the initial strike was lawful. As regards collective bargaining, the Committee requested the Government to take all necessary measures, including amendment of the legislation, to ensure that Australian workplace agreements did not undermine the legitimate right to bargain collectively or give primacy to individual over collective relations.

In the case of Bangladesh (No. 1998), where a trade union official had repeatedly been refused permission to attend meetings abroad of an international trade union secretariat of which he was an executive board member, the Committee had recalled that trade union leaders should enjoy appropriate facilities, including the right to leave their own country to attend international trade union meetings, and called on the parties to reach agreement on the frequency of such attendance.

A case relating to Bulgaria (No. 2047) concerned allegedly biased criteria for determining the representativity of participants in the national tripartite council. Here, the Committee requested the Government to conduct a new poll among the unions, including the complainant organizations, using pre-established and objective criteria, in order to determine representativity. Noting the Bulgarian Government’s intention to amend the Labour Code to limit the duration of collective agreements so as to avoid the danger of long-term agreements being concluded by unions with borderline representativity, the Committee indicated that the duration of such agreements was primarily a matter for the parties concerned but that, if legislative action was being considered, any legislation should reflect tripartite agreement.

Case No. 2025 (Canada/Ontario) concerned allegations of violations of freedom of association, including the right to strike, of teachers following the adoption of the Back to School Act, 1998. The Committee requested the Government to ensure that teachers in Ontario were entitled to strike and in future to make every reasonable effort to avoid recourse to back-to-work legislation. The Government was further requested to ensure in future that recourse to arbitration for the settlement of labour disputes concerning teachers was voluntary and that such settlement was carried out by an independent body. Finally, the Committee suggested that the Government consider requesting ILO assistance in this matter.

The Committee had continued to examine the case of the Republic of Korea (No. 1865). In its latest interim examination of this case, the Committee, while noting that a number of measures had been adopted constituting progress towards fulfilment of some of the Committee’s recommendations, encouraged the Government to continue in its efforts. It noted with interest the registration of two teachers’ unions and the recognition of the Korean Confederation of Trade Unions (KCTU). However, a number of legislative texts still needed to be amended, notably with a view to recognizing to public servants the right to organize and to speed up the process of legalizing trade union pluralism at the enterprise level. As regards factual allegations, the Committee hoped that the former
president of the KCTU would not be convicted under pending charges. As regards new allegations of violent police intervention to break up peaceful strikes and large-scale arrests of strikers, the Committee asked the Government to ensure that its new plan for minimizing the detention of trade unionists was effectively implemented. Police intervention should be strictly limited so as to avoid in future the arrest or detention of workers for legitimate trade union activities. Finally, the Committee requested the Government to enable union members facing dismissals to secure reinstatement.

In the case of Cuba (No. 1961), where the Government still refused to recognize the Single Council of Cuban Workers (CUTC) despite the fact that it had been established more than four years ago, the Committee called upon the Government to ensure that the law allowed recognition of the CUTC and that the latter could operate freely without interference by the authorities.

As regards the case of Morocco (No. 2048), which involved allegations of torture at a factory and imprisonment of strikers, the Committee expressed its profound concern over the allegations of torture and requested the Government to institute an independent judicial inquiry without delay. While noting that the imprisoned strikers had been released, the Committee recalled that no one should be imprisoned or subjected to penal sanctions merely for having organized or participated in a peaceful strike.

Finally, in the case of Zimbabwe (No. 2027), which concerned allegations of violent police intervention in demonstrations, the assault of a trade union leader and arson of premises of the ZCTU, the Committee requested the Government to institute independent inquiries into these events. The Committee further noted a labour relations amendment Bill that would appear to ban protest action in respect of social and economic policies, and recalled that the Office was at the Government’s disposal for any assistance or advice concerning the conformity of this Bill with freedom of association principles.

Mr. Noakes (Employer, Australia), speaking on behalf of the Employers’ group, agreed with the Reporter’s remarks concerning the heavy workload of the Committee, which was tending to increase. If this trend continued, the Committee would have to re-examine its schedule of meetings and working methods.

The Employers could as a whole support the adoption of the report, but with some significant reservations in certain cases. With regard to the progress report on the direct contacts mission to Colombia, dealt with in paragraphs 12 to 20 of the report, he recalled that this case had a long history. In particular, the Governing Body had discussed the matter at length in November 1999 and had then decided to postpone until June 2000 its consideration of the establishment of a commission of inquiry and, in the meantime, to send a direct contacts mission to Colombia.

During the November 1999 discussion, the Employers’ group had set out its views in detail. In particular, it had noted that the Government had provided some of the information requested by the Committee and that there was some discernible change of attitude on the part of the Government. The latter was now engaging in a dialogue with the Committee and had begun to take some action. It was hardly surprising that it was unable to tackle all of the problems at once, given their enormous dimension. Nevertheless, while recognizing that much more still needed doing, the Employers had welcomed the more positive attitude which they could perceive and had expressed confidence that further progress would be achieved. The Employers were now comforted in this view by the statement made in paragraph 19 by the direct contacts mission in its preliminary report to the effect that without prejudging the mission’s conclusions concerning the concrete results obtained, the Government was making sincere efforts to solve the problems that had prompted the sending of the mission. The Employers’ group believed that further progress would be made and looked forward to the final report of the direct contacts mission.
The case of Australia (No. 1963) was one on which the Employers’ group had significant reservations. This was an extremely complex case, both factually and legally, and the Committee’s conclusions and recommendations were difficult to understand and, in the Employers’ view, also deficient in certain respects. Nevertheless, it was important to understand what these recommendations did not do: in particular, they did not substantiate, and hence they implicitly rejected, a number of allegations brought against the Government, for example: that the Government had taken part in, and supported, the formulation of a plan to remove workers from their employment on the waterfront; that it was involved in, and supported, the training of replacement personnel in Dubai; that it was aware of, and supported, the restructuring of the enterprise involved so as to leave the employees concerned without employment and payment; and, finally, that the Government supported and allowed restrictions to be placed on peaceful picketing.

Similarly, the recommendations appearing in paragraph 241 of the report were unbalanced or erroneous. They gave far too much weight to statements made by a first instance court in finding that there was an arguable case that would allow serious allegations against the Government and the enterprise concerned to be further tested and determined judicially. That process of further testing and determination never took place; yet the Committee relied on the untested findings of the first court.

As for the first recommendation in paragraph 241, the statement that trade union unity voluntarily achieved should not be prohibited, this was irrelevant to the case and there had never been any suggestion at any time of such a prohibition.

As regards the second recommendation, which addressed the allegation that Australian defence personnel were involved in training in Dubai, the Committee had not accepted the allegation of government involvement in this endeavour, yet the Committee’s recommendation inferred the contrary. In addition, the recommendation asked the Government to do something that was clearly impossible for it to do, namely to prevent the training of persons to replace workers taking legitimate strike action. It was not within the functions or power of any government to prevent the training of workers for any reason, all the more so when such training took place outside its territorial jurisdiction.

The third recommendation amalgamated and confused different sets of legislative provisions concerning the possible termination of a bargaining period or the possible deregistration of a trade union, and also ignored the fact that these actions could only be taken by an independent tribunal, and not by the Government itself.

The fourth and fifth recommendations were based on the continuing inability of the Office and the Committee of Experts to distinguish between strike action and boycott action. The Employers were strongly of the view that boycotts were a pernicious and perverse form of strike action that should be prohibited, as they were in many countries. This type of action was used by trade unions to inflict maximum damage on an enterprise without any penalty or loss being suffered by the workers. In the Employers’ opinion, it should be clearly distinguished from other forms of strike action and treated differently.

The sixth recommendation, which concerned Australian workplace agreements, ignored the fact that this question was a matter of ongoing debate within the Committee of Experts and the Conference Committee, and the Employers did not accept the views of the Committee on Freedom of Association on this point.

The final recommendation ignored the fact, which was clear from the material before the Committee, that the workers concerned had always been employed under a collective agreement. The dispute had in fact arisen because of the failure of the workers and unions concerned to respect the provisions of a collective agreement. Moreover, this dispute had
been settled by a further collective agreement and the remaining workers continued to be employed under the terms of a collective agreement.

Finally, there was no evidence that the enterprise involved was motivated by the desire to employ a non-unionized workforce, and the conclusion in paragraph 225 of the report was therefore incorrect. The errors of fact, law and interpretation contained in the report therefore impelled the Employers to express significant reservations.

Regarding Case No. 1998 (Bangladesh), the Reporter had already indicated that this case concerned an allegation that a trade union official was refused permission to attend international trade union meetings. What she had failed to mention was that the Government had granted permission on 23 occasions and withheld permission on five. The Committee had concluded that the Government had not committed any blatant violation in this respect. More importantly, the Committee had called on the parties to reach agreement on the frequency of attendance by trade union leaders which would also take into account the nature of the work and responsibilities within the organization of the persons concerned. The Employers welcomed that statement.

Case No. 2025 (Canada/Ontario) had arisen because the Government had passed a Back to School Act to bring to an end a prolonged strike by teachers following failure to reach a collective agreement. The Government had considered it necessary for the work of the teachers to be resumed in the public interest so as to ensure that pupils would continue to receive education. As in similar cases, these events resulted from the failure of collective bargaining and they demonstrated that such bargaining could not solve every dispute and that the Government would inevitably be forced to intervene in some circumstances. The Committee’s recommendations were appropriately mild in this case, and the Committee had not accepted the allegation that there existed a lack of confidence in the industrial relations system in Ontario that would warrant sending a direct contacts mission to that province.

In Case No. 2044 (Cape Verde), the Employers welcomed the conclusions and recommendations of the Committee, which were based on the premise that maritime services in an island community were services of primary importance.

Finally, as regards Case No. 1865 (Republic of Korea), which had already been before the Committee on several occasions, the Employers continued to express their previous reservations about the Committee’s recommendation with respect to the payment of full-time trade union officials. On the other hand, they welcomed the Committee’s conclusions and recommendations concerning the tripartite commission recently set up by the Government and endorsed the Committee’s call for all parties to act in good faith, and they shared the Committee’s hope that tripartite dialogue would be continued.

In addition, the Employers strongly endorsed the Committee’s call for all parties to exercise restraint in pursuing activities linked to labour disputes. Unfortunately, in such disputes violence was often the result of worker action and ensuing counteraction, particularly when workplace occupations occurred. The Committee had so far taken a tolerant attitude towards such occupations as long as they were peaceful in nature. The problem was that they were seldom peaceful and, as in the present case, workers determined to make a success of their workplace occupation often came armed to the workplace, which tended to provoke violence. The Employers therefore considered that the Committee needed to re-examine its attitude towards workplace occupations.

Lastly, he stressed that progress continued to be made in the Republic of Korea, and the Government had shown its willingness to enter into a dialogue with the Committee and to implement its recommendations on a continuing basis. The Employers were confident
that progress would continue to be made and that the remaining difficulties would be overcome.

Mr. Sibanda (Worker, Zimbabwe), speaking on behalf of the Workers’ group, expressed his group’s full support for the report and all its conclusions and recommendations.

It was highly regrettable that several governments had failed to respond to the Committee’s requests for information on the complaints brought before it, which made the Committee’s work very difficult. The serious lack of cooperation by Cameroon was especially mentioned in paragraph 10, and the Committee had made urgent appeals to the Governments of Ethiopia, Gabon, Haiti, Morocco and Swaziland to transmit their observations without delay.

In two cases (Nos. 1953 and 2054) relating to Argentina, the Committee’s conclusions and recommendations had called on the Government to ensure that the legislation providing for the protection of trade union leaders against dismissal and other prejudicial acts, as well as the provisions enabling the deduction of trade union dues from wages, did not discriminate against trade unions that were merely registered as opposed to those with official trade union status. In another case (No. 2029) relating to the same country, the allegations concerned disciplinary action in the judicial sector, whereby employees had been deducted five-and-a-half hours’ pay for a two-hour strike, which was clearly disproportionate. However, noting that relations between the parties had been virtually normalized and that the sums deducted had been restored, the Committee had decided not to proceed with the case.

In the case of Australia (No. 1963), the speaker took issue with the comments by the Employer spokesperson, which were tantamount to attempting to reverse the conclusions of the Committee of which he was a member. Mr. Noakes should have raised this issue in the Committee itself if he was not satisfied with the Committee’s conclusions. In any case, he totally refuted Mr. Noakes’ submissions that the Committee’s conclusions were inexact and not to the point; on the contrary, they were based on concrete evidence supplied both by the Government and the complainant organizations.

This was an extremely serious case involving allegations of anti-union discrimination, union busting, interference with the right to affiliate with an international workers’ organization, interference with strike and boycott action, restrictions on picketing and violation of collective bargaining rights. The complaints arose from a series of actions by the Patrick Companies and the Australian Government and, despite Mr. Noakes’ assertion that the Government was not involved, there was clear evidence that it had been.

With respect to the dismissal of workers for striking and their replacement by defence forces personnel trained in Dubai, the Committee had expressed the hope that the legislation would be amended so as to ensure that Australian workplace agreements were not undermined. The Committee also considered that corporate reorganization of companies should not disregard the right to collective bargaining of the workers concerned and requested the Government to ensure that in future the obligations under Convention No. 98 would be respected. Finally, it drew the legislative aspects of this case to the attention of the Committee of Experts.

In Case No. 1998 (Bangladesh), the Committee had specifically requested the Government to conduct investigations into the allegations of victimization through transfers of 76 trade unionists listed in the complaint.

In Case No. 2007 (Bolivia), the Committee had asked the Government to mediate between the parties concerned to find a comprehensive solution to the alleged acts of anti-
union discrimination and to ensure the reinstatement or financial compensation of the workers dismissed for striking.

The case relating to Brazil (No. 1992) similarly involved the dismissal of workers following a strike and other acts of anti-union discrimination in the Brazilian Post and Telegraph Enterprise, and the Committee had requested the Government to inform it of the final outcome of the judicial proceedings under way.

In Case No. 2047 (Bulgaria), the Committee had asked the Government to take the necessary measures for an independent inquiry to be undertaken into the alleged harassment of trade union members by the Bulgarian State Railway and to remedy any effects of anti-union discrimination.

In view of the failure by Cameroon to respond to the Committee's requests, which gave rise to a special paragraph in its report, the Committee had been obliged under its procedural rules to go ahead and examine Case No. 1995 in substance. This case involved the dismissal of a staff delegate, Mr. Olongo, and the Committee had urged the Government to take measures to ensure that Mr. Olongo received full compensation if it appeared that his reinstatement was not feasible.

Case No. 2025 (Canada/Ontario) concerned notably the Back to School Act introduced by the Provincial Government of Ontario to break a teachers' strike without prior consultation with the unions. The Committee requested the Government to take measures to ensure that teachers in Ontario were entitled to exercise the right to strike and to avoid the use of back-to-work legislation to break legitimate strikes. It also urged the Government to fully consult with workers' and employers' organizations to improve labour relations in Ontario, which appeared to leave a lot to be desired. In this connection, it suggested that the Government might consider having recourse to the assistance of the Office, and drew the attention of the Committee of Experts to the legislative aspects of the case.

He drew attention to Case No. 1865 (Republic of Korea), in which the Committee had called on all the parties concerned to exercise restraint in pursuing action linked to labour disputes. Here it seemed that earlier progress achieved with regard to tripartite dialogue was falling apart. The Committee also requested the Government to take measures to reinstate 188 union members dismissed for taking part in industrial action.

Case No. 2024 (Costa Rica) concerned in particular the dismissal of a trade union leader, Mr. Adrian Herrera Arias, after the latter had raised a complaint against his enterprise for refusing to deduct union dues for workers affiliated to his union and subsequent acts of physical aggression against him. The case having since been referred to justice, the Committee asked the Government to keep it informed of the court's decision.

Case No. 1961 (Cuba) involved the raiding and search of trade unionists' premises and failure to register trade unions. The Committee had urged the Government to ensure that the CUTC could operate freely and requested it to return the documents and equipment confiscated from the trade union offices by state agents.

Case No. 2048 (Morocco) involved violent police intervention and arrests of trade unionists conducting a legal strike in a factory. The Committee requested the Government to institute without delay an independent judicial inquiry to determine responsibility and punish the guilty parties. Further, the Committee requested the Government to take immediate measures to ensure that workers dismissed following a legitimate strike were able to return to work and expressed the hope that three trade unionists sentenced to heavy prison terms would benefit from an amnesty.
In Case No. 2057 (Romania), which involved restrictions on the right to strike in public transport, the Committee invited the Government to amend its legislation so as to guarantee the establishment of minimum services by an independent body in the absence of agreement between the parties, and it drew the attention of the Committee of Experts to the legislative aspects of the case.

Case No. 1976 (Zambia) concerned lack of consultation with trade unions prior to the imposition of a one-year wage freeze in the public services. In its conclusions, the Committee regretted that the Government had not given priority to collective bargaining in this connection but had felt compelled to impose such a wage freeze without ensuring adequate safeguards to protect the standard of living of public service employees.

In Case No. 2027 (Zimbabwe), which concerned an assault on a trade union leader and the arson of union premises, the Committee had requested the Government to institute an independent inquiry to determine those responsible and punish the guilty.

Finally, having considered the progress report on the direct contacts mission to Colombia, the Workers’ group did not share the optimistic view of the Employers’ spokesperson with regard to progress achieved in this case. While there had been some legal progress, this was far from sufficient, and a further 21 trade unionists had been murdered since the Governing Body last considered the case in November 1999. The Workers hoped that at the next session there would be a clear indication of the measures taken to put an end to such murders and death threats in Colombia.

The Governing Body took note of the introduction and adopted the recommendations in paragraphs 122, 132 and 142 of the report.

Mr. Mansfield (Worker, Australia) pointed out that the section of the report dealing with the Australian complaint in the maritime industry (Case No. 1963) was very extensive, covering almost 30 pages. The Employers’ spokesperson, Mr. Noakes, had contested the Committee’s findings, claiming on the one hand that the Committee had not actually found that the Australian Government was implicated in actions that ran contrary to ILO standards in this maritime dispute, and arguing in other respects that the Committee’s recommendations should not be adopted. The Workers wished to put forward an alternative view in this case.

The Governing Body should be aware that this particular dispute, which had occurred in 1999, was probably one of the most fundamental challenges to the right of workers to organize and bargain collectively in the history of industrial relations in Australia.

While the maritime industry was undeniably a tough area of employment, with tough employers and trade unions, there had existed for many years a constructive relationship between a number of maritime enterprises and the Maritime Union of Australia (MUA) and a number of constructive reforms had been introduced without giving rise to industrial disputes. However, in 1999 the Patrick Group of Companies had basically decided to flout the ILO’s standards and sought to transform its workforce from a collectively organized workforce into individual workers employed under “Australian workplace agreements” or individual contracts.

The Patrick Company had secretly undertaken a corporate restructuring, without any dialogue with the union concerned, whereby a number of companies were set up, including a holding company for the Patrick Company’s employees on the waterfront. That company had no assets other than the contract it subscribed to with other members of the Patrick Group for the supply of labour services. As a means of dismissing the entire workforce, this contract between some other members of the group and the labour hire company was
terminated. As a result, some 1,500 maritime employees around Australia found themselves without employment, and the individual company which had no assets other than its labour hire contract was unable to give any redundancy payments to these workers, many of whom had been employed in the maritime sector for decades. In addition, employees were forcibly removed from the waterfront by the Patrick Company, using security guards and dogs. In the speaker’s opinion, this constituted a shocking disregard of the laws of Australia and the standards set by the ILO.

Mr. Noakes (Employer, Australia), speaking on a point of order, observed that the speaker had been addressing matters not dealt with in the Committee’s conclusions and recommendations. This was a complaint against the Government of Australia and not against a particular company, and the speaker was straying outside the context by impinging on the actions of an individual company.

The Chairperson asked the speaker to focus on the conclusions and recommendations of the Committee.

Mr. Mansfield (Worker, Australia) thought it useful for the Governing Body to understand a little of the context behind this dispute in view of the Government’s subsequent actions. In his opinion, there was clear evidence in the report of the Government’s complicity with the action taken by the employer during this particular dispute.

With regard to the Committee’s recommendation in paragraph 241(a) concerning the high concentration of MUA membership on the waterfront, it was true that the vast majority of employees in that area were members of the MUA, but it was not the only union operating in this sector. The Government had been attempting to reduce the proportion of MUA membership. The Committee’s recommendation that trade union unity voluntarily achieved should be respected by the public authorities was therefore fully appropriate.

As regards the training and use of defence force personnel for replacing striking workers, the Government had played an active role in facilitating the transfer of such trainees to Dubai. The Committee’s recommendation in paragraph 241(b) that the Government should take measures to prevent in future the training of persons to replace workers taking legitimate strike action was therefore entirely appropriate and should be endorsed by the Governing Body.

The recommendation in paragraph 241(c) concerning the linking of restrictions on strike action to interference with trade and commerce was, in his opinion, totally consistent with the ILO’s past jurisprudence.

Sympathy action by workers in support of a lawful strike was at present prohibited under Australian industrial relations legislation, which was inconsistent with the ILO’s jurisprudence. The Committee’s recommendation in paragraph 241(d) was therefore appropriate.

The recommendation in paragraph 241(e) requesting the Government to take measures to ensure that in future trade unions were entitled to maintain contact with international trade union organizations should be endorsed, since some government agencies had sought to obtain legal injunctions to prevent the international federation representing maritime workers from giving advice and assistance in this dispute.

The recommendation in paragraph 241(f), which called on the Government to take measures, including amendments to the industrial relations legislation, to ensure that Australian workplace agreements did not undermine the legitimate right to bargain...
collectively or give primacy to individual over collective relations, was entirely in line with similar recommendations endorsed by the ILO, through the Committee of Experts, in the past.

If collective bargaining was still alive on the Australian waterfront, this was only because the dispute had finally been won by combined action taken by trade unions throughout Australia and also the community response to the actions of the employer and the Government. If it had not been won, there would now be a maritime industry that was totally deunionized and entirely made up of people employed on individual contracts, which was how the employer wished to reorganize the maritime industry.

