Corrigenda

88th Session of the International Labour Conference, May-June 2000

Provisional Record No. 10

Page 10/1 (The Secretary-General's speech), second column, fourth paragraph, the second sentence should read: “And I can assure you after living for nine years in the United Nations in New York that if you take a resolution approved at the General Assembly and you hand it to somebody, a normal person, they will understand very little of it.”

Page 10/4, first column, penultimate paragraph, first sentence: replace the word “other” by “better”.

Page 10/5, second column, second full paragraph, last sentence: delete the words “it is not standing straight and”.

Page 10/13 (Mr. Mannan's speech), first column, first full paragraph, second sentence: replace “government” by “garment”.

Provisional Record No. 11

Page 11/8 (Mr. Khan's speech), first column, first full paragraph, second and fourth sentences: delete the word “unique”.

Page 11/10, first column: at the beginning of the speech, Mr. Mendoça e Moura should be referred to as: “(Government delegate, Portugal)”. In the second line of the first paragraph, add “member States of the” after “on behalf of”. The first sentence of the second paragraph should read as follows: “This Report concerns the right of freedom of association and the effective recognition of the right to collective bargaining.” The fourth sentence should read: “For this follow-up mechanism to fulfil its objectives of promoting fundamental rights, this Report should be examined at a high political level.” In the last sentence, after “Conference” add the words: “and comments should be taken into account”. In the second column, second line: replace “with the participation of” by “and the degree of participation of”. In the third line: replace the words “We would like the reports following” by “We would like future reports to”. In the sixth line, replace “obligate” by “involve”.

Page 11/25 (Mr. Sweeney's speech), second column, after the words “follow-up process” a second sentence should be added: “I appreciate the remarks of our Secretary of Labor, Alexis Herman, a few minutes ago.”

Page 11/30 (Ms. Coletti's speech), second column, first sentence: after the word “mention” add “- Bulgaria”.

Provisional Record No. 14

Page 14/7 (Mr. Potter's speech), first column, last paragraph of the speech, the first two sentences should read: “Finally, I would like to pay homage to two Americans, one a worker and the other an employer, who died with the ILO in their hearts. Edward J. Hickey, Jr., who passed away earlier this year, served on the Committee on the Application of Conventions and Recommendations for 30 years. In the penultimate line: replace “Kickey” by “Hickey”.

Provisional Record No. 18

Page 18/5 (Mr. Kohli's speech), first column, third paragraph, third line: replace “25 per cent” by “75 per cent”.
Provisional Record No. 19

Page 19/27, paragraph 189: replace the last sentence with the following text: “The speaker added that the text of the resolution as regards the appropriate measures to respect and promote the principles of the ILO Declaration should be understood in the light of the provisions of the Declaration itself which, on the one hand, affirmed the role of the ILO in providing technical assistance and, on the other hand, recognized the special conditions of each country.”

Provisional Record No. 22

Page 22/8 (Mr. Lamprecht’s speech) first column, penultimate paragraph, seventh line: after the word “through” add “also”.
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Resolutions submitted in accordance with article 17 of the Standing Orders of the Conference

Resolution concerning international labour standards, submitted by the following Employers' delegates: Mr. Barde (Switzerland); Mr. Botha (South Africa); Mr. Glélé (Benin); Mr. Huntjens (Netherlands); Mr. Lambert (United Kingdom); Mr. Moorhead (United States); Mr. Owuor (Kenya)*

The General Conference of the International Labour Organization,

Considering that, whilst the adoption of international labour standards is one of the means by which the ILO can achieve its objectives, the low level of ratification of many Conventions prevents it from realizing its objectives and thus damages its credibility,

Considering that international labour standards should be high impact standards which seek to address fundamental workplace issues on which a broad tripartite consensus is possible,

Considering that international labour standards need to be easily adaptable to rapid changes in the international social technological environment and therefore that more realistic methods of revision should be explored,

Considering that Conventions are instruments which should be resorted to when binding legal regulations at international level are considered necessary by the tripartite constituents and that, when such is the case, they should lay down essential general principles, leaving the formulation and selection of means of application to national law and practice,

Considering that where supporting Recommendations are judged appropriate they should be complementary to the Convention and provide guidance on implementation,

Considering that revitalized Recommendations – which are more flexible – deserve more use and that more emphasis should be given to them and their possible adoption as autonomous instruments,

Considering that other instruments which are not international labour standards such as conclusions, declarations and codes of practice are also legitimate instruments to achieve the ILO's objectives,

Considering that there is a need to review the procedures and means by which the Conference agenda is set, the technical documents are prepared and the negotiation of instruments is carried out so that there is greater consensus in their effective implementation,

Considering that a standard-setting discussion by the International Labour Conference can be efficient and productive only if it follows in-depth debates of the issues concerned both by the Governing Body and the Conference;

1. Requests the Governing Body of the International Labour Office to:
   (a) confirm its willingness to move ahead with a comprehensive review of the ILO's standards-related activities with a view to strengthening their effectiveness in addressing the new realities and the strategic objectives of the ILO;
   (b) include in such a review an examination of:
       - a more rational method for setting the agenda of the Conference;
       - better ways of selecting and preparing items for standard setting;
       - means other than formal legal instruments to promote the constitutional objectives of the ILO;
       - ways of improving the working methods of the Conference committees;
       - possible amendments to the Constitution of the ILO with a view to revising the conditions governing the coming into force of Conventions as well as of their denunciation;
       - ways of improving the efficiency and coherence of the ILO supervisory machinery;
       - the development of criteria and procedures for the evaluation of the usefulness of standards and other instruments.

2. Requests the Director-General to:
   (a) allocate the necessary financial and human resources to carry out this task;
   (b) report back to the 89th Session of the International Labour Conference (2001) on progress made.

Resolution concerning HIV/AIDS and the world of work, submitted by the following Employers' delegates: Mr. Botha (South Africa); Mr. Glélé (Benin); Mr. Huntjens (Netherlands); Mr. Owuor (Kenya); Mr. Thüssing (Germany)

The General Conference of the International Labour Organization,
Recalling that HIV/AIDS is at present a universal pandemic that threatens all people, regardless of their socioeconomic condition, gender or any other consideration,

Considering that HIV/AIDS is no longer just a health problem, but that it is a developmental crisis with potentially ominous consequences for the social and economic progress of many countries,

Recognizing the effects of HIV/AIDS on the world of work: discrimination in employment, social exclusion of persons living with HIV/AIDS, additional distortion of gender inequalities, increased number of AIDS orphans and increased incidence of child labour,

Noting that HIV/AIDS has also disrupted the performance of the informal sector and small and medium-sized enterprises (SMEs) and that other manifestations are low productivity, depleted human capital, challenged social security systems and threatened occupational safety and health, especially among certain groups at risk such as migrant workers and their communities and workers in the medical and transport sectors,

Recognizing that the spread of AIDS can be prevented and that it is possible, by a multidimensional response, to prevent its spread and protect those who live with it and its consequences;

1. Calls upon the governments of member States and, where applicable, employers’ and workers’ organizations to:

(a) raise national awareness, particularly of the world of work, with a view to eliminating the stigma and discrimination attached to HIV/AIDS, as well as to fight the culture of denial;
(b) strengthen the capacity of the social partners to address the pandemic;
(c) strengthen occupational safety and health systems to protect groups at risk;
(d) formulate and implement social and labour policies and programmes that mitigate the effects of AIDS;
(e) effectively mobilize resources.

2. Requests the Governing Body of the International Labour Office to instruct the Director-General to:

(a) continue and intensify, where appropriate, research on action to be taken and behaviours to be adopted in dealing with HIV/AIDS at the workplace;
(b) present, within the framework of the discussion of the Programme and Budget for 2002-03, a proposal regarding a meeting of experts which will develop international guidelines on action to be taken and behaviour to adopt on HIV/AIDS at the workplace;
(c) collaborate with concerned international organizations in order to avoid duplication of efforts;
(d) expand its capacity to deal with HIV/AIDS at the workplace, especially in its multidisciplinary teams;
(e) undertake research and surveys to determine the implications of HIV/AIDS for the world of work;
(f) document and disseminate all useful information on national experiences including examples of good practices on HIV/AIDS at the workplace;
(g) engage in advocacy and training on HIV/AIDS and the world of work;
(h) strengthen the capacity of the social partners to formulate and effectively implement policies, programmes and activities at the national and enterprise levels.

Resolution concerning the worst forms of child labour, submitted by the Government delegations of the Netherlands and Canada

The General Conference of the International Labour Organization,

Recalling the unanimous adoption by the International Labour Conference on 17 June 1999 of ILO Convention No. 182 and ILO Recommendation No. 190 concerning the prohibition of and immediate action for the elimination of the worst forms of child labour,

Noting the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989 and the commitment shown by an unprecedented number of States that have become signatories and parties to it,

Recalling the ILO Minimum Age Convention, 1973 (No. 138), and its accompanying Recommendation (No. 146),

Considering that the exploitation of children is a gross violation of their human rights and is against the principles of social justice,

Recalling that the effective abolition of child labour is among the ILO’s priority objectives,

Welcoming and supporting the campaign of the Director-General of the ILO for the universal ratification of the ILO Worst Forms of Child Labour Convention, 1999 (No. 182);

1. Calls on all ILO member States to ratify and fully implement the Worst Forms of Child Labour Convention, 1999 (No. 182), at the earliest possible date.

2. Invites all ILO Members and other concerned groups as appropriate to:

(a) actively work towards the full implementation of the Worst Forms of Child Labour Convention, 1999 (No. 182), as well as other relevant international instruments on child labour;
(b) continue to participate actively in the ILO’s International Programme on the Elimination of Child Labour (IPEC).

3. Invites the Governing Body of the ILO to instruct the Director-General to continue to put the highest priority on the effective abolition of child labour and to use the ILO’s different means of action to work towards this goal.

Resolution concerning information and communications technologies, submitted by the following Workers’ delegates: Mr. Abou-Rizk (Lebanon); Mr. Agyei (Ghana); Ms. Anderson (Mexico); Mr. Attigbe (Benin); Mr. Basnet (Nepal); Mr. Blondel (France); Lord Brett (United Kingdom); Mr. Cedrone (Italy); Mr. Edström (Sweden);
Ms. Engelen-Kefer (Germany); Mr. Etty (Netherlands); Mr. Ito (Japan); Mr. Matheson (Australia); Mr. Murangira (Rwanda); Mr. Parrot (Canada); Mr. Patel (South Africa); Mr. Sahbani (Tunisia); Mr. Wistisen (Denmark); Mr. Wojcik (Poland); Mr. Zellhoefer (United States); Mr. Zindoga (Zimbabwe)*

The General Conference of the International Labour Organization,

Noting the pivotal role that information and communications technologies (ICTs) are playing in the globalization process as they permeate more and more areas of economic and commercial activity and impact directly on employment, work organization, the quality of jobs and the broader economic and social development,

Recognizing the enormous potential of these technologies to alleviate poverty, promote equality and economic and employment growth, improve living and working conditions and close the gap between developing and developed countries,

Concerned also at the inherent potential of these technologies to create and/or deepen disparity in opportunities, and to marginalize further less developed countries and disadvantaged social groups,

Stressing the importance of achieving a balance between economic, social and societal aims so that differences in access to and use of these technologies do not lead to a widening of income, gender, regional and global inequalities,

Considering the four strategic objectives of the ILO and the renewed emphasis on the quality as well as the quantity of jobs encompassed in the concept of "decent work",

Welcoming the thematic focus on decent work and information and communications technologies in the forthcoming ILO World Employment Report (2001);

1. Calls upon the governments of ILO member States to:
(a) promote investment in affordable and inclusive ICTs infrastructure and services which will combine the goals of promoting economic growth and competitiveness, social inclusion, wide participation and access, and of reducing inequalities at international, national, regional and community level;
(b) adopt policies and programmes – based on agreements between workers’ and employers’ organizations – to help enterprises, particularly SMEs and micro-enterprises, to take advantage of the opportunities which are presented by e-business and other new forms of business organization;
(c) adapt education, training and labour market institutions and systems to meet the challenges and opportunities created by ICTs and in particular to provide equal access to education and training opportunities related to ICTs so as to maximize the impact on employment and lifelong learning opportunities;
(d) take the necessary legislative and other measures to guarantee that workers in the rapidly expanding new areas of employment associated with ICTs, such as call-centres and offshore teleworking, enjoy the right to freedom of association, collective bargaining, freedom from discrimination and a safe and healthy work environment;
(e) maximize the potential of ICTs to make education, training and employment more accessible to disadvantaged communities and to those excluded from the labour market such as people with disabilities, rural communities, long-term unemployed people and older workers;
(f) promote through the international financial institutions investment policies and strategies which will enable developing countries to put in place the necessary telecommunications and other basic infrastructure so that they can participate fully and share in the economic and social benefits of these technologies.

2. Calls upon employers’ and workers’ organizations to:
(a) promote, on a partnership basis, the development of a lifelong learning environment in the workplace;
(b) negotiate at enterprise, sectoral and/or national level, as appropriate, initiatives to provide opportunities for those with inadequate educational levels or skills to access quality learning opportunities, including adult basic ICT skills programmes, as well as specific initiatives to upgrade skills of workers in low-paid sectors and those facing the challenge of industry restructuring and rapid technological change;
(c) use the increased opportunities presented by ICTs for more flexibility in the organization of work to develop family-friendly work arrangements which enhance the quality of working life and better reconcile the needs of the enterprise and the employees;
(d) promote gender equality through enhanced access to training, the development of new skills and flexible and appropriate learning opportunities for women workers.

3. Invites the Governing Body of the International Labour Office to request the Director-General to:
(a) strengthen the ILO’s promotional activities in relation to those Conventions and Recommendations of particular importance to the needs of the workforce in the “new economy” including the Workers with Family Responsibilities Convention, 1981 (No. 156), the Older Workers Recommendation, 1980 (No. 162), the Part-Time Work Convention, 1994 (No. 175), the Paid Educational Leave Convention, 1974 (No. 140), the Private Employment Agencies Convention, 1997 (No. 181), and the Home Work Convention, 1996 (No. 177);
(b) step up research activities to assist in developing policies and activities which optimize the positive impact of ICTs on employment, quality of working life, social protection, gender equality and the social dialogue;
(c) exchange information and experience of good practice in sectors, industries and workplaces affected by ICTs;
(d) examine the need for standard setting in relation to the protection of personal data and the right to privacy;
(e) work closely with the international financial institutions to develop and promote joint policies and strategies to ensure that developing countries have access to the basic infrastructure which is necessary to maximize the employment and other opportunities created by ICTs;

* The following Workers' delegates: Mr. Ahmed (Pakistan); Ms. Buerud Pedersen (Norway); Mr. Karu (Israel); Ms. O’Donovan (Ireland); Mr. Ramírez León (Venezuela); Mr. Rampak (Malaysia); Ms. Rozas Velasquez (Chile); Mr. Trotman (Barbados) and Ms. Yacob (Singapore) were also among the authors of the resolution. Their credentials had not reached the Office at the date of publication of the resolution.
Resolution concerning gender equality at work, submitted by the following Workers' delegates: Mr. Abou-Rizk (Lebanon); Mr. Agiel ( Ghana); Ms. Anderson (Mexico); Mr. Attigbe (Benin); Mr. Basnet (Nepal); Mr. Blondel (France); Lord Brett (United Kingdom); Mr. Cedrone (Italy); Mr. Edström (Sweden); Ms. Engelen-Kefer (Germany); Mr. Etty (Netherlands); Mr. Ito (Japan); Mr. Matheson (Australia); Mr. Murangira (Rwanda); Mr. Parrot (Canada); Mr. Patel (South Africa); Mr. Sahbani (Tunisia); Mr. Witsisen (Denmark); Mr. Wojcik (Poland); Mr. Zellhoefer (United States); Mr. Zindoga (Zimbabwe)*

The General Conference of the International Labour Organization,
Noting the increased role of the ILO in supporting the field of gender equality at work, especially through the development of the concept of "decent work" for women and men and the recognition of gender as a cross-cutting issue for both policy guidelines and activities of the Organization,
Recognizing the unique opportunity to focus on an international equality agenda offered by the two Special Sessions of the United Nations General Assembly, both held in this month of June 2000, on "Women 2000: Gender equality, development and peace for the twenty-first century" and on "World Summit for Social Development and beyond: Achieving social development for all in a globalizing world",
Stressing that while women make up to 45 per cent of the world's workforce, women account for the majority of the world's population living in poverty and, while the process of globalization is experienced by many women and men as heightened insecurity and marginalization, the global gap between economic growth and social development is also fundamentally a gender gap,
Recalling the adoption by the International Labour Conference since the United Nations Fourth World Conference on Women (Beijing, 1995) of the following instruments of direct relevance to women and girls:
- Home Work Convention, 1996 (No. 177), and its accompanying Recommendation (No. 184);
- ILO Declaration on Fundamental Principles and Rights at Work and its Follow-Up, 1998;
- Worst Forms of Child Labour Convention, 1999 (No. 182), and its accompanying Recommendation (No. 190),
Welcoming the approval in December 1999 of the ILO Action Plan on Gender Equality and Mainstreaming with the aim of strengthening both policy formulation and capacity building for ILO staff and constituents,

* The following Workers' delegates: Mr. Ahmed (Pakistan); Ms. Baverud Pedersen (Norway); Mr. Kara (Israel); Ms. O'Donovan (Ireland); Mr. Ramirez Lexo (Venezuela); Mr. Rampak (Malaysia); Ms. Rozve Velasquez (Chile); Mr. Trotman (Barbados) and Ms. Yacob (Singapore) were also among the authors of the resolution. Their credentials had not reached the Office at the date of publication of the resolution.

Emphasizing the need to ensure that a gender perspective is systematically integrated in the Office strategic plan with allocation of regular budget and of extra-budgetary resources;

1. Appeals to governments, employers' and workers' organizations to:
(a) adopt a comprehensive strategy to end discrimination and achieve equality and justice for women, promoting equal participation and equal remuneration of women in employment, recognition of care work and the reconciliation of work and family life;
(b) recognize the link between the ILO mandate and the Beijing Platform, especially in the field of human rights, reduction of poverty, access to education and training and participation in the decision-making process;
(c) identify the six economic strategic objectives of the Beijing Platform as crucial for the empowerment of women; namely: promote women's economic rights and independence, including access to employment, appropriate working conditions and control over economic resources (which includes the right to join a trade union); facilitate women's equal access to resources, employment, markets and trade; provide business services, training and access to markets, information and technology, particularly to low-income women; strengthen women's economic capacity and commercial networks; eliminate occupational segregation and all forms of employment discrimination; promote harmonization of work and family responsibilities for women and men;
(d) adopt and implement without delay strategies and measures to ensure gender parity in their delegations to the International Labour Conference, the ILO sectoral and regional meetings and as members of the Governing Body;
(e) use the key instruments of labour statistics more effectively to promote gender equality.

2. Calls upon the governments of the ILO member States to:
(a) ensure that trade liberalization policies will encompass a "gender dimension", recognizing their full implications for women's employment, economic and social status;
(b) place gender issues at the centre of macroeconomic and labour market policies and programmes, covering both the formal and informal sectors;
(c) promote legislative changes and positive action programmes on a tripartite basis to achieve workplace equality and full implementation of the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111);
(d) implement programmes to ensure universal access to education for girls, consistent with the United Nations target of closing the gender gap in school education rates by the year 2005 and with the ILO campaign against child labour based on the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182);
(e) ratify and implement the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Rural Work-
ers’ Organisations Convention, 1975 (No. 141), the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Part-Time Work Convention, 1994 (No. 175), and the Home Work Convention, 1996 (No. 177), as critical to the empowerment of women in the formal and informal sectors, as well as to women employed in the industrial home work and export processing zones.

3. Calls upon employers’ and workers’ organizations to:
   (a) incorporate gender perspectives into the work of both trade unions and employers’ associations, developing projects and programmes targeted at the empowerment of women and their full participation in the world of work and society as a whole;
   (b) recognize the double disadvantage that many women are facing on the grounds of race, ethnicity, age, disability or sexual orientation and work in order to fight discrimination at the workplace and beyond;
   (c) negotiate new ways to allow women and men to improve their ability as employees to combine paid work and family and community responsibility;
   (d) encourage full and effective participation of women in all their activities and promote gender equality in leadership positions.

4. Invites the Governing Body of the International Labour Organization to request the Director-General to:
   (a) develop a promotional campaign for the ratification and implementation of a package of gender-relevant Conventions, with appropriate publicity, technical cooperation and support. The first step in this direction will require clustering together the relevant Conventions on issues that critically address the area of women at work, inter alia: workers with family responsibilities, maternity protection, part-time work and home work, human resource development, employment policies, labour inspection and health and safety;
   (b) design a statistical index based on quantifiable and comparable outcomes in gender development: the instrument would be a composite index of gender and work, covering inter alia: labour force participation rates and the gender wages gap. Annual publication of country performance on this index would become a benchmark for measuring progress and help government and workers’ and employers’ organizations to set up appropriate policy responses;
   (c) consider additional work on the gender impact of macroeconomic policies, covering for example: changes in fiscal policies, trade liberalization and deregulation programmes, structural adjustment programmes, industrial policy frameworks, national debt profiles and consequences and different monetary policy regimes. In addition, undertake work on the role of trade unions in the improvement of working conditions, wages and benefits for women. These studies would show the impact on women, on their access to work, on their job security, job quality and incomes and would lead to a solid ILO contribution in the debates on the new global social architecture;
   (d) deepen the work on quantifying the value of work outside the formal sector, covering the informal sector and the care sector, and publish these statistics to complement the available statistics on the formal economy;
   (e) assist, through appropriate resource allocations, programmes and projects for women workers, in order to give them an effective voice in society, in the trade union movement and in business associations;
   (f) promote gender-development policies as an integral part of crisis response and reconstruction programmes, especially in the areas of training and technical assistance, so that post-conflict reconstruction does not reproduce and/or reinforce the status quo ante.

Resolution concerning achieving sustainability and decent work in export processing zones, submitted by the following Workers’ delegates:
Mr. Abou-Rizk (Lebanon); Mr. Agyei (Ghana); Ms. Anderson (Mexico); Mr. Attigbe (Benin); Mr. Basnet (Nepal); Mr. Blondel (France); Lord Brett (United Kingdom); Mr. Cedrone (Italy); Mr. Edström (Sweden); Ms. Engelken-Kefer (Germany); Mr. Etty (Netherlands); Mr. Ito (Japan); Mr. Matheson (Australia); Mr. Murangira (Rwanda); Mr. Parrot (Canada); Mr. Patel (South Africa); Mr. Sahbani (Tunisia); Mr. Wiistisen (Denmark); Mr. Wojtek (Poland); Mr. Zellhoefer (United States); Mr. Zindoga (Zimbabwe) *

The General Conference of the International Labour Organization,

Recognizing that export processing zones have become an important part of the labour market in many countries as well as a component of their strategy for economic development,

Endorsing the Conclusions of the Tripartite Meeting of Export Processing Zones-Operating Countries (Geneva, 1998) on priorities and guidelines for improving social and labour conditions in the export processing zones,

Acknowledging that for many countries the anticipated economic growth and development from export processing zones has failed to materialize owing, inter alia, to the failure to create sufficient economic linkages,

Further acknowledging that investment incentive schemes, such as tax holidays, may not contribute to economic development commensurate with their cost in terms of lost revenue especially where the only contribution to development consists of low-wage, low-skill jobs,

Recognizing that employment is often the only economic benefit from export processing zones realizable to developing countries and that increasing the quality of work should be a central concern,

Affirming that the quality of work in export processing zones is often undermined by inadequate social infrastructures including poor accommodation, health care and transportation,

Further bearing in mind that workers in export processing zones often lack the protection of labour and social security legislation and regulation and that many export processing zones encourage precarious and unprotected work and atypical employment relationships as an alternative to decent work,

* The following Workers’ delegates: Mr. Ahmed (Pakistan); Ms. Bavend Pedersen (Norway); Mr. Kara (Israel); Ms. O’Donovan (Ireland); Mr. Ramirez Lazo (Venezuela); Mr. Rampak (Malaysia); Ms. Rozas Velasquez (Chile); Mr. Trotman (Barbados) and Ms. Yacob (Singapore) were also among the authors of the resolution. Their credentials had not reached the Office at the date of publication of the resolution.
Bearing in mind that women make up the overwhelming bulk of the zone labour force worldwide, and that the distinct needs and concerns of these labourers are frequently overlooked and are not being met,

Recalling the principle contained in the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, that governments of home and host countries should not include any limitation of the workers' freedom of association or the right to organize and bargain collectively;

1. Calls on governments and, where appropriate, workers' and employers' organizations to:
(a) ensure that where export processing zones are introduced they are well planned and are sufficiently linked to the rest of the economy;
(b) ensure that the rights of all zone workers are respected, in particular the rights enshrined in the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, especially freedom of association and the right to collective bargaining;
(c) make sure that workers' representatives are included in the planning process and in the decision-making structures of any export processing zone authorities that may be established;
(d) ensure that all workers in export processing zones are protected by the same labour and social security legislation and regulations as apply in the rest of the country and ensure that no worker is forced to undertake excessive overtime and unreasonable quotas of work;
(e) further ensure that such legislation and regulations are effectively applied in export processing zones by taking measures such as strengthening the labour inspectorate;
(f) ensure that export processing zones promote decent work instead of precarious or unprotected work and atypical employment;
(g) take measures to ensure that workers in export processing zones are provided medical, accident and unemployment insurance and retirement benefits, by establishing special funds where necessary;
(h) link incentives to investors with observance of specified benchmarks on good employment practices including industrial relations, education and training and the observance of occupational safety and health standards;
(i) promote good industrial relations by providing, where necessary, capacity building for both labour and management;
(j) ensure close coordination between developers of export processing zones, relevant government agencies, social and community organizations and trade unions in order to provide adequate social infrastructures and services, including affordable and adequate housing and transportation;
(k) encourage, where appropriate, the formation and operation of cooperatives and other associations to provide housing and transportation as well as childcare and other social services;
(l) provide advisory and counselling services to women workers in export processing zones as well as other programmes to address their particular needs;
(m) adopt measures to prevent discrimination against women, such as their stereotyping in certain job categories and to counter sexual harassment, abolish forced pregnancy tests and forced contraception;
(n) provide educational opportunities and training to improve the career potential of women workers and to enhance their income-generating potential should they leave their jobs in export processing zones;
(o) furnish vocational and life skills training to all workers employed in export processing zones through such measures as establishing skills development funds, based on payroll levies, and establishing skills development centres linked to export processing zones.

2. Invites the Governing Body of the International Labour Office to instruct the Director-General to:
(a) develop and support advisory services and technical assistance projects that assist governments in protecting the rights and interests of workers in export processing zones;
(b) work with inter-governmental organizations such as the IMF, World Bank, WTO and UNCTAD to ensure that investment promotion policies and programmes do not contribute to the violation of workers' rights but promote the protection of workers in export processing zones;
(c) expand its research activities on export processing zones and include the collection of data relevant to export processing zones in the KILM list of economic indicators;
(d) incorporate the protection of workers and their rights in export processing zones in all relevant sectoral activities.

Resolution concerning the role of the International Labour Organization in the twenty-first century, submitted by the following Workers' delegates: Mr. Abou-Rizik (Lebanon); Mr. Agyei (Ghana); Ms. Anderson (Mexico); Mr. Attigbe (Benin); Mr. Basnet (Nepal); Mr. Blondel (France); Lord Brett (United Kingdom); Mr. Cedrone (Italy); Mr. Edström (Sweden); Ms. Engelein-Kefer (Germany); Mr. Etty (Netherlands); Mr. Ito (Japan); Mr. Matheson (Australia); Mr. Murangira (Rwanda); Mr. Parrot (Canada); Mr. Patel (South Africa); Mr. Sabhani (Tunisia); Mr. Wistisen (Denmark); Mr. Wojcik (Poland); Mr. Zellhoefer (United States); Mr. Zindoga (Zimbabwe).

The General Conference of the International Labour Organization,

Underlining the exceptional richness of the ILO's mandate, as expressed in the Declaration of Philadelphia, i.e. to create the conditions "of freedom and dignity, of economic security and equal opportunity" in which "all human beings, irrespective of race, creed or sex can pursue both their material well-being and their spiritual development",

Aware that development policies must increase their focus on the world of work as a central determinant of policies aimed at poverty eradication, respect for fundamental workers' rights, and the elimination of gender discrimination,

* The following Workers' delegates: Mr. Ahmed (Pakistan); Ms. Buverud Pedersen (Norway); Mr. Kara (Israel); Mr. Ramirez León (Venezuela); Mr. Rampak (Malaysia); Ms. Rezaz Velasquez (Chile); Mr. Trotman (Barbados) and Ms. Yacob (Singapore) were also among the authors of the resolution. Their credentials had not reached the Office at the date of publication of the resolution.
Acknowledging the ILO’s comparative advantages, particularly its knowledge base and its unique tripartite structure, in the examination of the socio-economic aspects of the globalization process and for the formulation of international standards on principles and rights at work, employment, occupational health and safety and social protection,

Reaffirming the importance of the forthcoming Special Session of the United Nations General Assembly (Geneva 2000) as a timely platform to put social development policies on an equal footing with finance and trade policies in the elaboration of a new architecture for international cooperation and competition,

Supporting the promotion of cooperation on economic and social policies between the ILO and the Bretton Woods institutions and the WTO, especially regarding macroeconomic issues and with a view to ensuring the full application of the principles and rights enshrined in the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up throughout the international multilateral system and the development of a new social architecture with “decent work” and the respect for fundamental workers’ rights at its core;

1. Invites the governments and, where appropriate, employers’ organizations and trade unions to:

(a) reaffirm their commitment to the aims and objectives of the ILO and to join effort and action for their realization, through the development and implementation of strategies and policies for full employment and social inclusion – with the creation of quality jobs with full respect of workers’ rights – and through the enhancement of the positive role of the public sector in employment policy and job creation;

(b) devise procedures for trade and investment to serve social development and help lead to the improvement, not the denial, of working peoples’ fundamental human rights, by taking developmental, social and environmental perspectives fully into account in international economic relations and trade rules;

(c) ratify and fully implement the core Conventions enshrined in the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, as enabling rights fostering democracy, good governance and social and economic development;

(d) commit themselves to improving ILO standard-setting activities, including the strengthening of the ILO’s supervisory bodies, and to ratifying and fully implementing international labour standards at national level.

2. Invites the Governing Body of the International Labour Office to instruct the Director-General to:

(a) strengthen the capacity of the Office to address macro-economic policies at national and international level in order to secure the development of more and better jobs and effective social protection for all women and men;

(b) provide technical assistance and support to employers’ organizations and trade unions in order for them to respond to the challenges of globalization, including the adoption of new strategies to promote collective bargaining and social dialogue;

(c) undertake research and promote dialogue on innovations to industrial relations practices, institutions and legislation to reflect the needs of workers in a globalized economy;

(d) continue the work under way to reinvigorate labour standards and to develop high-impact standards on new issues emerging from the world of work and in sectors such as social protection, occupational health and safety, environmental protection and sustainable development;

(e) intensify the ILO’s research into the social dimensions of globalization as a key input into developing a new social architecture in the global economy;

(f) undertake joint activities within the United Nations system to promote the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, including mobilization of resources, operational projects and research programmes;

(g) strengthen the contribution of the ILO in international economic and social policy-making bodies, particularly through improved cooperation with the IMF, the World Bank and the WTO with a view to ensuring that labour standards – particularly core labour standards – are fully respected in all countries;

(h) promote social dialogue at national, regional and international level, between governments, trade unions and employers’ organizations.

(i) demonstrate the ILO’s pivotal role for an effective follow-up to the Social Summit, in particular by establishing programmes and research in respect of workers’ rights, poverty eradication, social integration and gender equality;

(j) strengthen the ILO’s work and structures in the field and the communication between field and head office, in order to monitor regional trends, formulate policies and respond to national and regional challenges;

(k) fulfil the ILO’s mandate to mainstream gender and development perspectives in all its operational activities and programmes of work.

Resolution concerning the promotion of gender equality, submitted by the Government delegations of Denmark, Finland, Iceland and Sweden

The General Conference of the International Labour Organization,

Recalling the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the principles enshrined in other relevant Conventions such as those pertaining to maternity protection and workers with family responsibilities,

Reaffirming the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998,

Taking into consideration the convening by the United Nations General Assembly of "Women 2000: Gender equality, development and peace for the twenty-first century" (Beijing+5) and the “World Summit for Social Development and beyond: Achieving social development for all in a globalizing world” (Copenhagen+5) and the ILO’s contribution in this regard,

Recognizing that although progress in this field has been made, major gaps still exist,

Deeply concerned that women workers disproportionately are faced with unemployment and income insecurity,

Alarmed that poverty and social exclusion have increasingly and disproportionately afflicted girls and women,
Concerned that gender gaps in earning persist despite the fact that more countries have adopted equal pay legislation,

Recognizing that the primary goal of the ILO today is to promote opportunities for women and men so that they might obtain decent and productive work in conditions of freedom, equality, security and human dignity,

Recognizing the observance of the principles contained in the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up and the importance of workers' rights, and through the ratification and implementation of the ILO's core Conventions, i.e. those covering the prohibition of forced and child labour, freedom of association, the right to organize and bargain collectively and the principle of non-discrimination and the principles of equal pay,

Welcoming the ILO's four strategic objectives to promote fundamental principles and rights at work, create greater employment and income opportunities for women and men, enhance the coverage and effectiveness of social protection and strengthening social dialogue and that gender is a cross-cutting issue in all four objectives,

Welcoming the ILO's mainstreaming strategy;

1. Calls on all governments and, where appropriate, workers' and employers' organizations to:
   (a) eliminate gender discrimination on the labour market;
   (b) promote the ratification and implementation of the ILO's core Conventions and give special attention to the promotion of principles enshrined in other relevant ILO Conventions, such as those pertaining to maternity protection and workers with family responsibilities;
   (c) develop gender-sensitive national employment policies which guarantee full and equal access of women and men to employment and training;
   (d) develop gender-oriented schemes for productive micro and small enterprises, including those in the informal sector;
   (e) develop gender-sensitive social security schemes for the protection of women and men;
   (f) take measures to raise women's productivity, in particular in the agricultural and informal sectors, by fostering women's control over the resources they manage;
   (g) promote a gender-sensitive social dialogue;
   (h) eliminate pay differences based on sex;
   (i) promote equal opportunities for participation for both women and men;
   (j) promote the reconciliation between working life and family life for both men and women;
   (k) ensure a gender dimension in standard-setting activities.

2. Invites the Governing Body of the International Labour Office to instruct the Director-General to:
   (a) ensure sufficient allocations for gender activities within the regular budget;
   (b) identify appropriate funding for technical cooperation to ensure the widest possible impact of gender-sensitive projects and programmes in member States;
   (c) take fully into account the need for the ILO to play a proactive role in the follow-up to Beijing+5 and Copenhagen+5;
   (d) explore innovative approaches in gender mainstreaming, specific interventions and research with its constituents;
   (e) establish monitoring and benchmark systems and to introduce accountability to ensure systematic integration of gender-sensitive considerations into all ILO policies and programmes;
   (f) report back to the Governing Body on the implementation of this resolution.

Resolution concerning the consolidation of efforts by the social partners in Palestine and the other occupied Arab territories, submitted by the Government delegation of Jordan and Mr. Assfor, Employer delegate of Jordan

The General Conference of the International Labour Organization,

Recalling the provisions of the Constitution of the International Labour Organization which confirm that "universal and lasting peace can be established only if it is based upon social justice" and recalling also the provision of the Declaration of Philadelphia whereby "all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity";

Recalling the obligations of member States to respect the aims and principles of International Labour Organization, international labour standards, the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, as well as international humanitarian rules, particularly in territories subject to special situations such as military occupation and colonization,

Welcoming the efforts made by the Director-General of the International Labour Office to monitor the situation of Arab workers in Palestine and the other occupied Arab territories, in keeping with the resolutions of the International Labour Conference, as well as the implementation of technical assistance programmes for the social partners in those regions, which have helped to alleviate the suffering of the partners caused by the negative economic and social repercussions of the occupation and colonization,

Expressing its concern that the conclusions of the missions sent by the Director-General have emphasized the insufficient evolution of the situation of Arab workers in these territories, and given the continuing deterioration in the situation of the most vulnerable social groups owing to the abusive procedures and measures of the Israeli authorities despite the peace process,

Expressing its concern at the increase in poverty, at the mounting rate of unemployment of young Palestinians, as well as at the ongoing incidence of work by children and young people, at the humiliating treatment of Palestinian workers crossing checkpoints despite all their documents being in order and at the discriminatory policy directed towards them with respect to their working conditions and social benefits;

1. Requests Israel, as the occupying power, to respect international labour standards, international humanitarian rules and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up in its relations with Arab workers and employers in Palestine and in the other

* The Worker delegate of Yemen, Mr. Kahlani, was also among the authors of the resolution. His credentials had not reached the Office at the date of publication of the resolution.
occupied Arab territories, and to put an end to its policies and practices for the expropriation of Arab lands and water resources and the expansion of settlements in Palestine and the occupied Syrian Golan. Such policies and practices have had devastating implications for the economic and social situation in these territories;

2. Requests the Governing Body of the International Labour Office to design an integrated plan of technical assistance to respond to the economic and social needs of citizens in these territories to be financed by the regular budget and extra-budgetary resources in order to underpin the efforts of the social partners in the areas of infrastructure rebuilding, the reestablishment of social institutions, the reintegration of prisoners and disabled persons and the creation of new jobs for young people in Palestine and the other occupied Arab territories;

3. Requests the Director-General of the ILO to include in his annual reports the measures taken to implement this resolution.

**Resolution regarding normative policy submitted by the Government delegations of France, Germany, Japan, Portugal and Switzerland**

The General Conference of the International Labour Organization,

Recalling the goals of its Constitution and the Declarations of Philadelphia;

Recalling the long-standing and successful tradition, and the influence on national legislation of the ILO’s normative policy and its supervisory mechanisms as a prime instrument to work towards these goals;

Recalling the concept of decent work and the four strategic objectives of the ILO;

Recalling the ILO’s recent normative successes, in particular the adoption of the ILO Declaration on Fundamental Rights and Principles at Work and its Follow-up, and the Worst Forms of Child Labour Convention, 1999 (No. 182);

Recalling the internationally agreed competence of the ILO to set and deal with labour standards;

Noting that the tremendous economic, social and political changes due to globalization and technological change have a profound impact on the world of work which enhances the importance of tripartism and necessitates adequate and flexible ILO instruments and more efficient supervisory mechanisms;

Building on the proposals outlined by the Director-General’s Reports to the General Conference in 1994 and 1997 (Part II);

Building on the substantive reform proposals by the Working Party on the Revision of Standards embodied by the Governing Body’s decisions since its 267th Session;

Building on the comprehensive proposals of the Director-General, unanimously endorsed at the General Conference in 1999, to review and strengthen the normative body and normative policy of the ILO in order to assure the role of ILO standards and instruments in the broader world context.

1. Recognizes the need for a comprehensive and confidence-building discussion on reforming the normative policy of the ILO based on consensus.

2. Emphasizes the need for shared commitments on the goals of normative policy as the bases for such a discussion.

3. Agrees that these shared commitments include:
   (a) an understanding that the ILO’s normative activities play a fundamental role in translating the Organization’s constitutional objectives into reality;
   (b) a recognition that international labour Conventions are an irreplaceable source of binding obligations subject to various types of supervisory procedures;
   (c) an understanding that the reform effort consequently does not aim at undermining the normative policy of the ILO but enhancing its effectiveness, efficiency and visibility towards measurable results.

4. Welcomes the consultations and other efforts of the Office in this matter.

5. Invites the Director-General to lead the discussion on normative reform by continuing consultations with constituents, and by preparing for the 279th Session of the Governing Body concrete proposals including a road map and a timetable for reform:
   (a) to enhance effectiveness and efficiency in elaborating and revising standards, based on a deeper analysis on the interplay among existing standards and their impact on various groups;
   (b) to increase efficiency and impact of the supervisory machinery;
   (c) to improve links among technical cooperation, advice and the promotion of standards;
   (d) to consider other forms of normative instruments which take into account the changing nature of employment and work.

6. Invites the Governing Body at its 279th Session to consider the possibility of adding the following to the agenda of the International Labour Conference in June 2002: A general discussion on the review of normative policy.

**Resolution concerning export processing zones, submitted by the following Workers’ delegate: Mr. Cortebeeck (Belgium)**

The General Conference of the International Labour Organization,

Considering that within the context of globalization, there is a rapid proliferation of export processing zones throughout the world, and that with over 850 zones employing more than 27 million workers, these zones have become an important source of employment,

Considering that the overwhelming majority of workers in export processing zones are women in low-paid and low-skilled jobs,

Recalling that export processing zones were perceived by the Bretton Woods institutions as a means of opening up national economies to the world economy, increasing foreign direct investment and liberalizing trade, and realizing that their socio-economic benefits have been limited,

Noting that many governments publicize the comparative advantages of their export processing zones and the economic concessions being granted to investors, but that some go further and openly advertise practices that are in violation of international labour standards,

*The Workers’ delegate of Morocco, Mr. Affal, was also an author of the resolution. His credentials had not reached the Office at the date of publication of the resolution.*
Considering that in many countries, export processing zones are excluded from coverage of national labour legislation, normal procedures of industrial relations and ratified ILO Conventions, including the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up,

Noting that workers in these export processing zones are often subjected to poor working conditions and violations of workers' rights such as the right to organize and collective bargaining, equality of opportunity and treatment and occupational safety and health, have inadequate protection against illegal dismissals and are also subjected to sexual harassment, and practices of forced sterilization and pregnancy tests,

Noting that when workers in many export processing zones seek to exercise their rights, they often suffer persecution and punishment which may include physical abuse, moral harassment, intimidation and arbitrary dismissals,

Considering that female workers make up the overwhelming majority of those affected by these violations and therefore specific attention has to be paid to the gender dimension of export processing zones,

Considering that multinational companies are key players in export processing zones and are therefore also responsible for the working conditions in these zones;

1. Calls upon governments and, where appropriate, employers' organizations to:
   (a) bring to an end all restrictions on trade union rights in export processing zones and ensure that labour and social conditions in these zones are covered by national labour laws and ratified ILO Conventions, in both law and practice;
   (b) establish effective industrial relations structures to secure the application of all ratified ILO Conventions, an upgrading of skills and an improvement in working conditions in these zones;
   (c) give full access to labour inspectors to these export processing zones and to reinforce their operations within them;
   (d) develop procedures to ensure that national investment policies are consistent with commitments made in the ILO and that an end is put to advertising that presents practices in contradiction with international labour standards as an incentive to foreign investors;
   (e) make sure that multinational enterprises as well as local companies investing in these zones are not only made fully aware of their social responsibilities, but that they are also made to comply with national labour legislation and ratified ILO Conventions;
   (f) ensure that women working in these zones enjoy full maternity protection and that their family responsibilities are addressed through the provision of social infrastructure such as childcare centres and secure transportation;
   (g) provide adequate training in order to upgrade skills and ensure that women workers are not confined to low-paid and low-skilled jobs;
   (h) secure an immediate end to inhuman aspects of work in export processing zones such as physical abuse, pregnancy tests, forced sterilization, and intimidation;
   (i) engage in tripartite dialogue with workers' organizations to ensure that export processing zones are operated in a healthy manner and contribute to the provision of full and productive employment.

2. Invites the Governing Body of the International Labour Office to:
   (a) develop specific technical assistance programmes oriented towards export processing zones in line with the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up;
   (b) provide urgent technical assistance to those countries sincerely seeking to engage in tripartite dialogue with a goal of improving social and working conditions in these export processing zones;
   (c) reinforce research into policies and practices of multinational companies in export processing zones and develop guidelines of best practices which can be promoted;
   (d) develop a proactive approach to private voluntary initiatives regarding the social responsibility of enterprises;
   (e) engage in an active dialogue with the Bretton Woods institutions and the World Trade Organization in order to highlight the limitations of foreign direct investment, particularly in export processing zones, and to encourage them to help orient foreign investment as an instrument for the promotion of social development and decent work.

Resolution concerning the 50th anniversary of the Equal Remuneration Convention, 1951 (No. 100), submitted by the following Workers' delegate: Mr. Cortebeeck (Belgium)*

The General Conference of the International Labour Organization,

Recalling that next year marks the 50th anniversary of the Equal Remuneration Convention, 1951 (No. 100),

Recalling that Convention No. 100 was designated by the ILO as one of the fundamental Conventions referred to in the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up,

Recalling that the efforts of the ILO to implement the Beijing Programme of Action, both through its standard-setting activities (Convention No. 177 and Recommendation No. 184 of 1996 concerning home work; the Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998; and Convention No. 182 and Recommendation No. 190 of 1999 concerning the worst forms of child labour) and through its many activities in the area of technical cooperation, as well as its information and promotion policies on issues of equality and non-discrimination,

Recalling the social polarities engendered by economic globalization and the unequal growth in the world, of which women are often the first victims, a fact reflected disturbingly in the feminization of poverty and the growth of informal sector work among women,

Recalling that in practice, the position of women in the labour market remains a matter of concern owing to the many examples of exclusion and discrimination of which they are victims and the many cases in which the principle of equal treatment for men and women within the meaning of the Convention is violated directly or indirectly by traditions and practices,

* The Workers' delegate of Morocco, Mr. Afilal, was also an author of the resolution. His credentials had not reached the Office at the date of publication of the resolution.
Noting that, despite the very positive results achieved by the Office's ratification campaign and the ratifications that have been registered following the activities to promote the Declaration on Fundamental Principles and Rights at Work and its Follow-up, 29 countries have still not ratified the Convention,

Recalling that the Committee on the Application of Standards of the International Labour Conference has noted on several occasions, in particular during the course of last year's discussions, that while national laws requiring the payment of equal wages to men and women for work of equal value increasingly conform to the terms of the Convention and that a greater awareness is emerging among governments and the social partners, there remain serious problems in terms of application, as well as regrettable deficiencies from the point of view of assessment, resulting from poverty and the disparities in the information and statistical data provided to the ILO by governments that have ratified the Convention,

Recalling, as the Committee on the Application of Standards and the Committee of Experts on the Application of Conventions and Recommendations did in their reports to the Conference in 1999, that the implementation and effective application of measures guaranteeing equal remuneration for male workers and women workers for work of equal value must involve the ratification and effective application of the Labour Inspection Convention, 1947 (No. 81) and the Labour Statistics Convention, 1985 (No. 160),

Recalling the fundamental principle of tripartism and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), as well as the Tripartite Consultation (Activities of the International Labour Organization) Recommendation, 1976 (No. 152), with a view to ensuring the active involvement of workers' and employers' organizations in the implementation of policies concerning equal remuneration for men and women;

1. Invites the governments and, where appropriate, the organizations of employers and workers to:
   (a) evaluate the progress made in the area of equal pay for men and women for equal work;
   (b) mark this anniversary by ratifying the Convention, if they have not already done so;
   (c) examine all the issues relating to pay, including entitlements arising from the employment relationship, that is to say, wages and salaries, pensions, allowances and other types of remuneration arising from work;
   (d) ratify and apply the Labour Inspection Convention, 1947 (No. 81) and the Labour Statistics Convention, 1985 (No. 160), as indispensable instruments in the evaluation and measurement of the concrete impact of measures taken to enforce the principle of equal pay for women and men;
   (e) submit the required reports to the ILO in good time concerning the application of the Convention and to ensure that the information given facilitates a better assessment of the gender-based wage differentials that exist between men and women, both between different economic sectors and within individual sectors;
   (f) develop programmes of education and information with a view to disseminating the text of the Convention and ensuring better comprehension of the instrument to ensure more effective application.