Finally, as regards the recommendation in paragraph 241(g) that corporate reorganization should not disregard the right to collective bargaining, he had already outlined the context in which that particular recommendation had been made and he strongly supported its adoption.

Overall, he believed that the outcome of the Committee on Freedom of Association, which was a tripartite body, had considered all the facts of the case and the detailed information supplied by the parties and had formed a set of recommendations which deserved to be endorsed by the Governing Body.

Mr. Noakes (Employer, Australia) recalled that the Employers’ group supported the adoption of the report with significant reservations.

The Governing Body adopted the recommendations in paragraph 241 of the report.

Mr. Islam (Government, Bangladesh), referring to Case No. 1998, said that he had taken due note of the Committee’s comments. His Government had always been in favour of healthy trade unionism in Bangladesh and had endeavoured to fulfil the recommendations of the Committee.

The Governing Body adopted paragraph 256 of the report.

Ms. Seifert (Government, Bolivia) thanked the Governing Body for the time and care devoted to the examination of Case No. 2007 relating to her country. The Government and the parties concerned had also worked towards finding a solution during this time.

In addition to the information already communicated to the Committee on Freedom of Association, she conveyed to the Governing Body the contents of a letter that had just been received by the Government (with a copy to the WCL) from the La Paz District Federation of Industrial Workers. The letter indicated that on 16 February 2000 an agreement had been signed between the former workers of MEX S.A. and the management of that enterprise on the settlement of the dispute which gave rise to the complaint before the ILO. First, the enterprise would drop the criminal charges it had brought against the workers as a result of the April 1997 strike. Reciprocally, the workers would not pursue the legal action they had brought before the Labour Court, and both parties agreed not to institute any fresh legal proceedings. Secondly, there would be a review of the social benefits withdrawn in April 1997, on a case-by-case basis, and payment or reinstatement by the enterprise. This review would be undertaken through a tripartite committee composed of representatives of the enterprise, the Federation of Industrial Workers and the Ministry of Labour. Furthermore, it appeared that some allegations concerning irregular occurrences that gave rise to the complaint were not clearly established, especially as regards the death of two workers as a result of ill-treatment by the enterprise. As regards Ms. Graciela Mamani, she continued to work as an officer of the Federation of Industrial Workers.
In the light of the above, the signatories of the letter informed the ILO and the WCL that, since the causes of the dispute had been overcome and an agreement had been reached between the parties, they had decided to withdraw the complaint submitted in 1998, and they thanked the ILO and the WCL for their assistance in the settlement of the dispute.

In conclusion, she trusted that the information just provided would be taken into account in the future work of the Committee on Freedom of Association.

_The Governing Body adopted paragraph 285 of the report._

_The Governing Body adopted paragraphs 289, 329, 362, 373, 414, 429 and 455 of the report._

_Mr. Choi (Government, Republic of Korea), referring to Case No. 1865, indicated that in response to the Committee’s recommendations in November 1998, his Government had sent its preliminary observations in October 1999 and its final observations in March 2000. In particular, it had reported the legalization of the Korean Confederation of Trade Unions (KCTU) and of teachers’ unions, and had given a list of detained workers who had subsequently been released. His Government was pleased that these developments had been taken into account in the Committee’s report._

He believed that the progress achieved in response to the recommendations made in November 1998 was a result of the encouragement that his Government had received from all concerned member States, and his Government renewed its commitment to do its utmost to resolve the outstanding issues.

In the meanwhile, there had been a reminder concerning the issues of a unified bargaining channel for multiple trade unions at the enterprise level and the payment of full-time union officials by employers. Although these issues had not been resolved in the tripartite commission, the public interest representatives of the commission had put forward some suggestions in this connection on the basis of which the Government had prepared a legislative amendment which it had submitted to the National Assembly on 29 December 1999.

In response to the Workers’ earlier comments concerning the dismissed workers of the Sammi Dong-hae Union, he indicated that court proceedings were currently pending, and the Government could take no action until the court had reached its decision.

The commission, launched in 1998 in the aftermath of the financial crisis, had played a significant role as a body coordinating the views of the workers, employers and Government. Despite this initial success, the commission had not been able to function normally since the KCTU had announced its withdrawal at the end of 1999. He was now pleased to inform the Governing Body that the KCTU had finally rejoined the commission on 30 March 2000 thanks to the efforts of the social partners. The commission was holding a plenary meeting at the moment, at which it would certainly be discussing the outstanding issues.

_Mr. Cho (Employer, Republic of Korea) said that, if one was to believe the allegations made by the Korean Metal Workers’ Federation (KMWF) in paragraph 484, the Korean Government would appear to be cruel, inhumane and anti-union in its behaviour. This was not the case. It was necessary to look at the realities behind the scene, which were seldom revealed and hard to describe. For example, a trade union shop steward had broken into an office and beaten up some managers and employees there, forcing them to kneel down and to pronounce certain degrading phrases. The next day, the same shop steward and other union members had kidnapped six managers and beaten them up._
Mr. Edström (Worker, Sweden), speaking on a point of order, considered that the same rules of debate should be applied here as earlier in the Australian case.

The Chairperson invited the speaker to focus on the recommendations of the Committee in paragraph 530.

Mr. Cho (Employer, Republic of Korea) noted that, in its complaint, the KMWF had alleged that its occupation of the production facilities of a machine plant had been peaceful and that this peaceful strike had been broken up by riot police. The Committee had concluded that workplace occupations should not be considered unlawful unless they ceased to be peaceful or interfered with freedom to work. But this raised the question as to how workplace occupations could be peaceful and how one could guarantee the right to work.

He believed that violence should not be justified on the pretext of freedom of association, and there was a need to ensure the maintenance of law and order, as was indeed recognized by the Committee.

As regards the Committee’s expression of hope for continued tripartite dialogue on all issues raised by it, the Employers would do their best to comply with this recommendation. However, this dialogue was not functioning well because of the withdrawal of trade union organizations from the tripartite commission and the one-sided attitude of the Government towards tripartism. Unfortunately, employers were excluded from social dialogue in some cases. Although the commission had now resumed its work, it did not seem to be fully fledged, as only one of two national workers’ confederations was participating. However, he hoped that all the social partners would pay attention to this recommendation in future.

On the issue of the payment of wages to full-time union officials, existing legislation did not prohibit the part-time release of workers from their normal duties for union activities. It only intervened when wages were paid to persons who did not show up at their workplace at all. For example, employers were not allowed to pay a wage to employees who were engaged in union activities without any time limit. Any stipulation to the contrary would, in his belief, undermine the ordinary workers’ morale and will to work. At any rate, he hoped that this issue would be discussed essentially in the framework of the tripartite commission.

Finally, under the current rules of procedure, once a complaint was filed, the Committee on Freedom of Association took into account only the Government’s reply thereon. However, some issues directly involved other parties, and he therefore believed that in order to ensure that the recommendations of the Committee were applied more effectively, the views of all the parties involved should be taken into account.

Mr. Edström (Worker, Sweden) noted from the Government representative’s statement that a draft Bill that would remove the prohibition on the payment of full-time trade union officials had been put forward, and he welcomed this effort by the Government.

With regard to the members of the Sammi Specialty Steel Workers’ Union, he understood that the Government was awaiting the outcome of court proceedings, but he drew attention to the Committee’s recommendation in paragraph 530(d)(iv) and believed that it was urgent for the Government to take measures aimed at the reinstatement of the workers concerned.

In response to the statement by Mr. Cho, who had referred to the withdrawal of trade unions from the tripartite commission, he pointed out that the Korean Employers’
Federation had also withdrawn at one stage, and thus it appeared to be a policy used by both sides.

In his general statement, Mr. Noakes had declared that the Employers were opposed to the ILO jurisprudence that accepted peaceful workplace occupations because, in their view, such occupations always led to violence. Of course, when 14,000 fully equipped riot police arrived at a workplace where a sit-in strike was taking place, violence would inevitably occur. In these circumstances, there was a clear intention to disperse trade unionists who were occupying company premises, and such police action was not in accordance with the ILO's jurisprudence on peaceful sit-in strikes. He drew the Governing Body's attention to paragraph 230(d) in this respect.

Finally, with regard to the arrests of trade unionists on the charge of "obstruction of business", the Committee had requested more detailed information from the Government on what this notion actually implied. It seemed to the Workers that it might seriously impair workers' rights, in particular the right to strike.

Mr. Noakes (Employer, Australia) stated in reply that the conclusion in paragraph 206 concerned not only peaceful occupations, but also occupations that did not interfere with freedom to work. It was difficult to find any example of a workplace occupation that did not interfere with freedom to work, which was indeed the whole object of such occupation.

Mr. Cho (Employer, Republic of Korea) stated that, in order to avoid any misunderstanding of the Korean Employers' position, the reason for their temporary withdrawal from the tripartite commission was that the latter was totally vacant at that stage. However, they remained members of the commission.

The Governing Body adopted paragraph 530 of the report.


Ms. Hernandez (Government, Cuba) expressed her Government's reservations with regard to the Committee's conclusions in Case No. 1961. Various paragraphs of the report repeated allegations that were totally unfounded and, as indicated in paragraph 601, the Committee had requested additional information from the complainants, which they had not supplied.

No evidence had been brought before the Committee as to the nature and trade union activities of the so-called organization mentioned in paragraph 616. The Committee had taken note that no answer had been given to its request for a list of the organizations which were affiliated to it, or on the areas in which it operated, or the number of workers it represented. This could not be otherwise, as there existed in Cuba no trade union centre which could be identified with this self-styled organization; no workers' collective had been elected, nor the so-called union delegates mentioned in the complaint. In the absence of a labour relations context, one could not speak of a trade union organization or of trade union leaders.

The case before the Committee was based on false accounts by two individuals who represented nobody, were not qualified as union leaders and did not carry out any union activity. The Committee on Freedom of Association should not waste its resources by examining fictitious accounts designed to present an image which did not in any way correspond to the daily reality of freedom of association in Cuba. This was exercised fully by the 19 existing trade union organizations, which represented 98 per cent of the labour force and pursued their own interests without interference by the public authorities. The
Committee's recommendations were therefore not based on proven facts and did not correspond to the real situation in the area of freedom of association.

Ms. Engelen-Kefer (Worker, Germany) said that the Committee had looked into this case very thoroughly on the basis of the allegations and the Government's reply, and it had also quoted the findings of the Committee of Experts which had also dealt with the matter and had concluded that legislation and practice in Cuba impeded workers from organizing into trade unions of their choice. This was a country where the legislation and practice were geared to a single trade union confederation accepted by the State. The conclusions and recommendations had been endorsed by the Committee as a whole and made it clear that the legislation and practice had to be changed in order to give workers the right to establish and join unions of their own choice. This case involved the application for registration of a trade union which had been pending for over four years. She urged the Governing Body to endorse these recommendations fully.

The Governing Body adopted paragraph 625 of the report.

The sitting closed at 1.05 p.m.
FIFTH SITTING

Thursday, 30 March 2000, afternoon

The sitting opened at 3.25 p.m., with Mr. Elmiger in the Chair.

Ninth item on the agenda

REPORTS OF THE COMMITTEE ON FREEDOM OF ASSOCIATION (concl.)

320th Report


Mr. Sgarbi (Government, Uruguay) stated that the new authorities which came into power on 1 January would take the necessary action to enable the parties to overcome the difficulties involved in Cases Nos. 2014 and 2033.

The Governing Body adopted the recommendations in paragraphs 817, 837, 851 and 878 of the report.

Eleventh item on the agenda

REPORTS OF THE COMMITTEE ON LEGAL ISSUES AND INTERNATIONAL LABOUR STANDARDS

First report: Legal issues

The Chairperson announced a correction to the English version of the report: in paragraph 45(b) the words “on 4 February 2000” should be added after the words “any consultations that had taken place”.

Mr. Thüsing (Employer, Germany; Employer Vice-Chairperson) explained that the item concerning possible improvements in the standard-setting activities of the ILO had not resulted in any adequate result in the Committee because the policy basis for such a discussion was clearly not established. The Committee on Legal Issues and International Labour Standards was a technical committee, but the issues were more than a matter of technical procedures. Hence, the Committee had asked that the matter be discussed in the Governing Body itself in November on the basis of a new paper based on further consultations, since those held in February had not had the desired outcome. Moreover, the Officer paper submitted to the Committee had failed to reflect fully what had been said in the February consultations. The Employers’ views on how to improve normative activities were well known. The Workers, it seemed, had sought a number of guarantees before they would agree to any revision of policy. This was unreasonable, since any process of political change involved compromise. The process would not be painless. It was hence

1 See also fourth sitting.
important for all those concerned, including the Office, to show an openness to new ideas in order to ensure a credible future for international labour standards. The Employers stood ready to cooperate in consultations that would hopefully lead to a useful working paper based on a broad degree of political consensus.

Lord Brett (Worker, United Kingdom; Worker Vice-Chairperson) observed that the climate of confidence that had seemed to prevail in February had clearly evaporated. The Employers had succeeded in removing any vestige of confidence that the Workers had felt, since the new ideas the Employers sought were largely aimed at weakening international labour standards. Standards were intended to protect workers, but while admittedly the process would not be painless, pain alone was a poor incentive for change. The Employers' total rejection of the outcome of the exercise had come as a surprise. It should be clearly understood that the Workers' group would not participate in any review aimed at decimating international labour standards. He strongly doubted whether the Governing Body itself would be any more successful than the Committee in achieving a consensus on such a sensitive issue, since any rejection of the principles underlying the paper presented to the Committee at the present session would be disastrous, since it had provided the assurances the Workers had sought before agreeing to proceed with the exercise. Any paper in November that did not embody those assurances would be unacceptable. All seemed to be in favour of changes in international labour standards, but no one had put forward any coherent position on what that change should be, not even the IMEC governments, who were the most vocal on this issue. He had hoped that the present discussion of the report in the Governing Body would result in helpful proposals being made to guide the Office in preparing the new paper for November, but it would be pointless to turn that discussion into a debate on issues covered by the Committee. The Workers agreed to a discussion in the Governing Body in November, but with little optimism.

Ms. Perlin (Government, Canada), speaking on behalf of the IMEC governments, reiterated their support for the ILO’s standard-setting and normative activities, which gave concrete expression to the ILO’s constitutional mandate to promote social justice. The objective of a comprehensive review must be to strengthen standard setting by adapting normative activities to the emerging needs of globalization and to an integrated social and economic approach to development along the lines of the four strategic objectives underlying the concept of decent work.

The IMEC governments had supported the Director-General’s proposals in Decent work for a review of normative activities. However, progress on this important issue required agreement on the parameters of the review prior to embarking on any consideration of specific topics. They hence felt it important to have an initial discussion in the Governing Body on the basis of tripartite consultations to be held between March and November.

The review and preparatory work should be based on the following principles. Standard setting and related activities should be strengthened through qualitative improvements; the ILO should aim for a modern, meaningful, realistic and flexible set of standards that were ultimately ratifiable; the promotion of universal adherence should be through efficient, objective and transparent supervisory mechanisms; review and evaluation would make it possible to measure and monitor the impact of standards-related activities; the ILO’s objectives could also be pursued through the use of declarations, codes of conduct, codes of practice and other forms of non-standard-setting activities.

On this basis the document in November should provide an analysis of experience of standard-setting activities and what could be learned from it, including recent experience in relation to contract labour, child labour, maternity protection and the rate of ratification of Conventions; it should outline how the new circumstances of globalization affected the
ILO’s normative activities, and this work would be facilitated by further development of
the concept of decent work for the strategic policy framework; it should indicate the
implications of the new challenges of globalization for the ILO’s normative activities,
including traditional standard-setting activities and new approaches required to make
international labour standards more universal; and it must be comprehensive and provide
for a systematic review of all stages of standard setting, from formulation to
implementation. These elements were mentioned in the appendix to the LILS paper. The
paper submitted to the Governing Body in November should indicate a logical sequence
and preliminary timetable for reviewing these elements, and should indicate the
appropriate forums for follow-up discussions once the broader framework was agreed.

In conclusion, the IMEC governments reiterated their commitment to ILO standard
setting. A review of normative activities should bring qualitative improvements in
traditional standard setting and ensure that opportunities for other approaches were not
overlooked: the right balance should be sought between traditional standard setting, the
revision of standards and other possible approaches to issues. The IMEC governments
trusted that sufficient time would be set aside in November for full discussions.

Ms. Sarmiento (Government, Philippines), speaking on behalf of the Asian and
Pacific governments, welcomed the opportunity to discuss possible improvements in the
standard-setting activities of the ILO. Any discussion of this issue needed to take account
of all aspects of such activities. A comprehensive review of the ILO’s standard-setting and
supervisory mechanisms could only be carried out in the Governing Body. The three
principles on which a review should be based were that review and revision should apply
to all ILO standards; the consolidation of existing standards should receive priority by
implementing the recommendations of the Working Party on Policy regarding the Revision
of Standards; and new standards should be flexible so as to accommodate the diversity of
situations faced by member States, should centre on core principles, and should be in the
form of framework Conventions.

The revision of existing standards should be guided by the principle of ensuring their
continued relevance. Priority should be given to the consolidation of existing standards by
implementing the recommendations made by the Working Party on Policy regarding the
Revision of Standards. The Asian and Pacific governments had consistently called for a
review of the ILO’s supervisory mechanisms and attached great importance to this issue.
The transparency and objectivity of the ILO’s supervisory mechanisms was essential to
avoid any erosion of confidence in the mechanisms. Regional meetings of the ILO should
play an important role in standard-setting, since there were differences in the level of
economic and social development in member countries of the ILO, as well as regional
differences. Once a new subject had been identified for standard setting, it should be
considered at regional meetings so as to examine whether any particular features of the
region needed to be taken into consideration before the item reached the Conference.

Improvements in standard-setting procedures and supervisory machinery, or changes
in the mandate or structure of the supervisory bodies, should be effected through
constitutional amendments wherever and whenever required. The review process should
bring added value and not merely aim to create a climate of confidence. The Asian and
Pacific governments therefore welcomed the call for specific proposals for a more detailed
discussion and possible action within an established time frame, taking into account the
views of all constituents. They had been concerned at the limited scope of the paper
submitted to the Committee and the slow progress on this matter. The Office should
conduct further work on this issue as a matter of high priority.

Mr. Schlettwein (Government, Namibia), speaking on behalf of the African
governments, expressed their commitment to a review of normative activities, which
would not only strengthen the role of the ILO, but also reaffirm the mandate of the
Organization. It should hence not be regarded as something that would weaken the standard-setting procedure; it would rather strengthen it and make standards more easy to implement. In order to save time, he referred the Governing Body to the statement he had made in the Committee, as summarized in the report.

Mr. Tirado Zavala (Government, Mexico) stated that the governments of the Americas considered that the essential work of the ILO was to uphold a set of Conventions and Recommendations to protect and defend the rights of working people. Calls for a review of the related procedures had been made over the last decade, and the Conference and the Governing Body had heard various constructive suggestions in the reports of the Director-General to the Conference for 1994, 1997 and 1999 and from constituents. The main purpose of a review should be to improve the quality of standards, and to that end it was necessary to ensure that the body of Conventions was complete and relevant to the changing world of work, that they highlighted the important issues faced by members, and that they were universal. This would bring a greater rate of ratification. The functioning of the supervisory bodies also needed to be made more efficient and transparent so as to enhance the impact of their recommendations. Ways should also be sought of promoting the synergy between social dialogue, technical cooperation and standards-related activities in pursuit of the goals of the Organization. The Governing Body should now confirm its will to continue with the integral revision of standards-related activities on the basis of tripartite dialogue between now and November, when a paper would be needed taking into consideration those consultations and containing all the necessary elements.

Mr. Kamal (Government, Pakistan) associated himself with the statement by the representative of the Government of the Philippines. The Office paper submitted to the Committee had rightly identified the need to address the issue of confidence in the process: no activity aimed at reviewing standard-setting activities could be successful without such confidence on all sides. A clear understanding was hence first needed of the framework and scope of the exercise. This meant achieving a clear agreement on a comprehensive examination of all normative activities with a view to their possible improvement, with full attention to alternative ways of addressing problems while respecting the Constitution. Any decision on possible improvements should be based on a consensus, which did not mean unanimity, but ensuring that the concerns of all constituents were taken into account. Clear understanding was also needed that the issues involved would be addressed as a whole without priority between the different elements. As a preliminary measure all outdated and obsolete Conventions should be withdrawn or revised in a flexible manner that took into account the diverse situations in member States in terms of economic development. Obstacles to ratification should be identified at the regional and country levels. The subjects for standard setting should first be discussed at regional meetings to assess local requirements.

Lord Brett (Worker, United Kingdom; Worker Vice-Chairperson) observed that the statements made on behalf of the Asian and Pacific governments and the Government of Pakistan raised two major problems. First, the former had referred to a review of all standards, which included the fundamental standards referred to in the ILO Declaration on Fundamental Principles and Rights at Work. This would in itself undermine the Declaration adopted only recently. Secondly, the accommodation of regional preferences would undermine the principle of the universality of standards. In any case, regional problems were always abundantly clear when the Conference finally adopted the standards.

The present debate was nothing new: it would be helpful if the Office could in November present an updated version of the paper submitted to the Governing Body’s Committee on Standing Orders in November 1989 (GB.244/SC/3/3), which concerned the terms of reference of a working party on international labour standards and touched on the issue of flexibility. The terms of reference of the working party then established seemed to fit very closely those presented by a number of governments.
Mr. Parrot (Worker, Canada) observed that a decision was needed on whether to proceed with a review of all ILO standards-related activities. The Office paper submitted to the Committee invited the Governing Body to confirm its will to do so, and a proposal to the effect that the Governing Body itself should return to the question in November 2000 was included in it, the question itself being whether in fact to conduct such a review, and if so, how. For this reason the Committee on Legal Issues and International Labour Standards had refrained from detailed discussion.