2. Invites the Governing Body of the International Labour Office to instruct the Director-General to:
   (a) continue the efforts made, both as part of the ratification campaign and in order to promote the Declaration, to bring about ratification of the Convention by all the member States;
   (b) urge the governments to ensure that measures are taken, assisting them where necessary through technical cooperation activities, to improve the information and reports submitted concerning the application of the Convention;
   (c) spare no effort to promote ratification and application of the Labour Inspection Convention, 1947 (No. 81) and the Labour Statistics Convention, 1985 (No. 160);
   (d) give greater visibility, as part of the follow-up to the Declaration, to the effects of the application of this Convention and to the ILO's work in the area of equal treatment;
   (e) strive to ensure that greater attention is paid to the principles of equality embodied in the Convention in policies implemented by the ILO itself, and follow the same course in its relations with other international organizations, with a view to ensuring that the principles of the Conventions are duly taken into account by the whole of the international community.

Resolution concerning labour courts and similar mechanisms, submitted by the following Workers' delegate: Mr. Cortebeeck (Belgium)*

The General Conference of the International Labour Organization,

Recalling the campaign conducted by the International Labour Office to promote the effective application of international labour Conventions and more particularly those concerned with the ILO Declaration on Fundamental Principles and Rights at Work,

Recalling the commitments of governments at the World Summit for Social Development held in March 1995 in Copenhagen to safeguard and promote respect for workers' fundamental rights,

Considering that economic globalization, the increased liberalization of labour legislation, the transition to a market economy in many countries, the growing number of small and medium-sized enterprises, the growth of the service economy, the existence of disguised or hidden employment relationships, the increase in informal forms of work and the ongoing changes in labour statutes, require the establishment of systems both efficient and easily accessible to workers to ensure respect for the rights ensuing from the employment relationship,

Noting that existing instruments such as the Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92) and the Examination of Grievances Recommendation, 1967 (No. 130) only provide partial solutions to the problem,

Noting that the Labour Inspection Convention, 1947 (No. 81) – one of the Conventions whose ratification and application should be promoted – highlights the significance of the effective application of labour standards,

* The Workers' delegate of Morocco, Mr. Afifal, was also an author of the resolution. His credentials had not reached the Office at the date of publication of the resolution.
Noting that mechanisms to ensure the operation of labour inspection should be supplemented to guarantee their efficiency by bodies authorized to take binding decisions,

Considering that many countries, in collaboration with workers' and employers' organizations, have established specific systems adapted to national conditions that are easily accessible and that are trusted by workers and employers, such as labour courts, arbitration procedures, etc.,

Reaffirming that the application of basic ILO values and principles, such as social justice, non-discrimination, tripartism and respect for concluded agreements requires the introduction of mechanisms that constitute the ultimate guarantor of workers' rights;

1. Calls upon all the constituents to:
   (a) introduce, where they do not already exist, efficient mechanisms that are easily accessible, to ensure the effective implementation of workers' rights;
   (b) guarantee the participation of workers' and employers' organizations in the design, introduction and running of these mechanisms and procedures and ensure they have the indispensable trust of workers and employers.

2. Invites the Governing Body of the International Labour Office to instruct the Director-General to:
   (a) ensure that the competent services at the Office give particular attention to the introduction and functioning of efficient procedures to ensure respect for the rights ensuing from the employment relationship;
   (b) have a full study carried out on the modes of operation of labour courts and similar mechanisms;
   (c) have in-depth studies conducted on the matter with a view to placing this subject on the agenda of a forthcoming session of the International Labour Conference in view of the adoption of an international labour Convention.

Resolution concerning the support of efforts by the social partners in Palestine and the occupied Arab territories, including the occupied Lebanese territories, submitted by the Government delegation of Lebanon

The General Conference of the International Labour Organization,

Recalling the provisions of the Constitution of the International Labour Organization which confirm that universal and lasting peace can be established only if it is based upon social justice, and recalling also the provision of the Declaration of Philadelphia whereby "all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity";

Recalling the obligations of the member States to respect the aims and principles of the International Labour Organization, international labour standards, the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, particularly in territories subject to special situations such as military occupation and colonization,

Welcoming the efforts made by the Director-General of the International Labour Office to monitor the situation of Arab workers in Palestine and the other occupied Arab territories, in keeping with the resolutions of the International Labour Conference in this area, as well as the implementation of technical cooperation programmes for the social partners in those regions, which have helped to alleviate the suffering of the partners caused by the disastrous economic and social repercussions of the occupation and colonization,

Expressing its concern vis-à-vis the reports of ILO missions that refer to insufficient progress seen in the situation of Arab workers in these territories, and also to the continuing deterioration in the situation of the most vulnerable social categories owing to the arbitrary procedures and measures used by the Israeli authorities despite the peace process,

Expressing its concern at the increase in poverty and the level of unemployment of young Palestinians as well as at the employment of children and young people, the humiliating treatment of Palestinian workers crossing checkpoints despite all their documents being in order, and at the discriminatory policy directed towards them with respect to their working conditions and social benefits,

Expressing its regret about the damage caused to infrastructure and property in Lebanon as a result of ongoing Israeli attacks, particularly in southern Lebanon and the western Bekaa, which has caused considerable damage to the national economy and to employers' and workers' interests;

Decides:
   (a) to request Israel, as the occupying power, to respect international labour standards as well as international humanitarian rules and the provisions of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up in its relations with Arab workers and employers in Palestine and in the other occupied Arab territories, and to put an end to its policy and practices concerning the confiscation of land and water resources and the expansion of its settlements in Palestine and the occupied Syrian Golan, in view of the devastating impact on the economic and social situation;
   (b) to request the Governing Body of the International Labour Office to design an integrated plan for a technical assistance project responding to the economic and social needs of the citizens of these territories, to be financed by regular budget and extra-budgetary resources, in order to underpin the efforts of the social partners to rebuild the infrastructure of the social institutions, to reintegrate prisoners and disabled persons and to create new jobs for young people in Palestine and the other occupied Arab territories;
   (c) to request the Governing Body of the International Labour Office to send an urgent mission to Lebanon to study economic and social needs following the Israeli attacks and to prepare technical cooperation projects to respond to the needs of regions in southern Lebanon and the western Bekaa that have suffered damage, with the aim of supporting the efforts of the Lebanese Government and the social partners to reconstruct and develop the country;
   (d) to request the Director-General of the ILO to include in his annual reports the measures taken to implement this resolution.
Resolution concerning the ILO's role in social development, submitted by the Government delegations of Canada, the Netherlands and the United Kingdom

The General Conference of the International Labour Organization,

Reaffirming the fundamental principles and values enshrined in the ILO Constitution and the Declaration of Philadelphia to promote social justice,

Acknowledging the continued challenge of attaining social justice in the context of the new global economy,

Welcoming the Special Session of the General Assembly entitled "World Summit for Social Development and beyond: Achieving social development for all in a globalizing world", which will seek renewed commitment by governments and other relevant actors to undertake further actions to implement the goals of the 1995 World Summit for Social Development in Copenhagen to place people at the centre of development, eradicate poverty, promote full and productive employment, and foster social integration to achieve stable, safe and just societies for all,

Noting the synergy between the goals of the World Summit and the ILO's concept of decent work to create opportunities for women and men to obtain decent and productive work in conditions of equality, security and human dignity,

Recognizing the unique characteristics of the ILO in its constitutional mandate to promote social justice, its tripartite structure, its standard-setting activities, its global empirical database and research capacity on a wide range of labour, employment, social security issues, employment, social security issues,

Recognizing the need for constant adaptation and reinforcement of ILO's means of action to adjust to a rapidly changing political, social and economic world,

Recognizing that international cooperation on social issues requires complementarity and coherence among multilateral economic, social and financial institutions,

Welcoming the recognition of the international community of the ILO as the international institution best placed to lead on social aspects of globalization and social dialogue at the global level;

1. Invites governments and, where appropriate, workers' and employers' organizations to:
   (a) take appropriate actions to respect and realize the principle of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up;
   (b) promote tripartite involvement to ratify and implement ILO Conventions and Recommendations;
   (c) support initiatives to improve international, regional, subregional and country cooperation for advancing the ILO's principles and values and its four strategic objectives.

2. Requests the Governing Body to instruct the Director-General to:
   (a) accelerate and enhance promotion of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up with international organizations, all constituents and staff;
   (b) promote the concept of decent work as the integrating social and economic framework for social development;
   (c) promote the role and authority of the ILO on international social policy questions, including increased collaboration and partnerships with other multilateral institutions in areas such as joint research, information exchange, advocacy and policy influence and programme activities;
   (d) take all necessary actions to proceed on a priority basis with the comprehensive review of standard-setting activities with a view to strengthening these by adapting them to the changing needs of the globalized economy in order to improve their visibility, effectiveness and relevance;
   (e) take appropriate action to ensure that the ILO maintains its leadership role on establishing best practices on employment and sustainable livelihoods;
   (f) provide appropriate assistance to member States to achieve progress in attaining the four strategic objectives of the ILO contained in the Director-General's report Decent Work.

Resolution concerning international employment strategy, submitted by the Government delegations of Canada, Finland, Sweden and the United Kingdom

The General Conference of the International Labour Organization,

Recalling the Employment Policy Convention (No. 122) and its accompanying Recommendation (No. 122) and the principles enshrined in other relevant instruments such as the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169),

Recognizing that levels of unemployment remain unacceptably high in most countries,

Recognizing that sustainable employment is the best route out of poverty and social exclusion,

Considering that the knowledge-based economy creates new employment opportunities but also requires new approaches to education and training so that obsolescence of skills does not cause unemployment and does not become a new source of social exclusion, particularly for those who cannot gain access to ICT skills,

Taking account of good practice and knowledge in this area;

Calls upon the Director-General of the ILO to develop and submit to the 89th Session of the International Labour Conference in June 2001, a coherent international strategy on employment with the aim of increasing opportunities for people to achieve sustainable livelihoods and to increase participation in employment worldwide through active measures developed in partnership with employers and workers which will:

(a) increase employment rates for people of all ages and all levels of skill and educational attainment;
(b) maximize participation in employment by promoting equality of opportunity and tackling all forms of discrimination - including age;
(c) help the long-term unemployed and those who have become detached from the labour market to return to employment;
(d) help those who are at a disadvantage in the labour market because of lack of basic skills or disability;
(e) create dynamic labour markets which combine adaptability and flexibility with decent standards of employment;
(f) promote a culture of lifelong learning which will enable all workers to improve and update their skills and develop their careers.

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This report on the work of the Governing Body is submitted to the Conference in accordance with article 14 of the Standing Orders of the Governing Body. It covers the period since the last general session of the Conference (June 1999), i.e. the Governing Body's 275th (June 1999), 276th (November 1999) and 277th (March 2000) Sessions. It focuses only on the highlights of the Governing Body's year, and does not cover matters that are otherwise before the Conference.

Those seeking more extensive and detailed information on the work of the Governing Body as a whole are referred to the notes at the end of the report. They may also consult the minutes of its 276th Session (November 1999) or the documents submitted to its committees and to the Governing Body itself. Other relevant material, as well as the reports and other Governing Body documents mentioned in the text and in the endnotes, are available on the Governing Body Internet site.

I. ILO DECLARATION ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK

In November the Governing Body appointed the group of experts foreseen in the follow-up procedure, and considered a number of questions relating to the setting in motion of the follow-up to the Declaration. It concerned the Standing Orders of the Governing Body and the Conference. It adopted Article 9bis of the Standing Orders of the Governing Body to allow it to meet as a committee of the whole when discussing the compilation of annual reports by the Office and the Introduction by the Expert-Advisers. As regards procedure at the Conference, it has invited the Conference at its present session to adopt a set of ad hoc proposals concerning arrangements for the discussion of the global report.

forms. The first global report is before the Conference at its present session.

II. WORKING PARTY ON THE SOCIAL DIMENSIONS OF THE LIBERALIZATION OF INTERNATIONAL TRADE

Country studies on the social impact of globalization

In November the Governing Body completed its review of studies on the social impact of globalization in seven countries (Bangladesh, Chile, Mauritius, Poland, Republic of Korea, South Africa and Switzerland). The report provided a synthesis of the main findings and discussed a range of analytical and policy issues of relevance to ILO member countries in general. It noted the widespread view at the time of the Uruguay Round Agreement that further trade liberalization would engender increased global economic growth and that a stronger economy would translate into social progress. It also acknowledged the complexity of globalization, which it saw as a process which encompassed not just trade, but also rapid technological change, short-term capital flows and longer-term investment. Globalization had produced gains in terms of higher economic growth, but its costs in terms of increased income inequality and intensified labour market instability had been underestimated. The study had concluded that there was not an automatic link between globalization and social progress. The challenge was to consolidate the benefits of globalization while minimizing social costs. A solution advocated by the report was the strengthening of the four social pillars, which was seen by the Governing Body as a useful policy response. These are: (a) measures in favour of vocational training and education; (b) the creation of a well-functioning social safety net; (c) the implementation of employment legislation that offers protection against certain risks while at the same time providing for an adaptable system; (d) the effective application of fundamental labour standards.

Proposals were adopted on seven possible areas for research which might be included in the programme of work for the next biennium (2000-01), concerning primarily employment, training and social development. It was also suggested that research should be undertaken on macroeconomic indicators relating to globalization and on the policy principles and good practices under development in the international financial institutions. The synthesis report was circulated to other international organizations, some of which provided substantial comments both in writing and orally at the March session.

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In March the Governing Body discussed the possibility, in reviewing the future of the Working Party, of pursuing the country studies in a “lighter” form in order to increase the number of countries covered. In this connection the Governing Body decided in March that a paper would be submitted to the Working Party in November 2000 (see below) on the advisability of developing an integrated approach in order to enhance understanding of the link between decent work and globalization through future country studies.

The future of the Working Party

With the completion of the country studies the Working Party in its existing form had come to the end of its agreed programme of work, and in November the Governing Body accordingly reviewed the possibilities for future work in this area. It recognized that the Working Party had achieved a genuine climate of confidence. It was regarded as a valuable forum that allowed freer debate of the broad issues raised by globalization than was possible within the Governing Body itself. Moreover, the Working Party was now acknowledged by all organizations as the international forum in which the social dimension of the liberalization of international trade and globalization could be discussed without any inhibitions. The Governing Body accordingly decided in November to maintain the Working Party.

In March the Working Party discussed its future programme of work with a view to contributing to an integrated approach to economic and social policy. It was noted that such a framework was not an existing product, but rather a process to which the Working Party could contribute by offering a forum to discuss developments in other organizations, as well as subjects of common interest to several organizations, and possibly reconcile their different approaches. The approach proposed in the Office paper received general support from the Working Party and from speakers representing other organizations in the Working Party, including the Bretton Woods institutions and the World Trade Organization. It was understood that in November 2000 the Working Party would have before it a document concerning developments in other organizations, and two technical papers. The first would develop a method of analysis for future country studies in order to contribute to a better understanding of the impact of globalization on social progress; the second would develop understanding of the links between fundamental labour standards and development and promote the harmonization of views between the ILO and other organizations as a first step in this direction: in November the Working Party would examine the link between collective bargaining and development — which is the subject of the first global report to be prepared under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work — offering to the Bretton Woods institutions and other organizations an opportunity to contribute to the debate.

In March the Governing Body also approved the change of title of the Working Party to “Working Party on the Social Dimension of Globalization” in order to reflect the fact that the range of problems discussed by the Working Party would continue to extend beyond the liberalization of trade.

III. PREPARATIONS FOR MAJOR FORTHCOMING GLOBAL CONFERENCES


In November the Governing Body discussed the report of the ILO International Consultation concerning Follow-up on the World Summit for Social Development (Geneva, 2-4 November 1999), which reviewed and assessed measures taken by States to give effect to their commitments under the Copenhagen Declaration and Programme of Action, and the ILO’s contribution to the follow-up on the World Summit for Social Development and to the preparations for the Special Session of the General Assembly of the United Nations: World Summit for Social Development and Beyond: Achieving Social Development for All in a Globalizing World (Geneva, June 2000). The Consultation adopted a set of conclusions covering various aspects of the implementation of the Commitments made at Copenhagen, stressing that they required renewed efforts and the political will to implement them effectively: it emphasized the ILO’s central role in the global campaign for the achievement of full employment, as specified in Commitment No. 3 of the Copenhagen Declaration and Programme of Action; and it called on the ILO to develop, in collaboration with the tripartite partners and the UN-system agencies, new operational initiatives to give better effect to the Commitments in the Copenhagen Declaration and Programme of Action.

It also called on the ILO, as well as other UN agencies, the Bretton Woods institutions, the OECD and regional organizations, to organize and develop a coordinated process of mutual learning and sharing of experience with regard to successful employment and labour market policy outcomes through a continuing process of ILO country reviews and, inter alia, the creation of an information base, coordinated website dissemination, and regional and international conferences.

The Conclusions served as a starting point for the ILO’s contribution entitled Decent work and poverty reduction in the global economy, submitted to the Second Session of the Preparatory Committee of the Special Session in April 2000, which was discussed in March, through the Governing Body’s Committee on Employment and Social Policy. The basic message of the paper is that the present form of globalization is facing a crisis of legitimacy because insufficient attention has been given to its social consequences and its social dimension. It stresses the need to improve the distribution of the benefits of globalization and to reduce inequalities, uncertainty and insecurity in the lives of ordinary people, focusing on employment promotion, social protection, workers’ rights and social dialogue. Drawing on the discussions and conclusions of the ILO’s International Consultation concerning Follow-up on the World Summit for Social Development, the report proposes a number of initiatives to contribute to solving some major problems plaguing the world, such as poverty, the dearth of decent work, and social disintegration and exclusion. Particular emphasis is given to gender equality and the elimination of discrimination in the world of work. The Special Session is therefore invited to call on all States and interna-
tional organizations to support the ILO's global programme on decent work.

In March the Governing Body also examined other aspects of the ILO's participation in the preparatory process, including in relation to other commitments in the Copenhagen Programme of Action, notably Commitment No. 1 (An enabling environment for social development), No. 2 (Eradication of poverty), No. 4 (Promoting social integration), No. 5 (Equality between men and women), No. 7 (Acceleration of development in Africa and in the least developed countries) and No. 8 (Inclusion of social development goals in structural adjustment programmes). That paper also covered the work of the Commission for Social Development, which at its 38th Session (February 2000) undertook an overall review of the implementation of the outcome of the World Summit for Social Development prior to consultations in the Preparatory Committee for the Special Session on a draft text for the Special Session.

Women 2000: Gender equality, development and peace for the twenty-first century (New York, 5-9 June 2000)

In March the Governing Body held a Symposium on Decent Work for Women — the ILO's contribution to Women 2000, which will review the implementation of the Platform for Action adopted at the Fourth World Conference on Women (Beijing, September 1995) and discuss how to accelerate its future implementation. The Office paper discussed the ILO's preparations for its contribution to Women 2000, and reviewed ILO action since the Beijing Conference in implementing the Platform in areas closely related to the ILO's mandate, for example in relation to the issues of women and poverty, education and training, women and the economy, women in power and decision-making, the human rights of women, women and the environment, and the girl child. It also provided information on preparatory activities by the ILO for Women 2000, including its major contribution to the World survey on the role of women in development: Globalization, gender and work, the main background document for Women 2000. The paper also covered the latest developments in the ILO in implementing the gender mainstreaming strategy, including the issue of the Director-General's circular on gender equality and mainstreaming in the ILO and the adoption of an ILO Action Plan on this subject. The symposium was opened by the Director-General, who emphasized the importance of promoting decent work for women as a matter of human rights, social justice and sustainable development. The presentations and discussions at the symposium centred on how to promote equal opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity. A strong common understanding emerged on how to promote decent work for women through the ILO's means of action and social dialogue, and many recommendations were presented at the symposium for future initiatives in this respect.

The Action Plan outlines principles, goals and implementation procedures to ensure the effective mainstreaming of gender in the promotion of opportunities for men and women to obtain decent and productive work in conditions of freedom, equity, security and human dignity. The Plan lays out the institutional framework for establishing gender equality as a cross-cutting issue in the achievement of the Organization's four strategic objectives of fundamental principles and rights at work, promoting employment and incomes, social protection and social dialogue. The Plan includes the issue of a policy statement in the form of a circular on gender equality and gender mainstreaming in the work of the Office. The ultimate aim of the Action Plan is to improve the ILO's comparative advantage on gender, labour and employment issues with its constituents so as to ensure gender equality at work at the national level.

IV. STRATEGIC BUDGETING AND THE PROGRAMME AND BUDGET FOR 2000-01

In adopting the Programme and Budget proposals for 2000-01 in June 1999, the Conference requested that the Director-General "... submit to the Governing Body, at its 276th Session (November 1999), a statement as referred to in article 15 of the Financial Regulations, providing further details of the budget of expenditure". In November the Governing Body accordingly examined a paper providing the further details necessary to approve the budget of expenditure by item (the Operational Budget). The paper included extensive details on specific aspects of the Programme and Budget.

In March the Governing Body discussed a progress report on the issue of strategic budgeting and the preparation of a Strategic Plan for 2002-05, which will be discussed in further detail in November 2000.

V. INTERNATIONAL LABOUR STANDARDS

Improvements in ILO normative activities

Consultations held during 1999 and early 2000 led to the discussion by the Governing Body in March, through its Committee on Legal Issues and International Labour Standards, of a paper on possible improvements in the standard-setting activities of the ILO and the role of standards in the achievement of the ILO's objectives, which originated in Part II of the Director-General's report to the Conference in 1997. The Office paper examined the background to the issue and reviewed the main concerns expressed. It emphasized the need for a shared commitment and proposed a set of issues for more detailed discussion concerning objectives, the identification of items for standard setting, the preparation of standards and the negotiation process, ratification, entry into force, denunciation, the supervisory system, the promotion and implementation of standards, and the evaluation of standards-related activities in terms of their objectives. Taking into account the acknowledged importance of the issue, the Governing Body postponed further discussion to November 2000 and requested the Director-General to submit a document at that session reflecting the discussions within the Committee and the Governing Body and any further consultations that had taken place.
Revision of the procedure for the examination of representations submitted under article 24 of the Constitution

Following the preliminary exchange of views in the Committee on Legal Issues and International Labour Standards in November 1998 on the question of a possible revision of the procedure for the examination of representations submitted under article 24 of the Constitution, in November 1999 that Committee discussed a paper reflecting the general guidelines given by the members of the Committee and structured around the question of why certain adjustments might be needed, the objectives of the required revision, and the possible solutions envisaged. On the basis of the November discussion, various proposals for revision were examined by the Committee in March. The Governing Body took note that, in the absence of any consensus regarding changes to the representation procedure, discussion on the question was postponed until a later session.