That decision would have to be taken on the basis of a further paper embodying the guarantees sought by the Workers’ group. Those guarantees were not, however, of the nature suggested by Mr. Thüssing. They were in fact reflected in paragraph 5 of section II, entitled “The need for a shared commitment”. Unfortunately, they had not been reproduced in paragraph 21 of the Committee’s report. Those guarantees must be clearly embodied in the paper presented in November and must figure clearly in any point for decision in it. Only a consensus on such a shared commitment would make it possible for the Workers to participate in any review process in a climate of confidence. It was after all unthinkable that such a delicate and difficult exercise could be embarked upon in the absence of such a consensus.

Thirdly, any review must be based on the objectives of the Organization as stated in its Constitution, and not the strategic objectives, which were of an entirely different nature and would change with time. These points had in fact been acknowledged in the non-paper used in the recent round of consultations.

A further paper would naturally be useful, since it would set out clearly the issues involved, and ensure that any decisions taken in this area were based on facts rather than imperfect perceptions, as stated in paragraph 4 of the paper submitted to the Committee.

As regards the role of revision in the process, it should be borne in mind that policy on this issue had already been examined and that the exercise was comparatively simple from a procedural point of view. Finally, while further consultations would no doubt be useful, they could not touch on anything substantive until a consensus had been reached.

The Governing Body adopted the recommendations in paragraph 45 of the report.

Seventh item on the agenda


Mr. Thüssing (Employer, Germany; Employer Vice-Chairperson) stated that the main issue to be resolved was to determine what was the most appropriate action to be taken by the ILO in the interests of the peace process. It was hence necessary to avoid being misled. The most important contribution that the ILO could make, within its mandate, would be to help improve the social and legal situation of workers in the territories. This was surely the main concern of those who had submitted the draft resolution. The Employers were firm on this issue and united: the ILO should work to improve the situation by strengthening technical cooperation and assistance for the area, and this implied an increase in financial resources. The question of how the Director-General’s report was discussed at the Conference was hence relatively insignificant.

For what was the real significance of a special sitting of the Conference? It meant that the report would be discussed before a small and constantly diminishing audience, which each year showed less and less interest in the issue, rather than before the full Conference.
In view of the importance of the issue, the report would be better handled within the framework of the full Conference proper as part of a normal item on the agenda. All were familiar with the historical background to special sittings, and he trusted that all those concerned would now have the maturity, common sense and good will to refrain from further insisting on a such a sitting this year. The Employers were opposed to a special sitting, but on the basis of a positive stance intended to contribute to genuine progress on this issue.

Lord Brett (Worker, United Kingdom; Worker Vice-Chairperson) explained that he had asked that this matter to be brought forward in the proceedings since it was a sensitive one that raised strong and sincere feelings on all sides and hence merited full discussion. The Workers did not have a group position on the question, but their views were largely similar to those of the Employers. A majority of the Worker members drew attention to the need for adequate funding for the programme of action. They hoped that the peace process would not suffer any repetition of the setbacks of recent years, and none supported a special sitting.

One suggestion had been that a special sitting could be held this year on the understanding that it would be the last. This had however been the case with a previous decision, and the dashed hopes of the previous years had seen the rebirth of special sittings. His own position had varied extremely, in favour and against a special sitting according to the circumstances, but on this occasion he had a very clear mandate to oppose one. As Mr. Thüsing has said, such opposition was expressed with the best interests of the workers concerned at heart, and was seemingly shared by the majority of the Governing Body. Just as in the past the wishes of a majority in favour of a special sitting had been respected by the minority, so on this occasion he appealed to those in the minority similarly to respect the view of the majority and join a consensus in a spirit of good will. Mr. Thüsing had emphasized the need for increased funding for technical cooperation in the territories, and efforts to assist the workers of the occupied territories should rather pursue this need.

Mr. Toivo ya Toivo (Government, Namibia), speaking on behalf of the Tripartite Labour and Social Affairs Commission of the Organization of African Unity, stated that the OAU had always been firm in its position regarding the people of Palestine. Palestinians should be able to enjoy the right to self-determination and respect of fundamental human rights, including those enshrined in international labour standards. He therefore supported the proposal for a special sitting to be held at the International Labour Conference in June in order to maintain the momentum of the peace process. He noted with optimism recent efforts being made in the Middle East to resolve the issues peacefully. A special sitting for the consideration of the Director-General’s report on the situation of workers of the occupied territories would significantly enhance the recent positive developments. Information would be welcome on the implementation of the ILO programme of action drawn up by the multidisciplinary mission in 1993. This would give the Conference an opportunity to assess the progress made and to decide on future activities.

Mr. Agyei (Worker, Ghana) stated that the African workers held the same view on the issue as that set out by Lord Brett. They expressed solidarity with the workers of the occupied territories and support for the ILO’s work in this area. The previous speakers’ statements should hence not be interpreted to mean that they were in favour of a special sitting.

Mr. Samet (Government, United States) strongly agreed with the sentiments expressed by the Employers and Workers. The highest obligation on the ILO was to support the peace process and thereby a better future for Palestinian workers, for whom so much depended on the achievement of lasting peace. The Governing Body had in 1995 recognized the extensive changes that had occurred and the fundamental commitment that
Israelis and Palestinians had made to achieving peace, and had decided not to hold any further special sittings after that of 1996. That was the right decision then and it was obviously the right decision now. Palestinians and Israelis were now risking their own lives and futures in the interests of peace, and the ILO, like others, must find a way to support the process through assistance in employment and labour policy, building a future of more and better jobs; it should be more committed in that endeavour, since peace would ultimately depend in the long run on employment and development. The Palestinian Authority already had responsibility for nearly all workers in the region, which implied responsibility to help build better lives for them. While the ILO's role was humble, it was important: it should help put in place labour market institutions and programmes, but its ability to do so would be compromised if it continually looked backwards rather than to the future. The ILO should lend further consideration to the commitments it could make to help promote the peace process and to support further assistance programmes.

Mr. Zhang (Government, China) noted with satisfaction that the ILO had already conducted various technical cooperation activities in the occupied territories in order to increase employment. This was a positive development. He hoped that the results would be positive.

Mr. Barcia (Government, Portugal), speaking on behalf of the Governments of the European Union and of Bulgaria, Lithuania and Slovakia, favoured the rapid implementation of an ambitious ILO technical cooperation programme for the workers of the occupied territories, and hence supported the $20 million project recently announced. They were hence opposed to a special sitting being held at the Conference.

Mr. Mejia Viedman (Government, Chile) emphasized the need for progress in the peace process and an improvement in the situation of workers in the occupied territories. The new technical cooperation ventures were hence highly appropriate in view of their practical impact, and constituted a course of action that was preferable to a special sitting of the Conference. Special programmes should be developed to ensure further improvements in the situation in the occupied territories, since improving social justice was the best possible contribution the ILO could make.

Mr. Soltanieh (Government, Islamic Republic of Iran) stressed the importance of the issue and welcomed the statements in support of efforts to improve the social and legal situation of workers of the occupied territories. On this there seemed to be a consensus. He was disappointed, however, at the stance adopted by the Workers, since it was workers who were the main victims of the strife. The question arose of how to achieve the stated objective of improving the situation and redressing existing problems. A special sitting was a minimum demand, since it would make it possible to highlight the issue at the Conference. Nor would it jeopardize any other positive gestures. The allegation that it would politicize the Conference was not valid, since inevitably the issues addressed by the ILO all had political aspects, but he would welcome other views on this aspect. It was important to avoid having a double standard on politicization: it was an easy accusation to make to denigrate any proposal. He supported the proposal for a special sitting, while remaining very appreciative of the technical assistance provided by the ILO.

Ms. Perlin (Government, Canada), speaking also on behalf of the Governments of Switzerland, Brazil, Poland, the Czech Republic, Guatemala and the Dominican Republic, associated herself with the statements by the Employers, Workers, the European Union and others that ILO efforts should be directed towards supporting rapid and significant technical cooperation for workers of the occupied Arab territories, and hence did not support the proposal to hold a special sitting at the Conference.

Mr. Raïs (Government, Algeria) supported the statement made by the representative of the Government of Namibia on behalf of the OAU Tripartite Labour and Social Affairs
Commission in favour of holding a special sitting, since it would help clarify the reality of the situation and would increase the chances of success of the peace process. It was necessary to support all efforts to ensure respect for workers' rights in the occupied territories.

Mr. Derbi (Government, Libyan Arab Jamahiriya) supported the proposal for a special sitting, which was well founded, since the reasons that had led to such special sittings in the past remained valid: the situation of workers of the occupied territories had not improved and continued to deteriorate. From all information sources available it was increasingly clear that the rights of those workers were being flouted and international labour standards were not being respected, including those enshrined in the ILO Declaration on Fundamental Principles and Rights at Work. The Governing Body had decided to penalize Myanmar for failure to respect ILO standards, yet today it used different values. A special sitting was needed to support peace by emphasizing the seriousness of the situation, and in the absence of peace it was necessary to safeguard workers' rights. A special sitting was a minimum requirement, since a special committee would be preferable, such as that established for apartheid in the past. The technical assistance provided by the Office deserved praise, but it was the duty of the Organization to provide it.

Mr. Alfaro Mijangos (Government, Guatemala) supported the increase in technical assistance and technical cooperation for the workers of the occupied Arab territories. The peace process did not apply solely to political and civil rights, but fundamentally to the right to existence, the right to a decent life and the right to work in conditions of dignity. Where skills and jobs were low, peace did not always have great significance: where living conditions were precarious there was terrible poverty. Peace was more than the absence of war or strife. Real peace allowed individuals to fulfil their obligations towards their families and to enjoy basic human rights. Therefore, the technical assistance and cooperation provided by the ILO for such workers was fundamental to the peace process. This would in turn lead to the workers themselves being involved in the process and enjoying real peace.

Mr. Haydoub (Government, Sudan) supported the statement by the Government of Namibia. ILO technical cooperation and assistance in this area was welcome. Special sittings held in the past had drawn attention to the problems involved and led to the development of greater technical cooperation. This proved the worth of such special sittings, and he hence appealed to the Governing Body to endorse the holding of special sittings. The situation of workers of the occupied territories was deteriorating in terms of unemployment and social security, and international labour standards were being disregarded. There should not be two different yardsticks: objective measures were needed within the framework of the Constitution of the ILO and the Standing Orders of the Conference. The Palestinian people should see the benefits of peace in their housing, their work, and in the social guarantees and benefits that they may enjoy, for only then would there be true peace.

Mr. Al Hadlaq (Government, Saudi Arabia) welcomed the unanimity on the issue of rapid technical cooperation and aid to be provided to the workers of the occupied territories. The holding of a special sitting did not constitute politicization of the Conference, but rather an opportunity to focus on the Director-General's report on the situation of workers of the occupied territories. He would abstain from repeating what other colleagues from Arab countries and elsewhere had said in favour of a special sitting. He supported the proposal for a special sitting.

Mr. Pirogov (Government, Russian Federation) stated that his Government attached special importance to discussion of the issue at the Conference, but at the same time it was essential for the international community to achieve a consensus in the Organization's
interests. Much remained to be done in the peace process, and further joint efforts were needed. A consensus was clearly achievable and should prevail.

_Ms. Musulin_ (Government, Croatia) associated herself with the statements made on behalf of the European Union and by Canada.

_Mr. Kettdelas_ (Government, South Africa) supported the position adopted by the OAU Tripartite Labour and Social Affairs Commission and stated by the Government of Namibia. In 1999 the Director-General had presented a report on the situation of workers of the occupied territories which highlighted the obstacles to equality of opportunity and treatment that Palestinian workers faced with respect to access to employment within the occupied territories and in settlements and other difficulties. He expressed appreciation for the efforts by the ILO to improve the living and working conditions of people in the occupied territories. The technical assistance programme in the West Bank, Gaza and the Palestinian territories needed to be sustained in relation to workers' rights, capacity building, employment creation, and the promotion of social dialogue and social protection. Social justice, respect for human rights, freedom and democracy must be upheld and he supported all efforts by the ILO to ensure this. The special sittings had in the past contributed to the achievement of those objectives and should be continued.

_Mr. El-Telawi_ (representative of the Arab Labour Organization) emphasized the good cooperation between the ALO and the ILO. The ILO had shown courage in placing the item on the Governing Body's agenda, and the paper before the Governing Body was a repetition of documents seen in the past and contained no new elements. Special sittings had in the past enabled the ILO to give the issues the attention they merited. However, he did not intend to speak now in favour of a special sitting, but rather to observe that it would have been reasonable to expect that those who were opposed to a special sitting had proposed something else in view of the seriousness of the situation. Technical cooperation was of primordial importance, but the very ambitious project proposed in 1993 had never materialized. Many missions visited the occupied territories, but little real action occurred. In any case, while it was important, the provision of technical cooperation should not exclude the possibility of examining the situation from the point of view of human rights or international labour standards. The Conference resolution of 1980 had never been implemented, yet it underlay the ILO's legitimacy in this area. The proposal for a special sitting was not about winning a political battle but of assisting the work of the ILO.

_Lord Brett_ (Worker, United Kingdom; Worker Vice-Chairperson), speaking in his personal capacity, stated in reply to the previous speaker that the alternative to a special sitting was, as suggested by Mr. Thüsing, to discuss the issue in the general context of the report of the Director-General. He assured him that he would support the interests of Palestinian workers and the very large programme of technical cooperation that the Office was implementing, and he would urge all donor States to support those projects. But the ILO had not shown courage in putting the item on the agenda: it derived from a resolution submitted by the Arab regular members of the Governing Body. In reply to the Government of the Islamic Republic of Iran, whose abilities and good faith he did not question, he emphasized that he did not need instruction on how to represent the interests of workers. In reply to the Governments of the Libyan Arab Jamahiriya and Sudan, who had referred to double standards in relation to Burma, he observed that their views would carry more weight if they had made a positive contribution to the discussion on Burma.

Furthermore, there was no proposal for a special sitting in the Office paper, which simply invited the Governing Body to take a decision. Developments had taken place since November, and it was important to take account of them. Special sittings in the past had been of varied worth, and the positions on whether to hold them had varied considerably in all groups of the Governing Body. A special sitting in 2000 would not assist, and could indeed damage the very delicate peace process at what was a very special stage. He hoped
the Governing Body would avoid voting to settle the issue, a sentiment shared by Mr. El-Telawi, since a consensus was of great value.

Finally, in reply to the Governments who had accused the Governing Body of applying double standards by comparison with the case of Burma, he observed that he had been a trade union leader for 20 years, but it was highly unlikely that he could have been elected as the leader of a free independent trade union in any of those countries in the last 20 years.

Mr. Haydoub (Government, Sudan) observed in reply that in the discussion on Myanmar his Government had not abstained from participation.

Mr. Soltanieh (Government, Islamic Republic of Iran) assured Lord Brett that he was open to the views of all members of the Governing Body. He had in fact welcomed the consensus in favour of seeking ways and means to redress the situation and support Palestinian workers. His comments on politicization had been a genuine question. His Government had not spoken in the Myanmar debate for reasons he had already explained. In November it had spoken in favour of giving an opportunity to the Government to solve the problems, but it naturally agreed that Myanmar and any other countries failing to fully implement the provisions of a Convention should be called to account. He looked forward to learning further from Lord Brett and others in the Governing Body, and would similarly make his own experience available to others.

Mr. Al-Mehiri (Government, United Arab Emirates), speaking on behalf of the members of the Governing Body who had submitted the draft resolution in November, thanked the Director-General for the Office paper, which was accurate, objective and transparent. He thanked all who had spoken in the discussion. In the interests of achieving a consensus and ensuring a spirit of harmony in the Governing Body, he stated that the sponsors of the resolution did not now insist on the holding of a special sitting. At the Conference the Arab delegates would have an opportunity to ensure that such issues were dealt with in conformity with the Standing Orders, possibly through a resolution. They hence did not insist on a vote on the proposal. He expressed thanks to all members of the Governing Body who had expressed their willingness to vote in favour of the holding of a special sitting. In the light of the need for a continuing consensus and in order to avoid creating divisions, he left it to the wisdom of the Officers of the Governing Body to draw the appropriate conclusions regarding a special sitting.

The reasons that had prompted the proposal for a special sitting remained valid, however: military occupation by Israel continued in the territories of three Arab countries – the Syrian Arab Republic, Lebanon and Palestine – two of which were Members of the ILO. Israeli colonization was extending increasingly in the Palestinian and Syrian occupied territories, and Israel was confiscating natural resources there. The rights of Palestinian workers were violated on a daily basis, and discrimination was rife in relation to wages, conditions of work and social benefits and in public life in general, in defiance of international labour standards. Some 140,000 Palestinian workers daily crossed the so-called “green line” after humiliations and suffering at the border crossings at the hands of Israeli security officials. Whenever there was even a minor incident, or for any reason deemed adequate, they were forbidden to continue to their places of work, with consequences for their wages and the risk of dismissal.

He thanked the Chairperson for the moral stance he had taken and for showing understanding of their view. He also thanked him for appreciating the concern of the Arab group and the constructive spirit he had shown at their meeting of the previous week. He also thanked all those who had listened to their views, despite external pressure, and to all members who had expressed sympathy with their position. Anything that ran counter to the interests of the Palestinian people would ultimately fail, for only justice prevailed in the
long term. The sponsors of the resolution were disappointed that for political reasons the cause of a whole people had not received proper consideration in accordance with the principles and mandate of the ILO. The ILO must avoid any policy of double standards, for social protection was a right that should be enjoyed by all without discrimination.

Finally, he thanked the Director-General for the objective approach he had adopted in analysing the situation of workers of the occupied Arab territories and Palestine. He looked forward to the report of the Task Force.

The Chairperson thanked the previous speaker for his kind comments. He had simply endeavoured to facilitate consultations and ensure that the discussions went smoothly.

Summing up the discussion, he noted that there was obviously unanimous support for the peace process and efforts to improve living conditions in the occupied Arab territories. There was also obviously unanimous support for the presence and activities of the ILO in the field and for the ILO to increase the technical cooperation and assistance it provided.

Finally, he took it that there was a consensus that there should not be a special sitting at the 88th Session of the International Labour Conference in June to consider the appendix to the report of the Director-General concerning the situation of workers of the occupied territories.

It was so decided.

The sitting closed at 5.35 p.m.
SIXTH SITTING (PRIVATE)

Thursday, 30 March 2000, afternoon

The sitting opened at 5.45 p.m., with Mr. Elmiger in the Chair.

At this sitting, which was held in private, the Governing Body took the following decisions.

Seventeenth item on the agenda

REPORT OF THE DIRECTOR-GENERAL (cont.)

Second Supplementary Report:
Replacement of a member of a committee set up to examine a representation submitted under article 24 of the ILO Constitution

The Governing Body appointed a replacement Government member of the committee it had set up at its 273rd Session (November 1998) to examine a representation alleging non-observance by Ethiopia of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Termination of Employment Convention, 1982 (No. 158), made under article 24 of the ILO Constitution by the National Confederation of Eritrean Workers (NCEW).

Fifth Supplementary Report:
Report of the Committee set up to examine the representation alleging non-observance by Chile of the Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35), the Old-Age Insurance (Agriculture) Convention, 1933 (No. 36), the Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37), and the Invalidity Insurance (Agriculture) Convention, 1933 (No. 38), made under article 24 of the ILO Constitution by certain national workers' unions of the private sector pension funds (AFPs)

The Governing Body adopted the recommendations in the report and declared closed the procedure initiated before the Governing Body as a result of the representation.

Sixth Supplementary Report:
Representation alleging non-observance by Ethiopia of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Termination of Employment Convention, 1982 (No. 158), made under article 24 of the ILO Constitution by the National Confederation of Eritrean Workers (NCEW)

Interim report

The Governing Body took note of a statement by the Government of Ethiopia and adopted the recommendations in the report.
Eighteenth item on the agenda

REPORTS OF THE OFFICERS OF THE GOVERNING BODY

First report:
Representation alleging non-observance by Colombia of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the Central Unitary Workers' Union (CUT) and the Colombian Medical Trade Union Association (ASMEDAS)

The Governing Body decided that the representation was receivable, and appointed a committee to examine it.

Second report:
Representation alleging non-observance by the Czech Republic of the Protection of Wages Convention, 1949 (No. 95), made under article 24 of the ILO Constitution by the Czech-Moravian Confederation of Trade Unions (CMKOS)

The Governing Body took note that the representation had been withdrawn.

Third report:
Representation alleging non-observance by Denmark of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the Sulinermik Inuussutissarissartut Kattuffiat (SIK)

The Governing Body decided that the representation was receivable, and appointed a committee to examine it.

Fourth report:
Representation alleging non-observance by Ecuador of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the Ecuadorian Confederation of Free Trade Union Organizations (CEOSL)

The Governing Body decided that the representation was receivable, and appointed a committee to examine it.

Fifth report:
Representation alleging non-observance by Turkey of the Termination of Employment Convention, 1982 (No. 158), made under article 24 of the ILO Constitution by the Confederation of Turkish Trade Unions (TÜRK-IS)

The Governing Body decided that the representation was receivable, and appointed a committee to examine it.

The sitting closed at 5.55 p.m.
SEVENTH SITTING

Thursday, 30 March 2000, afternoon

The sitting opened at 6 p.m., with Mr. Elmiger in the Chair.

Fourth item on the agenda

REPORT AND CONCLUSIONS OF THE NINTH AFRICAN REGIONAL MEETING
(ABIDJAN, 8-11 DECEMBER 1999)

The Chairperson stated that he had had the honour to attend the Meeting, and had been deeply impressed by the rigorous work accomplished.

Mr. Agyei (Worker, Ghana) supported the recommendations in the report. He drew attention in particular to the value of the Jobs for Africa programme, the scope of which had been widened: initially designed for ten countries, it had now been expanded to cover more on account of the interest that African countries had shown in the programme. A resource mobilization strategy had been decided to finance the country action programmes, and the Workers urged the ILO to intensify its efforts in this direction.

All participants had agreed on the need to strengthen social dialogue, and the Workers had taken the opportunity, in the spirit of tripartism, to remind African governments that they should endeavour to send full tripartite delegations to tripartite ILO meetings, since in some unfortunate cases representatives of workers and employers were excluded. The low number of ratifications secured by Convention No. 182 so far in Africa was also highlighted, and African governments were asked to ratify this very important Convention. The impact of HIV/AIDS on children, labour markets and the State in general was recognized. The Meeting drew attention to the cultural and social consequences, and this led to the unanimous adoption of the resolution, which contained a platform for action. The Workers supported the recommendations in the report.

Mr. Owuor (Employer, Kenya) joined Mr. Agyei in praising the success of the Meeting, and thanked the Chairperson and the Director-General for attending. Nevertheless, more Employers' and Workers' delegates could have attended had their governments honoured their obligations and paid their costs. He had attended such meetings since 1973, but this was the first time it had considered all questions in plenary sitting without resort to committees. This had some advantages, but it meant that there was not adequate opportunity for in-depth analysis. The Meeting had nevertheless been conducted in a business-like manner.

The Meeting had renewed Africa's commitment to the elimination of the worst forms of child labour, and practically all governments committed themselves to ratifying the Worst Forms of Child Labour Convention, 1999 (No. 182). A number of governments had also requested an extension of the Jobs for Africa programme, which currently covered only 16 countries. The Meeting called on the ILO to continue to endeavour to help employers' and workers' organizations to improve their ability to defend their members' interests and to contribute to the formulation and implementation of social and economic policies.

The Meeting called for the strengthening of ILO field structures by providing more adequate resources to the multidisciplinary teams. The hope was expressed that the ILO
would continue to help constituents identify their needs and to respond appropriately. The ILO was asked to continue to collaborate with international donors in the fight against poverty in the African region and to implement a framework for follow-up on programmes, as well as for the assessment of their results. The panel discussion on AIDS had adopted the Platform for Action and requested the combined efforts of the international community to assist Africa in fighting the disease. The Employers supported the conclusions and recommendations in the report.

Mr. Ramashia (Government, South Africa) expressed his appreciation to the Chairperson for having personally attended the Ninth African Regional Meeting, which was significant in that African countries had renewed their commitment to poverty alleviation and employment creation. The Meeting had reviewed the challenges faced by the continent as a result of globalization. African countries were now beginning to define their political role and their response to the challenges. They hence confirmed their orientation towards better governance and increased consultation and participation by employers’ and workers’ organizations and civil society in the social policy-making process. The ILO’s work was of great importance in helping Africa to achieve its goal of employment creation and poverty alleviation: particular attention was given to the Jobs for Africa programme, which was praised for its efficiency. The ILO and UNDP needed to mobilize the resources needed, for the project had enormous potential and could contribute to the eradication and alleviation of poverty in Africa.

Considerable attention was also given to HIV/AIDS, the greatest menace faced by Africa today. Its impact was devastating. The challenge for the ILO was to use resources from both the regular budget for technical cooperation and extra-budgetary resources to help constituents reduce the rising number of cases. There were calls for greater collaboration with the UN-AIDS programme. The resolution unanimously adopted should receive close examination. HIV/AIDS should be the subject of a further InFocus programme.

He supported the conclusions and recommendations in the report, and appreciated the role that both ILO headquarters and the Regional Office had played in ensuring the success of the Meeting.

Mr. Raïs (Government, Algeria) expressed strong support for the Jobs for Africa programme, which was a key element in the struggle against unemployment and poverty and a direct expression of one of the commitments made at the World Summit for Social Development. It was a highly practical programme, leading to national programmes on job creation and social protection rather than stop-gap measures of limited relevance. The programme should be expanded, but first it needed a firmer foundation within the HO and greater provision for assessments to tailor it to individual countries. His country stood ready to assist in this endeavour.

The Governing Body adopted the recommendations in paragraph 109 of the report.

Fifth item on the agenda

GOVERNING BODY SYMPOSIUM ON DECENT WORK FOR WOMEN - THE ILO’S CONTRIBUTION TO WOMEN 2000: GENDER EQUALITY, DEVELOPMENT AND PEACE FOR THE TWENTY-FIRST CENTURY (NEW YORK, 5-9 JUNE 2000)

Ms. Iwata (Government, Japan), speaking as the Reporter of the symposium, stated that it had been chaired by Mr. Elmiger and attended also by representatives of governments, employers’ and workers’ organizations, and NGOs. In his opening statement
the Director-General had stated that the decent work agenda placed gender equality and development issues at the heart of ILO activities. It was the first time that the Governing Body had discussed the importance of gender equality and how to promote it through the concept of decent work under the ILO’s four strategic objectives.

Two eminent women had appeared as keynote speakers: Angela King, Special Adviser on Women and Gender Issues to the United Nations Secretary-General, who stated that the decent work agenda would help the implementation of the Beijing Platform for Action; and Bina Agarwal, Professor of Economics at the University of Delhi, who referred to the gender gap in the ownership of property and productive assets, and especially the issue of women’s access to land.

The discussions were stimulating, and a general consensus was reached on how to promote decent work for women, including the following: the ILO had played and should play a leading role in implementing the Beijing Platform of Action, which was closely related to the mandate of the ILO. The ILO’s new approach to decent work and the strategic objectives would help accelerate the implementation of the Beijing Platform of Action. Gender equality was a matter of rights, efficiency and good business sense. The need for strong social dialogue on gender issues in the world of work and in society at large should be underlined. Constituents should be actively engaged in shaping and implementing policies and strategies in this area.

As regards fundamental principles and rights at work, women’s rights should be promoted through observance of the principles contained in the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up and through the ratification and implementation of core Conventions, in particular Conventions Nos. 100 and 111. Special attention should be given to the promotion of the principles enshrined in other ILO Conventions, such as those on maternity protection, social security, workers with family responsibilities, part-time work and home work. Finally, the gap between de jure and de facto situations of women was persistent. Policies and instruments should be developed to narrow this gap still further.

Regarding employment and social protection, national employment policies should guarantee full and equal access for women and men to employment and training; the eradication of poverty and inequity needs to be further addressed from a gender perspective; innovative schemes for productive micro- and small enterprises, including those in the informal sector which have become important generators of jobs for women, should be further developed. The employability of women should be strengthened by basic education, lifelong learning and the acquisition of new skills such as communication and information technology skills. Special attention should be paid to the employment of vulnerable groups such as older women, rural women, migrant women, and young female workers.

In the field of social dialogue, efforts should be made to promote equal participation of women and men in the decision-making process of employers’ and workers’ organizations, and collective bargaining should address gender issues in the field of working conditions. Women should be better represented in decision-making for collective bargaining.

It was the general hope of the participants that the ILO would introduce agenda dimensions in all these activities, such as standard setting, technical cooperation, research and the development of statistics, ensure sufficient budget allocations for gender activities, and establish monitoring and benchmarking systems to ensure gender mainstreaming. The symposium had been successful not only because a strong, common understanding emerged, but also because it showed the need for the ILO to further develop concepts and policy tools. Tripartite participation by the ILO in Women 2000 was desirable, as at the
World Summit for Social Development and Beyond in June. A comprehensive report might be prepared by the Office and distributed to all constituents. She thanked those who had helped her finalize her report.

Ms. Engelen-Kefer (Worker, Germany) thanked Ms. Iwata for a comprehensive and interesting report, and thanked the Office and the Director-General for organizing the seminar, which was very well prepared. As regards fundamental principles and rights at work, the Workers’ group were in favour of a special campaign by the Office to promote Conventions Nos. 100 and 111, which were so important for the situation of women. Basic education, lifelong learning and the acquisition of new skills, especially in communications and information technology, were of great importance for the integration of women into the knowledge and information society and to bridge the gap between the industrialized and the developing countries. The former were in need of such skills, and in the longer term the information and technology sector would develop worldwide. As regards social dialogue, the Governing Body itself could improve the numbers of women in its seats. Finally, it would be useful for an event to be organized by the Office during the World Summit for Social Development and Beyond in June.

Mr. Mishra (Government, India) congratulated Ms. Iwata on an excellent report. The symposium had been a fascinating combination of creative energies on an issue directly addressed in the ILO Declaration on Fundamental Principles and Rights at Work. National policies and programmes of action, and the history of human development as a whole had overlooked gender issues, to the detriment of evolution, progress and the situation of girls and women. Ingrained social attitudes needed to be changed to ensure respect for the dignity and freedom of women as mothers, workers and human beings.

Ms. Ekmann Jensen (Government, Denmark), speaking on behalf of the IMEC governments, thanked the Office for organizing the symposium, which had been the first opportunity for the Governing Body to discuss gender equality and the way to promote it using the decent work concept. She also expressed appreciation to Ms. Iwata for an excellent summary. The IMEC governments attached great importance to gender issues in the world of work, and therefore warmly welcomed the opportunity to hear the views of the social partners, which showed that all were committed to promoting decent work for women. The Reporter’s summary could also serve as guidance for the Office.

Ms. O’Donovan (Worker, Ireland) referred to the need for future action by the ILO to develop the ideas emerging from the symposium. There was a need to establish monitoring and benchmarking systems to ensure gender mainstreaming. The ILO had set itself some very ambitious targets in relation to a whole range of issues, but without reference points progress could not be measured, and it would be very difficult to ensure that the targets were attained. Finally, in the Governing Body itself members should make a conscious effort to avoid the use of sexist language. This was obviously not easy in a multilingual forum, and an effort was needed.

Mr. Niles (Employer, United States) stated that the Employers had been pleased to participate in what had been a very useful symposium, and fully concurred with the report by Ms. Iwata. The symposium had made clear the importance of achieving equality in employment and other conditions of work for women, and that, while a good deal of progress had been made toward those goals, much remained to be done. It was important to take into account the special requirements of women in a way that, while protecting their interests, avoided creating further obstacles to or reducing their opportunities for employment. As regards ILO standard setting it was important to avoid establishing, or trying to establish, standards that were either impossible to meet or unratifiable.

Finally, as regards the importance of education, it was clear that if schools and higher educational institutions could be opened more widely to women and the psychological
barriers which had often closed certain professions and areas of studies to women could be eliminated, future generations would see much greater equality, perhaps even in some areas traditionally dominated by women. New technology was sure to be involved in this process.

_The Governing Body took note of the oral report by Ms. Iwata._

**Eighth item on the agenda**

**DEVELOPMENTS IN THE UNITED NATIONS, 1999-2000**

_Lord Brett_ (Worker, United Kingdom; Worker Vice-Chairperson) found the paper valuable, especially for those who were not intimately involved with the UN system. In view of the time, he would refrain from further comment on the paper.

_Mr. Thüsing_ (Employer, Germany; Employer Vice-Chairperson) found the document quite readable. It was important for the Governing Body to be informed of developments in the UN, but the level of detail was perhaps excessive. It might be preferable for the Office to consider systematically communicating important speeches made by the Director-General and senior staff to members of the Governing Body.

_The Governing Body took note of the Office paper._

**Fifteenth item on the agenda**

**REPORT OF THE COMMITTEE ON TECHNICAL COOPERATION**

_Lord Brett_ (Worker, United Kingdom; Worker Vice-Chairperson) observed that the usual rule was that, except in special circumstances, it was not normal for the Governing Body to discuss details of committee reports. The Workers' group approved the points for decision.

_Ms. Boccoz_ (Government, France), speaking on behalf of the Government group, supported the point for decision. She was pleased that an agreement had finally been reached on the issue of monitoring, and concrete improvements could now be expected in this area. The Government group would supply its nominations for the on-the-spot reviews of field activities in due course, on the understanding that all participants in the exercises foreseen would in fact be attending a regional or other meeting for the region concerned. The Working Group of the Committee on Technical Cooperation to examine the involvement of the Governing Body in such activities beyond the present biennium was an informal body that would not take any decisions but would merely report to the Committee on Technical Cooperation. Its mandate was limited to the current biennium, after which it would not be called on to meet again.

_Mr. Thüsing_ (Employer, Germany; Employer Vice-Chairperson) and _Lord Brett_ (Worker, United Kingdom; Worker Vice-Chairperson) stated that their groups would also supply their nominations for the on-the-spot reviews of field activities in due course.

_The Governing Body adopted the recommendations in paragraph 63 of the report._

_The sitting closed at 7.05 p.m._
EIGHTH SITTING

Friday, 31 March 2000, morning

The sitting opened at 10.20 a.m., with Mr. Elmiger in the Chair.

Thirteenth item on the agenda

REPORT OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL POLICY

Mr. Klotz (Government, Germany) requested an addition to paragraph 24 of the report, which he would supply in writing.

Mr. Majek (Government, Slovakia) requested an amendment to paragraph 51, which he would submit in writing.

The Governing Body adopted the recommendations in paragraphs 75 and 76 of the report.

Mr. Thüsing (Employer, Germany; Employer Vice-Chairperson) stated that the Employers supported the recommendations in the report, on the understanding that the outcome of the special session would be discussed in the Committee on Employment and Social Policy.

Lord Brett (Worker, United Kingdom; Worker Vice-Chairperson) observed that the outcome of the special session would also have clear implications for the work of the Working Party on the Social Dimension of Globalization in a general context, and for the Committee on Employment and Social Policy in terms of follow-up. The decision hence did not have to be exclusive.

Ms. Niven (Government, United Kingdom), speaking on behalf of the IMEC governments, supported the recommendations in the report. The strategic policy framework for the ILO would be presented to the Governing Body in November, together with the objectives and targets. It would therefore be appropriate for the Office to prepare a paper for the Committee on Employment and Social Policy in November setting out the ILO strategy on employment, together with specific objectives and targets. This would establish the framework in which to discuss other aspects of follow-up on the special session and preparations for the World Employment Forum in 2001. Naturally, there were other issues to be included on the ESP agenda in November, and its work would hence require more than a single day. She therefore requested the Office to examine the possibility of allocating two days for the Committee's work in November.

The representative of the Director-General (Mr. Hultin, Executive Director) stated that the agenda for the Committee on Employment and Social Policy in November had already been discussed among those concerned, and the wishes expressed had been noted. The agenda would also include an item on the functioning of the Committee.

The Governing Body adopted the recommendations in paragraph 77 of the report.
Ten item on the agenda

REPORTS OF THE PROGRAMME, FINANCIAL AND ADMINISTRATIVE COMMITTEE

Mr. Blondel (Worker, France), speaking as the Committee’s Reporter, introduced the reports. The situation regarding contributions and the accounts had received comment. Efforts had been made to reduce to the absolute minimum the contributions due from the poorest countries, while at the same time many had emphasized the importance of governments paying on time. Since voting rights were also at stake here, the Committee had appealed to all Members to improve this situation.

As regards the treatment of the 1998-99 cash surplus, the Committee had found a solution involving a derogation from the Financial Regulations to allow a one-time allocation for investment in information technology. This had been the subject of an extensive discussion, and the Committee had attached importance to the provision of information on the use to which the allocation was put.

Internal and external auditors’ reports had also been examined. The former had been reassuring and indicated efficient management.

The work of the United Nations Joint Inspection Unit had been the subject of considerable misgivings. Many had perceived the JIU as wishing to take over decisions on matters that were the prerogative of the Governing Body. There was clearly a role for a body such as the JIU, but it should refrain from excessive interference. It was hoped that such behaviour would not recur and that the JIU’s relations with the ILO and other agencies would return to being open and cooperative.

The Committee had welcomed the ILO’s new strategy for the development of its human resources, in particular the introduction of collective bargaining with the staff. This was a valuable precedent in full observance of the ILO’s own Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). Some aspects remained to be clarified, however, such as the scope of such negotiation in the context of the international civil service. Nevertheless, the arrangements would be practical and bring immediate improvements.

All issues had been settled pragmatically in the Committee, and this was a good sign of the constant search for consensus in the management of the ILO.

First report: Financial and general questions

The Governing Body adopted the recommendations in paragraphs 5, 46, 90, 139 and 144 of the report, and took note of the other sections.

Second report: Personnel questions

The Governing Body adopted the recommendations in paragraphs 49 and 71 of the report, and took note of the other sections.

Report of the Government members of the Committee on allocations matters

The Governing Body adopted the recommendations in paragraphs 3, 21 and 23 of the report.
Addendum: Other financial and general questions

Financial arrangements for a tripartite monitoring and evaluation review of technical cooperation in 2000-01

The Governing Body adopted the recommendations in paragraph 2 of the paper.

Matters relating to the Administrative Tribunal of the ILO:
Composition of the Tribunal

The Governing Body adopted the recommendations in paragraphs 4, 5 and 6 of the paper.

Mr. Blondel (Worker, France) welcomed the adoption of decisions not by a mere consensus, but unanimously. He hoped this would continue.

Eleventh item on the agenda

REPORTS OF THE COMMITTEE ON LEGAL ISSUES AND INTERNATIONAL LABOUR STANDARDS

Second report: International Labour Standards and Human Rights

The Governing Body adopted the recommendations in paragraphs 8 and 36 of the report.

Twelfth item on the agenda

REPORT OF THE SUBCOMMITTEE ON MULTINATIONAL ENTERPRISES

Tribute to Ms. Jean Perlin

Mr. Noakes (Employer, Australia), speaking on behalf of the Employers’ group, supported the point for decision in the report. He paid tribute to the work of Ms. Jean Perlin as Chairperson of the Subcommittee. All members of the Governing Body were familiar with the quality of Ms. Perlin’s frequent statements on behalf of the IMEC group, but few were familiar with her qualities as Chairperson of the Subcommittee on Multinational Enterprises over the previous four years. She had shown the experience and wisdom necessary to bring discussions to a successful conclusion, while remaining calm and retaining her serenity in the face of difficulties. She had also the gift of knowing when it was useful for the Chair to intervene, and when it was not. Under her leadership the Subcommittee had dealt with many difficult issues, but because of her qualities had been able to reach a satisfactory conclusion. He expressed to her the gratitude of the Employers’ group and wished her a long, happy and healthy retirement.

Mr. Patel (Worker, South Africa), speaking on behalf of the Worker’s group, supported the point for decision. The Workers also wished to pay tribute to Ms. Perlin for the great competence she had shown in chairing the Subcommittee. He fully supported Mr. Noakes’ comments, and wished her well in her future life. The Subcommittee also deserved credit for the very positive approach it had taken to the promotional work on the Tripartite Declaration.
Lord Brett (Worker, United Kingdom; Worker Vice-Chairperson) echoed the tributes to Ms. Perlin. Over the past few years he had had the privilege to observe her skilful negotiating abilities in many different contexts, and her tenacity was to be admired. She had at all times remained cool and calm and never lost her temper. She was a credit to the diplomatic service of Canada and a valuable colleague.

Ms. Niven (Government, United Kingdom), speaking on behalf of the IMEC governments, thanked Ms. Perlin for the quiet, efficient and effective manner in which she had chaired the Subcommittee. Her graceful and calm approach had added great value to its work and she deserved gratitude for it. They extended their very best wishes for her future.

Mr. Majek (Government, Slovakia), speaking on behalf of the Government group, thanked Ms. Perlin for the wisdom and experience that she had contributed to the work of the ILO, especially in the meetings of the regional coordinators. He wished her well in her new life.

The representative of the Director-General (Mr. Hultin, Executive Director) stated that the Office staff associated themselves with the tributes to Ms. Perlin. She had been a great inspiration for its work, and she would be missed.

The Chairperson echoed the sentiments expressed. Ms. Perlin had earned great praise for her work and deserved congratulations for a job very well done.

Ms. Perlin (Government, Canada) was moved by the expressions of thanks and good wishes. Lord Brett had been an equally formidable opponent, and she thanked him for his tribute. She thanked in particular the Officers and members of the Subcommittee on Multinational Enterprises, who had all worked in a spirit of commitment and compromise in dealing with a number of difficult issues. Nevertheless, they had always reached a consensus. She drew attention to the considerable interest shown by the Governing Body and external observers in the Subcommittee and in the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy. She hence felt that she was leaving the Subcommittee in good health. She wished it well in its future work: it had an important and interesting work programme and she would miss being part of it. Finally, she thanked Mr. Abate and his staff in the ILO’s Multinational Enterprises Department, who had lent her great support.

The Governing Body adopted the recommendations in paragraph 61 of the report.

The Clerk of the Governing Body stated that the Government of Japan had supplied an amendment to paragraph 53, which would be duly recorded.

Fourteenth item on the agenda

REPORT OF THE COMMITTEE ON SECTORAL AND TECHNICAL MEETINGS
AND RELATED ISSUES

Mr. Zhang (Government, China) stated that he would supply an amendment in writing to paragraph 24 of the report.

Mr. Zellhoefer (Worker, United States) drew attention to a typographical error in paragraph 60: four lines from the bottom of the page, there should be a comma after the word “organization”.

VIII/4
The Governing Body adopted the recommendations in paragraphs 41, 46, 51, 57, 62, 67 and 71 of the report.

Sixteenth item on the agenda

REPORT OF THE WORKING PARTY ON THE SOCIAL DIMENSIONS OF THE LIBERALIZATION OF INTERNATIONAL TRADE

Oral report by the Chairperson of the Working Party

The Chairperson, who had chaired the Working Party following the departure of Ambassador Lyne, presented an oral report on its work. The Working Party had two documents before it, one on its future activities, the other on recent developments in other organizations. It had devoted all its discussions to the first item.

In general, all speakers had welcomed what Lord Brett had referred to as a rebirth of the Working Party, which had acquired a personality of its own by succeeding in overcoming the profound divisions that had marked its initial work, and had achieved a genuine climate of confidence. The Employers’ spokesperson, Mr. Tabani, called this a second phase of the Working Party and emphasized the need to strengthen its credibility still further, so that it was now acknowledged by all organizations as the international forum in which the social dimensions of the liberalization of international trade and globalization could be discussed without any inhibitions, whereas governments sometimes had a tendency to try to raise these issues in other forums or even to set up new bodies for this purpose outside the ILO.