Ratification and promotion of fundamental ILO Conventions

In November and March the Governing Body examined reports on progress in the campaign to promote the fundamental ILO Conventions, the aim of which is the universal ratification of the Conventions considered to be fundamental — Conventions Nos. 29, 87, 98, 100, 105, 111, 138 and now also 182, a convention initiated by the Director-General in 1995 following the World Summit for Social Development. The papers described technical assistance provided to promote ratification and the prospects for further ratification announced in specific replies by governments or in their replies under the annual follow-up on the ILO Declaration on Fundamental Principles and Rights at Work. Since March 1999, 51 new ratifications of Conventions — or confirmations of previous commitments — had been registered by March 2000, bringing to 167 the number of ratifications since the beginning of the campaign and to 80 the number of member States to have ratified fundamental ILO Conventions since the launch of the campaign in May 1995.

Freedom of association

The Committee on Freedom of Association continued to receive numerous complaints concerning industrial relations and human rights issues, and examined over 120 different cases. A number of cases concerning Colombia, together with the complaint submitted to the Conference in 1998 under article 26 of the Constitution, were the subject of a separate report at the Governing Body's session in November, and are discussed below in the section on constitutional procedures.

Discrimination

In March the Governing Body conducted its annual review of ILO action concerning discrimination in employment and occupation, based on a general status report prepared by the Office. The report covered Office activities to promote equality of opportunity and treatment, gender equality, migrant workers, disabled workers, indigenous and tribal peoples, and workers of the occupied Arab territories.

Multidisciplinary teams

In November the Governing Body reviewed the activities of the multidisciplinary teams in the area of standards on the basis of an Office paper describing their work in relation to the promotion of fundamental Conventions, constitutional obligations, labour legislation, social dialogue and activities of the social partners, gender issues and the ILS Update Programme. It noted that all of the teams gave high priority to promotion of the Declaration on Fundamental Principles and Rights at Work and its Follow-up, assisting in the preparation of reports for the follow-up while continuing to promote the campaign for the ratification of fundamental Conventions. Demands for wider-ranging standards-related work are undiminished or growing. The significance of the standards dimension of technical cooperation with which MDTs are concerned has become increasingly appreciated by constituents and other bodies covered by the MDTs.

Revision of standards

With its work on Conventions virtually complete, the Working Party on Policy regarding the Revision of Standards turned its attention to methods of revision of Conventions and of Recommendations, having decided in 1998 on the procedure to be followed for the latter and conducted a first stage of discussions in March 1999. It also examined various Conventions and Recommendations concerning fishermen. Summary information on the past work of the Working Party can be found in documents submitted to it in November and March, which also cover the effect given to its recommendations.

Constitutional procedures

Complaints submitted under article 26 of the Constitution

Colombia

In November, on the basis of a report by its Committee on Freedom of Association, the Governing Body postponed to June 2000 a decision on the appointment of a commission of inquiry to examine the complaint concerning the non-observance by Colombia of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), made by delegates to the 86th (1998) Session of the Conference under article 26 of the Constitution of the ILO. In the meantime a direct contacts mission visited Colombia in February 2000 with a mandate to evaluate the situation regarding freedom of association in Colombia, in particular in relation to the cases currently before the Committee. The mission submitted an interim report to the Committee in March 2000.
Following the adoption by the Conference in June 1999 of the resolution concerning the widespread use of forced labour in Myanmar, in November the Governing Body invited the Director-General — for so long as the Governing Body, or its Officers acting on its behalf, had not noted the implementation of the Commission of Inquiry's recommendations — to ensure that no technical cooperation or assistance to the Government of Myanmar, except for the purpose of direct assistance to implement immediately the recommendations of the Commission of Inquiry, was considered or undertaken by the Office, and to take the necessary steps to ensure that no proposal to invite or invitation to attend meetings, symposia or seminars organized by the ILO was extended to the Government of Myanmar, except for meetings that have the sole purpose of securing immediate and full compliance with the Commission of Inquiry's recommendations.

In March the Governing Body included an item on the present session of the Conference 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)", detailing the action recommended in a resolution. This is now the eighth item on its agenda and is hence covered separately.

Representations made under article 24 of the Constitution

In the course of the year the Governing Body adopted the recommendations of committees it had set up to examine representations concerning the following countries: Bosnia and Herzegovina (Convention No. 111), Denmark (Conventions Nos. 87 and 98), Hungary (Conventions Nos. 122 and 111), Mexico (Convention No. 169) and Chile (Conventions Nos. 35, 36, 37 and 38), and adopted the recommendations in an interim report by the committee it set up to examine a representation concerning Ethiopia (Conventions Nos. 111 and 158).

The Governing Body declared receivable representations received concerning Colombia (two representations concerning Convention No. 169), Denmark (Convention No. 169), Ecuador (Convention No. 169), New Zealand (Convention No. 29), Republic of Moldova (Convention No. 95) and Turkey (Convention No. 158).

VI. EMPLOYMENT AND SOCIAL POLICY

Economic and financial crises

The Governing Body in November examined an Office paper concerning ILO policy and activities on economic and financial crises, focused on unemployment and social protection. The paper was based on the outcome of recent discussions on the social consequences of crises in various forums, including the Informal Tripartite Meeting at the Ministerial Level on Economic and Financial Crises held during the Conference in June 1999. One of the main conclusions of the meetings was that the severity of the social impact of the Asian financial crisis, for example, was aggravated by the relative neglect for the development of social protection during the decades of the Asian economic miracle. The paper was hence intended to discuss how social protection mechanisms against unemployment can help prevent and cope with crises, based on a variety of studies conducted and technical advisory services provided by the Social Security Department and some of its MDTs, including studies for the World Labour Report 2000 — Income security and social protection in a changing world. The paper analysed the potential impact of different types of crises (armed conflict, natural disasters, economic downturns and political transitions) on employment, earnings and social policies (social services, employment, food subsidies, social assistance and social security); reviewed the concept and role of social protection; gave a brief overview of existing unemployment protection measures in various parts of the world, summarizing the main trends and issues; and outlined a policy discussion on the function of unemployment protection measures before, during and after crises, highlighting the place of such measures in the overall set of ILO policy instruments, such as social dialogue, as well as employment and training policies.

Following up on that discussion, in March the Governing Body examined an Office paper on ILO strategy and activities on employment and social concerns in crisis situations, which focused on a number of specific crisis situations and the ILO's responses to them and the lessons learnt in this relatively new area of ILO involvement, in particular through the InFocus Programme on Crisis Response and Reconstruction set up in October 1999. Key issues were the possible absence of representative government, the role of social dialogue and of the social partners, the importance of the ILO's early presence, the importance of funding rapid action and its links with resource mobilization, working closely with other organizations, the need for quicker administrative and financial procedures and the advocacy role of the ILO.

The informal sector

In March the Governing Body examined two Office papers concerning employment and social protection in the informal sector. The first concerned a thematic evaluation of the urban informal sector: ILO action and perspectives. The thematic evaluation covered extensive recent research and technical cooperation activities by the ILO relating to the informal sector and the policy advice provided, the results of which had greatly influenced the analysis, design and implementation of policies at the country level. There is widespread international recognition of the value of this work, which over the years has improved understanding of the characteristics and functioning of the sector. Given the current compelling issues deriving from the increasing proliferation of precarious forms of employment in most countries, the Office felt that the time was ripe to take stock of the additional knowledge and experience and to draw conclusions and recommendations for future policy orientations and programme priorities. For this purpose a thematic evaluation was carried out, providing a synthesis of the ILO's work in the urban informal sector.

The second paper discussed employment in the informal sector: challenges and future agenda, highlighting emerging trends and policy issues with regard
to employment in the informal sector and their implications for the ILO’s future approach to the sector, especially as regards employment promotion. Over the past three decades the informal sector has not only persisted and expanded but has also changed, and despite wide recognition of the need to assist workers and producers in the informal sector, the nature and objective of that support is still being debated vigorously. The paper outlined an integrated approach and future agenda, covering the concepts of decent work for all workers, employment promotion, workers’ basic rights and labour standards, social protection, organization, representation and social dialogue, and the integration and harmonization of ILO action.

Key Indicators of the Labour Market

The Governing Body reviewed the ILO’s Key Indicators of the Labour Market (KILM) project, launched in response to a request by the International Labour Conference in 1996 to provide accurate and timely labour market information. The objectives of the project were to develop a set of labour market indicators and to widen the availability of the indicators as a means of monitoring employment trends. The resulting products — a publication of 600 pages, a CD-ROM and the KILM website on the Internet — had all been developed within the ILO Employment and Labour Market Policies Branch of the Employment and Training Department, in collaboration with the Bureau of Statistics. The project brings together a file of the world’s labour markets, both past and present, ranging from labour force, employment, unemployment and underemployment to productivity, wages, labour costs and income and poverty indicators. Future activities for KILM in 2000 and 2001 will include the introduction of new indicators; disaggregation of the current indicators (increased detail); a synthesis report; the introduction of world and regional estimates and measures of labour market dynamics, as well as efforts to work with member countries to encourage the wider collection of data and to make the data available through the various KILM media in a more timely fashion.

Relations with the Bretton Woods institutions

In November the Governing Body examined a paper concerning recent developments in the Bretton Woods institutions, highlighting in particular the most important policy developments from the perspective of ILO concerns; exploring the areas with greatest potential for the ILO to take advantage of the new window of opportunity created by such developments; proposing concrete steps to materialize further progress in strengthening ILO substantive relations with the World Bank and the International Monetary Fund; and reviewing the current status of collaboration between them and the ILO. The evidence of the consequences of recent financial crises and the increasing voices of concern in both industrialized and developing countries have prompted a significant change in the Bretton Woods institutions’ approach to financial and economic policies, leading them to place poverty reduction as the core objective and to give greater recognition to social concerns. The recent annual meetings of the World Bank and the IMF, and in particular the meetings of the Interim and Development Committees (Washington, DC, September 1999), were eloquent in this regard, and their decisions opened up fertile ground for the ILO to become a key partner of the Bretton Woods institutions in conceiving and implementing an integrated and balanced approach to economic and social policies at the global and national levels. The paper then analysed major policy developments in the Bretton Woods institutions concerning poverty and debt alleviation, crisis management and social policy, and explored the new window of opportunity for the ILO evidenced by its achieving observer status with the Interim and Development Committees, and its role as a strategic partner in advancing the concept of decent work. It concluded with proposals for further ILO action, including active participation in the development of the new policy framework and playing a lead role in developing the new international social architecture.

VII. Sectoral activities

In March the Governing Body conducted a review of the sectoral activities programme. The Office paper described current sectoral activities in the light of the review of the programme carried out in 1995, which came into effect in 1996. In two biennia some 22 sectoral meetings were held and sector-specific activities undertaken, including follow-up on these meetings. Secondly, the paper examined to what extent the objectives of the 1995 review had been met and whether they were still relevant. The Governing Body reached a broad consensus on a number of issues: the continuing importance of sectoral activities and of meetings; the need to strengthen follow-up activities and their impact; the need to motivate constituents to nominate expert participants to meetings, including the provision of sufficient information in advance to enable them to do so; ad hoc post-meeting consultations could be useful to stimulate and guide follow-up activity; the use of new technology to disseminate information and allow additional dialogue should be pursued; regional and other meetings outside Geneva could be considered as part of the follow-up on regular meetings, together with different types of reports; and the current pragmatic approach to NGO participation should continue. Through its Committee on Sectoral and Technical Meetings and Related Issues the Governing Body also took note of the reports of various meetings and endorsed the recommendations adopted by them.

VIII. Active partnership and technical cooperation

Evaluation and monitoring

In 1999 the Conference adopted a set of Conclusions concerning the role of the ILO in technical cooperation, in which it renewed its commitment to technical cooperation as one of the ILO’s fundamental means of action for the achievement of its mission. The Conference requested the Office to provide the Governing Body with an implementation plan, including a timetable for implementing reforms in the
management of technical cooperation; examining the current field structure with a view to making it more coherent and efficient, with the active assistance of the national authorities involved; reviewing the Active Partnership Policy, as called for by the Director-General; and formulating a new evaluation strategy. In November, the Governing Body accordingly examined an implementation plan prepared by the Office, which addressed not only the specific issues mentioned by the Conference, but also the other measures required to take the technical cooperation programme in the direction set by the Conference. It reflected the outcome of extensive internal consultations and consensus on the action to be taken. The Conference also called on the Director-General to take its conclusions into account when finalizing the Programme and Budget for the 2000-01 biennium. This Plan should therefore be read in conjunction with the programme and budget. The Governing Body also decided to conduct two on-the-spot reviews of field activities in each year of the 2000-01 biennium, which will be undertaken in conjunction with a regional or other meeting. Each review will be conducted by three members of the Governing Body, one from each group, who will be participating in the regional or other meeting, from the regions concerned. Reviews will be carried out in Europe and the Americas in 2000 and in Africa and Asia in 2001. The reports of the four reviews will be consolidated during a two-day meeting in Geneva of the members of all four review teams immediately before the 282nd Session (November 2001) of the Governing Body. The Governing Body also approved the establishment of a Working Group of its Committee on Technical Cooperation to examine the involvement of the Governing Body in such activities beyond the present biennium. As part of the review process, the Governing Body also decided on changes in the format of the annual report on ILO technical cooperation.

Annual report on ILO technical cooperation, 1998-99

The annual report on ILO technical cooperation in 1998-99 was examined by the Governing Body in November. Like that of the previous year, it assessed ILO technical cooperation activities in the framework of the Organization’s major objectives: employment promotion and poverty alleviation, workers’ protection, and the promotion of democracy and human rights. The report examined performance, expenditure and new approvals. While overall delivery improved during the period, expenditure declined in certain regions both for reasons of absorption capacity and because of the shortage of follow-up personnel. The report highlighted regional trends and the activities that focus on gender issues and the employment and working conditions of women. Regarding workers’ and employers’ activities, the strategic and parallel approach to strengthening the institutional capability of constituents was noted. Other parts of the report concerned the impact of standards on technical cooperation programmes, which should be viewed in the light of the annual report on standard-setting activities by the multidisciplinary teams and follow-up on the ILO Declaration on Fundamental Principles and Rights at Work. The report contained extensive statistical data. Two of the critical issues brought to the attention of the Governing Body were programme follow-up and assessment, and delivery rates. References were also included to the global programmes in addition to the information available in reports dealing specifically with these programmes, and before their incorporation into the InFocus programmes for 2000-01. Inter-agency collaboration was also discussed. In future, by providing predetermined indicators for each InFocus programme, the strategic objective approach should make it possible to assess progress and the difficulties encountered in implementing the programme and its principal means of action, as was requested by the Conference in June 1999 and as indicated in the Plan of Action.

Thematic reviews

In March the Committee reviewed a thematic report on ILO projects and programmes concerning occupational safety and health, which reviewed eight projects in different regions and focused on action in relation to policies and legislation; action by agencies, institutions and employers’ and workers’ organizations; and action at the enterprise level. Training, information dissemination, the application and promotion of international labour standards and tripartism were also discussed. The Governing Body proposed that in future such reviews should be more closely integrated with the overall Office approach to evaluation. Overviews of the extent to which objectives had been met and what revisions had been necessary, as well as a review of indicators and targets would also be welcome. Dialogue with programme managers was also proposed.

IX. REGIONAL MEETINGS

In the past year two regional meetings have been held, for the Americas and the African region. The report and conclusions of the Fourteenth American Regional Meeting (Lima, 24-27 August 1999) were adopted by the Governing Body in November. The conclusions concerned, inter alia, support for the strategic objectives and the ILO Declaration on Fundamental Principles and Rights at Work, social policies related to growth, the elimination of child labour, social dialogue and international labour standards, while an addendum emphasized the value of ILO technical cooperation and values in relation to the social and labour consequences of the adjustment programmes and policies advocated by other organizations, and the need to strengthen the capacity of ministries of labour.

The Report and Conclusions of the Ninth African Regional Meeting (Abidjan, 8-11 December 1999) were adopted by the Governing Body in March. Discussions at the Meeting were structured around the four strategic objectives. They focused on promotion of the ILO Declaration on Fundamental Principles and Rights at Work, child labour (a special sitting was held on the Worst Forms of Child Labour Convention), the Jobs for Africa programme, social protection, HIV/AIDS (which included a panel discussion resulting in the adoption of a resolution concerning HIV/AIDS in the context of the world of work in Africa and the appended Platform for action on HIV/AIDS in the context of the world of work...
in Africa), and finally strengthening tripartism and social dialogue.

X. FINANCIAL QUESTIONS

In November the Governing Body took note of an information paper which reviewed procedures for the appointment of the External Auditor.\textsuperscript{51}

In March the Governing Body took note of the report of the Chief Internal Auditor for 1999,\textsuperscript{52} and of a report on follow-up action taken by the Office on the report of the Chief Internal Auditor for 1998.\textsuperscript{53}

XI. INTERNATIONAL LABOUR CONFERENCE

In November the Governing Body held an initial discussion on items for the agenda of the 90th Session (2002) of the Conference, based on the portfolio introduced in 1997.\textsuperscript{54} In the 1999 consultations the Office received the views of 61 governments and of employers' and workers' organizations. A considerable number of replies referred to preliminary tripartite consultations held at the national level, and in several cases the separate opinions of the national employers' and workers' organizations are appended to the governments' replies. The process was hence seen to be furthering social dialogue. As a result of the discussion the Governing Body requested law and practice reports or more detailed proposals on the following subjects to be submitted to it in March 2000:

- new measures concerning discrimination in employment and occupation — Extension of the grounds on which discrimination is prohibited in Article 1 of Convention No. 111; employment of women; the informal sector; investment and employment; migrant workers; and the recording and notification of occupational accidents and diseases. It also requested the Office to submit to it in March a progress report on work concerning contract labour in the light of the Conference resolution of 1998 and preparations for the Meeting of Experts on Workers in Situations Needing Protection, held in May.\textsuperscript{55}

In March the Governing Body accordingly discussed proposals concerning these items and for the withdrawal of a number of Recommendations.\textsuperscript{56} It 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, 65, 64, 65, 66, 72 and 73. It deferred all other decisions concerning the agenda of that session of the Conference until November 2000.

XII. OTHER MATTERS

UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel, 1997: Monitoring

In November the Governing Body discussed the outcome of consultations with UNESCO to determine the feasibility of an extended mandate for the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers (CEART), so as to permit its monitoring of the UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel, 1997.\textsuperscript{57} The paper noted that the Office had concluded that there were no legal obstacles to the extension, that the extension could be accommodated with a minimum of resources, and that the extension was desirable from the perspective of the ILO's normative concerns, including the viewpoints on this matter expressed by the Governing Body since 1995. The Governing Body approved the draft revised mandate.

Notes

2. It appointed the following persons to serve as Expert-Advisers for an initial period, and decided to review the situation not later than at its session in November 2001: Dr. Ahmed El Borai, Ms. María Lado, Ms. Nora Lustig, Mr. Jean-Jacques Oechslin, Ms. M.A. Nieves Concelos, Ms. Zoe Mumbai Tembo, Mr. Robert White. For short biographies, see GB.276/3, Appendix.
3. This article is worded in general terms, as follows: “Committee of the whole: The Governing Body may decide to meet as a committee of the whole in order to hold an exchange of views, in which representatives of governments that are not represented on the Governing Body may, in the manner determined by it, be given an opportunity to express their views with respect to matters concerning their own situation. The committee of the whole shall report to the Governing Body.”
4. For details, see GB.276/I0/1, Appendix I.
5. Introduction by the ILO Declaration Expert-Advisers to the compilation of annual reports — GB.277/3/1; Compilation of annual reports by the International Labour Office — GB.277/3/2.
6. GB.276/WP/SDL/1 and Add.1.
7. para. 101.
8. GB.276/4/1.
9. GB.276/ WP/SDL/1.
10. GB.276/5.
11. GB.277/ESP/3(Add.1).
12. GB.277/ESP/3.
13. GB.277/5/1.
14. GB.277/8/2.
15. GB.276/PFA/9. Two separate addenda concerned resources and activities proposed for questions concerning equality between men and women — GB.276/PFA/9/Add.1; and estimates of expenditure on technical cooperation funded from extra-budgetary sources, 2000-01 — GB.276/PFA/9/Add.2.
16. GB.277/PFA/3.
17. GB.277/LILS/2.
18. GB.276/LILS/2.
19. GB.277/LILS/1.
20. GB.276/LILS/6 and GB.277/LILS/5.
22. GB.277/LILS/6.
23. GB.276/LILS/7.
24. GB.276/LILS/ WP/PRS/2.
27. GB.277/LILS/ WP/PRS/2.
28. Information note on the progress of work and decisions taken concerning the revision of standards (GB.276/LILS/ WP/PRS/1) and Follow-up on the recommendations of the Working Party (GB.277/LILS/ WP/PRS/1). An account of follow-up on consultations concerning Conventions regarding seafarers can be found in GB.277/LILS/ WP/PRS/12.
29. GB.276/7/2 and GB.276/8.
30. GB.276/6.
32. GB.276/ESP/4/1.
A further paper prepared in March (GB.277/ESP/4 and Add.1) pursued these ideas further, but was not discussed owing to lack of time. This covered the replacement of the IMF's Enhanced Structural Adjustment Facility (ESAF) by a new Poverty Reduction and Growth Facility (PRGF), and the move to link all concessional lending — through the World Bank Group's International Development Association (IDA) and under the PRGF, as well as relief under the Enhanced Highly Indebted Poor Countries (HIPC) Debt Relief Initiative — to the preparation of nationally-owned Poverty Reduction Strategy Papers (PRSP). It also discussed the role of the ILO's Decent Work agenda and its links to the PRSP.

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Director-General's review of recent developments in the ILO Programme
1. The Director-General’s reform process

On taking up office in March 1999 the new Director-General, Mr. Juan Somavia, initiated a process of reform and modernization. The first steps in this process are reported in the introduction to the Director-General’s Report, Activities of the ILO 1998-99. They included:

- formulation of a strong tripartite consensus around the Organization’s substantive priorities and the main focus of each priority;
- reallocation of resources to implement these priorities through the Organization’s programme of work; and
- the corresponding adaptation of the management structures and programme activities to make them operational.

An important aspect of this change was the putting in place of a process of strategic budgeting around four strategic objectives (standards and fundamental principles and rights at work; employment; social protection; social dialogue) and their corresponding operational objectives – each strategic objective contributing to the ultimate goal of securing decent work for people everywhere. The Programme and Budget proposals for 2000-01, centred on these objectives, met with strong support and were approved by consensus by the Governing Body and the Conference.

In the latter part of 1999, and during the first few months of 2000, these new perspectives gave rise to the development of new programmes and the renewal of organizational structures. Since not all of these could be reflected in the Activities Report, which in any case covers only the period up to the end of 1999, it was thought that it would be useful for Conference delegates to receive this short update. The report is not intended to be comprehensive, and in particular does not treat many current activities. It is rather a selective review of some of the areas where there are new developments in the period up to the beginning of May 2000, which may suggest issues for debate during the Conference.

2. Restructuring, priority setting and management reforms

New internal structures for the Office have now been put in place to reflect the new strategic programme, including technical sectors corresponding to the strategic objectives. For each sector, workplans have been developed around a new set of performance indicators, which provide the framework for activities in the 2000-01 biennium. They include both the continuation of some existing programmes – for instance on standards, employers’ and workers’ activities, sectoral activities, social security and others, for which implementation is under way within the appropriate technical sector – and the launching of a number of new programmes, notably the InFocus programmes on which more information is given below.