The theme of making the most of the advantages offered by the Working Party in order to promote an integrated approach between the ILO and the international community in dealing with the interaction of economic and social issues within the globalization process had been supported by a significant number of speakers. Similarly, various delegates had stressed that the ILO should take the lead based on its comparative advantage, particularly its knowledge base and its unique tripartite structure, when examining the socio-economic aspects of the globalization process. The Working Party, therefore, was particularly well-placed to develop knowledge, to prepare and discuss policy positions, and to work on consensus building while promoting understanding between the tripartite ILO and other international organizations. In reply to the reference to the possible role of ECOSOC in promoting this integrated approach, it was stressed that ECOSOC was not a tripartite body and could not therefore draw on the expertise of the social partners.

It was also thought necessary to further publicize and make available for consultation the work of the Working Party in order to catch the attention of the international community. Some delegates favoured the idea of establishing a permanent website, as suggested in the Office paper, as a means of facilitating information sharing, even if further information was requested regarding the implications of setting up such a website.

Regarding collaboration with the World Trade Organization (WTO), the Worker Vice-Chairperson had supported this idea, which should be encouraged along the lines already put forward in the Singapore Declaration. The Working Party’s appropriateness as a forum for discussion on the links between trade and core labour standards within a globalized economy was emphasized, even if a degree of opposition was expressed on this issue. Regarding collaboration with the Bretton Woods institutions, some delegates highlighted the encouraging change of attitude and policy developments undergone by those organizations since the establishment of the Working Party. The move towards strengthened collaboration was echoed by many speakers. The possibility of distributing a
questionnaire to other international organizations, including the WTO and the Bretton Woods institutions, asking them how they viewed the Declaration on Fundamental Principles and Rights at Work, was also put forward. Finally, support was given to strengthening collaboration with UNCTAD and examining how the Bangkok Declaration and Plan of Action could be better included in the integrated approach.

Representatives of the International Monetary Fund, the World Trade Organization and the World Bank had also made statements in the Working Party. They had all supported the development of an integrated approach to economic and social policies and expressed their willingness to collaborate with the ILO in that regard. The Working Party had an important role to play in understanding and debating the social dimensions of globalization, and all three institutions were evolving in a way that would help develop a strengthened partnership with the ILO. Appreciation was expressed for these statements, which were a première.

The Director-General’s decision to develop the Office’s internal institutional capacity to assume its responsibilities vis-à-vis other organizations by establishing an International Policy Group (IPG) and a study unit within the Group, as well as an Advisory Committee on International Policy Issues (ACIP) was welcomed by most speakers. Some asked, however, for further information about and clarification of the role of the IPG, its mandate, its resources, its relationship with the Working Party and with external players, and about the objectives and activities of the ACIP and the study unit established within the IPG. The importance was stressed of the Group’s taking concerns and issues into account from a neutral position. Many speakers had pointed to the need to strengthen the Office’s capacity to better understand the social impact of globalization, and to strengthen the capacity of the ILO to enter into a dialogue on these issues with other international organizations. Finally, various speakers had stressed the need to provide sufficient resources to strengthen this analytical capacity.

As regards the future programme of work and research of the Working Party, opinions had largely converged on extending the range of problems discussed to go beyond the liberalization of trade. The general line of the Office paper was to turn the Working Party into an institutional device to develop a more integrated conception of economic and social development while endeavouring to put an end to any dichotomy of approach that would ultimately be counter-productive, both economically and socially, and this view received broad support. However, a number of speakers, including the IMEC governments, had stressed that the emphasis thus placed on the need for an integrated approach should not have the effect of dodging the issue that lay at the heart of the Working Party’s mandate, namely the problem of the equitable sharing of the possible benefits and sacrifices resulting from the liberalization of trade. Many referred in this connection to the conclusions in the synthesis report on the country studies discussed in November 1999. This concern was addressed in the proposal to continue the country studies, possibly in a revised format. A number of related statements stressed more specifically that the question of the link between standards and international commerce should not be overlooked, even if there was no question whatsoever of any return to a protectionist view of that link, which had been definitively rejected by the Working Party. The Employers’ spokesperson, however, had cautioned against any over-simplistic view of the subject, stressing that it was difficult to limit the studies on the economic impact of standards to the fundamental standards alone.

Several comments were made on the list of subjects for research or other activities to promote an integrated approach set out in paragraph 19 of the Office paper. A number of speakers had expressed concern that certain subjects in the list should not overlap with the competence of other committees, such as the proposed study on the changing role of pension funds in the global economy and its implications. Here there seemed to be some misunderstanding, since the list was only intended to set out current or planned research
with a view to an integrated approach, without in any way prejudging the question of the committee under whose competence such research might fall. Several speakers also regretted that the proposals seemed toned down by comparison with those in paragraph 101 of the synthesis report of November 1999. The observation in the Office paper that the comments should be taken into account for the purposes of strategic programming was supported by several speakers, as was the idea of involving the Working Party in the preparation of future programme proposals.

A number of specific comments were made on the themes proposed, and in particular the last one, concerning private sector initiatives, on which the Employers' spokesperson expressed reservations. Various speakers suggested adding other themes to the list. One Government stressed the need to cover the issue of knowledge workers, which was at the heart of the dichotomy in the global economy. A reference was also made to the imbalance between the labour market, which remained closed, and the capital market, which was becoming global — with all the distortions and social problems that this could generate.

Finally, as regards strengthening the Organization's institutional means of action, the approach based on the Declaration of Philadelphia set out in the Office paper was widely supported. The list of subjects in paragraph 25 which might be the subject of thematic debate with the Bretton Woods institutions had received very wide support. The IMEC governments had lent their support to the three subjects proposed (social security reform, job creation to combat poverty, and the role of freedom of association in the development of social capital), which should be the subject of an initial discussion in the Working Party before being referred, if necessary, to a specialized committee. After hearing statements by the Bretton Woods institutions, the Workers' spokesperson had suggested adding to this subject the topics of foreign direct investment and its relation to the objective of decent work for all, as well as the link between the regulation of international financial markets and social stability. While supporting the themes, one Government stressed that it was necessary to approach them in the context set out in paragraph 101 of the synthesis report of November 1999.

The proposal in paragraph 26 of the Office paper was also supported to pursue the country studies in a lighter form following the synthesis report of November 1999. This answered the remarks by some speakers made during the discussion that the number of countries covered by the country studies had been too small as a basis for general conclusions on how the benefits of the liberalization of trade were shared between different countries and between different categories within countries.

At the close of the discussion the Working Party heard a detailed and very substantive reply by the Director-General. In view of the importance of his statement, it was appended to the printed version of the report that the Chairperson was now presenting orally and which would be made available shortly.

In view of the discussions and the Director-General's reply, it was thought that there was no point in entering into any separate discussion on recent developments in other organizations, which were the subject of a separate document prepared by the Office. It was thought that the discussion in the Working Party had focused on the outlook for the future and that there would be little value in any retrospective debate on events that were now in the past and had been the source of divisions between Members. The Workers' spokesperson stressed that, in view of the very positive contribution that the representatives of the Bretton Woods institutions and the WTO had made to the discussion in the Working Party, at least initially, issues of general policy involving them could be addressed in the Working Party. He also stressed that the Working Party had now confirmed that it had acquired the necessary experience to discuss, calmly and efficiently, issues that were highly contentious, and that while there could be no question of preventing
anyone from raising such issues in other international forums, the Working Party’s experience would strengthen its authority as perceived from outside.

The question of whether the oral report of the Chairperson should be supplemented by a written report was also raised at the close of the discussion. The practice of having only an oral report derived from time constraints and from the need to avoid inhibiting the freedom of expression that characterized the Working Party by issuing the same kind of detailed report as those produced by the committees. However, as an experiment, he had asked that the text of his report be distributed, with an appendix containing summaries of the statements made by the organizations whose representatives had spoken as well as the statement by the Director-General. Consideration could be given at a later date to whether the discussions in the Working Party should be reproduced in the minutes of the Governing Body.

Finally, in the light of the discussion held in November 1999 and the many statements that had all tended in the same direction, it was decided that the title of the Working Party should be modified to better reflect the real direction in which its mandate had evolved. Agreement was reached on the title “Working Party on the Social Dimension of Globalization”. However, it should be clearly understood that this concept covered, inter alia, the liberalization of trade, which was the original purpose of the Working Party's establishment.

Finally, he warmly thanked the Vice-Chairpersons of the Working Party, Lord Brett and Mr. Tabani, for the support and cooperation that they had shown him, as well as all the members of the Working Party who contributed to a very rich debate while consolidating the climate of mutual understanding and harmony that was the hallmark of the Working Party.

Mr. Mishra (Government, India) expressed deep appreciation for the pragmatism, openness and professional competence that the Chairperson had shown in conducting the discussions in the Working Party and reporting on its work. The proposal to change the title of the Working Party was appropriate, since it had moved beyond the narrow and somewhat restricted implications of its previous title. The term “Working Party on the Social Dimension of Globalization” had been suggested. Globalization, however, had social, economic and political dimensions. It was hence unclear whether this revised title encompassed the full scope of the original Working Party. He therefore proposed an alternative title: “Working Party on the Social and Economic Impact of Globalization”.

Lord Brett (Worker, United Kingdom; Worker Vice-Chairperson) supported the new title of the Working Party proposed by the Chairperson. It was relatively simple and was an improvement on the original proposal, which was that now repeated by the representative of the Government of India. The Workers’ group hence accepted the new title on the understanding that it covered not only the social and economic aspects, but all relevant aspects of the social dimensions of globalization.

Mr. Thüsing (Employer, Germany; Employer Vice-Chairperson) agreed with the new title of the Working Party proposed by the Chairperson. It was relatively simple and was an improvement on the original proposal, which was that now repeated by the representative of the Government of India. The Workers’ group hence accepted the new title on the understanding that it covered not only the social and economic aspects, but all relevant aspects of the social dimensions of globalization.

Mr. Anand (Employer, India) considered that the term “dimension” was preferable to “impact”, since it covered much more than the mere consequential effects.

The Governing Body decided to rename the Working Party the "Working Party on the Social Dimension of Globalization".
The Chairperson observed that the Director-General had proposed that the Governing Body should receive details of the items that might be placed on the agenda of the Working Party in November. After consulting the Officers of the Working Party, the Director-General and others, he offered the following comments.

First, a number of speakers in the Working Party had stressed the need to improve understanding of the way in which globalization was reflected in social progress, and stated that for this purpose more country studies were needed, expanded as appropriate. There was also broad agreement that the ILO should develop an integrated approach aimed at promoting the objective of decent work in the world economy and reducing the dichotomy between economic and social policies. This meant, in his view, that efforts should be pursued to establish an integrated approach based on the country studies. However, this meant developing a method of analysis that would combine elements from the Office's four technical sectors in order to study the link between decent work and globalization. It could also mean further cooperating with the World Bank in developing pilot country studies, and between now and November the ILO could also develop contacts with a view to drawing up a list of countries that might wish to participate in this exercise.

Secondly, a broad consensus had also emerged on the need to improve understanding of the link between fundamental labour standards – the subject of the Declaration – and development. In parallel, a large number of speakers had expressed interest in the role that the Working Party might play in promoting better understanding between the ILO and other organizations, in particular the Bretton Woods institutions. This would make it possible to tackle a number of fundamental questions that were not yet entirely clear and which were related to the link between the respective objectives and purposes of these different institutions. This applied in particular to the role of freedom of association, collective bargaining and social development, which was mentioned in paragraph 25 of the Office paper.

The first requirement was hence in his view to examine the link between collective bargaining and development in order to allow the Bretton Woods institutions and other institutions and organizations concerned to make their contribution to the discussion, and in this respect he observed that the first Global Report to be prepared under the follow-up to the Declaration would already provide a basis for identifying the main challenges; afterwards the analysis would have to be developed and parameters defined to make it possible to optimize the results of collective bargaining within given constraints.

The document to be submitted to the Working Party in November could hence be based on the discussion at the Conference on the Global Report, and could be used to improve understanding of the link between this category of rights and development. It also offered an opportunity to engage in and promote dialogue with the Bretton Woods institutions.

Finally, if the Governing Body wished to continue the practice of holding symposia during its sessions, then in November or at some later stage consideration might be given to holding a symposium on the question of how globalization contributed or could contribute to improving general well-being. A comparison could be made between the knowledge accumulated in the ILO with that in academic circles on the impact of globalization, inequality, employment and socio-economic security, and decision-makers and representatives of other international organizations could be invited to participate in the discussion.

Lord Brett (Worker, United Kingdom; Worker Vice-Chairperson) found the menu proposed by the Chair most appetizing. The subjects were exciting and he supported the proposals.
Mr. Thüsing (Employer, Germany; Employer Vice-Chairperson) welcomed the proposed list, but cautioned that symposia required careful preparation.

Ms. Perlin (Government, Canada), speaking on behalf of the IMEC governments, supported the proposals.

Ms. van Leur (Government, Netherlands) found the suggestions excellent as a programme for the Working Party. However, as regards the link between collective bargaining and development, in view of the information provided in the Global Report that would be discussed at the Conference, she asked why the Working Party should confine itself to only one of the fundamental rights covered by the ILO Declaration on Fundamental Principles and Rights at Work.

The representative of the Director-General (Mr. Maupain) observed in reply that, while he could not speak for all the Office’s technical sectors, it was obviously necessary to start somewhere, and the issue of freedom of association was at least manageable and would be the subject of detailed information as a result of the Global Report.

Ms. Iwata (Government, Japan) supported the proposals for the agenda of the Working Party in November, especially the idea of a symposium. It would be useful for the different international organizations to exchange views on the social impact of globalization, and for this purpose they should be fully involved in the preparatory work.

The Governing Body took note of the oral report and comments by the Chairperson.

The Chairperson observed that it was hence necessary to clarify the relationship between the Working Party and the other Governing Body committees, especially the Committee on Employment and Social Policy. Clearly, there was no question of replacing the Working Party by any of the committees, or of changing the mandate of the committees. The Working Party was not a decision-making body: it was supposed to develop ideas on the major fundamental and policy orientations of the ILO, taking into account the challenges and constraints of globalization. It was therefore rather a question of allowing the Working Party to consider issues that concerned the ILO’s policies — as well as those of the Bretton Woods institutions — in order to clarify positions. In the light of those discussions the Governing Body would then be able to refer various questions or propose action to the competent committee, such as the Committee on Employment and Social Policy. That committee would continue to consider aspects of working relations between the ILO and the Bretton Woods institutions.

Lord Brett (Worker, United Kingdom; Worker Vice-Chairperson) thought that, while the issues were complex, it would be some time before the difference was clearly understood between the political content of the activities of the Bretton Woods institutions relevant to the subject-matter of the Working Party, and the more concrete aspects of follow-up, which were the business of committees. A classic example would be Geneva 2000. A report on Geneva 2000 and its outcome was essential for the Working Party in November. Equally, the follow-up aspects of that event would have to be discussed in the Committee on Employment and Social Policy. The Chair’s suggestion was hence an admirable one and would ensure some progress. The situation could be reviewed in one year’s time with the benefit of experience of the Working Party in its new form and the continued work of the Committee on Employment and Social Policy. For the Committee on Employment and Social Policy had a simple problem: its agenda was too heavy, and it had failed to give due consideration to Bretton Woods issues simply because to do so it would have had to sacrifice items concerning employment, which were clearly central to its mandate.
Mr. Thüsing (Employer, Germany; Employer Vice-Chairperson) considered that the Chairperson’s proposals were pragmatic. The observation that the Committee on Employment and Social Policy had not always been able to complete its agenda was pertinent.

Seventeenth item on the agenda

REPORT OF THE DIRECTOR-GENERAL (concl.)

The Governing Body took note of the report.

First Supplementary Report:
Report of the Committee of Experts on the Application of Conventions and Recommendations

The Governing Body took note of the report.

Third Supplementary Report:
Activities of the International Occupational Safety and Health Information Centre (CIS) in 1998-99

The Governing Body took note of the report.

Nineteenth item on the agenda

COMPOSITION AND AGENDA OF STANDING BODIES AND MEETINGS

The Governing Body adopted the recommendations in paragraphs 3, 5, 9, 11, 15 and 17 of the Office paper.

Appointment of Governing Body representatives on various bodies

The Governing Body appointed the following of its members to represent it in the meetings indicated:

Tripartite Meeting on Moving to Sustainable Agricultural Development through the Modernization of Agriculture and Employment in a Globalized Economy (Geneva, 18-22 September 2000) Mr. Schlettwein (Government, Namibia)


Lord Brett (Worker, United Kingdom; Worker Vice-Chairperson) paid tribute to the skill displayed by the Chairperson in directing the Governing Body in what had been a heavy session. His colleague, Mr. Trotman, would in the coming week face the daunting
task of chairing the World Congress of the International Confederation of Free Trade Unions, to which all members of the Workers' group would shortly be departing, and would no doubt have benefited from Mr. Elmiger's example. He also thanked the Employer and Government members for their cooperation in ensuring the efficient completion of business.

Mr. Thüsing (Employer, Germany; Employer Vice-Chairperson) thanked the Chairperson very warmly for his excellent work.

Mr. Majek (Government, Slovakia), speaking on behalf of the Government group, paid tribute to the Chairperson's eloquence and charm, and thanked him for conducting the business so efficiently.

The Chairperson thanked speakers for their kind words, and offered thanks to the secretariat and interpreters for their invaluable support.

The 277th Session of the Governing Body was declared closed at 12.20 p.m.
Appendix

MINUTES OF THE COMMITTEE OF THE WHOLE

Wednesday, 29 March 2000, morning and afternoon

Third item on the agenda

REVIEW OF ANNUAL REPORTS UNDER THE FOLLOW-UP TO THE DECLARATION
ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK

Mr. Thüsing (Employer, Germany; Employer Vice-Chairperson), on behalf of the Employers, noted that the annual reports contained in the compilation varied in value; however, the substance of the reports would improve as the reporting process took on momentum. The difficult circumstances in which this initial reporting exercise had taken place should not be forgotten, and the efforts deployed by all of the concerned parties should be acknowledged. Throughout the exercise the Office had been mindful of the promotional nature of the Declaration; the Expert-Advisers had also completed a major task in a short period of time. Though improvements would doubtless be possible, the path already set led the Organization in the right direction. The fact that the reply rate by governments was not satisfactory could also partly be attributed to the fact that not all parties were yet acquainted with these new procedures. This should not be interpreted as a refusal to engage in the process, but efforts should be made in the future to ensure that the reply rate was raised.

He noted that only two replies received from employers’ organizations had been included in the compilation; this was partly due to the fact that governments had not strictly applied the new procedures and, consequently, employers had not been promptly consulted on the reports required of them. Hence, governments were requested closely to observe the procedures laid down in article 23 of the ILO Constitution. Moreover, with regard to comments supplied by workers’ organizations, his group noted that the International Confederation of Free Trade Unions had submitted several contributions. Whereas article 23 of the Constitution spoke of contributions from national associations of employers’ and workers’ organizations, he understood that, in certain circumstances, it was more expedient for such contributions to be made by international federations. At the same time, it was necessary to safeguard the promotional objective of the follow-up procedure and not to open possibilities for extraneous contributions to the reports. Hence, he suggested that when such comments from employers’ and workers’ organizations were channelled through international federations, the latter should, as in this instance, be those which organized the secretariats of the non-governmental groups in the Governing Body. This would ensure the legitimacy of such comments and guarantee understanding of the procedures in question.

He requested the Office to consider the feasibility of allowing the Expert-Advisers more time to prepare their Introduction to the compilation. This would better serve the objectives of the reporting exercise.

The government reports reflected differing levels of commitment; in this connection, he recalled that the promotion of principles and rights should take place through the provision of assistance by the Organization, which was inevitably limited. Therefore, such cooperation should be channelled to wherever there was indication of the will to make best use of it. This did not, however, mean linking aid to any particular form of conduct on the part of governments. At the same time, the economic and social environment in which individual countries were working should be reflected in government reports; this would facilitate evaluation of the efforts made by a particular country in comparison with the difficulties that it was experiencing; wherever it was difficult to generate jobs, it was even more difficult to uphold the principles and rights addressed by the Declaration. Nevertheless, the reports indicated that the Organization could confidently pursue the path it had now taken in the spirit of promoting the Declaration.
Lord Brett (Worker, United Kingdom; Worker Vice-Chairperson), speaking on behalf of the Workers' group, recalled the discussion prior to the adoption of the Declaration in respect of the organizations entitled to submit observations to the Office regarding country reports. It had been agreed that "established practice" would apply and such practice was clearly defined at that stage.

The Workers cordially welcomed the document submitted by the Office and the Expert-Advisers. This was an excellent first step in the follow-up process. At the same time, he noted the insufficient level of replies from governments: about half of the concerned governments had failed to respond. A list of those countries should be annexed to the report for easy reference. He also voiced disappointment regarding the low level of response from the trade union movement; the ICFTU contributions were thus essential. Just like the Employers, he believed that this phenomenon was, in part, due to a lack of prompt communication by the relevant governments. He therefore wondered whether it might not be opportune for employers' and workers' organizations to be alerted to the exercise at the same time as governments. For the sake of granting the Expert-Advisers more time for their work, it was reasonable to suggest bringing forward the deadline for the submission of reports to 1 September of each year. Since this had been the first time the procedure had been followed, the Director-General should send a personal letter to the 54 countries that had failed to respond. Technical assistance was an important factor in helping countries reply to the questionnaire. Over time, it would become clear whether failure to reply meant omission or error, or was deliberate; in any event, it was important to obtain more replies. He noted with pleasure that the Bureau for Workers' Activities had produced a promotional guide for workers' organizations; this explained how the Declaration could be effectively used to help protect fundamental principles and rights at work. Workshops of the kind held in Dakar were also very useful; a large number of the countries that had participated had submitted their reports as part of this exercise. A training session for officials of ministries of labour would also prove helpful.