In addition, specific actions have been undertaken to progressively enhance coordination between headquarters and the field structure through joint programming consultations involving all field units and technical departments. These substantive meetings, which began in June 1999 and were completed in March 2000, represented a major innovation in coordinating work between headquarters and the field offices and focused on strategic and operational objectives, indicators and targets. To strengthen communication, outreach and the integration of work between different parts of the Office, the Director-General has personally visited some 15 field offices in the course of two visits to Latin America, two to
Asia, three to Africa and several to Europe and North America. A review is now being carried out on measures to strengthen field services, and to extend the ongoing process of reform in order to improve the efficient delivery of services to ILO constituents.

3. Promoting decent work

The Director-General's Report to the 87th Session (1999) of the International Labour Conference, *Decent work*, sought to focus the energies of the Organization on the major goal of securing decent work for women and men everywhere. The idea of decent work provides an integrating framework for the four strategic objectives of the Organization, building them into a single message about the ILO's ultimate objectives, and offering a frame of reference for the development of its programmes, while recognizing the diversity of needs and experiences in the world of work.

This overall goal provides a distinctive vision which is increasingly reflected in the ILO's advocacy work. An effort is now required to operationalize the concept of decent work. To this end, several activities have begun. A new cross-sectoral initiative has started to develop practical applications of the decent work approach through research and policy at the national level. The goal of "decent work" was the primary focus of attention in the American and African Regional Meetings in 1999. The research programme of the International Institute for Labour Studies has been reoriented to focus on the analysis of decent work and its contribution to economic and social objectives. An advisory group on ILO statistics is exploring how new indicators and data collection methods could be developed to measure progress in decent work, as part of a more general review of statistical priorities. The decent work agenda is also providing an important reference point for the ILO's international policy work.

In recent months the Director-General has made "decent work" the leitmotiv of many of his public interventions. He has participated in a number of high level fora, where he has highlighted the importance of the decent work approach for global debates on economic and social policy. Several of these are briefly reviewed in the next section. Most recently, on 1 May 2000, he was invited to address the Jubilee of Workers, an event organized by the Holy See. Before an audience of 200,000, representing all actors in the world of work, he called for a global coalition for decent work - a call which was reiterated by Pope John Paul II in his own greeting to the assembly.

4. International policy developments

A number of steps have been taken in order to ensure that the ILO's views and values are represented in debates on the development of the global economy and its social effects. An International Policy Group has been created within the Bureau of External Relations and Partnerships, both to provide analytical support to the international policy work of the Office, and to service the Governing Body Working Party on the Social Dimensions of Globalization. Country studies on the social impact of globalization have been completed and are being finalized for publication.

The Director-General has presented an analysis of the challenges posed by globalization at a number of important events, including a major conference in Florence on progressive

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The Conference in Florence, held in November 1999, was attended by British Prime Minister Tony Blair, Brazilian President Fernando Henrique Cardoso, United States President Bill Clinton, Italian Prime Minister Massimo D'Alema, French Prime Minister Lionel Jospin, German Chancellor Gerhard Schroeder and President of the European Union Romano Prodi. The Director-General spoke of the need for an integrated approach to the economic and social challenges of globalization, and the responsibilities of the multilateral system to help ensure that all benefit.

The UNCTAD X speech emphasized the need to see problems through the eyes of people, and to respond to the fundamentals in their lives. The World Bank address was one of a number of initiatives to strengthen collaboration with the international economic organizations – which in the case of the World Bank is giving rise to joint work at the country level to link the Bank’s comprehensive development framework with the ILO decent work agenda.

The ILO has also continued to be active in the preparation for the Special Session of the General Assembly on the implementation of the World Summit for Social Development and further initiatives. A substantial position paper was prepared for the Preparatory Committee, and the ILO is collaborating systematically with the other bodies of the United Nations system in the development of an integrated approach to the follow-up to the Social Summit, which aims to bring both economic and social goals together in a common policy framework.

5. The InFocus programmes

As a prominent part of the new programme, a number of international focus (InFocus) programmes of high priority, relevance and visibility were created in order to concentrate ILO activities for maximum impact and coverage. Some InFocus programmes are mainly built on existing activities, and are intended to reinforce their coherence and priority. Others represent new efforts to tackle issues which are expected to make major contributions to the four strategic objectives of the Organization. The design of these programmes was completed in the latter part of 1999, and the new programmes were all operational at the beginning of 2000. A brief report on the first steps taken by each programme is given here below.

InFocus Programme on Promoting the Declaration

The programme on promoting the ILO Declaration on Fundamental Principles and Rights at Work started in October 1999. Advocacy under the programme began with interventions at important events worldwide such as the ILO African Regional Meeting in Abidjan; the first Global Development Network Meeting in Bonn organized by the World Bank and other sponsors; the IPU Parliamentary Meeting in Bangkok during UNCTAD X; the OAU Tripartite Labour and Social Affairs Commission; and the first IOE meeting on the Global Compact and the Declaration. The aim is to sensitize different players at national and international levels not only to the obligations under the Declaration, but also to the need for a national examination of the extent to which the principles and rights are respected and of ways to build them into development efforts.
The first operational activities took the form of a series of tripartite workshops to launch national action plans and strategies for promoting the principles and rights in the Declaration, covering Asia and the Pacific, Africa, CIS countries and Central America. A first training course on the Declaration was held for the Gulf States; national workshops were held in Brazil and in Uganda; and in-depth technical cooperation was initiated in Benin. Other technical cooperation needs at national and subregional levels are currently being explored, and the programme is attracting important extra-budgetary financial support.

The first round of annual reports under the follow-up to the Declaration achieved a response rate of 55 per cent of the member States concerned. The newly appointed ILO Declaration Expert-Advisers (IDEA) examined the reports, making a number of recommendations for future years which were endorsed by the Governing Body in March. The first Global Report under the follow-up to the Declaration, Your voice at work, which covers the principles and rights of freedom of association and collective bargaining, was completed and will be discussed during a special session at the 88th Session of the Conference (2000). The launching of the report included a multimedia package featuring a CD Rom, video news release and background material, as part of a wider communication strategy.

Related activities have started in the Voluntary Private Initiatives Programme which translates the principles underlying the ILO’s standards and activities into guidelines for management and company practices that promote decent work. The promotion of fundamental principles and rights at work was also boosted with the launching of the Global Compact in 1999, at the initiative of the Secretary-General, and with the participation of the ILO.

**InFocus Programme on Child Labour**

The InFocus Programme on Child Labour aims to build on the achievements of IPEC and to ensure greater coherence between its advocacy, research and operational functions for maximum impact. The campaign for the ratification of the Worst Forms of Child Labour, 1999 (No. 182) gained momentum and, by mid-May 2000, 16 ratifications had been recorded and the process was under way in many more countries. This represents one of the best ratification rates ever achieved for an ILO instrument. Ratifications of the Minimum Age Convention, 1973 (No. 138), also rose from 69 at the end of 1998 to 89 by mid-May 2000.

IPEC’s research programme is now organized around two major themes: corporate initiatives against child labour; and the economics of eliminating child labour. Studies in each of these areas are being finalized. With respect to the statistical underpinning of the programme, IPEC’s Statistical Information and Monitoring Programme on Child Labour (SIMPOC) developed a new rapid assessment approach which detects hidden child labour. It is being tested in 18 countries. SIMPOC is also involved in a recently launched ILO/UNICEF/World Bank initiative on child labour data and information collection.

At the operational level, IPEC prepared and launched a number of sectoral programmes in fisheries, mining, the footwear industry and commercial agriculture as well as activities focusing on the worst forms of child labour. The latter included a project on child trafficking in the Mekong Region and others centred on themes such as bonded labour and child domestic service. The programme continued to attract substantial resources for operational activities.
A programme audit, undertaken in the context of rapid programme expansion, revealed strengths as well as certain problem areas. To follow up, a task force was established to help implement the recommendations by June 2000 and an action plan prepared around four main themes: planning; policy; structure and work organization; and programming, evaluation, management information systems and finance operations. The results to date have included substantial progress in developing a pragmatic monitoring and evaluation system and a database on good practices.

**InFocus Programme on Boosting Employment through Small Enterprise Development**

This programme raises the profile of job creation in micro, small and medium enterprises as an important component of an overall strategy to promote decent work. A planning team, drawing on the participation of staff from many departments and field offices, set a strategy that concentrates the programme’s efforts in areas that offer the greatest potential for scale impact: helping governments create an encouraging environment for small enterprise development; finding ways to involve small business in new markets; and invigorating local entrepreneurship training. In 2000, Sri Lanka became the latest partner in the ILO’s Start Your Business Programme.

To reflect core ILO values, new research and tool development emphasize improving job quality, increasing economic opportunities for women, and bolstering associations of employers and workers in the small enterprise and informal sectors.

These strategies have resonated with some key financial partners, and extra-budgetary contributions to the programme have already tripled regular budget resources. A team of nearly 20 professionals is devoted to this work in Geneva and a series of regional consultation workshops has been launched to plan implementation of the programme in the field. The programme has also focused on advocacy at the international level. The positive results of these efforts were reflected in the recent meeting organized in Hanoi by the Committee of Donor Agencies for Small Enterprise Development which took as one of its defining themes the ILO’s concern to leverage more good jobs from small enterprise development. The ILO was represented on the working group to vet case studies and presentations.

**InFocus Programme on Skills, Knowledge and Employability**

In consultation with other departments and field offices, a strategy was designed which aims to focus programme activities in those areas where the ILO can capture new niches of comparative advantage. The new programme includes research to address emerging issues, such as employability; competency-based training; private employment agencies; and new approaches to the school-to-work transition and lifelong learning. Policy tools are under preparation to promote youth employment and the redeployment of displaced workers, and to improve disability management in the workplace and the delivery of skills to informal sector workers.

This research and policy development, which is now under way, is complemented in the short term with technical cooperation action in the areas of skills training, vocational rehabilitation and capacity-building programmes for informal sector women workers. For example, the following have been implemented: an integrated vocational training programme addressing the needs of different target groups in Bosnia; a flexible retraining programme for the unemployed in Ukraine; and a pilot training programme for life-skills development in Zambia. Advocacy is built around the core ILO message that equal access
to skills and human capital, combined with the promotion of economic opportunities, is critical for social and economic integration.

The programme has produced a major publication on public employment services and also prepared the report for general discussion at the 88th Session of the Conference (2000): *Training for employment: Social inclusion, productivity and youth employment*. An important new initiative is a High Level Policy Network on Youth Employment, which will be officially launched by the United Nations Secretary-General at the Millennium Summit. Work on this initiative has started in collaboration with the World Bank.

**InFocus Programme on Crisis Response and Reconstruction**

This programme has:

(i) developed its implementation strategy, including setting up an office-wide crisis network and a roster of consultants to facilitate the programme's mobilization of the ILO's response to the different crisis situations. External strategic partnerships have also been developed with the World Bank's post-conflict reconstruction unit, UNHCR, UNOPS and IOM. Efforts have been made to mobilize resources, without which the programme's operational work will be seriously constrained;

(ii) started to prepare promotional materials for advocacy purposes and undertaken a number of advocacy activities – for example in respect of East Timor;

(iii) undertaken six needs' assessment missions in countries or territories emerging from crises, including Kosovo, East Timor, Sierra Leone, Democratic Republic of Congo, Mozambique and Venezuela. These missions have generated a number of employment promotion, poverty alleviation and other programmes to address the socio-economic réintégration needs of the diverse crisis-affected groups, and to rebuild relevant institutions and damaged infrastructure;

(iv) invested in research and development of relevant tools, including the preparation of research papers and manuals, with attention being paid, among other issues, to gender aspects of crisis. Drafts of two critical tools have been prepared: *A Manual to guide ILO's rapid needs' assessments in crisis countries*; and *Modules on generic ILO responses to the different crises*.

**InFocus Programme on SafeWork**

An interregional consultation, held in December 1999 with the participation of occupational safety and health institutions and employers' and workers' organizations, confirmed the priorities of the InFocus Programme on SafeWork, endorsed its direction and programme elements and created valuable partnerships.

A series of products reflected the continuing work of the programme: reports on safety and health in agriculture for the 88th Session of the Conference (2000); a code of practice on safety in the use of synthetic vitreous fibre insulation wools; extension of the database of the Information Centre; and a networking arrangement on substance abuse prevention in the workplace and the community among six major European corporations.

The first draft of the ILO Guidelines on Occupational Safety and Health Management Systems (OSH-MS) was prepared in April 2000. This ILO initiative has been endorsed internationally, notably in the context of the work of the International Standards
Organization (ISO). This exercise will be completed on the basis of consultations with ILO constituents and other interested parties, including ISO.

SafeWork provided support to member States, particularly to the countries of economic transition, in improving the effectiveness of labour inspection services through regional and national workshops and inspection system auditing. The programme also made significant contributions to the adoption of a Platform of Action on HIV/AIDS in the context of the world of work in Africa.

**InFocus Programme on Socio-Economic Security**

A workshop on statistical instruments was held in December 1999 which led to the development of a data bank framework incorporating seven dimensions of work-based security. Information-gathering activities have now started. To support this activity, a global network (VoiceNet) of experienced labour specialists in prominent institutions worldwide is also being set up.

Two survey instruments, the Enterprise Labour Flexibility Survey (ELFS) and the People Security Survey (PSS), further supporting the development of a knowledge base, have been designed and are progressively being implemented. The first round of the ELFS has already been completed in Ukraine and a preliminary analysis has been published. A survey has also very recently been initiated in the Philippines. The PSS has been launched in India in collaboration with the Self-Employed Women’s Association (SEWA) and is shortly due to start in Ukraine.

An International Advisory Board – comprising eminent academics, development practitioners and social thinkers from various disciplines and from various regions of the world – has reviewed the conceptual basis of the programme and the strategic priorities for the 2000-01 biennium. The programme has started work on “state of the art” papers covering workfare regimes, care work, and unemployment benefits reforms.

**InFocus Programme on Strengthening Social Dialogue**

The starting point for the InFocus Programme on Strengthening Social Dialogue has been the dissemination among the ILO’s constituents of information on innovative approaches to consultation and negotiation, showing among other things how social dialogue is a means of advancing democracy, human rights and socio-economic development. Outreach to constituents involves helping the parties to create new or adapt existing institutional machinery and processes to facilitate the conduct of meaningful social dialogue. For instance, work in Namibia, Botswana and Lesotho is helping constituents create institutions for preventing and settling disputes.

The programme is working with other departments in the Social Dialogue Sector – the Bureaux for Workers’ and Employers’ Activities, and the Department for Government and Labour Law and Administration – to help strengthen the social partners, as well as with labour ministries and related agencies, in order to make more effective use of social dialogue. It is collaborating with other ILO units at headquarters and in the field, notably on the substantive issues involved.

Advocacy work has already started through presentations to constituents in a regional meeting for 20 African countries and a subregional meeting in the Caribbean. These efforts are creating a renewed awareness and interest among ILO constituents who are making proposals for ILO assistance for the promotion and development of effective social dialogue, particularly at the national and enterprise levels. The implementation plan for the
programme in coming months includes both assistance to constituents to strengthen their capacity to engage in meaningful dialogue, and a research programme to broaden the quality and comparability of information on social dialogue.

6. Gender equality

The Director-General has pledged his full support to advance gender equality and to lead efforts to promote a strong consensus on this goal within the Organization. The Office's commitment and approach were defined in the Director-General's circular issued in December 1999 and in the Action Plan on gender mainstreaming. They provide the foundation for incorporating a gender perspective and internalizing gender equality in all ILO activities.

The technical sectors have taken steps to introduce gender mainstreaming as a central part of their work while maintaining important gender-specific projects. The application of the mainstreaming process could be seen, for example, in the work of a number of intersectoral groups set up to deal with issues such as HIV/AIDS, statistics, crisis response and international policy – with gender being taken up as a cross-cutting theme.

Qualified women were appointed to a particularly high proportion of the senior positions that were made available by the creation of the InFocus programmes. A gender capacity-building programme has begun with the participation of managers and professional staff from all sectors. In the Programme and Budget proposals for 2000-01, an effort has been made to establish gender sensitive indicators and targets. This will allow progress to be measured more easily at all levels.

Several major publications and a symposium, held during the 277th Session of the Governing Body (March 2000), on Decent Work for Women: The ILO’s contribution to the United Nations Special Session on Beijing +5, enhanced the ILO’s visibility on equality issues. The symposium provided an opportunity to highlight links between the ILO’s goal of promoting decent work for women and men and the strategic objectives of the Beijing Platform of Action. A strong common understanding emerged on how to apply the ILO’s means of action and social dialogue for this purpose, and valuable recommendations were presented at the symposium for future initiatives to this end.

7. Technical cooperation and training activities

Following the discussion on technical cooperation at the 87th Session of the International Labour Conference in June 1999, the Office prepared an implementation plan for action to follow up the Conclusions adopted by the Conference. The plan, which was submitted to the Governing Body in November 1999, calls for action in three broad areas: (a) enhancing the relevance and effectiveness of technical cooperation; (b) improving the quality, visibility, effectiveness and impact of technical cooperation; and (c) strengthening partnerships.

There have been significant developments in these three areas since the beginning of 2000. First, the Office has moved towards integrating extra-budgetary-financed programmes with regular budget programmes. This has involved promoting technical cooperation activities that are clearly linked to the four strategic objectives of the Office’s 2000-01 programme and budget. The consultations involving staff from field and headquarters also promoted coherence in technical cooperation programming. A new initiative was the development of a wide ranging programme for the West Bank and Gaza, which is attracting donor interest.
Second, further steps to ensure tripartite involvement in technical cooperation programmes have been taken by the field structure. In addition, the Governing Body, in March 2000, decided to have tripartite reviews of field activities in each region during the current biennium, which gives effect to the Conference Conclusions calling for the Governing Body to play an active supervisory role in the monitoring and evaluation of technical cooperation. Internally, attention was given to improving the flow of information on technical cooperation – and one measure was the dissemination of guidelines on the multi-bilateral programme in April 2000.

Third, as regards partnerships, the ILO and the UNDP sought to reinforce their working relationships with a view to defining a new strategic alliance, including through high level consultations between the Director-General of the ILO and the UNDP Administrator. The integrated programming approach mentioned above contributed to the consolidation of partnerships with certain multi-bilateral donors, resulting in substantial new commitments (recently by the Netherlands and the United States, and earlier by France) linked, in particular, to the InFocus programmes. Discussions on similar arrangements are under way with a number of other multi-bilateral partners.

In mid-1999 the International Training Centre of the ILO in Turin started a process of further aligning its organization, resources and programmes with ILO’s strategic objectives and InFocus programmes. Through intensified consultation with the Organization’s four sectors, the Centre is enhancing its relevance vis à vis the ILO, and the potential effects and impact of its activities. There are two salient examples. The first is the development and delivery of an integrated programme of training and other activities as a follow-up to the Declaration, reaching all three constituents. The second is the consolidation of the experiences with respect to the effectiveness and efficiency of a recent series of distance learning initiatives. Thus, the Centre is putting a major new instrument at the disposal of the Organization’s strategy.

8. Support services

A concentrated effort is being made to address the systemic problems of service support for technical programmes, including the setting up of a special Management Support Facility to deal with immediate problems. Efforts continue by the support services to improve the quality of their work while identifying savings that could be used for action in favour of constituents. Progress was also made in setting service standards so that results-based budgeting techniques would be applied throughout the Office. A particular effort was devoted to the Human Resources Strategy, reflected in the papers presented to the Governing Body in November 1999 and March 2000. The former Personnel Department has been restructured and renamed the Human Resources Development Department, and a start made on introducing reforms in the personnel practices of the Office, designed to deal with a variety of issues in career development, personnel administration and efficient support to operations. Among other features of the new policy, a partnership approach, has been adopted and for the first time an agreement on collective bargaining has been signed with the Staff Union.

9. The strategic framework

The management initiatives and structural reforms described above are continuing and are being reinforced in the 2000-01 biennium. As a result of these management reforms, the Organization as a whole had a greater sense of its strategic direction. At the close of the 1998-99 biennium the first signs were already apparent of a streamlining of operations, a more transparent programme and a new climate of openness and participation within the
Office. This climate was reinforced through the holding of a Management Retreat in early May 2000, which reviewed the progress made, refined priorities and addressed problems of implementation and delivery.

The strategic objectives are also providing a starting point for longer-term planning. In the first few months of 2000, work started on the preparation of a strategic policy framework. This takes off from the Director-General’s Report, *Decent work*, and aims to guide the implementation of the ideas and proposals in that document over two or more biennia. It will articulate a medium-term vision for the work of the Organization around its institutional capacity to deal with a number of key questions: improving the visibility, effectiveness and relevance of the ILO’s standard-setting system; developing the knowledge base needed to support and capitalize on the new programme of the organization, including the statistical framework; developing an effective communications and partnership strategy; and integrating the different dimensions of economic and social progress within the decent work agenda.
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No. 3 — Monday, 29 May 2000
Eighth item on the agenda

Measures recommended by the Governing Body under article 33 of the Constitution - Implementation of recommendations contained in the report of the Commission of Inquiry entitled Forced Labour in Myanmar (Burma)

I. Historical background

In 1996, a complaint was presented under article 26 of the ILO Constitution against the Government of Myanmar for non-observance of the Forced Labour Convention, 1930. The complaint recalled that "Myanmar's gross violations of the Convention [No. 29] have been criticized by the ILO's supervisory bodies for 30 years".

In accordance with the aforementioned article, the Governing Body appointed a Commission of Inquiry. The Government of Myanmar did not authorize the Commission of Inquiry to visit the country, indicating that "such a visit would not contribute much towards resolving the case" and "would interfere in the internal affairs of the country".

In accordance with article 28 of the Constitution, the Commission of Inquiry established the relevant facts and concluded that the alleged violations had occurred, and formulated recommendations regarding measures to be taken with a view to eliminating those violations.1

The Director-General, in accordance with the provisions of article 29, paragraph 1, of the Constitution, communicated the report of the Commission of Inquiry to the Government of Myanmar. The Government, within the period of three months allowed under article 29, paragraph 2, of the Constitution, informed the Director-General that "the authorities, therefore, will do their utmost to complete the process within the time frame referred to in the report [of the Commission of Inquiry]".2

No significant follow-up was noted by the Governing Body3 or by the International Labour Conference.4 The Committee on the Application of Standards in particular drew the attention of the Conference, at its 87th Session (Geneva 1999), to the fact that "the explanations provided by the Government did not respond to the detailed and well-substantiated findings and recommendations of the Commission of Inquiry and the Committee of Experts". At the same session, the Conference adopted a resolution on the widespread use of forced labour in Myanmar.5

At its 277th Session (March 2000), the Governing Body decided to include the following item on the agenda of the 88th Session of the Conference: 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 entitled Forced Labour in Myanmar (Burma). That is now the eighth item on the Conference agenda.6

II. Recommended action

According to article 33 of the Constitution of the International Labour Organization:

In the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Inquiry, or in the decision of the International Court of Justice, as the case may be, the Governing Body may recommend to the Conference such action as it may deem wise and expedient to secure compliance therewith.