He welcomed the figure of 38 ratifications of fundamental Conventions by 21 countries since 1 April 1999; this was undoubtedly closely connected with the role played by the ILO Declaration.

With reference to individual country replies, he noted that a tripartite discussion had clearly taken place, for example, in the United States on the Government's report; this was the ideal way of involving social partners. Regrettably, Convention No. 144 had not been ratified by many countries, and tripartite involvement of this kind was thus frequently not possible. This was a sad fact after more than 80 years of the ILO's existence. In some cases this also applied to even more basic rights. Many millions of people were still subjected to bonded labour, forced labour, child labour and discrimination. Nevertheless, this first step in the follow-up offered hope; the next stage would be the examination of the Global Report by the International Labour Conference, and in November 2000 the Governing Body would face the task of deciding priorities for technical cooperation. He was confident that, as time passed, reports of the kind under scrutiny today would become shorter and fewer in number, as countries ratified more and more of the relevant Conventions. In that spirit, he joined the Employers' group in supporting the recommendations made by the Expert-Advisers. He welcomed the continued support for the promotional nature of the Declaration shown by the Employers; employers' organizations should also be encouraged to contribute and comment on their action to protect freedom of association and collective bargaining and to eliminate forced labour and child labour.

In conclusion, this had been a good start, though the onus to secure better results lay with governments, employers and workers themselves.

Ms. Perlin (Government, Canada), speaking on behalf of the IMEC governments, recalled that the better the Declaration and its potential impact were understood, the more it would fulfil expectations. The international community was becoming increasingly interested in an integrated approach to social and economic development. The Declaration clearly had a key role to play in this connection. A major promotional effort was thus called for, comprising a comprehensive strategy targeted at ILO constituents and the international community, with the mobilization of ILO staff at headquarters and in the field. This should demonstrate to all concerned the relevance of the Declaration and of their work and objectives. The IMEC governments requested that such a strategy be presented to the Governing Body in November 2000, and that it should be linked to the strategic policy framework.
The IMEC governments were grateful to the Office and to the Expert-Advisers for the annual report. Further improvements were however necessary, as indicated by the Expert-Advisers. The reply rate was disappointing, and she noted the uneven quality of the information contained in individual reports. This would doubtless become better as constituents became more experienced with the reporting requirements. Technical assistance efforts should be concentrated on countries that had not yet fully responded.

Annual reports should set benchmarks against which future progress might be measured; they should identify obstacles to the implementation of fundamental principles and rights; and they should ascertain technical assistance requirements. The social partners should be better integrated in this process. Work on operational objectives, targets and indicators for the strategic policy framework and the programme and budget would also help establish benchmarks. In any event, the promotional nature of the Declaration follow-up procedures needed to be secured. That distinction from supervisory procedures had not yet been fully established. In that spirit, it was necessary to help constituents understand the purpose of the Declaration, and the report form should be revised so that information on social and economic conditions could also be supplied. Further analysis of the reports was still outstanding for the purpose of identifying specific technical assistance needs. The information they contained was also valuable for the strategic policy framework, research, outreach and communications. Subsequently, the creation of a common database with an effective information management system would be of benefit both to constituents and staff.

The IMEC governments fully endorsed the recommendations made by the Expert-Advisers. The next stage in the follow-up would be the Global Report, which was of vital importance in connection with the Declaration's promotion. Compiled by the Director-General, it should be a flagship publication attracting international and media interest. It should be supported by a coordinated public relations effort ensuring that ILO constituents were prepared for media questions. This implied distribution under embargo one week in advance of publication in order to allow constituents to make informed comment. The IMEC governments looked forward to the discussion at the International Labour Conference; this should include high-level participation and follow an interactive format.

Ms. Sarmiento (Government, Philippines), speaking on behalf of the Asian and Pacific governments, noted the volume of work accomplished by the Expert-Advisers and welcomed their reiteration of the purpose of the Declaration's follow-up, which did not constitute a substitute for established supervisory mechanisms. The Declaration had a promotional objective.

The Office was encouraged to take measures to improve the number of replies. This could possibly be done through the redesign and simplification of report forms and their translation into local languages; technical assistance should also be provided to member States in their preparation of their replies. Future reports would benefit from a compilation of positive examples of progress towards ratification.

With regard to the receivability of comments by various international organizations, article 23 of the ILO Constitution stated that each member State should communicate to the representative national organizations the reports it submitted to the Director-General. Observations from international organizations were therefore not suitable for consideration by the Office. Moreover, there was no such thing as established practice in the context of a new follow-up mechanism, which was unrelated to the supervisory machinery. In addition, it had been emphasized that the Declaration could not serve as a basis for complaints or a dual examination of situations already scrutinized through such supervisory procedures. On the other hand, the observations included in the compilation from international organizations in certain instances resembled complaints. It had, however, formally been agreed that such questions, if raised, would be dealt with outside the scope of the Declaration and its follow-up. Hence, in future such contributions should not be reflected in the annual report.

Mr. Schlettwein (Government, Namibia), speaking on behalf of the African governments, welcomed the report and was confident that it would become an ever more effective document as the follow-up advanced. For that purpose it should place yet greater emphasis on the promotional aspects of the Declaration. African governments had observed that, in certain parts of the report, issues had been addressed which could have been better dealt with under the ILO's supervisory machinery; this meant that the danger of double scrutiny had not been excluded. The Office was therefore requested to take account of the recommendation by the Expert-Advisers to avoid such
African governments had welcomed the workshop organized in October 1999 in Dakar, which had helped governments prepare their replies. They would, however, welcome greater involvement of the regional and other field structures of the ILO in the follow-up action. Finally, certain inaccuracies had been observed in the reports, and it was important to correct these, given the significance of the information they contained. With the establishment of comprehensive databases, an evaluation would become possible of the impact and outcome of the Declaration.

Mr. Zellhoefer (Worker, United States) noted the promotional nature of the Declaration and its follow-up; in that context it was justified to consider the situations of individual countries. Moreover, the process would take on greater momentum over time, in particular with the inputs from more seminars of the kind held in Dakar, with union and employer participation. The follow-up would now continue at the International Labour Conference in the form of a debate on the Director-General’s Global Report. Subsequently, the November session of the Governing Body would address action plans for technical cooperation in the light of that Conference discussion. In time, the annual reports by non-ratifying States might become few in number, as the ratification campaign of fundamental Conventions advanced. Ratifications, however, needed to be accompanied by effective, durable implementation and, in that respect, political will and technical assistance were imperative. The effective denial of fundamental principles and rights in any country, whether developing, in transition or industrialized, was serious and needed to be rectified. There were substantial failings in several industrialized countries, and he trusted that the Global Report would focus on that specific issue. He recalled that, this year, the Report would address the Declaration follow-up could not be used as a substitute for the existing databases, an evaluation would become possible of the impact and outcome of the Declaration. Mr. Zellhoefer (Worker, United States) noted the promotional nature of the Declaration and its follow-up; in that context it was justified to consider the situations of individual countries.

Mr. Vandamme (Government, Belgium) supported the statement made on behalf of the IMEC governments; his Government, not represented on the Governing Body, attached great importance to this initial step in the follow-up to the ILO Declaration. He congratulated the Expert-Advisers on their realistic comments regarding this series of reports, which differed in quality. He now looked forward to the presentation of the Global Report, which was an essential instrument in the political dialogue between the ILO and other international organizations. He trusted that that report would deal substantively with the issue of child labour and that greater cooperation would become possible between governments and organizations in that field. He trusted that employers and workers would also become active participants in the process. Support for social dialogue was vital, in particular as globalization intensified. Finally, he noted the difficulties of some in interpreting the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); his Government therefore supported all studies conducted by the Office to bring about greater clarity in that field. Further assistance should also be given to States which had difficulties in establishing appropriate legislation in connection with their ratification of the fundamental Conventions.

Mr. Choi Byung-Hoon (Government, Republic of Korea) recalled that the goal of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up was to make clear the definition of fundamental labour standards, identify and encourage the progress of non-ratifying countries in their respect for fundamental rights and thereby set priorities for ILO technical cooperation in accordance with each country’s difficulties. The Office and the Expert-Advisers had made a major contribution to that end. With regard to established practice for the submission of comments by national and international industrial associations of employers or workers, his Government had doubts as to whether the definition of established practice was appropriate. The Declaration follow-up could not be used as a substitute for the existing supervisory machinery. Dual scrutiny could not be permitted. He therefore expressed concern at the inclusion of comments by the International Confederation of Free Trade Unions on issues already dealt with by the Committee on Freedom of Association. Such comments, in the opinion of his Government, did not qualify as established practice.

Mr. Blondel (Worker, France) noted the salutary effects of the Declaration on Fundamental Principles and Rights at Work in the form of new ratifications of the fundamental principles, including some by industrialized nations with well-established democracies. Some noteworthy examples of large developing countries had also followed this process. This momentum should be exploited. It was therefore disappointing that the trade union movement, as a whole, had not actively responded to these follow-up steps; this needed to be remedied. Hence, it was fortunate that some contribution had been made by the ICFTU, which symbolized the dynamism that the
Workers wished to see injected into this process. More active involvement was, however, also necessary on the part of Employers and Governments. The Office should consider mobilizing all the parties involved, possibly through direct contacts with constituents.

The material supplied in the form of figures was invaluable. However, one ratification in the case of a large population like that of China meant that more people were afforded the relevant form of protection than in another country with a much smaller workforce. Might it not be possible to supply an indication of the percentage of the world’s labour force that was covered by the fundamental Conventions?

In his opinion, Conventions Nos. 87 and 98 constituted the foundations of democracy: freedom of association implied a trade union’s freedom of expression and the right to strike. In this respect, the compilation of reports included some disappointing facts regarding restrictions on trade unions, trade union monopolies, and limitations imposed on certain categories of workers, including migrants, domestic workers, public servants, police officers and armed forces personnel.

In this way, the scope of application of these two Conventions was severely restricted and the objectives which the Organization had set for itself were not being achieved. The compilation of reports confirmed his fears, given that in some instances it appeared that national legislation required the recruitment of strike breakers in the event of strikes; in other cases, governments pointed with pride to collective agreements which, however, only affected a small share of their national workforce. Combined efforts were all the more called for with a view to securing progress.

Ms. Join-Lambert (Government, France) lent her Government’s support to the statement made on behalf of the IMEC governments. The follow-up process was still in an experimental phase, and results were mixed; further work was still required to develop an information base which, subsequently, would simply need to be updated. As these foundations took shape, they would take on major value. In this context, the elaboration of the reports should not become a bureaucratic exercise; at the same time, governments should not be overburdened. Moreover, with a view to avoiding duplication of effort, the Office should draw on all the information available to it, particularly regarding countries’ economic and social situations, rather than putting unnecessary questions to governments.

She welcomed the graphic presentation of data and suggested that, similarly, an indication be given of the proportion of the working population affected by the ratification effort.

Technical cooperation should be granted to countries displaying the will to proceed to ratification. States that had not replied to the questionnaire should be assisted in so doing. Finally, she would be grateful for clarification regarding the entitlement of international organizations of workers and employers to contribute to the follow-up.

Mr. Ahmed (Worker, Pakistan) commended the work of the Expert-Advisers, who came from varied backgrounds, including employers’ and workers’ circles. The fundamental principles and rights addressed by the Declaration had been cherished by the Organization since its very inception; they were indivisible and universal. Freedom of association was becoming all the more important in a globalizing economy, at a time when decent work needed to be secured together with a social dimension safeguarding basic economic and social rights. However, large sections of the huge Asian workforce were still being denied the right to form a trade union; at the same time, the informal sector was expanding. Non-nationals’ rights were also ignored, together with those of women, the unemployed, those suffering discrimination, public servants, teachers, firefighters, bank workers, public utility workers and employees in export processing zones. In many instances, powerful employers were in a position to victimize trade union activists; legal procedures were so lengthy that such workers were unable to obtain redress. Government intervention in the form of effective labour legislation was more than ever called for. Workers’ rights should also be protected in the collective bargaining process, which implied freedom of expression and freedom of assembly. The situation with regard to child labour was alarming, in particular in the developing countries of Asia. Relentless action was required in this regard, combined with political will. The provision of free education was imperative to allow children to play an effective role in their societies in the future. The efforts made under the IPEC programme were to be commended, and he looked forward to massive ratification of the Convention on the elimination of the worst forms
of child labour, which was a major contribution to eradicating a pernicious form of human exploitation.

Mr. Li Donglin (Government, China) associated his Government with the statement made on behalf of the Asian and Pacific governments. He highlighted the promotional nature of the follow-up to the ILO Declaration. The compilation now under discussion, however, had not avoided instances of double scrutiny of situations already the subject of complaints within the Organization's supervisory machinery. This should not set a precedent for future compilations. In some instances, contributions made by national and international organizations had taken on the nature of specific complaints. A more rigorous approach on the basis of clear definitions was called for in future exercises of this kind. Examples were to be found of observations made by such organizations which closely reflected specific situations addressed by the Committee on Freedom of Association. Such an approach would only jeopardize the promotional nature of such follow-up action. It also undermined the process of dialogue between member States and the Organization under established supervisory machinery. Finally, in order to avoid confusing duplication, he called for the elimination of Annex 6 to the Introduction by the Expert-Advisers.

Mr. Miranda Oliveira (Worker, Brazil) noted the importance of the document now under discussion. He noted that only four governments belonging to his geographical region had responded to the exercise. Major awareness-raising efforts were hence required in respect of the Declaration, as well as greater opportunities for participation by the relevant organizations in the follow-up. The response rate would be higher in the future, and technical cooperation would play a major role in this respect. Specific support for employers and workers was needed to enable them to play their part by improving their acquaintance with the new machinery. His Government had recently ratified Conventions Nos. 138 and 182, even if it had made statements opposed to the principle of social clauses. Yet again, it was necessary to reiterate the fact that, in this context, the Organization's purpose was a promotional one. The best form of such promotion was to pursue the campaign for the ratification of fundamental Conventions and respect for genuine social dialogue. On such a basis, he was optimistic that it would be possible to allay fears among developing countries regarding penalties and sanctions. Hence, he supported the Director-General's efforts to expound the ILO's fundamental principles before the Bretton Woods institutions, not calling for sanctions but, rather, the effective implementation of these cherished rights.

The committee of the whole adjourned at 1 p.m., and reconvened at 3.40 p.m.

Mr. Mishra (Government, India) recalled that the Organization would soon be celebrating the second anniversary of the adoption of the ILO Declaration on Fundamental Principles and Rights at Work. Within a short space of time, major progress had been achieved in a challenging domain. His Government was highly appreciative of the comprehensive compilation of reports, which contained a wealth of information, and for which the Expert-Advisers and the Office deserved congratulations. Naturally, the rate of replies could be improved. One positive note, however, was that many governments which had abstained during the vote on the Declaration's adoption had responded to the follow-up exercise. Moreover, two of those governments had now ratified all seven core Conventions. This reflected the fact that a climate of doubt and misgivings was being progressively replaced by one of willing cooperation and acceptance. In their reports, several governments had frankly addressed the obstacles which they encountered in their endeavours to ratify core Conventions.

The report reflected the important recognition that governments were not always in a position to take all possible measures in respect of the application of provisions of core Conventions, in particular in sensitive areas such as the elimination of forced labour and child labour. In this regard, the role of non-governmental organizations, social and voluntary action groups, religious groups and others had been acknowledged. Nevertheless, laws were merely an enabling mechanism, not a panacea for all social evils. They needed to be negotiated with social partners in endeavours to resolve numerous conflicting interests and adapted to changing reality.

The path towards the achievement of the Declaration's objectives was still a long one that demanded courage and determination. The Director-General's awareness campaign required further reinforcement. More training workshops, based on the Dakar model, were needed to assist governments, employers and workers in their follow-up action. Support should be lent to countries that had indicated their willingness to move forward towards the realization of fundamental principles and rights at work. The report form should be simplified with a view to reducing the
burden on governments. It should also adequately address gender issues. The involvement of employers’ and workers’ organizations in the follow-up process had to be secured. This would become feasible in a climate of trust, good will and understanding. National and international organizations of employers and workers should display appropriate understanding of the specific situation obtaining in the relevant country. In this respect, Office units responsible for social dialogue and international labour standards would be of major assistance.

His Government had noted insufficient coverage of issues affecting persons with special needs and disabilities, particularly in the informal sector. These groups included agricultural labourers, construction workers, casual vendors, migrant workers, home workers and victims of ethnic and civil strife. Such categories were in the twilight zone of development and required greater attention, including in the annual report.

In conclusion, he reiterated his Government’s support for, and commitment to, the Declaration and its follow-up as a non-legal, non-binding, promotional instrument which was not based on a complaints procedure and was distinct from the Organization’s supervisory machinery. He was confident that the path now embarked upon would progressively lead to even greater success.

Mr. Ngare (Government, Kenya) recalled that the ILO Declaration on Fundamental Principles and Rights at Work was a genuine opportunity for the international community to fulfil the commitments entered into by Heads of State at the World Summit for Social Development in 1995. On that occasion, the seven core Conventions had been identified as a minimum social platform for the global economy. His Government was fully aware of the obligations ensuing from the Declaration for all member States, even those that had not ratified all the relevant Conventions. The instrument’s primary purpose was, therefore, to encourage governments’ efforts to promote these fundamental principles and rights. At the same time, it should be possible to identify areas in which the Organization’s assistance could be supplied. Hence, the reporting exercise now under discussion was of an exclusively promotional nature. It could not duplicate the work of ILO supervisory bodies.

Kenya had so far ratified four of the fundamental Conventions (Nos. 29, 98, 105 and 138). His Government had already approached the Office to obtain technical assistance in revising existing labour legislation which might, subsequently, lead to further ratifications. Moreover, Kenya’s Tripartite Labour Advisory Board had in February 2000 made a positive recommendation that Kenya should ratify Conventions Nos. 100, 111 and 182, once the updated labour legislation was in place. He therefore looked forward to further Office cooperation to this end.

Ms. van Leur (Government, Netherlands) endorsed the statement made on behalf of the IMEC governments. She congratulated the Office and Expert-Advisers on their work. The compilation was user-friendly, with easily digestible statistics. The collected data were a valuable addition to the knowledge base already available in the Office. Best possible use should be made of such information through its integration into various ILO databases, including the statistical information system on child labour. It should help set priorities for the provision of technical assistance in connection with the Global Report. Further assistance should be afforded to the constituents in formulating contributions to future annual reporting exercises. In this way the reply rate would rise. The report form should also include a gender dimension.

With regard to the Global Report, it was imperative to ensure a well-balanced publicity strategy, and she requested information on the proposed date of publication. It should be circulated to constituents, under embargo, by mid-May, in order to permit them to make preparations to respond to questions from the media as well as for ministerial participation in the Conference debate. The full press release of the Global Report should, however, only take place a few days before the Conference; this would secure real media attention.

Mr. Al-Mehiri (Government, United Arab Emirates) fully endorsed the statement made on behalf of the governments of Asia and the Pacific. The discussion was important in that it was the first stage in what he trusted would be a transparent exercise permitting positive follow-up on the Declaration. The ILO Declaration was designed to promote fundamental standards, and follow-up measures should accordingly be pursued in that spirit. There should be no confusion between member States’ obligations under Conventions they had ratified and their adherence to the fundamental principles addressed by the Declaration. The Declaration implied a moral obligation
that was incumbent on each member State by virtue of its membership of and fundamental commitment to the International Labour Organization. With regard to the rate of replies, the reasons for an apparently disappointing result should be carefully analysed; failure to reply did not necessarily mean a lack of will to do so. The Office needed to show flexibility in providing technical assistance to countries that had not replied. The questionnaire required simplification and should be translated into other languages, such as Arabic, which was an official language of a large number of member States. Finally, the recommendations made by the Expert-Advisers merited careful examination.

Mr. Islam (Government, Bangladesh) noted a global consensus and political will to implement the ILO Declaration, but economic, social and political structures together with a scarcity of resources sometimes impeded the relevant efforts. His Government was committed to upholding the rights of vulnerable categories of workers. Its development plan underscored the central role of poverty alleviation, the employment of women and the poor and, more generally, sustainable development. The eradication of child labour was of priority importance. Freedom of association was a constitutional right in Brazil. Furthermore, the federal Parliament had ratified six of the ILO core Conventions. The fact that the Expert-Advisers had reiterated that follow-up measures could not be regarded as a substitute for established supervisory mechanisms was an encouragement to Bangladesh to reinforce its efforts in implementing core labour standards.

Globalization and the concomitant liberalization of investment flows brought benefits, but also the risk of unemployment and exclusion. This was due to an unequal development process accelerated by the unequal distribution of resources, and it had an impact on standards of living worldwide. It was therefore necessary to address the fundamental distortions in the global economy. In this context, the Declaration had been acknowledged as an important instrument for technical cooperation. Today's discussions should lead to the establishment of a framework for future technical cooperation activities, which should be promotional and flexible. In that connection, he observed that the role of the State in the development process was changing in response to the fact that the market often failed to adjust to the structure of society. State machinery needed to be reinvented in harmony with the State's development responsibilities. He trusted that the follow-up process would become a mechanism that balanced aspirations for growth against the concern for social progress and equality.

Mr. Sahbani (Worker, Tunisia), referring to comments suggesting that Islamic law was incompatible with democracy, human rights and freedom of association, stated that this was naturally not the case. However, various countries believed that it was legitimate to replace trade unions with advisory committees, whereas the trade union movement should clearly be permitted to thrive worldwide. Sadly, some countries still showed no respect for freedom of association, despite their obligations as member States under the ILO Constitution.

Mr. Salimei (Government, Italy) supported the statement made on behalf of the IMEC governments, but stressed the beneficial impact of best practices, including tripartite consultations, in the reporting exercise. The adoption of such practices would make a contribution to the realization of decent work. His Government intended to ratify Convention No. 182 within a few days.

Mr. Batoko (Government, Benin) endorsed the statement made on behalf of the African governments. He called for a major technical assistance effort to train labour administrations in international labour standards issues and to eliminate the factors obstructing the application of the fundamental Conventions. His Government particularly thanked the Government of France for the assistance it had provided in this field.

Mr. Kettledas (Government, South Africa) also supported the comments made on behalf of African governments. The Declaration should contribute to the universal ratification of fundamental Conventions and observance of the principles they contained. The follow-up process offered an opportunity to review progress in that direction. For this purpose better indicators should be developed for use as objective benchmarks for evaluation.

While noting the disappointing level of replies to the questionnaire, he stated that his Government had also experienced certain difficulties in interpreting the questions, and simplifications were needed.
Technical cooperation needed to be targeted accurately, and in that regard he lent his support to the recommendations made by the Expert-Advisers. The ILO area offices and multidisciplinary teams should therefore focus assistance on the preparation of reports and enhancing understanding of the Declaration. He nevertheless believed that the basis which had been set through this initial exercise was a sound one for the future.

His country would soon complete the procedures permitting ratification of an eighth ILO fundamental Convention. His Government paid tribute to the support it had received from the South African social partners in this ratification campaign.

Ms. Engelen-Kefer (Worker, Germany) observed that the introduction to the compilation spoke of contacts with the international financial organizations. The World Bank, the IMF and the World Trade Organization should be made fully aware of the value of the ILO Declaration at all levels, and should realize that the ILO would pursue those fundamental principles. The reports from member States should be communicated promptly to those organizations, so that they could fully comprehend governments' commitments and needs. A dialogue should then take place between the ILO and those institutions with a view to the provision of well-targeted technical assistance.

The compilation was an encouragement to all parties involved to take further steps forward. Labour standards were still being severely undermined, in particular in the informal sector; various forms of employment, such as contract labour, precarious employment and self-employment, were rapidly increasing. As a result, more and more categories of workers enjoyed no protection under Conventions Nos. 87 and 98. She urged the Office to reflect on this fact and on ways of counteracting the related phenomena.

Mr. Haydoub (Government, Sudan) supported the statement made on behalf of African governments. He recalled the promotional nature of the ILO Declaration and the critical role to be played by technical cooperation in that respect. This was therefore not a complaint-based mechanism. It should not permit dual scrutiny of situations in member States. Employers' and workers' organizations should make their own contribution to the process. The Office should assist constituents in adopting the relevant approach. His Government was fully committed to the Declaration and its follow-up; it had submitted a report, which would be included in the next compilation. Moreover, his country had ratified five fundamental Conventions. Conventions Nos. 87 and 138 were ready for examination, and he saw no obstacles to their ratification. In this regard, he looked forward to the Office's support. For the follow-up evaluation to be meaningful, objective criteria needed to be established. Like other speakers, he called for greater assistance in the preparation of replies to questionnaires; the multidisciplinary teams could make an important contribution in that regard. He looked forward to the discussion in November, which would prepare the ground for future progress.

Ms. Supersad (Government, Trinidad and Tobago) considered that, although the present exercise was only the first step in a long process, the compilation offered valuable insight in particular for the purpose of targeting technical assistance; cooperation should also focus on strengthening countries' capacity to meet their reporting requirements. National administrations already faced a considerable reporting burden; the ILO should review the type of structure needed for ministries to be able to fulfil their duty, and balance this against the scarce resources available and the desire to reduce public services.

With regard to Convention No. 138, the Expert-Advisers called for more extensive statistical data to permit an evaluation of the real problems. The lack of data inhibited governments in submitting their reports and undermined their ability to promote or ratify the Convention. This was therefore a critical area for technical assistance. She also asked whether Convention No. 182 was regarded as a fundamental Convention.

With regard to the deadline for the submission of reports, she expressed concerns regarding the workload implications of such a modification in scheduling. She also asked what level of detail was required of countries which, at the time of report preparation, were actively engaged in the process of ratification of a core Convention. Finally, her Government welcomed the acknowledgement by the Expert-Advisers of the positive role played by regional integration groups in promoting fundamental principles and rights at work.
Mr. Topan (Government, Burkina Faso) endorsed the statement made on behalf of the African governments and noted the dynamic process now under way on the basis of the compilation of annual reports. He highlighted the need for greater support to countries in the application of ratified Conventions. Furthermore, the ratification campaign should be vigorously continued. To ensure effective application, the social partners should be involved at all stages of the process. In his country and with ILO support, a national survey was being carried out on the application of fundamental Conventions. His Government’s gratitude went to the Office for this effort as well as to the Government of France for its assistance. His country had already ratified the seven fundamental Conventions; it had also received assistance through the IPEC programme, and he was confident that Convention No. 182 would be ratified before the end of the year 2000.

Ms. Robinson (Government, Canada) fully endorsed the statement made on behalf of the IMEC governments. This initial reporting exercise had proved useful in that it indicated where the strong and weak points lay in the process. She called on governments that had not yet done so to live up to their reporting obligations. The Office should give its encouragement and assistance in this regard. The questionnaire should be modified in order clearly to differentiate between the nature of the follow-up process and the supervisory procedures; in this way information would be elicited regarding respect for fundamental principles rather than legal frameworks. Timely contributions from employers’ and workers’ organizations would be a welcome addition; the covering letter to member States should include an invitation from the Office to seek such contributions from national social partners. International organizations could also make a positive input, although the criteria to apply to such organizations required further clarification to ensure consistency with the promotional nature of the Declaration. Canada remained fully committed to credible follow-up on the Declaration. All parties would learn as the process developed.

Ms. lwata (Government, Japan) fully endorsed the comments made on behalf of the governments of Asia and the Pacific. She also underlined the clear distinction that should be drawn between the Declaration follow-up and the supervisory machinery. To that end, more details of positive examples from country experience should be quoted in the report, as this would encourage other countries to achieve greater respect for fundamental principles and rights at work. Governments should also be invited, when replying to the questionnaire, to give precise information on their technical assistance needs. She looked forward to this process gaining further momentum. Success was essential for the ILO to demonstrate that it was competent in promoting core labour standards worldwide.

Mr. Samet (Government, United States) supported the IMEC statement and agreed that the initial steps taken in the follow-up process had proved positive, even if incomplete. His Government strongly supported the various recommendations for future action made by the Expert-Advisers.

In time a greater distinction would be needed between respect for fundamental principles and rights, and the application of the related Conventions. Ratification did not mean effective implementation; hence careful attention still needed to be focused on practice rather than formal procedures. It was hence necessary to reflect on ways of gathering quality information also on countries that had ratified the core standards – in particular in the context of the forthcoming Global Report. Technical assistance prioritization would depend on the quality of such reporting. Annex 6 to the Introduction supplied by the Expert-Advisers contained valuable indications in that regard.

An examination of Convention No. 111 was pending in the United States Senate, and Convention No. 182 had very recently been ratified. Convention No. 29 was under active consideration. The annual reporting exercise had been an opportunity for his administration to examine its own record both in terms of law and practice. Consultations had been held with workers and employers. While the social partners might not fully concur with the content of the report, they would acknowledge the transparency of the procedure. His Government would continue to cooperate actively in this exercise.

Mr. Al Hadlaq (Government, Saudi Arabia) endorsed the comments made on behalf of the governments of Asia and the Pacific. He emphasized that the ILO Declaration on Fundamental Principles and Rights at Work was a promotional instrument, and hence should not be used as an opportunity to present or examine complaints. The questionnaire on which the reporting process

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was based required simplification and should be translated into the Organization’s working languages.

A major objective of the exercise was the provision of technical assistance with a view to the effective implementation of the fundamental principles. In that connection, his Government supported the recommendations presented by the Expert-Advisers. Due consideration should also be given to the specific economic conditions prevailing in reporting States. His country had ratified four core Conventions and remained committed to the Declaration.

Mr. Derbi (Government, Libyan Arab Jamahiriya) supported the statement made on behalf of the African governments. He acknowledged that the Expert-Advisers had not had a simple task in producing this first compilation of annual reports. In certain respects their approach had resembled that of the Committee of Experts on the Application of Conventions and Recommendations, and various situations had been addressed that were under the scrutiny of the Organization’s supervisory machinery. The Office should be called upon to give the required guidance to ensure that all involved parties did not distance themselves, in this exercise, from the objectives of the ILO Declaration. He recalled that the information included in the annual report should be precise, fully documented and included with the approval of the governments concerned.

The Expert-Advisers’ Introduction contained inaccurate information regarding his country: new laws had been passed which addressed the organization of free and independent trade unions and the right to strike. A range of legislative amendments had also been adopted to take account of observations made by the Committee of Experts on the Application of Conventions and Recommendations and to adapt to the ILO Declaration. In conclusion, he trusted that all involved parties would continue to be guided by the true objectives of the Declaration’s follow-up.

Mr. Ohndorf (Government, Germany) recalled the workers’ appeal that all should strive to enhance the follow-up exercise. The Declaration’s impact had already proved highly positive, and it was realistic to hope that the universal ratification of core Conventions could be achieved. This would dramatically reinforce the ILO’s position among international institutions. For that purpose, it would be useful to focus in the report on best practices. The full participation of employers’ and workers’ organizations in the reporting exercise should be secured. The present positive path should be pursued.

Mr. Graham-Douglas (Government, Nigeria), adding to the statement made on behalf of the African governments, observed that the Declaration had been designed to raise awareness of fundamental principles and rights at work and implied a commitment by member States to the implementation of core standards. It was appropriate to take account of economic and social conditions in individual countries. He trusted that the rate of response would rise in future exercises, in particular if the required technical assistance was provided. In this regard, he endorsed the recommendations of the Expert-Advisers.

The follow-up on the ILO Declaration was testimony to the Organization’s fulfilment of the mandate conferred upon it by the World Summit for Social Development in 1995 and would contribute to a more just society; accordingly, his Government reiterated its support for this venture. In conclusion, he observed that Nigeria had adopted five fundamental Conventions.

Mr. Khan (Government, Pakistan) associated his Government with the statement made on behalf of those of the Asia and Pacific region. He recalled the constitutional framework within which the Declaration follow-up was to be conducted, as well as the understandings reached in the negotiations on the text of the Declaration. The balance that had been achieved should not be sacrificed. This meant that the follow-up should, in essence, be promotional, not specific to any one country or group of countries and should not focus on specific cases or involve complaints. Follow-up should not be an opportunity for double scrutiny.

However, certain observations from an international workers’ organization had been incorporated into the report by virtue of what was termed “established practice”. In his view this was not an appropriate component of the follow-up exercise. The Office had offered clarifications regarding the term “established practice”; this implied that governments should send copies of reports to national workers’ and employers’ organizations, which could submit comments direct to the Office or through their governments. In this context, he pointed out that observations received from international workers’ organizations by the Committee of Experts on the Application of
Conventions and Recommendations had never been appended to governments’ reports. They were simply noted by that Committee. The continuation of the practice of inclusion in the compilation of reports under this follow-up exercise would merely confirm the doubts and reservations held by certain parties when the Declaration had been adopted. It could prove a disincentive to voluntary reporting. On the other hand, the objective should be to identify technical cooperation needs with a view to facilitating the ratification and implementation of core Conventions.

Furthermore, his Government did not endorse the Expert-Advisers’ recommendation that fundamental principles should be promoted without consideration for prevailing social and economic conditions. This ran counter to the Declaration’s promotional spirit; the link between social progress and economic growth had been specifically addressed in the Declaration. Nor did he support the recommendation regarding the strengthening of links with international organizations: the Declaration already stated that other organizations might be encouraged to support ILO efforts aimed at achieving the Declaration’s objectives in response to the express needs of members. The organizations in question should only be those with which the ILO had established relations in accordance with article 12 of the Constitution. It should be ensured that the Expert-Advisers’ recommendations were confined to the mandate conferred by the Declaration.

He also held reservations regarding the provision of data for benchmarking purposes. Each country should decide on the information to be supplied and develop its own indicators; it was a complex problem for many States with limited resources. As a rule, however, the entire exercise was fundamentally a non-country-specific one and the first annual compilation of reports had, in this respect, reinforced the apprehensions held by his Government at the time of the Declaration’s adoption. The ratification of core instruments remained the highest form of commitment to the principles contained in those texts.

Mr. Rodriguez Cedeño (Government, Venezuela) was supportive of the comments and recommendations made by the Expert-Advisers, who had accomplished a very complex task that would help promote the Declaration. As regards consideration for prevailing social and economic conditions, this was an integral part of what was an important promotional instrument. The Declaration was clearly distinguished from the Organization’s supervisory mechanisms. The commitments written into the Declaration did not constitute legal obligations with associated sanctions, and technical cooperation played a fundamental role in the promotion of the core Conventions. The follow-up process would identify technical assistance needs for that purpose. Member States should call on the Office for support in responding to the questionnaire.

Lord Brett (Worker, United Kingdom; Worker Vice-Chairperson), in response to the discussion, recalled that the ICFTU’s entitlement to present observations had been approved when the Declaration was adopted: a lengthy discussion had been held on the issue of contributions from international organizations; legal opinions had been sought which had been accepted. In reply to statements by several governments to the effect that this was a non-complaints based, promotional exercise, he pointed out that a factual statement on a situation intended to promote improvements could readily be interpreted by some as constituting a complaint.

Mr. Thüsing (Employer, Germany; Employer Vice-Chairperson) was heartened to note that the context of this first follow-up discussion had been clearly grasped by the participants. He also reiterated the fact that the Employers did not question the entitlement of serious international organizations of workers and employers to make factual contributions.

The representative of the Director-General (Ms. Trebilcock, Director, InFocus Programme on Promoting the Declaration), in response to various comments, stated that certain clarifications would be made to the Expert-Advisers’ Introduction regarding ratified Conventions. Furthermore, the report forms had now been translated into Arabic.

The Legal Adviser (Mr. Devlin), with reference to the issue of the inclusion of comments by an international workers’ organization, indicated that the relevant precepts were contained in the Declaration and had the legal force of binding instructions from the Conference, in particular to the Governing Body in the context of the follow-up. One such principle was that, in the gathering of information relevant to the follow-up exercise, account was to be taken of article 23 of the Constitution and “established practice”. Article 23 obliged governments submitting reports, under articles 19 or 22, to submit a copy to the most representative organizations of workers and employers in their countries; this addressed the national context. However, the Declaration also
made reference to "established practice"; this referred to the examination of comments made by a national or an international association of employers or workers with regard to matters dealt with in a Convention or Recommendation. Section A.1 of the Annex to the Declaration, which concerned the follow-up, stated that the purpose of the follow-up was "... to provide an opportunity to review each year, by means of simplified procedures to replace the four-year review introduced by the Governing Body in 1995," the efforts made to promote the Declaration. The term "established practice" should be interpreted in that context. This had been the essence of the opinion supplied by the Legal Adviser and the Declaration had been adopted in full knowledge of that opinion. Under that "established practice" comments sought or received from international employers' and workers' organizations should be taken into account in the compilation in so far as they remained within the scope of the Declaration.

The second principle was the prohibition of double scrutiny; the Office had taken this precept into account in deciding whether comments received from employers' and workers' organizations should or should not be included in the compilation. It was true that a factual statement regarding a situation could be interpreted by some as a complaint. However, reference to a set of facts did not constitute an examination, and the statement could be made in a spirit of promotion with a view to identifying needs for technical assistance or a basis to evaluate future progress. The Office had endeavoured to exercise the appropriate discretion in this regard. Naturally, the exercise of such discretion remained under the control of the Governing Body and its comments would be taken into account by the Office in this process, which many had described as being one of learning.

The Director-General emphasized the importance of the debate for the International Labour Organization. All participants were clearly aware of the implications of this new venture. This annual review, together with the Global Report and the discussion to be held in November 2000 on technical cooperation, would intensify the collective concern to make the rights and principles enshrined in the Declaration a tangible reality. The contributions to the debate would provide important input for future exercises. He highlighted the dedication displayed by the staff in preparing the report and its discussion. He addressed his gratitude to the Expert-Advisers, whose effective interaction and deep understanding of the issues under examination had secured a most valuable, forward-looking annual review: the present debate had provided valuable guidance for the next exercise.

The promotional nature of the follow-up implied the provision of information which had not existed in this form hitherto. This data covered legal issues, national practice and political or economic factors in the national landscape. Good practices needed to be highlighted and problems identified; for this, the system clearly depended on a satisfactory response rate. The Governing Body could then analyse the situation and determine areas where the Organization could prove to be of major assistance. A large number of respondents had themselves identified areas for technical cooperation, and this was a significant element of the follow-up's success: it reflected countries' will to examine their national situations and to consider possibilities for improving them. It would be necessary to see how the Office could respond to this call for help. Such a response would prove vital to the Declaration's effective implementation.

The committee of the whole closed at 5.50 p.m.
LISTE DES PERSONNES
QUI ONT ASSISTE A LA 277e SESSION DU CONSEIL D'ADMINISTRATION

LIST OF PERSONS
WHO ATTENDED THE 277th SESSION OF THE GOVERNING BODY

LISTA DE LAS PERSONAS QUE ESTUVIERON
PRESENTES EN LA 277.ª REUNION DEL CONSEJO DE ADMINISTRACION


I. MEMBRES TITULAIRES ET LEURS SUPPLEANTS
I. REGULAR MEMBERS AND THEIR SUBSTITUTES
I. MIEMBROS TITULARES Y SUS SUPLENTES

MEMBRES GOUVERNEMENTAUX / GOVERNMENT MEMBERS / MIEMBROS GUBERNAMENTALES*

Algérie Algeria Argelia

RAÏS, Mohamed El-Hadi, M., Chef de Cabinet au ministère du Travail et de la Protection sociale; représentant du gouvernement de l'Algérie au Conseil d'administration.

suppléant:
DEMBRI, Mohamed-Salah, S.E., M., Ambassadeur, Représentant permanent de l'Algérie à Genève.

accompagné de:
BENFREHA, Nor-Eddine, M., Conseiller, mission permanente, Genève.
MISSAOUI, Mahidine, Ministère des Affaires étrangères.

Allemagne Germany Alemania

OHNDORF, Wolfgang, Mr., Head, European and International Social Policy Department, Federal Ministry of Labour and Social Affairs; Representative of the Government of Germany on the Governing Body.

substitutes:
WILLERS, Dietrich, Mr., Head, Section for ILO Affairs, Federal Ministry of Labour and Social Affairs; Substitute Representative of the Government of Germany on the Governing Body.
KLOTZ, Valentin, Mr., Counsellor, Permanent Mission, Geneva.

accompanied by:
KALBITZER, Ulrich, Mr., Counsellor, Permanent Mission, Geneva.

Arabie saoudite Saudi Arabia Arabia Saudita

AL HADLAQ, Abdulaziz I.S., Mr., Director-General, International Organizations Affairs Department, Ministry of Labour and Social Affairs; Representative of the Government of Saudi Arabia on the Governing Body.

substitute:
AL-AMMAR, Saad A., Mr., Director-General, Saudi Manpower Employment.

Brésil Brazil Brasil

JOBIM, Paulo, Mr., Executive Secretary, Ministry of Labour and Employment.

suplentes:
ALENCAR, Álvaro, H.E., Mr., Ambassador, Special Assistant to the Minister of Labour and Employment.
AGUIAR PATRIOTA de, Antônio, Sr., Ministro Consejero, Misión Permanente, Ginebra.

GOMES DOS SANTOS, Maria Helena, Sra., Chefa de la División Internacional, Ministerio de Trabajo.

acompañado de:

DUQUE ESTRADA MEYER, Frederico, Sr., Consejero, Misión Permanente, Ginebra.

COSTI SANTAROSA, Felipe, Sr., Segundo Secretario, Misión Permanente, Ginebra.

Burkina Faso

TOPAN, Sanné Mohamed, M., Ministre de l'Emploi, du Travail et de la Sécurité social; représentant du gouvernement du Burkina Faso au Conseil d'administration.

suppléant:

SOULAMA, Timothée, M., Directeur général du Travail et de la Sécurité sociale; représentant suppléant du gouvernement du Burkina Faso au Conseil d'administration.

Canada

ROBINSON, Debra, Mme, Directrice des Affaires internationales du Travail, Ministère du développement des ressources humaines.

suppléante:

PERLIN, Jean, Ms., Counsellor, Permanent Mission, Geneva.

accomplie de:

GERVAIS-VIDRICAIRE, Marie, Mme, Ministre et Représentant permanent adjoint du Canada à Genève.

MACPHEE, Donald, Mr., Senior Advisor, Department of Foreign Affairs and International Trade.

ONEIL, Nathalie, Ms., Senior International Labour Affairs Officer, International Labour Affairs, Ministry of Human Resource Development.

WHITESIDE, Dale, Ms., Senior Policy Analyst, Trade Policy Planning Division, Department of Foreign Affairs and International Trade.

Chine China China

QIAO, Zonghuai, H.E., Mr., Ambassadress, Permanent Representative of China in Geneva.

substitutes:

LI, Donglin, Mr., Director-General, Department of International Cooperation, Ministry of Labour and Social Security.

ZHANG, Junfeng, Mr., Counsellor, Permanent Mission, Geneva.

accompagnée de:

GUAN, Jinghe, Mrs., Chief, Department of International Cooperation, Ministry of Labour and Social Security.

JIANG, Mohui, Mr., Deputy Chief, Department of International Cooperation, Ministry of Labour and Social Security.

République de Corée Republic of Korea República de Corea

CHANG, Man-Soon, H.E., Mr., Ambassadress, Permanent Representative of the Republic of Korea in Geneva.

substitute:

CHOI, Byung-Hoon, Mr., Director-General, International Cooperation Bureau, Ministry of Labour.

accompagnée de:

LEE, Jae-Kap, Mr., Director, International Cooperation Division, Ministry of Labour.