Some indication regarding the scope of article 33 of the Constitution and the type of action that may be taken in application of that article is given in the extracts from the report submitted to the 277th Session of the Governing Body which are reproduced in the present report.7

In accordance with this article of the Constitution, the Governing Body adopted the following resolution:

The Governing Body of the ILO,

Recalling the discussions held at the 273rd, 274th and 276th Sessions of the Governing Body on the implementation of the recommendations of the Commission of Inquiry established under article 26 of the Constitution of the ILO to examine the observance by Myanmar of the Forced Labour Convention, 1930 (No. 29),

Noting that the Government of Myanmar has so far not complied with the recommendations of the Commission of Inquiry, despite the disapproval that the gravity of the Government's failure to act must inspire in every-

1 The substantive conclusions and the recommendations of the Commission of Inquiry are reproduced in the present report, part IIIB (1) and (2).
2 The letter of the Government of Myanmar is reproduced in Documents GB.274/5 and GB.276/6.
4 The text of the resolution is reproduced in Annex I of the present document.
5 See Part IIIIC(1), paras. 11-15.
one’s conscience and the imperative need to put an end to this situation by every appropriate means as soon as possible.

Noting the provisions of article 33 of the Constitution of the ILO;

Recommends to the International Labour Conference, meeting at its 88th Session (May-June 2000), that it adopt measures including some or all of the following:

(a) to decide that the question of the implementation of the Commission of Inquiry’s recommendations and of the application of Convention No. 29 by Myanmar should be discussed at future sessions of the International Labour Conference, at a sitting of the Committee on the Application of Standards specially set aside for the purpose, so long as this Member has not been shown to have fulfilled its obligations;

(b) to recommend to the Organization’s constituents as a whole – governments, employers and workers – that they: (i) review, in the light of the conclusions of the Commission of Inquiry, the relations that they may have with the member State concerned and take appropriate measures to ensure that the said Member cannot take advantage of such relations to perpetuate or extend the system of forced or compulsory labour referred to by the Commission of Inquiry, and to contribute as far as possible to the implementation of its recommendations; and (ii) report back in due course and at appropriate intervals to the Governing Body;

(c) as regards international organizations, to invite the Director-General: (i) to inform the international organizations referred to in article 12, paragraph 1, of the Constitution of the Member’s failure to comply; (ii) to call on the relevant bodies of these organizations to reconsider, within their terms of reference, and in the light of the conclusions of the Commission of Inquiry, any cooperation they may be engaged in with the Member concerned and, if appropriate, to cease as soon as possible any activity that could have the effect of directly or indirectly abetting the practice of forced or compulsory labour;

(d) regarding the United Nations specifically, to invite the Director-General to request the Economic and Social Council (ECOSOC) to place an item on the agenda of its July 2000 session concerning the failure of Myanmar to implement the recommendations contained in the report of the Commission of Inquiry and seeking the adoption of recommendations directed by ECOSOC or by the General Assembly, or by both, to governments and to other specialized agencies and including requests similar to those proposed in paragraphs (b) and (c) above;

(e) to invite the Director-General to submit to the Governing Body, in the appropriate manner and at suitable intervals, a periodic report on the outcome of the measures set out in paragraphs (c) and (d) above, and to inform the international organizations concerned of any developments in the implementation by Myanmar of the recommendations of the Commission of Inquiry.

The Conference is requested to examine, with a view to their adoption in the form of a resolution, one or more of the measures indicated in subparagraphs (a)-(e) of the resolution submitted to it by the Governing Body.

To assist the Conference, it was deemed useful to reproduce in an annex extracts from the relevant resolutions of the United Nations General Assembly and Commission on Human Rights, as well as copies of the communications between the Office and the Government of Myanmar.

Lastly, the Conference also has available to it the information contained in the report of the Committee of Experts on the Application of Conventions and Recommendations submitted to the present session of the Conference and may take note of any points brought up during discussions of the Committee on the Application of Standards. Other information regarding new developments may be brought to the attention of the Conference by the secretariat in an appropriate form.

III. Relevant information

A. Extracts from the report of the Commission of Inquiry on “Forced Labour in Myanmar (Burma)”

1. Conclusions on the substance of the case

528. There is abundant evidence before the Commission showing the pervasive use of forced labour imposed on the civilian population throughout Myanmar by the authorities and the military for portering, the construction, maintenance and servicing of military camps, other work in support of the military, work on agriculture, logging and other production projects undertaken by the authorities or the military, sometimes for the profit of private individuals, the construction and maintenance of roads, railways and bridges, other infrastructure work and a range of other tasks, none of which comes under any of the exceptions listed in Article 2(2) of the Convention.

529. The call-up of labour is provided for in very wide terms under sections 8(1)(g), (n) and (o), 11(d) and 12 of the Village Act and sections 9(b) and 9A of the Towns Act, which are incompatible with the Convention. The procedure used in practice often follows the pattern of those provisions, in relying on the village head or ward authorities for requisitioning the labour that any military or government officer may order them to supply; but the provisions of the Village Act and the Towns Act were never actually referred to in those orders for the call-up of forced labourers that were submitted to the Commission; it thus appears that unfettered powers of military and government officers to exact forced labour from the civilian population are taken for granted, without coordination among different demands made on the same population, and people are also frequently rounded up directly by the military for forced labour, bypassing the local authorities.

530. Failure to comply with a call-up for labour is punishable under the Village Act with a fine or imprisonment for a term not exceeding one month, or both, and under the Towns Act, with a fine. In actual

9 Annex II.
11 The footnotes referring to other paragraphs within the report of the Commission of Inquiry have not been reproduced. For the Commission’s original text, see Official Bulletin, special supplement, Vol. LXXXI, 1998, Series B. The report is also available on the ILO’s Internet site <http://www.ilo.org/public/English/standards/rcm/gb/docs/gb273/Myanmar.html>.

8 Annex III.
practice, the manifold exactions of forced labour often give rise to the extortion of money in exchange for a temporary alleviation of the burden, but also to threats to the life and security and extrajudicial punishment of those unwilling, slow or unable to comply with a demand for forced labour; such punishment or reprisals range from money demands to physical abuse, beatings, torture, rape and murder.

531. Forced labour in Myanmar is widely performed by women, children and elderly persons as well as persons otherwise unfit for work.

532. Forced labour in Myanmar is almost never renumerated nor compensated, secret directives notwithstanding, but on the contrary often goes hand in hand with the exaction of money, food and other supplies as well from the civilian population.

533. Forced labour is a heavy burden on the general population in Myanmar, preventing farmers from tending to the needs of their holdings and children from attending school; it falls most heavily on landless labourers and the poorer sections of the population, which depend on hiring out their labour for subsistence and generally have no means to comply with various money demands made by the authorities in lieu of, or over and above, the exaction of forced labour. The impossibility of making a living because of the amount of forced labour exacted is a frequent reason for fleeing the country.

534. The burden of forced labour also appears to be particularly great for non-Burmese ethnic groups, especially in areas where there is a strong military presence, and for the Muslim minority, including the Rohingyas.

535. 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. Porters, including women, are often sent ahead in particularly dangerous situations as in suspected minefields, and many are killed or injured this way. Porters are rarely given medical treatment of any kind; injuries to shoulders, backs and feet are frequent, but medical treatment is minimal or non-existent and some sick or injured are left behind in the jungle. Similarly, on road building projects, injuries are in most cases not treated, and deaths from sickness and work accidents are frequent on some projects. Forced labourers, including those sick or injured, are frequently beaten or otherwise physically abused by soldiers, resulting in serious injuries; some are killed, and women performing compulsory labour are raped or otherwise sexually abused by soldiers. Forced labourers are, in most cases, not supplied with food — they sometimes even have to bring food, water, bamboo and wood to the military; porters may receive minimal rations of rotten rice, but be prevented from drinking water. No clothing or adequate footwear is provided to porters, including those rounded up without prior warning. At night, porters are kept in bunkers or have to sleep in the open, without shelter or blankets provided, even in cold or wet situations, often tied together in groups. Forced labourers on road and railway construction have to make their own arrangements for shelter as well as all other basic needs.

536. In conclusion, the obligation under Article 1, paragraph 1, of the Convention to suppress the use of forced or compulsory labour is violated in Myanmar in national law, in particular by the Village Act and the Towns Act, as well as in actual practice in a widespread and systematic manner, with total disregard for the human dignity, safety and health and basic needs of the people of Myanmar.

537. Concurrently, the Government violates its obligation under Article 25 of the Convention to ensure that the penalties imposed by law for the illegal exaction of forced or compulsory labour are both really adequate and strictly enforced. While section 374 of the Penal Code provides for the punishment of those unlawfully compelling any person to labour against the will of that person, that provision does not appear to be ever applied in practice, even where the methods used for rounding up people do not follow the provisions of the Village Act or the Towns Act, which are in any event never referred to in practice.

538. A State which supports, instigates, accepts or tolerates forced labour on its territory commits a wrongful act and engages its responsibility for the violation of a peremptory norm in international law. Whatever may be the position in national law with regard to the exaction of forced or compulsory labour and the punishment of those responsible for it, any person who violates the prohibition of recourse to forced labour under the Convention is guilty of an international crime that is also, if committed in a widespread or systematic manner, a crime against humanity.

2. Recommendations of the Commission of Inquiry

539. In view of the Government's flagrant and persistent failure to comply with the Convention, the Commission urges the Government to take the necessary steps to ensure:

(a) that the relevant legislative texts, in particular the Village Act and the Towns Act, be brought into line with the Forced Labour Convention, 1930 (No. 29), as already requested by the Committee of Experts on the Application of Conventions and Recommendations and promised by the Government for over 30 years, and again announced in the Government's observations on the complaint. This should be done without further delay and completed at the very latest by 1 May 1999;

(b) that in actual practice, no more forced or compulsory labour be imposed by the authorities, in particular the military. This is all the more important since the powers to impose compulsory labour appear to be taken for granted, without any reference to the Village Act or Towns Act. Thus, besides amending the legislation, concrete action needs to be taken immediately for each and every of the many fields of forced labour examined in Chapters 12 and 13 above to stop the present practice. This must not be done by secret directives, which are against the rule of law and have been ineffective, but through public acts of the Executive promulgated and made known to all levels of the military and to the whole population. Also, action must not be limited to the issue of wage payment; it must ensure that nobody is compelled to work against his or her will. Nonetheless, the budgeting of adequate means to hire free wage labour for the public activities which
are today based on forced and unpaid labour is also required;
(c) that the penalties which may be imposed under section 374 of the Penal Code for the exaction of forced or compulsory labour be strictly enforced, in conformity with Article 25 of the Convention. This requires thorough investigation, prosecution and adequate punishment of those found guilty. As pointed out in 1994 by the Governing Body committee set up to consider the representation made by the Icftu under article 24 of the Ilo Constitution, alleging non-observance by Myanmar of the Forced Labour Convention, 1930 (No. 29), the penal prosecution of those resorting to coercion appeared all the more important since the blurring of the borderline between compulsory and voluntary labour, recurrent throughout the Government's statements to the committee, was all the more likely to occur in actual recruitment by local or military officials. The power to impose compulsory labour will not cease to be taken for granted unless those used to exercising it are actually brought to face criminal responsibility.

540. The recommendations made by the Commission require action to be taken by the Government of Myanmar without delay. The task of the Commission of Inquiry is completed by the signature of its report, but it is desirable that the International Labour Organization should be kept informed of the progress made in giving effect to the recommendations of the Commission. The Commission therefore recommends that the Government of Myanmar should indicate regularly in its reports under article 22 of the Constitution of the International Labour Organization concerning the measures taken by it to give effect to the provisions of the Forced Labour Convention, 1930 (No. 29), the action taken during the period under review to give effect to the recommendations contained in the present report. In addition, the Government may wish to include in its reports information on the state of national law and practice with regard to compulsory military service.


At its 273rd Session (November 1998), the Governing Body took note of a letter from the Government of Myanmar and requested the Office to submit to it at its 274th Session in March 1999 a report on the measures taken by the Government of Myanmar to give effect to the recommendations contained in the report of the Commission of Inquiry. The letter in question reads as follows:

Subject: Report of the Commission of Inquiry

Dear Mr. Director-General,

I acknowledge the receipt of the report of the Commission of Inquiry sent together with your letter of 27 July 1998, addressed to the Minister for Labour.

You will recall that Myanmar Government formed a High-Level Coordination Committee comprising senior officials from several Government Ministries to deal with the activities of the Commission of Inquiry. This Committee examined the details contained in the report of the Inquiry Commission. The Coordination Committee considers that the information provided by some organizations from anti-government circles was politically motivated, highly biased, lacked objectivity and without any goodwill on the part of those organizations.

The Coordination Committee wishes to point out that the Myanmar Government has always been working at its utmost and in good faith for the cause of the country. There could be many different interpretations over a certain event. But it is a fact that the Government has been emphasizing on infrastructural development and socio-economic development programmes in various parts of the country including the remote border areas.

The Government has now made remarkable achievement in national reconsolidation. Seventeen armed groups have already come into legal fold and are joining hands with the Government to participate in the nation-building endeavours. There has prevailed unprecedented peace and stability which in the last several years could not even be dreamt.

I should like to call your attention to the fact that as stated in my previous correspondence to you, the Myanmar authorities have reviewed the Village Act and the Towns Act several times on their own initiatives so as to bring in line with present-day conditions in the country as well as to fulfil Myanmar's obligations (as a party to the Convention) or (as a Member of the International Labour Organization).

The authorities, therefore, will do their utmost to complete the process within the time frame referred to in the report. I may add that we do not see any difficulty in implementing the recommendations contained in paragraph 539 of the report.

Yours truly,

(U Tun Shwe)

Director-General

C. Consideration by the Governing Body of 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)

At its 274th Session, the Governing Body decided to include the following item on the agenda of its 276th Session (November 1999): “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”. The item was discussed by the Governing Body at its 276th and 277th Sessions.

1. Extracts from the report submitted to the Governing Body

11. Article 33 of the Constitution stipulates that “in the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Inquiry, [...] the Governing Body may recommend to the Conference such action as it may deem wise and expedient to secure compliance therewith”. The wording of this article is the result of an amendment adopted in 1946 which replaced with a more general

12 GB.277/6.
provision an exclusive reference to the "measures of an economic character" which could be imposed on a Member in the event of its failing to carry out the recommendations of a commission of inquiry. The Conference Delegation on Constitutional Questions noted that this general clause "would leave the Governing Body a discretion to adapt its action to the circumstances of the particular case, and permit it to make recommendations to the Member of the Organization or, if appropriate, to draw a case of such failure to the attention of the Security Council of the United Nations".

12. The discretion left to the Governing Body is very broad and allows it to choose between various options, ranging from measures involving the Member itself to measures that can be considered as penalties—on the understanding, however, that for the reasons already given to the Governing Body such measures cannot entail either expulsion from the Organization or suspension of a Member's voting rights. On the other hand, the Conference is still at liberty to adopt a resolution inviting a Member to derive all the benefits considered or contemplated by the Office; and to take the necessary steps to ensure that no proposal to invite or invitation to attend meetings, symposia or seminars organized by the ILO is extended to the Government of Myanmar, except for meetings that have the sole purpose of securing immediate and full compliance with the Commission of Inquiry's recommendations. These measures are applicable for so long as the Governing Body, or its Officers acting on its behalf, has not noted the implementation of the Commission of Inquiry's recommendations.

13. With regard to measures designed to provide the Government of Myanmar with technical assistance, a Government member of the Governing Body recalled that the elimination of forced or compulsory labour, which is the ultimate objective of the forced labour Convention, is a complex, long and difficult process. However, so long as the Government of Myanmar has not shown its determination to meet its obligations under the Convention fully by making the first step, i.e. by taking the steps recommended by the Commission of Inquiry, it is difficult to contemplate any such measures of technical assistance. In its letter dated 23 September 1998 in which it undertook to comply with the Commission of Inquiry's recommendations, the Government of Myanmar stated that it "did not see any difficulty in putting the steps necessary to implement the recommendations contained in paragraph 539 of the report [of the Commission of Inquiry]. At no time has the Government of Myanmar asked the Office for specific assistance in implementing the following recommendations: repeal of legislative texts that conflict with Convention No. 29; implementation of a provision that exists in the national legislation (section 374 of the Penal Code of Myanmar) in order to give effect to the provisions of Article 25 of the Convention; practical steps to be taken to ensure that no forced or compulsory labour can be imposed any longer by the authorities, in particular the military, and to ensure that nobody is compelled to work against his or her will. In its exchange of correspondence with the Government of Myanmar, the Office has nevertheless expressed its willingness to help it implement the recommendations of the Commission of Inquiry.

14. It should also be borne in mind that, at the invitation of the International Labour Conference, the Governing Body has instructed the Director-General to ensure that no technical cooperation or assistance to the Government of Myanmar, except for the purpose of direct assistance to implement immediately the recommendations of the Commission of Inquiry, is provided under any of the measures set out below would be the responsibility of the relevant bodies of the Organization, of its constituents or of other international organizations acting within their own terms of reference.

MEASURE INVOLVING THE BODIES OF THE ORGANIZATION

15. Pursuant to article 33 of the Constitution, the Governing Body might thus propose to the Conference that it consider and adopt measures to induce the Government of Myanmar to take this first step towards complying with its obligations. The application of the measures set out below would be the responsibility of the relevant bodies of the Organization, of its constituents or of other international organizations acting within their own terms of reference.

16. The Conference might decide that the question of the implementation of the Commission of Inquiry's recommendations and of the application of Convention No. 29 by Myanmar should be discussed at future sessions of the International Labour Conference, at a sitting of the Committee on the Application of Standards specially set aside for the purpose, so long as this Member has not been shown to have fulfilled its obligations.


14 The Commission on International Labour Legislation emphasized in 1919 that the objection and complaint procedures had "been carefully devised in order to avoid the imposition of penalties, except in the last resort, when a State has flagrantly and persistently refused to carry out its obligations under a Convention" [italics added], Official Bulletin, Vol. I, p. 266.

15 GB.276/6, paras. 5-10.

16 GB.273/5, appendix.
MEASURES INVOLVING THE CONSTITUENTS

17. The Conference might recommend to the Organization's constituents as a whole - governments, employers and workers - that they: (i) preview, in the light of the conclusions of the Commission of Inquiry, the relations that they may have with the Member State concerned and take appropriate measures to ensure that the said Member cannot take advantage of such relations to perpetuate or extend the system of forced or compulsory labour referred to by the Commission of Inquiry, and to contribute as far as possible to the implementation of its recommendations; and (ii) report back in due course and at appropriate intervals to the Governing Body.

MEASURES INVOLVING OTHER INTERNATIONAL ORGANIZATIONS AND THE UNITED NATIONS

18. As regards international organizations, the Director-General might be invited: (i) to inform the international organizations referred to in article 12, paragraph 1, of the Constitution of the Member's failure to comply; (ii) to call on the relevant bodies of these organizations to reconsider, within their terms of reference and in the light of the conclusions of the Commission of Inquiry, any cooperation they may be engaged in with the Member concerned and, if appropriate, to cease as soon as possible any activity that could have the effect of directly or indirectly abetting the practice of forced or compulsory labour.

19. Regarding the United Nations specifically, the Conference might invite the Director-General to request the Economic and Social Council (ECOSOC) to place an item on the agenda of its July 2000 session. The item would concern specifically the failure of Myanmar to implement the recommendations contained in the report of the Commission of Inquiry and would seek the adoption of recommendations directed by ECOSOC or by the General Assembly, or by both, to governments and to other specialized agencies and including requests similar to those proposed in paragraphs 17 and 18 above.

20. The Conference might invite the Director-General to submit to the Governing Body, in the appropriate manner and at suitable intervals, a periodic report on the outcome of the measures set out in the two preceding paragraphs. It would be the responsibility of the Director-General to inform the international organizations concerned of any developments in the implementation by Myanmar of the recommendations of the Commission of Inquiry.


Subject: Positive and effective measures taken concerning certain labour matters in Myanmar

Dear Director-General,

In recent years, there had been repeated allegations of practice of forced labour in Myanmar and also that the relevant sections of the existing Village Act of 1907 and the Towns Act of 1907 were incompatible with the Forced Labour Convention, 1930 (No. 29).

Under the instruction of the Government of the Union of Myanmar, the Ministry of Home Affairs, which oversees the execution of the Village Act of 1907 and the Towns Act of 1907, embarked on a review process in coordination with the relevant ministries, organs and departments of the country with a view to either amend or supplement or repeal the two acts in conformity with the changing security, administrative, economic and social situations and conditions.

As a result of the review process, the Ministry of Home Affairs issued Order No. 1/99 on 14 May 1999 under the Directive of the State Peace and Development Council, instructing the Chairmen of the Ward and Village Tract Peace and Development Councils and other local authorities concerned not to exercise the powers under those provisions relating to requisition for personal services, prescribed in the Village Act, 1907 and the Towns Act, 1907.

A Member of the International Labour Organization, which has ratified an ILO Convention, is required to bring the relevant internal legislation in line with the Convention which it has ratified. In taking necessary steps towards that end, however, it is the prerogative of the country concerned to decide on the most effective and appropriate means.

In this regard, I wish to emphasize that Order 1/99 of 14 May 1999 by the Ministry of Home Affairs was issued under the Directive of the State Peace and Development Council, the law making body and that it has the full force of law.

I wish to also underscore that various means at our disposal were utilized to give the widest possible publicity to the Order. First, the issuance of the Order was clearly explained to local and international media at the press conference held at the conclusion of the ASEAN Labour Ministers' Meeting held in Yangon from 14 to 15 May 1999. In addition, the Order was circulated to the state bodies and local authorities concerned (list attached).

Finally, the Order was promulgated and published in Gazette No. 26, Vol. V, dated 25-6-99 of the Official Myanmar Gazette, where all laws, notifications, rules, regulations, directives and orders are officially published.

With regard to enforcing penalties on those who exact unlawful forced or compulsory labour, I wish to state that action shall be taken under section 374 of the Penal Code of the Union of Myanmar in the event of any complaint by any individual subjected to unlawful forced or compulsory labour. Section 374 of the Penal Code provides as follows:

Whoever, unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment of either description for a term which may be extended to one year with fine or with both.

According to the official records as of 15 January 2000, there have been no complaints and no charges made or actions taken under section 374 at any law court at the state/division, district and township levels.

Furthermore, the Ministry of Home Affairs directed the State and Divisional, District, Township, Ward and Village Tract Peace and Development Councils, which...
I wish to inform you that, in view of the above, it is now amply clear that positive and effective measures have been virtually taken in accordance with the ILO Convention, 1930 (No. 29).

Myanmar has been a long-standing member of the International Labour Organization (ILO) and has maintained the tradition of closely cooperating with the Organization. I am confident that we will be able to keep up this tradition.

Yours sincerely,

(Soe Nyunt)
Director-General

3. Summary of discussions at the 277th Session of the Governing Body
(Wednesday, 29 March 2000, morning session)

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 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.

Mr. Brett (Worker, United Kingdom; Worker Vice-Chairperson) considered that the Governing Body should not shirk from its responsibilities in tackling this serious issue. It was clear from Part A of the paper that the Government of Myanmar 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 Myanmar 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 Myanmar, 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 Myanmar that the latter had already disposed of 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 Myanmar. 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 Myanmar. 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. Thüssing (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 (PTUB), 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 35 of the ILO Constitution. They accordingly called upon the Governing Body and the Conference to refrain from taking measures under article 35, 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 implement-
mentation of the recommendations of the Commis-
sion of Inquiry.

Mr. Warrington (Government, United Kingdom),
speaking also on behalf of the Governments of Aus-
tria, 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 for his report
which chronicled the failure of Myanmar to imple-
ment the recommendations of the Commission of In-
quiry. 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 Myanmar 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 Myanmar had been sus-
spected from ILO regional and technical meetings
other than those which would lead to the implementa-
tion of the Commission of Inquiry's recommenda-
tions.

If the ILO did not react to the continued defiance
of the Myanmar 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 para-
graph 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 confronta-
tion 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) consid-
ered that Myanmar's non-compliance with Conven-
tion No. 29 was by now well established, and it was
therefore appropriate to place the item 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 reso-
olution. Should there be no progress regarding the ef-
fective implementation of the requirements of that reso-

sion 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. Sanet (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
Myanmar authorities to cease their violations of hu-
man 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 recom-
mandations of the Commission of Inquiry, which it
had adopted in 1998. Myanmar had not only ignored
the appeals of the ILO, but also those of the UN Com-
mmission on Human Rights and the UN General As-
sembly, that forced labour be stopped.

The Commission of Inquiry's report had in particu-
lar stated that "all the information and evidence be-
fore 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 pro-
posals in the Office paper might appear somewhat in-
adequate, but he agreed with the Worker and Em-
ployer members that the Governing Body should pro-
cceed with the document in its present form.

It was not an overstatement to say that the situation
of Myanmar 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 un-
told misery and suffering, oppression of large sections
of the population inhabiting Myanmar ... the Govern-
ment, 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 Con-
fERENCE. His Government believed that the interna-
tional community shared concern about forced labour
in Myanmar and that the ILO should continue its in-
volvement in this problem. However, the Japanese
Government expressed its concern about paragraph
21(b) of the Office paper which recommended mea-

sures 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 weighted 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(b).

Mr. Rodriguez 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 sub-regional 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 orga-
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.

Mr. Brett (Worker, United Kingdom; Worker Vice-Chairperson) was somewhat astonished by the last statement, which implied that all porters carrying heavy goods in Myanmar were volunteers and the soldiers were merely there for their protection. Although the Government of Myanmar 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 Myanmar 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 Myanmar 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 Myanmar 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 Myanmar, its credibility would be destroyed and solutions would have to be found in the WTO. The world community would not allow the situation in Myanmar to continue without some degree of progress.

Instead of trying to gain extra time, the apologists for Myanmar 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.

Annexes

Annex I

Resolution on the widespread use of forced labour in Myanmar
adopted by the International Labour Conference at its 87th Session (June 1999)

The International Labour Conference,
Reaffirming that all member States have an obligation to apply fully, in law and in practice, the Conventions that they have voluntarily ratified,
Recalling that Myanmar ratified the Forced Labour Convention, 1930 (No. 29), and the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), on 4 March 1955,
Taking note of the provisions of United Nations General Assembly resolution 53/162 of 9 December 1998 and of United Nations Commission of Human Rights resolution 1999/17 of 23 April 1999, which also address the use of forced labour in Myanmar,
Recalling the decision of the Governing Body to place on the agenda of its November 1999 session an
item entitled: “Measures, including recommendations under article 33 of the ILO Constitution, to secure compliance by the Government of Myanmar with the recommendations of the Commission of Inquiry”.

Gravely concerned by the Government’s flagrant and persistent failure to comply with the Convention, as concluded by the Commission of Inquiry established to examine the observance of the Forced Labour Convention, 1930 (No. 29),

Appalled by the continued widespread use of forced labour, including for work on infrastructure projects and as porters for the army,

Noting the report (dated 21 May 1999) of the Director-General to the members of the Governing Body on measures taken by the Government of Myanmar following the recommendations of the Commission of Inquiry in its report on “Forced Labour in Myanmar (Burma)”;

1. Deeply deplores that:

(a) the Government has failed to take the necessary steps to bring the relevant legislative texts, in particular the Village Act and Towns Act, into line with the Forced Labour Convention, 1930 (No. 29), by 1 May 1999, as recommended by the Commission of Inquiry;

(b) at the end of the twentieth century, the State Peace and Development Council (SPDC) has continued to inflict the practice of forced labour — nothing but a contemporary form of slavery — on the people of Myanmar, despite repeated calls from the ILO and from the wider international community for the past 30 years;

(c) there is no credible evidence that those exacting forced labour in Myanmar have been punished under section 374 of the Penal Code.

2. Reaffirms that this issue should be further considered by the Governing Body in November 1999.

3. Resolves:

(a) that the attitude and behaviour of the Government of Myanmar are grossly incompatible with the conditions and principles governing membership of the Organization;

(b) that the Government of Myanmar should cease to benefit from any technical cooperation or assistance from the ILO, except for the purpose of direct assistance to implement immediately the recommendations of the Commission of Inquiry, until such time as it has implemented the said recommendations;

(c) that the Government of Myanmar should henceforth not receive any invitation to attend meetings, symposia or seminars organized by the ILO, except such meetings that have the sole purpose of securing immediate and full compliance with the said recommendations, until such time as it has implemented the said recommendations of the Commission of Inquiry.

Decision of the Governing Body adopted at its 276th Session, November 1999 concerning the application of the Conference Resolution

The Governing Body invited the Director-General —

(a) to ensure that no technical cooperation or assistance to the Government of Myanmar, except for the purpose of direct assistance to implement immediately the recommendations of the Commission of Inquiry, was considered or undertaken by the Office; and

(b) to take the necessary steps to ensure that no proposal to invite or invitation to attend meetings, symposia or seminars organized by the ILO was extended to the Government of Myanmar, except for meetings that have the sole purpose of securing immediate and full compliance with the Commission of Inquiry’s recommendations;

for so long as the Governing Body, or its Officers acting on its behalf, had not noted the implementation of the Commission of Inquiry’s recommendations (Second sitting; GB.276/6, para. 10, and statement by the Legal Adviser).

Annex II

Exchange of correspondence between the Government of Myanmar and the International Labour Office

Subject: A technical team from the International Labour Office

COMMUNICATION FROM THE GOVERNMENT
DATED 14 OCTOBER 1999

Dear Director-General,

As you are aware, Myanmar became a member of the International Labour Organization just a few months after she regained her independence in January 1948. Since then we have had excellent cooperation with the ILO in the cause of promoting labour rights. I intend to continue this traditional cooperation and I should like to invite a technical team from the International Labour Office at a mutually convenient date. I would like to suggest that the team be headed by a director or any other appropriate senior official, comprising of two additional members, to visit Myanmar for approximately one week, preferably before the forthcoming Governing Body meeting in November. This will give us an opportunity to discuss matters of mutual interest and to exchange views on ways of increasing cooperation with your Office.

I should be very much grateful to receive your reply to my proposal as early as possible.

Yours sincerely,

(Signed) (Soe Nyunt)
Director-General

COMMUNICATION FROM THE OFFICE
DATED 16 DECEMBER 1999

Dear Director-General,

I refer to your letter of 14 October 1999 inviting the International Labour Office to send a technical team in order to discuss matters of mutual interest.

As you are aware, the Office acts subject to the directions of the Constitutional organs of the International Labour Organization, namely the General Conference and the Governing Body. In the light of the decisions previously taken by these organs, the only matter of mutual interest which the International Labour Office may discuss with your Government is the immediate implementation of the recommendations of the Commission of Inquiry established to examine the observance by your
Government of the Forced Labour Convention, 1930 (No. 29), with a view to ensuring full compliance with the
said Convention.

Yours sincerely,
(Kari Tapiola)
Executive Director for
Fundamental Principles
and Rights at Work

COMMUNICATION FROM THE GOVERNMENT
dated 27 March 2000

Dear Mr. Director-General,

I wish to refer to my letter of 14 October 1999 in which
Myanmar extended an invitation for a technical team
from the International Labour Office to visit Myanmar
at a mutually convenient date. This will enable us to ex-
change views on matters of mutual interest, including
the measures taken by Myanmar with regard to Convention
No. 29.

May I again renew the invitation and hope that you
will be able to send a technical team at the earliest con-
venience.

Yours sincerely,
(Soe Nyunt)
Director-General

COMMUNICATION FROM THE OFFICE
dated 31 March 2000

Dear Sir,

The Governing Body of the International Labour Or-
ganization decided on 28 March 2000 to include in the
agenda of the International Labour Conference at its
88th Session (June 2000) an item entitled: "Action rec-
commended by the Governing Body under article 33 of
the Constitution — Implementation of the recommenda-
tions contained in the report of the Commission of In-
quiry on Forced Labour in Myanmar (Burma)".

It also approved a resolution recommending the Con-
ference to adopt measures according to article 33. That
resolution is annexed to this letter.

In this respect, I wish to transmit to you the general
desire expressed during the discussion of this issue that
the Government of Myanmar take action before the
Conference to comply with the recommendations of the
Commission of Inquiry. That would make it unnecessary
for the Conference to act on the recommendations of the
Governing Body.

I wish to reiterate that the Office is prepared to field —
upon your Government's request — a technical coopera-
tion mission. The sole object of such a mission would be to
provide direct assistance to implement immediately the
recommendations of the Commission of Inquiry under the
terms of the resolution adopted by the International Labour Con-
ference at its 87th (1999) Session.

Since the Office has to report to the Conference at the
latest by mid-May, it would be desirable to receive your
answer in appropriate time.

Yours faithfully,
(Juan Somavia)
Director-General

COMMUNICATION FROM THE GOVERNMENT
dated 19 April 2000

Dear Director-General,

I thank you for your letter of 31 March 2000. In this
regard, I wish to seek your clarification regarding the tech-
nical team. As you are aware, I wrote to you on 14 October
1999 and again on 27 March 2000 extending an invitation
for a technical team from the International Labour Office
to visit Myanmar to exchange views on matters of mutual
interest, including the measures taken by Myanmar with
regard to ILO Convention No. 29. It is therefore my un-
derstanding that the technical cooperation mission men-
tioned in your letter of 31 March is in response to the
invitations previously extended by Myanmar. I shall there-
fore be most grateful if you can kindly confirm this.

Yours faithfully,
(Signed) (Soe Nyunt)
Director-General
Dear Sir,

I acknowledge receipt of your letter of 8 May by which your Government requests the ILO to field a technical cooperation mission to your country whose sole object, having regard to the terms of my letter of 3 May, will be to provide direct assistance to implement immediately the recommendations of the Commission of Inquiry under the terms of the resolution adopted by the International Labour Conference at its 87th (1999) Session.

In accordance with the Conference's resolution, this technical cooperation will be based on the conclusions (paras. 528-538 of the report) and cover the three recommendations (paras. 539 and 540 of the report) adopted by the Commission of Inquiry. A three-member team from the ILO could visit your country later this month in order to help your Government to establish a credible plan of action to ensure the full implementation of those recommendations. This plan will cover the three areas concerned — legislation, concrete action to stop the practice of forced labour, and prosecution of offenders.

It is essential that the members of the team should have the necessary facilities and freedom of action to make contacts that they consider useful for the preparation and implementation of the plan. Since Myanmar is not a party to the 1947 Convention on the privileges and immunities of the specialized agencies in respect of the ILO, I would appreciate if an authority of your Government requests the ILO to field a technical cooperation mission to your country whose mission in Geneva will work out with your Office to make the necessary preparations.

I look forward to receiving your Government's formal confirmation of the above by 15 May, so that the team is able to carry out the mission before the International Labour Conference, i.e. before 29 May.

Yours sincerely,

(Signed) Soe Nyunt
Director-General

COMMUNICATION FROM THE GOVERNMENT
DATED 15 MAY 2000

Dear Director-General,

I wish to thank you for your willingness to send a three-member team from the ILO to visit Myanmar later this month as mentioned in your letter of 10 May 2000 and we would like to assure you that this technical cooperation mission will be accorded a warm welcome. We shall be most happy to meet with this mission which will surely serve to build confidence between us and help us resolving the matter.

I would therefore like to invite you to send the technical cooperation mission, the exact timing of which our mission in Geneva will work out with your Office to make the necessary preparations.

Yours sincerely,

(Signed) Soe Nyunt
Director-General

COMMUNICATION FROM THE OFFICE
DATED 10 MAY 2000

Dear Sir,

I acknowledge receipt of your letter of 8 May by which your Government requests the ILO to field a technical cooperation mission to your country whose sole object, having regard to the terms of my letter of 3 May, will be to provide direct assistance to implement immediately the recommendations of the Commission of Inquiry under the terms of the resolution adopted by the International Labour Conference at its 87th (1999) Session.

In accordance with the Conference's resolution, this technical cooperation will be based on the conclusions (paras. 528-538 of the report) and cover the three recommendations (paras. 539 and 540 of the report) adopted by the Commission of Inquiry. A three-member team from the ILO could visit your country later this month in order to help your Government to establish a credible plan of action to ensure the full implementation of those recommendations. This plan will cover the three areas concerned — legislation, concrete action to stop the practice of forced labour, and prosecution of offenders.

It is essential that the members of the team should have the necessary facilities and freedom of action to make contacts that they consider useful for the preparation and implementation of the plan. Since Myanmar is not a party to the 1947 Convention on the privileges and immunities of the specialized agencies in respect of the ILO, I would appreciate if an authority of your Government requests the ILO to field a technical cooperation mission to your country whose mission in Geneva will work out with your Office to make the necessary preparations.

I look forward to receiving your Government's formal confirmation of the above by 15 May, so that the team is able to carry out the mission before the International Labour Conference, i.e. before 29 May.

Yours sincerely,

(Juan Somavia)
Director-General

COMMUNICATION FROM THE GOVERNMENT
DATED 15 MAY 2000

Dear Director-General,

I wish to thank you for your willingness to send a three-member team from the ILO to visit Myanmar later this month as mentioned in your letter of 10 May 2000 and we would like to assure you that this technical cooperation mission will be accorded a warm welcome. We shall be most happy to meet with this mission which will surely serve to build confidence between us and help us resolving the matter.

I would therefore like to invite you to send the technical cooperation mission, the exact timing of which our mission in Geneva will work out with your Office to make the necessary preparations.

Yours sincerely,

(Signed) Soe Nyunt
Director-General

Resolutions adopted by United Nations bodies
(Extracts)

RESOLUTION ADOPTED BY THE UNITED NATIONS
GENERAL ASSEMBLY AT ITS 54TH SESSION
(17 DECEMBER 1999) (EXTRACTS)

54/186. Situation of human rights in Myanmar

The General Assembly,

[...]

Gravely concerned at the continuing and intensified repression of civil and political rights in Myanmar, as reported by the Special Rapporteur,

Deeply regretting the failure of the Government of Myanmar to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur, while noting the recent increased contacts between the Government of Myanmar and the international community,

[...]

5. Deplores the continuing violations of human rights in Myanmar, including extrajudicial, summary or arbitrary executions, enforced disappearances, rape, torture, inhuman treatment, mass arrests, forced labour, including the use of children, forced relocation and denial of freedom of assembly, association, expression and movement, as reported by the Special Rapporteur;

[...]

11. Notes with grave concern that the Government of Myanmar has failed to review its legislation, to cease to inflict the practice of forced labour on its people and to punish those exacting forced labour, which has forced the International Labour Conference to exclude further cooperation with the Government until such time as it has implemented the recommendations of the Commission of Inquiry of the International Labour Organization regarding the implementation of the Forced Labour Convention, 1930, Convention No. 29, of the International Labour Organization;

12. Strongly urges the Government of Myanmar to cease the widespread and systematic use of forced labour and to implement the recommendations of the Commission of Inquiry, while noting the order by the Government of Myanmar issued in May 1999 directing that the power to requisition forced labour under the Towns Act and the Village Act not be exercised, as well as the invitation to visit addressed to the International Labour Organization in October 1999;

13. Deplores the continued violations of human rights, in particular those directed against persons belonging to ethnic and religious minorities, including summary executions, rape, torture, forced labour, forced portering, forced relocations, destruction of crops and fields and dispossession of land and property, which deprives those persons of all means of subsistence;

14. Also deprecates the continuing violations of the human rights of women, especially women who are refugees, are internally displaced or belong to ethnic minorities or the political opposition, in particular forced labour, sexual violence and exploita-
tion, including rape, as reported by the Special Rapporteur;

15. Strongly urges the Government of Myanmar to ensure full respect for all human rights and fundamental freedoms, including economic and social rights, to fulfil its obligation to end the impunity of perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances;

[...]

RESOLUTION OF THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS ADOPTED AT ITS 56TH SESSION (MARCH-APRIL 2000) (EXTRACTS)

2000/23. Situation of human rights in Myanmar

The Commission on Human Rights,

[...]

Gravely concerned at the systematic and increasingly severe violations of civil, political, economic, social and cultural rights in Myanmar,

Recognizing that these severe violations of human rights by the Government of Myanmar have had a significant adverse effect on the health and welfare of the people of Myanmar,

Deeply regretting the failure of the Government of Myanmar to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur, while noting the recent increased contacts between the Government of Myanmar and the international community,

[...]

Mindful that Myanmar is a party to the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Geneva Conventions of 12 August 1949 on the protection of victims of war and the Forced Labour Convention, 1930 (No. 29) and the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) of the International Labour Organization,

Recalling the concluding observations of the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW/C/2000/CRP.3/Add.2/Rev.1) on the initial report submitted by Myanmar to that treaty monitoring body in which, inter alia, it expresses its concern at violations of the human rights of women, in particular by military personnel,

Noting the resolution adopted by the International Labour Conference at its 87th Session on the widespread use of forced labour in Myanmar, and also of the recommendation of the Governing Body of the International Labour Organization of 27 March 2000,

[...]

5. Expresses its grave concern:

[...]

(d) That the Government of Myanmar has failed to review its legislation, to cease its widespread use of forced labour of its own people and to punish those exacting forced labour, which has forced the International Labour Organization to exclude further cooperation with the Government until such time as it has implemented the recommendations of the Commission of Inquiry, except for the purpose of implementing those recommendations;

6. Deplores:

(a) The continuing pattern of gross and systematic violations of human rights in Myanmar, including extrajudicial, summary or arbitrary executions, particularly in areas of ethnic tension, and enforced disappearances, torture, harsh prison conditions, abuse of women and children by government agents, arbitrary seizures of land and property, and the imposition of oppressive measures directed in particular at ethnic and religious minorities, including systematic programmes of forced relocation, destruction of crops and fields, the continued widespread use of forced labour, including for work on infrastructure projects, production of food for the military and as porters for the army;

(b) The lack of independence of the judiciary from the executive and the wide disrespect of the rule of law, including of the basic guarantees of due process, especially in cases involving exercise of political and civil rights and freedoms, resulting in arbitrary arrests and detentions, non-existence of judicial control over detentions, sentences passed without trial, keeping the accused in ignorance of the legal basis of the charge brought against them, trials held in secrecy and without proper legal representation, want of knowledge by the family and counsel of the accused about the sentence and detentions beyond the end of prison sentences;

(c) The continued violations of the human rights of, and widespread discriminatory practices against, persons belonging to minorities, including extrajudicial executions, rape, torture, ill-treatment and the systematic programmes of forced relocation directed against ethnic minorities, notably in Karen, Karenni, Rakhine and Shan States and in Tenasserim Division, resulting in the large-scale displacement of persons and flows of refugees to neighbouring countries, thus creating problems for the countries concerned, and particularly the condition of statelessness, the confiscation of land and the restrictions on movement faced by returning Rohingya refugees, which have prevented the establishment of stable conditions for their voluntary return in safety and dignity and for their reintegration and have contributed to movements out of the country;

(d) The continuing violations of the human rights of women, in particular forced labour, trafficking, sexual violence and exploitation, often committed by military personnel, and especially directed towards women who are returning refugees, internally displaced or belong to ethnic minorities or the political opposition;

(e) The continuing violations of the rights of children, in particular through the lack of conformity of the existing legal framework with the Convention on the Rights of the Child, through conscription of children into forced labour programmes, through their sexual exploitation and exploitation by the military, through discrimination against children belonging to ethnic and religious
minority groups and elevated rates of infant and maternal mortality and malnutrition;

7. Calls upon the Government of Myanmar:
(a) To establish a constructive dialogue with the United Nations system, including the human rights mechanisms, for the effective promotion and protection of human rights in the country;
...

9. Strongly urges the Government of Myanmar:
(a) To implement fully the recommendations made by the Special Rapporteur;
...

(j) And all other parties to the hostilities in Myanmar to respect fully their obligations under international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949, to halt the use of weapons against the civilian population, to protect all civilians, including children, women and persons belonging to ethnic or religious minorities, from violations of humanitarian law, to end the use of children as soldiers and to avail themselves of services offered by impartial humanitarian bodies;

(k) To cease the widespread and systematic use of forced labour and use of exploitative child labour, and to implement the recommendations of the Commission of Inquiry of the International Labour Organization regarding the implementation of the Forced Labour Convention, 1930 (No. 29) of the International Labour Organization, while noting the order by the Government of Myanmar issued in May 1999 directing that the power to requisition forced labour under the Towns Act and the Village Act not be exercised, as well as the invitation to visit, addressed to the International Labour Organization in October 1999;

(l) To adopt, as a matter of urgency, appropriate measures to fulfil its obligations as a State party to the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) of the International Labour Organization and to implement the conclusions of the Commission of Inquiry of the International Labour Organization;

(m) To cease the laying of landmines, in particular as a means of ensuring forced relocation, and to desist from the forced conscription of civilians to serve as human minesweepers, as indicated in the report of the Commission of Inquiry;

(n) To end the enforced displacement of persons and other causes of refugee flows to neighbouring countries and to create conditions conducive to their voluntary return and full réintégration in safety and dignity, including returnees who have not been granted rights of full citizenship, in close cooperation with the international community, through the United Nations system and its specialized agencies, governmental and intergovernmental organizations, as well as non-governmental organizations;

(o) To fulfil its obligations to end impunity of perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances;

[...]
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Consideration of the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations with a view to formal confirmation by the ILO

I. Background to measures taken by the ILO with regard to the Vienna Convention on the Law of Treaties between States and International Organizations, 1986

1. On 31 March 1987, the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations was signed on behalf of the International Labour Organization (ILO). The reasoning behind the Governing Body’s decision to approve the text of the Convention is reflected in the report of its International Organisations Committee, the relevant part of which is reproduced in Appendix I to this paper.

2. In accordance with Article 85 of the treaty, this Convention, adopted in 1986, has not yet entered into force, since the required number of ratifications by States has not yet been attained. Article 83 states that the 1986 Convention is open to “acts of formal confirmation” by international organizations. By depositing such an instrument, the ILO would become a party to the Convention once it entered into force. This Convention would apply in the case of any agreement constituting a “treaty” that the ILO might conclude with a State or international organization. As noted by the ILO at the time of signature of the Convention, only the International Labour Conference is competent to take decisions as to whether or not the Organization will formally confirm the Convention.

3. As of 15 January 2000, only the United Nations had, on 21 December 1998, deposited an instrument of formal confirmation, following the adoption by the General Assembly of resolution 53/100 on the United Nations Decade of International Law. By that resolution the General Assembly –

   Authorizes the Secretary-General to deposit, on behalf of the United Nations, an act of formal confirmation of the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, as provided for in Article 83 of the Convention;

1 Doc. GB.234/IO/4/8, para. 19; doc. GB.235/IO/2/4, para. 2; doc. GB.235/9/27, para. 73.
Encourages States to consider ratifying or acceding to the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, international organizations that have signed the Convention to deposit an act of formal confirmation of the Convention, and other international organizations entitled to do so to accede to it at an early date.