YI, Sung-Ki, Mr., Labour Attaché, Permanent Mission, Geneva.
HAM, Sang-Wook, Mr., Assistant Director, Human Rights and Social Affairs Division, Ministry of Foreign Affairs and Trade.
CHUNG, Hae-Young, Mr., Assistant Director, International Cooperation Division, Ministry of Labour.
CHOI, Sung-Yo, Mrs., Assistant Director, International Cooperation Division, Ministry of Labour.

Croatia  Croatia  Croacia

CEK, Spomenka, H.E., Mrs., Ambassador, Permanent Representative of the Republic of Croatia in Geneva.

substitute:
MUSULIN, Marina, Mrs., Head of the Department for International Relations and Cooperation, Ministry of Labour and Social Welfare.

accompanied by:
KOS, Vesna, Ms., First Secretary, Permanent Mission in Geneva.

Etats-Unis  United States  Estados Unidos

SAMET, Andrew J., Mr., Deputy Under Secretary for International Affairs, Department of Labor; Representative of the Government of the United States on the Governing Body.

substitute:
SPRING, Charles H., Mr., Director, Office of International Organizations, Bureau of International Labor Affairs, Department of Labor; Substitute Representative of the Government of the United States on the Governing Body.

accompanied by:
MACKIN BARRETT, Joan, Ms., Manpower Analyst, Office of International Organizations, Bureau of International Labor Affairs, Department of Labor.
HAGEN, Robert, Mr., Labor Attaché, Permanent Mission, Geneva.
JOHNSON, Karen E., Ms., First Secretary, Permanent Mission, Geneva.
PETERSON, David A., Mr., Senior Policy Adviser, Office of Economic Policy, Department of Commerce.
SOUTHWICK, Michael, E., Mr., Deputy Assistant Secretary, Bureau of International Organization Affairs, Department of State.
SWINNERTON, Kenneth A., Mr., Research Economist, Office of International Economic Affairs, Bureau of International Labor Affairs, Department of Labor.
TRACY, Mary, Ms., Budget Analyst, Office of UN System Administration, Bureau of International Organization Affairs, Department of State.
WILLIAMSON, James, H., Mr., Director for Industrial and Communications Programs, Bureau of International Organization Affairs, Department of State.

Ethiopie  Ethiopia  Etiopia

YIMER, Fisseha, H.E., Mr., Ambassador, Permanent Representative of Ethiopia in Geneva.

substitutes:
DELELEGN AREGA, Mussie, Mr., Counsellor, Permanent Mission, Geneva.
ALEMU GETAHUN, Minelik, Mr., First Secretary, Permanent Mission, Geneva.

accompanied by:
TADESSE W/GIOGIS, Woinshet, Ms., First Secretary, Permanent Mission, Geneva.

France  France  Francia

JOIN-LAMBERT, Marie-Thérèse, Mme, Présidente, Observatoire national sur la Pauvreté et l'Exclusion sociale; représentante du gouvernement de la France au Conseil d'administration.
suppléant:
LAVERGNE, Jean, M., Inspecteur général des Affaires sociales; représentant suppléant du gouvernement de la France au Conseil d’administration.

accompagnée de:
PETIT, Philippe, S.E., M., Ambassadeur, Représentant permanent de la France à Genève.
SAINT-PAUL, François, M., Représentant permanent adjoint de la France à Genève.
RAMOND, Maurice, M., Inspecteur général honoraire des Affaires sociales.
CARTIER, Jean-Louis, M., Inspecteur général des Affaires sociales.
BOCCOZ, Michèle, Mme, Conseiller, mission permanente à Genève.
MOURANCHE, Sylvie, Mme, Chargée de mission, Délégation aux Affaires européennes et internationales, Ministère de l’Emploi et de la Solidarité.
PETITGUYOT, Marie-Christine, Mme, Chargée de mission, Délégation générale à l’Emploi et de la Formation professionnelle, Ministère de l’Emploi et de la Solidarité.
GOSSELIN, Hervé, M., Sous-Directeur, Direction des Relations du Travail, Ministère de l’Emploi et de la Solidarité.

Ghana

MUMUNI, Alhaji Muhammad, Mr., Minister of Employment and Social Welfare.

substitutes:
ADJEI, Daniel Yaw, Mr., Ministry, Deputy Permanent Representative of Ghana in Geneva.
ASANTE, Kwasi, Mr., Counsellor, Permanent Mission, Geneva.

accompagné by:
NTIM, E.A., Mr., Chief Labour Officer, Ministry of Employment and Social Welfare.

Guatémala Guatemala

ALFARO MIJANGOS, Juan Francisco, Sr., Ministro de Trabajo y Previsión Social.
PADILLA MENENDEZ, Luis Alberto, S.E., Sr., Embajador, Representante Permanente de Guatemala en Ginebra.

acompañado de:
SOLIS, Sara, Sra., Ministra Consejera, Misión Permanente en Ginebra.
RODRIGUEZ MANCIA, Carla, Sra., Ministra Consejera, Misión Permanente en Ginebra.
HOCHSTETTER, Stephanie, Srita., Segunda Secretaria, Misión Permanente en Ginebra.

Inde India India

MISHRA, Lakshmidhare, Mr., Secretary, Ministry of Labour; Representative of the Government of India on the Governing Body.

substitute:
KUNADI, Savitri, H.E., Ms. Ambassador and Permanent Representative of India in Geneva.

acompañado by:
SABHARWAL, Sharat, Mr., Deputy Permanent Representative, Permanent Mission, Geneva.
SIRAJUDDIN, P.M., Mr., Director, Ministry of Labour.
TUHIN, Kumar, Mr., First Secretary, Permanent Mission, Geneva.

République islamique d’Iran Islamic Republic of Iran República Islámica del Irán

AFKARI, Mohammad, Mr., Deputy Minister of Labour.
accompanied by:
SOLTANIEH, H.E., Mr., Ambassador and Deputy Permanent Representative of the Islamic Republic of Iran in Geneva.
AL HOSEINI, Mohammad Taghi, Mr., Labour Attaché, Germany.
HEFDAHTAN, Sayed Hasan, Mr., Labour Attaché, Italy.
ROSHANI, Issa, Mr., Third Secretary, Permanent Mission, Geneva.

Italie Italy Italia

SALIMEI, Marcello, S.E.M., Ambassadeur, Ministère des Affaires étrangères; représentant du gouvernement de l'Italie au Conseil d'administration.

suppléant:
FERRARA, Raffaele, M., Directeur général adjoint des Rapports du Travail, Ministère du Travail; représentant suppléant du gouvernement de l'Italie au Conseil d'administration.

accompagné de:
QUINTAVALLE, Nathalia, Mme, Conseiller, mission permanente, Genève.
BETTI BERUTTO, Massimo, M., Expert de la coopération au développement, Ministère des Affaires étrangères. CARACCILOLO, Antonio, M., Inspecteur général, Ministère du Travail.

Japon Japan Japón

IWATA, Kimie, Mrs., Assistant Minister of Labour, Ministry of Labour; Representative of the Government of Japan on the Governing Body.

accompanied by:
SUMI, Shigeki, Mr., Counsellor, Permanent Mission, Geneva.
TAKEZAWA, Masaaki, Mr., Counsellor, Permanent Mission, Geneva.
ISAWA, Akira, Mr., Counsellor, Permanent Mission, Geneva.
OJIKA, Masaya, Mr., Attached to the Minister's Secretariat, Ministry of Labour.
CHIBA, Akira, Mr., First Secretary, Permanent Mission, Geneva.
UEHARA, Takanori, Mr., First Secretary, Permanent Mission, Geneva.
MORI, Akinori, Mr., First Secretary, Permanent Mission, Geneva.
WATANABE, Takekazu, Mr., First Secretary, Permanent Mission, Geneva.
KONDO, Maiko, Ms., Officer, International Labour Affairs Division, Minister's Secretariat, Ministry of Labour.

Malaisie Malaysia Malasia

FADIL AZIM, Abbas, Mr., Deputy Secretary General, Ministry of Human Resources.

accompanied by:
HAMIDON, Ali, H.E., Mr., Ambassador, Permanent Representative of Malaysia in Geneva.
HASNUDIN, Hamzah, Mr., Deputy Permanent Representative, Permanent Mission, Geneva.
MUNUSAMY, P., Mr., Principal Assistant Secretary, Ministry of Human Resources.
SHARIFAH FUZIAH, Syed Abdullah, Mrs., Counsellor (Labour Affairs), Permanent Mission, Geneva.
AYATILLAH, Ahmad, Mr., Counsellor, Permanent Mission, Geneva.
RAJA NUSHIRWAN, Zainal Abidin, Mr., Second Secretary, Permanent Mission, Geneva.

Namibie Namibia Namibia

TOIVO YA TOIVO, Andimba, Mr., Minister of Labour.
SCHLETTWEIN, Carl H., Mr., Permanent Secretary, Ministry of Labour; Representative of the Government of Namibia on the Governing Body.

substitute:
SHINGUADJA, Bro-Matthew, Mr., Labour Commissioner.
accompanied by:
NGHIYOONANYE, G.T.M., Ms., Deputy Director, Ministry of Labour.
AINGURA, Elia A., Mr., Personal Assistant to the Minister of Labour.
LISWANI, Katrina I., Ms., Deputy Director of Labour, Ministry of Labour.

VOTO-BERNALES, Jorge, S.E., Sr., Embajador, Representante Permanente del Perú en Ginebra.

acompañado de:
RODRIGUEZ, Manuel, Sr., Ministro, Representante Permanente Alterno del Perú en Ginebra.
GUILLEN, Gonzalo, Sr., Primer Secretario, Misión Permanente en Ginebra.

Royaume-Uni United Kingdom Reino Unido

NIVEN, Marie, Ms., Principal, International Relations Branch, Department for Education and Employment; Representative of the Government of the United Kingdom on the Governing Body.
FULLER, Simon, H.E., Mr., Ambassador, Permanent Representative of the United Kingdom in Geneva.

substitutes:
RICHARDS, Stephen, Mr., Senior Executive Officer, Department for Education and Employment.
WARRINGTON, Guy, Mr., First Secretary, Permanent Mission of the United Kingdom in Geneva.
BRATTAN, Sara, Ms., Higher Executive Officer, Department for Education and Employment.

accompanied by:
TUCKER, Clive, Mr., Head of International Relations Directorate.
GRAHAM, Peter, Mr., Director Strategy, Health and Safety Executive.
WALTON, Derek, Mr., First Secretary (Legal Adviser), Specialised Agencies, Permanent Mission of the United Kingdom in Geneva.
BRADLEY, Joe, Mr., Second Secretary, Specialised Agencies, Permanent Mission of the United Kingdom in Geneva.

Fédération de Russie Russian Federation Federación de Rusia

KALASHNIKOV, Sergei, Mr., Minister of Labour and Social Development.
LIUBLIN, Yuri Z., Mr., First Deputy Minister of Labour and Social Development; Representative of the Government of the Russian Federation on the Governing Body.

substitutes:
KOLODKIN, Roman A., Mr., Deputy Permanent Representative of the Russian Federation in Geneva.
LUKYANENKO, Svyatoslav, Mr., Head of the Division, Ministry of Labour and Social Development.

accompanied by:
PIROGOV, Andrei, Mr., Deputy Head of the Division, Ministry of Labour and Social Development.
SHAKHMURADOV, Konstantin F., Mr., Senior Counsellor, Permanent Mission, Geneva.
STEPANOV, Viktor F., Mr. Head of the Section, Ministry of Labour and Social Development.
CHERNIKOV, Pavel G., Mr. Counsellor, Permanent Mission, Geneva.
KOVALENKO, Andrei, V., Mr., First Secretary, Permanent Mission, Geneva.
MUSIKHIN, Maxim, V., Mr., Attaché, Permanent Mission, Geneva.

Slovaquie Slovakia Eslovaquia

PETÖCZ, Kálmán, H.E., Mr., Ambassador, Permanent Representative of Slovakia in Geneva.
BUJNOVSKA, Daniela, Mrs., Director-General, International Relations Section, Ministry of Labour, Social Affairs and Family.
substitute:
MAJEK, Milan, Mr., Expert and Advisor, Ministry of Labour, Social Affairs and Family.

accompanied by:
HAVELVKOVÁ, Eva, Ms., Third Secretary, Permanent Mission, Geneva.

Suisse Switzerland Suiza

suppléants:
BRANDT, Philippe, M., Division politique III, Section ONU/OI, Département fédéral des Affaires étrangères, DFAE.
NÜTZI, Daniela, Ms., Département fédéral des Affaires étrangères, mission Suisse à Genève.
FELDER, Nicola, M., Division multilatérale, Direction du développement et de la Coopération.

Tchad Chad
DJOUASSAB KOÏ, Abba, M., Ministre de la Fonction publique, du Travail, de la Promotion de l’Emploi et de la Modernisation.

suppléants:
KADE NDILGUEM, Elisabeth, Mme, Directrice du Travail, de l’Emploi et de la Sécurité sociale.

Trinité et Tobago Trinidad and Tobago Trinidad y Tobago
SUPERSAD, Madhuri, Ms., Director, Research and Planning, Ministry of Labour and Cooperatives.

substitute:
RICHARDS, Mary Ann, Ms., Deputy Permanent Representative of Trinidad and Tobago in Geneva.

Venezuela
RODRÍGUEZ CEDEÑO, Victor, S.E., Sr., Embajador, Representante Permanente Alterno de Venezuela en Ginebra; Representante Permanente del Gobierno de Venezuela ante el Consejo de Administración.

acompañado de:
MOLINA, Ruben, Sr., Director de la Oficina de Relaciones Internacionales, Ministerio del Trabajo.
MENDEZA OMAÑA, María Carolina, Sr., Tercer Secretaria, Misión Permanente en Ginebra.
Membres Employeurs / Employer Members / Miembros Empleadores

BOISSON, Bernard, M. (France), Conseiller social, Mouvement des Entreprises de France.

DAHLAN, Abdullah Sadiq, Mr. (Saudi Arabia), Representative of the Council of Saudi Chamber of Commerce and Industry.

DONATO, Arthur, Sr. (Brasil), Director, Confederação Nacional da Indústria.

FUNES DE RIOJA, Daniel, Sr. (Argentina), Presidente del Departamento de Política Social, Unión Industrial Argentina.

HOFF, Erik, Mr. (Norway), Director, Confederation of Norwegian Business and Industry (NHO).

LAMBERT, Mel, Mr. (United Kingdom), Human Resources Director, Fiat UK Limited.

M'KAISSI, Ali, M. (Tunisie), Directeur, Département des relations du Travail et des Affaires sociales, UTICA.

NILES, Thomas, Mr. (United States), President, United States Council for International Business.

NOAKES, Bryan, Mr. (Australia), Director-General, Australian Chamber of Commerce and Industry.

OWUOR, Tom D., Mr. (Kenya), Executive Director, Federation of Kenya Employers.

SUZUKI, Toshio, Mr. (Japan), Senior Managing Director, NIKKEIREN International Cooperation Center.

THÜSING, Rolf, Mr. (Germany), Executive Board, Confederation of German Employers' Associations (BDA); Vice-Chairperson of the Governing Body of the ILO.


Membres Travailleurs / Worker Members / Miembros Trabajadores

BRETT, Lord (United Kingdom), Member, General Council Trades Union Congress (TUC); Vice-Chairperson of the Governing Body of the ILO.

EDSTROM, Ulf, Mr. (Sweden), International Secretary, Swedish Trade Union Confederation.

ENGELEN-KEFER, Ursula, Mrs. (Germany), Vice-President, German Confederation of Trade Unions (DGB).

FALBR, Richard, Mr. (Czech Republic), President of the Czech-Moravian Chamber of Trade Unions.

ITO, Sukesada, Mr. (Japan), President, Japanese Trade Union Confederation (JTUC-RENGO).

KIKONGI DI MWINSWA, Fernand, M. (Rép. dém. du Congo), Président, Confédération syndicale.

MANSFIELD, William, Mr. (Australia), Australian Council of Trade Unions.

MIRANDA OLIVEIRA, J. Olivio, Sr. (Brasil), Central Unica dos Trabalhadores.

PARROT, Jean-Claude, M. (Canada), Vice-Président exécutif, Congrès du Travail du Canada (CTC).

RAMIREZ LEÓN, Federico, Sr. (Venezuela), Presidente, Confederación de Trabajadores de Venezuela (CTV).

RAMPAK, Zainal, Mr. (Malaysia), Secretary-General, Transport Workers' Union.

SAHBANI, Ismail, M. (Tunisie), Secrétaire général, Union générale tunisienne du Travail (UGTT).

SIBANDA, G., Mr. (Zimbabwe), President, Zimbabwe Congress of Trade Unions (ZCTU).

ZELLHOEFER, Jerry, Mr. (United States), AFL-CIO European Office.

Membres Employeurs / Employer Members / Miembros Empleadores

HESS, Christian, Mr., accompanying Mr. Thüssing.

KAADA, Tor, Mr., accompanying Mr. Hoff.

WALKER, Anna, Ms., accompanying Mr. Niles.

YANO, Hironori, Mr., accompanying Mr. Suzuki.

Membres Travailleurs / Worker Members / Miembros Trabajadores

BERAN, Vlastimil, Mr., accompanying Mr. Falbr.

HAYASHIBARA, Michiko, Mrs., accompanying Mr. Ito.

STEWEN, Simon B., Mr., accompanying Lord Brett.
II. MEMBRES ADJOINTS ET LEURS SUPPLEANTS
II. DEPUTY MEMBERS AND THEIR SUBSTITUTES
II. MIEMBROS ADJUNTOS Y SUS SUPLENTES

MEMBRES GOUVERNEMENTAUX ADJOINTS
GOVERNMENT DEPUTY MEMBERS
MIEMBROS GUBERNAMENTALES ADJUNTOS

Afrique du Sud  South Africa  Sudáfrica

RAMASHIA, R. Mr., Director-General, Department of Labour.

accompanied by:
KETTLEDAS, L., Mr., Deputy Director-General, Department of Labour.
LUSENGA, L., Ms., Counsellor (Labour), Permanent Mission, Geneva.

Bangladesh

ISLAM, Sirajul, Mr., Secretary, Ministry of Labour and Employment.

substitute:
CHOWDHURY, Iftekhar Ahmed, H.E., Mr., Ambassador, Permanent Representative of Bangladesh in Geneva.

accompanied by:
RAHMAN, Latifur, Mr., Deputy Chief (Labour), Department of Labour, Ministry of Labour and Employment.
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Bénin  Benin

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Bulgarie  Bulgaria

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Chili  Chile

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Chypre  Cyprus  Chipre

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Colombie  Colombia

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République dominicaine  Dominican Republic  República Dominicana

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Soudan  Sudan  Sudán

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Tanzanie  Tanzania

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III. REPRESENTANTS D'AUTRES ETATS MEMBRES DE L'ORGANISATION
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III. REPRESENTATIVES OF OTHER STATES MEMBERS
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III. REPRESENTANTES DE OTROS ESTADOS MIEMBROS DE LA ORGANIZACION
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Argentina

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Equateur  Ecuador
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Finlande  Finland  Finlandia
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Hongrie  Hungary  Hungría
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Iraq  Irak
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Organisation internationale pour les migrations
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ELING, Kim, M., Administrateur, Direction générale de l'Emploi et des Affaires sociales.
DUFOUR, Christian, M., Attaché.

Ligue des Etats arabes / League of Arab States / Liga de Estados Arabes

ALFARARGI, Saad, S.E., M., Ambassadeur Observateur permanent.
ELSAYED, Mahmoud Hassan, Ministre Conseiller.
BABAKER, Abdallah, M., Conseiller.
EL HAJJE, Osman, M., Attaché.

Organisation arabe du travail / Arab Labour Organization / Organización Arabe del Trabajo

EL-TELAWI, Adnan Khalil, M., Chef, délégation permanente à Genève.

Organisation de l'Unité africaine / Organization of African Unity / Organización de la Unidad Africana

WEGE NZOMWITA, Venant, Mr., Deputy Permanent Observer.
MENSA-BONSU, I.O., Mr., Minister Counsellor.

V. REPRESENTANTS D'ORGANISATIONS INTERNATIONALES NON
THORDARSON, Bruce, Mr., Director-General.

ASSOCIATION INTERNATIONALE DE LA SÉCURITÉ SOCIALE
International Social Security Association
Asociación Internacional de la Seguridad Social

HOSKINS, Dalmer, Mr., Secretary-General.

CONFÉDÉRATION INTERNATIONALE DES SYNDICATS LIBRES
International Confederation of Free Trade Unions
Confederación Internacional de Organizaciones Sindicales Libres

CUNNIAH, Dan, Mr., Director, Geneva Office.
BIONDI, Anna, Ms., Assistant Director.

CONFÉDÉRATION MONDIALE DU TRAVAIL / WORLD CONFEDERATION OF LABOUR / CONFEDERACIÓN MUNDIAL DEL TRABAJO

ESTÉVEZ, Eduardo, M., Secrétaire confédéral.
FAUCHERE, Béatrice, Mme, Représentante permanente.
DEREYMAEKER, Jan, M., Conseiller.

ORGANISATION INTERNATIONALE DES EMPLOYEURS
International Organization of Employers
Organización Internacional de Empleadores

PEÑALOSA, Antonio, Mr., Secretary-General.
FRANCE, Deborah, Ms., Deputy Secretary-General.
WILTON, Brent, Mr., Senior Adviser.

ORGANISATION DE L'UNITÉ SYNDICALE AFRICAINE
Organization of African Trade Union Unity
Organización de la Unidad Sindical Africana

SUNMONU, Hassan, Mr., Secretary-General.
ABUZEID, Mohamed Mabrouk, Mr., Permanent Representative in Geneva.

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Les membres suivants n'ont pas pris part à la session:
The following members did not attend the meeting:
Los siguientes miembros no participaron en la reunión:

Sr. Bingen DE ARBELOA (Venezuela), miembro empleador suplente
Ms. Halimah B. YACOB (Singapore), woker deputy member.