4. This resolution was drawn to the attention of the Legal Advisers of the United Nations system in June 1999 by the Legal Counsel of the United Nations. In a note verbale, he expressed the hope that other international organizations would become party to the Convention in the near future. He went on to observe that formal confirmation by the United Nations and the other signatory international organizations of the 1986 Vienna Convention would not only fulfil the General Assembly’s wishes but would also constitute an important step towards the Convention’s entry into force. Such confirmation would significantly contribute to the two main objectives of the United Nations Decade of International Law, namely the acceptance of, and respect for, international law and the progressive development and codification of international law. The Legal Counsel therefore strongly urged the international organizations and agencies of the United Nations system, through their Legal Advisers, formally to confirm or accede to the 1986 Vienna Convention.

5. With regard to other international organizations, the Assembly of the International Maritime Organization (IMO) authorized its Secretary-General, in November 1999, to deposit an instrument of confirmation. In January 2000, the Executive Board of the World Health Organization (WHO) also made a recommendation to the World Health Assembly to deposit a formal act of confirmation. In addition, the Executive Council of the Organisation for the Prohibition of Chemical Weapons (OPCW) decided in September 1999 to recommend to the Conference of the States Parties that an instrument of accession be deposited. 2

6. The Governing Body decided in November 1999 to request the present session of the Conference to examine the 1986 Convention with a view to the deposit of an act of formal confirmation by the ILO and proposed that it adopt a resolution in favour of such confirmation, a possible text of which is attached to this document. 3

II. Contents of the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations

7. The 1986 Convention, the text of which is reproduced in Appendix II to this paper, complements the 1969 Vienna Convention on the Law of Treaties, which applied to treaties concluded between States and thus did not cover treaties between States and international organizations or between international organizations. 4

2 Accession is equivalent to formal confirmation, the latter being reserved for international organizations which had signed the Convention.

3 Doc. GB.276/10/1.

4 The 1969 Convention on the Law of Treaties entered into force in 1980, following the deposit of the 35th instrument of ratification. As of 17 January 2000, the 1969 Convention had been ratified by 90 States.
8. The 1986 Convention follows the terms of the 1969 Convention and is therefore based upon the broadest possible application of the general rules governing the law of treaties between States. Like the 1969 Convention, the 1986 Convention addresses the conclusion and entry into force of treaties (Part II), observance, application and interpretation of treaties (Part III), amendment and modification of treaties (Part IV) as well as the conditions and procedures governing the invalidity, termination and suspension of the operation of such treaties (Part V).

9. Naturally, the 1986 Convention contains special clauses addressing the specific nature and requirements of international organizations such as the ILO. Most of these special provisions are designed to take into account the "rules of the organization", meaning "in particular, the constituent instruments, decisions and resolutions adopted in accordance with them, and established practice of the organization" (1986 Convention, Article 2 (j)). These rules govern matters such as the capacity of the organization to conclude treaties (ibid., Article 6); the power to represent the organization for the purpose of adopting or authenticating the text of a treaty, or expressing the organization's consent to be bound by a treaty (ibid., Article 7, para. 3(b)); acceptance of rights and obligations arising from a treaty to which the organization is not itself party (ibid., Articles 35-37); consent to the amendment of a treaty (ibid., Article 39); and various notifications and objections (ibid., Article 65).

10. The 1986 Convention applies to formal instruments possessing the characteristics of treaties concluded between one or several States and one or several international organizations as well as to those between international organizations. The first category of instruments would include headquarters agreements, agreements with the host State regarding the holding of meetings of international organizations in its territory, as well as technical or financial cooperation agreements between States and organizations. The second category, i.e. those concluded between international organizations, would comprise agreements on relations and cooperation, agreements regarding the transfer of staff between international organizations and agreements relating to participation in the United Nations Joint Staff Pension Fund. The 1986 Convention will only be binding to the extent that the parties concerned, whether international organizations or States, have ratified or confirmed it, or acceded to it.

11. It is important here to recall that the 1986 Convention does not apply to the ILO Constitution or to international labour Conventions; these are treaties to which only States may become parties. The 1969 Convention applies to them, as explicitly confirmed by Article 5 of that Convention.

12. Finally, the 1986 Convention provides mechanisms for the settlement of disputes modelled upon those contained in the 1969 Convention, since it was considered desirable that the interpretation and application of these two Conventions be treated in a uniform manner. These mechanisms were, however, adjusted in 1986 to take into account the special characteristics of international organizations.  

5 Article 5 of the 1969 Convention reads: "The present Convention applies to any treaty which is the constituent instrument of an international organization and to any treaty adopted within an international organization without prejudice to any relevant rules of the organization."

6 The adjustments concern, inter alia, the submission of disputes to the International Court of Justice. Given that only States may apprise this body of a dispute, the text provides that disputes concerning international organizations may be the subject of an advisory opinion that shall be accepted as decisive by all the parties to the dispute concerned (cf. Article 66 of the 1986 Convention).
III. Consequences of an act of formal confirmation of the 1986 Convention

13. The effect of the ILO’s signature, in 1987, of the 1986 Convention could be considered as express recognition of the ILO’s capacity to conclude treaties. The act of formal confirmation that the ILO may deposit would have no effect however with regard to the entry into force of the 1986 Convention, given that only instruments of ratification or accession deposited by States are taken into consideration in that regard. The 1986 Convention will only enter into force on the 30th day following the date of deposit of the 35th instrument of ratification or accession by States. As of 13 January 2000, 26 States had deposited such instruments (cf. Appendix III). However, the positive effect of confirmation by the ILO of the 1986 Convention should not be overlooked; ratification by States is only of value to the extent that international organizations are also parties to the 1986 Convention.

14. Moreover, entry into force of the 1986 Convention will not substantially change the existing law of treaties, given that the provisions of the Convention are modelled upon those of the 1969 Convention – largely incorporating the relevant customary law – but at the same time providing the necessary adjustments for international organizations. Rather, the 1986 Convention offers a specific legal framework governing formal relations between international organizations and will contribute to the removal of any ambiguity and uncertainty which might be detrimental to the security of legal arrangements.

15. Finally, the Preamble to the 1986 Convention states that “international organizations possess the capacity to conclude treaties which is necessary for the exercise of their functions and the fulfilment of their purposes”. With this affirmation of the legal personality of international organizations, the 1986 Convention confirms their status as subjects of law in the international legal order. This consideration is all the more significant in the case of an international organization like the ILO which is of a tripartite structure.

16. The International Labour Conference may accordingly wish to consider, with a view to its adoption, the following draft resolution, the text of which was proposed by the Governing Body at its 276th Session (November 1999):

Noting that the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, adopted under the aegis of the United Nations on 21 March 1986, was signed on behalf of the International Labour Organization on 31 March 1987 pursuant to Article 82(c) of that Convention;

Having considered and approved the provisions of that Convention;

Authorizes the Director-General to deposit, on behalf of the International Labour Organization, an act of formal confirmation of the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, pursuant to its Article 83.
Appendix I

United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations

At its November 1986 meeting, the International Organisations Committee had given preliminary consideration to an Office paper outlining the outcome of the United Nations Conference on the Law of Treaties between States and International Organisations or between International Organisations, which was held in Vienna from 18 February to 21 March 1986, and in which the ILO had participated. The purpose of the Conference had been to frame a Convention which would parallel and complement the 1969 Vienna Convention on the Law of Treaties, which was applicable to treaty relations between States exclusively. The new Convention adopted in 1986 applied to treaty relations when one or more international organisations were parties to a treaty or similar instrument, in order to take into account the particular nature of international organisations which differed from that of States.

The Committee had deferred reaching a conclusion as to whether the ILO should sign the 1986 Convention which it had an option to do before 30 June 1987, as an organisation invited to the Vienna Conference, in order to consider what action the General Assembly would take regarding the signing of the Convention by the United Nations, and to obtain additional information on the effect of the ILO’s becoming a party to the Convention on the security of the agreements it concluded with States and with other international organisations.

A further Office paper indicated that the following developments had taken place since the November meeting. The Administrative Committee on Co-ordination in October 1986 had urged the organisations of the United Nations system to give favourable consideration to seeking that the competent organs should sign the Convention and, in due course, deposit instruments relating to acts of formal confirmation. At its 41st Session, the General Assembly welcomed the adoption of the 1986 Convention, considered that the Convention should be signed on behalf of the United Nations and expressed the hope that States, as well as international organisations that have the capacity to conclude treaties, would consider taking the steps necessary to become parties to the Convention at an early date. The Committee was also informed that, in January 1987, the Executive Board of WHO had authorised the Director-General to sign the Convention on behalf of the World Health Organisation. As at 31 December 1986, 14 States had signed the Convention.

The Office paper also indicated that while the 1969 Convention applied, without prejudice to the relevant rules of the organisation which constitute a lex specialis, to the Constitution of the ILO or to international labour Conventions which are treaties exclusively between States, the 1986 Convention applied where the ILO would be one of the parties to a treaty or agreement. Examples of such treaties were headquarters agreements, agreements with the host State on the holding of meetings of international organisations on its soil, and certain technical co-operation or financial arrangements with donors. Examples of treaties between international organisations were basic relationship agreements and memoranda of understanding, or the common system agreement on transfer of staff between organisations, agreements concerning participation in the United Nations Joint Staff Pension Fund, the International Civil Service Commission and the Joint Inspection Unit, or agreements concerning recourse by other organisations to the Administrative Tribunal of the ILO. Although the ILO had not so far experienced any difficulties arising from uncertainties as to relevant rules applicable to such treaties, it was clear that the 1986 Convention provided a specific legal framework governing the transactions of international organisations and would thereby contribute to removing ambiguities and doubts which might adversely affect the legal security of its transactions.

1 GB.234/IO/4/8.
2 GB.235/IO/2/4.
Mr. Tata considered that the complexity of the legal aspects of the matter was daunting but the practical question was whether to authorise the Director-General to sign the Vienna Convention, and saw no difficulty in authorising the Director-General accordingly.

Mr. Sudono recalled that in November 1986 the Worker members had already favoured signing the Convention and they maintained this view. However, he wished to be informed about the implications of signing the Convention, and in particular, whether it had any financial implications.

The Chairman stated that there were no financial implications, as Mr. Bolin later confirmed. He went on to explain that there had previously been a gap in the law of treaties which had applied to bilateral and multilateral treaties between States but not to treaties to which one or more international organisations were parties. The 1986 Vienna Convention was designed to fill the gap. Signature of the Convention, before 30 June 1987, would involve automatic recognition of the capacity of the ILO to conclude treaties with States and with other international organisations.

The representative of the Government of India queried the assertion that signing the Convention would not make the ILO a party to it, which appeared to contradict the further indication that signature involved an undertaking to refrain from any act that would defeat the purpose of the Convention, pending consideration of the deposit of an act of formal confirmation.

The Legal Adviser explained that signature of the Convention was the first stage of becoming a party to it. Doing so before 30 June 1987 would exempt the ILO from the requirement of establishing its capacity to conclude treaties, and action to sign the Convention was already being taken by the United Nations and WHO. The second stage would be to deposit an instrument of formal confirmation. The question of which organ was competent to authorise such action had been raised in November 1986, and the Committee had considered that it was the Conference that was competent and would have to give its formal authorisation for the ratification of the Convention after signature, whereas signature, which was an executive act, could be authorised by the Governing Body. Since it was intended that an instrument of formal confirmation would be deposited once the Convention had received the 35 ratifications by States required to bring it into force, clearly the ILO would take no action which would defeat the purpose of a Convention to which it would eventually become a party and which would protect its interests. The Conference should be so informed.

The representative of the Government of Italy praised the legal work done by the Office in connection with the Vienna Conference and appreciated the advantage of signing the Convention and becoming a party to it. However, he wondered whether the application of the Convention to somewhat informal agreements such as memoranda of understanding would not involve undue rigidity.

The Legal Adviser replied that during the travaux préparatoires of the International Law Commission, the question had been raised in relation to so-called "interdepartmental agreements" which were left outside the scope of the Convention. The Convention applied only to formal instruments in the nature of treaties between international law entities, and no difficulties were expected to arise in regard to less formal arrangements.

In the light of these clarifications, the Committee recommends the Governing Body to authorise the Director-General to sign the Vienna Convention on the Law of Treaties between States and International Organisations or between International Organisations on behalf of the International Labour Organisation.
The Parties to the present Convention,

Considering the fundamental role of treaties in the history of international relations,

Recognizing the consensual nature of treaties and their ever-increasing importance as a source of international law,

Noting that the principles of free consent and of good faith and the *pacta sunt servanda* rule are universally recognized,

Affirming the importance of enhancing the process of codification and progressive development of international law at a universal level,

Believing that the codification and progressive development of the rules relating to treaties between States and international organizations or between international organizations are means of enhancing legal order in international relations and of serving the purposes of the United Nations,

Having in mind the principles of international law embodied in the Charter of the United Nations, such as the principles of the equal rights and self-determination of peoples, of the sovereign equality and independence of all States, of non-interference in the domestic affairs of States, of the prohibition of the threat or use of force and of universal respect for, and observance of, human rights and fundamental freedoms for all,

Bearing in mind the provisions of the Vienna Convention on the Law of Treaties of 1969,

Recognizing the relationship between the law of treaties between States and the law of treaties between States and international organizations or between international organizations,

Considering the importance of treaties between States and international organizations or between international organizations as a useful means of developing international relations and ensuring conditions for peaceful cooperation among nations, whatever their constitutional and social systems,

Having in mind the specific features of treaties to which international organizations are parties as subjects of international law distinct from States,

Noting that international organizations possess the capacity to conclude treaties which is necessary for the exercise of their functions and the fulfilment of their purposes,

Recognizing that the practice of international organizations in concluding treaties with States or between themselves should be in accordance with their constituent instruments,

Affirming that nothing in the present Convention should be interpreted as affecting those relations between an international organization and its members which are regulated by the rules of the organization,

Affirming also that disputes concerning treaties, like other international disputes, should be settled, in conformity with the Charter of the United Nations, by peaceful means and in conformity with the principles of justice and international law,

Affirming also that the rules of customary international law will continue to govern questions not regulated by the provisions of the present Convention.

Have agreed as follows:
PART I
INTRODUCTION

Article 1

Scope of the present Convention

The present Convention applies to:

(a) treaties between one or more States and one or more international organizations, and

(b) treaties between international organizations.

Article 2

Use of terms

1. For the purposes of the present Convention:

(a) "treaty" means an international agreement governed by international law and concluded in written form:

(i) between one or more States and one or more international organizations; or

(ii) between international organizations,

whether that agreement is embodied in a single instrument or in two or more related instruments and whatever its particular designation;

(b) "ratification" means the international act so named whereby a State establishes on the international plane its consent to be bound by a treaty;

(bbis) "act of formal confirmation" means an international act corresponding to that of ratification by a State, whereby an international organization establishes on the international plane its consent to be bound by a treaty;

(bter) "acceptance", "approval" and "accession" mean in each case the international act so named whereby a State or an international organization establishes on the international plane its consent to be bound by a treaty;

(c) "full powers" means a document emanating from the competent authority of a State or from the competent organ of an international organization designating a person or persons to represent the State or the organization for negotiating, adopting or authenticating the text of a treaty, for expressing the consent of the State or of the organization to be bound by a treaty, or for accomplishing any other act with respect to a treaty;

(d) "reservation" means a unilateral statement, however phrased or named, made by a State or by an international organization when signing, ratifying, formally confirming, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State or to that organization;

(e) "negotiating State" and "negotiating organization" mean respectively:

(i) a State, or

(ii) an international organization,

which took part in the drawing up and adoption of the text of the treaty;

(f) "contracting State" and "contracting organization" mean respectively:
(i) a State, or
(ii) an international organization,

which has consented to be bound by the treaty, whether or not the treaty has entered into force;

(g) "party" means a State or an international organization which has consented to be bound by the treaty and for which the treaty is in force;

(h) "third State" and "third organization" mean respectively:

(i) a State, or
(ii) an international organization,

not a party to the treaty;

(i) "international organization" means an intergovernmental organization;

(j) "rules of the organization" means, in particular, the constituent instruments, decisions and resolutions adopted in accordance with them, and established practice of the organization.

2. The provisions of paragraph 1 regarding the use of terms in the present Convention are without prejudice to the use of those terms or to the meanings which may be given to them in the internal law of any State or in the rules of any international organization.

Article 3

International agreements not within the scope of the present Convention

The fact that the present Convention does not apply:

(i) to international agreements to which one or more States, one or more international organizations and one or more subjects of international law other than States or organizations are parties;

(ii) to international agreements to which one or more international organizations and one or more subjects of international law other than States or organizations are parties;

(iii) to international agreements not in written form between one or more States and one or more international organizations, or between international organizations; or

(iv) to international agreements between subjects of international law other than States or international organizations;

shall not affect:

(a) the legal force of such agreements;

(b) the application to them of any of the rules set forth in the present Convention to which they would be subject under international law independently of the Convention;

(c) the application of the Convention to the relations between States and international organizations or to the relations of organizations as between themselves, when those relations are governed by international agreements to which other subjects of international law are also parties.
Article 4

Non-retroactivity of the present Convention

Without prejudice to the application of any rules set forth in the present Convention to which treaties between one or more States and one or more international organizations or between international organizations would be subject under international law independently of the Convention, the Convention applies only to such treaties concluded after the entry into force of the present Convention with regard to those States and those organizations.

Article 5

Treaties constituting international organizations and treaties adopted within an international organization

The present Convention applies to any treaty between one or more States and one or more international organizations which is the constituent instrument of an international organization and to any treaty adopted within an international organization, without prejudice to any relevant rules of the organization.
PART II
CONCLUSION AND ENTRY INTO FORCE OF TREATIES

SECTION 1. CONCLUSION OF TREATIES

Article 6

Capacity of international organizations to conclude treaties

The capacity of an international organization to conclude treaties is governed by the rules of that organization.

Article 7

Full powers

1. A person is considered as representing a State for the purpose of adopting or authenticating the text of a treaty or for the purpose of expressing the consent of the State to be bound by a treaty if:

(a) that person produces appropriate full powers; or

(b) it appears from practice or from other circumstances that it was the intention of the States and international organizations concerned to consider that person as representing the State for such purposes without having to produce full powers.

2. In virtue of their functions and without having to produce full powers, the following are considered as representing their State:

(a) Heads of State, Heads of Government and Ministers for Foreign Affairs, for the purpose of performing all acts relating to the conclusion of a treaty between one or more States and one or more international organizations;

(b) representatives accredited by States to an international conference, for the purpose of adopting the text of a treaty between States and international organizations;

(c) representatives accredited by States to an international organization or one of its organs, for the purpose of adopting the text of a treaty in that organization or organ;

(d) heads of permanent missions to an international organization, for the purpose of adopting the text of a treaty between the accrediting States and that organization.

3. A person is considered as representing an international organization for the purpose of adopting or authenticating the text of a treaty, or expressing the consent of that organization to be bound by a treaty if:

(a) that person produces appropriate full powers; or

(b) it appears from the circumstances that it was the intention of the States and international organizations concerned to consider that person as representing the organization for such purposes, in accordance with the rules of the organization, without having to produce full powers.

Article 8

Subsequent confirmation of an act performed without authorization

An act relating to the conclusion of a treaty performed by a person who cannot be considered under article 7 as authorized to represent a State or an international organization for that purpose is without legal effect unless afterwards confirmed by that State or that organization.
Article 9

Adoption of the text

1. The adoption of the text of a treaty takes place by the consent of all the States and international organizations or, as the case may be, all the organizations participating in its drawing up except as provided in paragraph 2.

2. The adoption of the text of a treaty at an international conference takes place in accordance with the procedure agreed upon by the participants in that conference. If, however, no agreement is reached on any such procedure, the adoption of the text shall take place by the vote of two-thirds of the participants present and voting unless by the same majority they shall decide to apply a different rule.

Article 10

Authentication of the text

1. The text of a treaty between one or more States and one or more international organizations is established as authentic and definitive:

(a) by such procedure as may be provided for in the text or agreed upon by the States and organizations participating in its drawing up; or

(b) failing such procedure, by the signature, signature ad referendum or initialling by the representatives of those States and those organizations of the text of the treaty or of the Final Act of a conference incorporating the text.

2. The text of a treaty between international organizations is established as authentic and definitive:

(a) by such procedure as may be provided for in the text or agreed upon by the organizations participating in its drawing up; or

(b) failing such procedure, by the signature, signature ad referendum or initialling by the representatives of those organizations of the text of the treaty or of the Final Act of a conference incorporating the text.

Article 11

Means of expressing consent to be bound by a treaty

1. The consent of a State to be bound by a treaty may be expressed by signature, exchange of instruments constituting a treaty, ratification, acceptance, approval or accession, or by any other means if so agreed.

2. The consent of an international organization to be bound by a treaty may be expressed by signature, exchange of instruments constituting a treaty, act of formal confirmation, acceptance, approval or accession, or by any other means if so agreed.

Article 12

Consent to be bound by a treaty expressed by signature

1. The consent of a State or of an international organization to be bound by a treaty is expressed by the signature of the representative of that State or of that organization when:

(a) the treaty provides that signature shall have that effect;

(b) it is otherwise established that the negotiating States and negotiating organizations or, as the case may be, the negotiating organizations were agreed that signature should have that effect; or

(c) the intention of the State or organization to give that effect to the signature appears from the full powers of its representative or was expressed during the negotiation.
2. For the purposes of paragraph 1:

(a) the initialling of a text constitutes a signature of the treaty when it is established that the negotiating States and negotiating organizations or, as the case may be, the negotiating organizations so agreed;

(b) the signature ad referendum of a treaty by the representative of a State or an international organization, if confirmed by his State or organization, constitutes a full signature of the treaty.

Article 13

Consent to be bound by a treaty expressed by an exchange of instruments constituting a treaty

The consent of States or of international organizations to be bound by a treaty constituted by instruments exchanged between them is expressed by that exchange when:

(a) the instruments provide that their exchange shall have that effect; or

(b) it is otherwise established that those States and those organizations or, as the case may be, those organizations were agreed that the exchange of instruments should have that effect.

Article 14

Consent to be bound by a treaty expressed by ratification, act of formal confirmation, acceptance or approval

1. The consent of a State to be bound by a treaty is expressed by ratification when;

(a) the treaty provides for such consent to be expressed by means of ratification;

(b) it is otherwise established that the negotiating States and negotiating organizations were agreed that ratification should be required;

(c) the representative of the State has signed the treaty subject to ratification; or

(d) the intention of the State to sign the treaty subject to ratification appears from the full powers of its representative or was expressed during the negotiation.

2. The consent of an international organization to be bound by a treaty is expressed by an act of formal confirmation when:

(a) the treaty provides for such consent to be expressed by means of an act of formal confirmation;

(b) it is otherwise established that the negotiating States and negotiating organizations or, as the case may be, the negotiating organizations were agreed that an act of formal confirmation should be required;

(c) the representative of the organization has signed the treaty subject to an act of formal confirmation; or

(d) the intention of the organization to sign the treaty subject to an act of formal confirmation appears from the full powers of its representative or was expressed during the negotiation.

3. The consent of a State or of an international organization to be bound by a treaty is expressed by acceptance or approval under conditions similar to those which apply to ratification or, as the case may be, to an act of formal confirmation.
Article 15

Consent to be bound by a treaty expressed by accession

The consent of a State or of an international organization to be bound by a treaty is expressed by accession when:

(a) the treaty provides that such consent may be expressed by that State or that organization by means of accession;

(b) it is otherwise established that the negotiating States and negotiating organizations or, as the case may be, the negotiating organizations were agreed that such consent may be expressed by that State or that organization by means of accession; or

(c) all the parties have subsequently agreed that such consent may be expressed by that State or that organization by means of accession.

Article 16

Exchange or deposit of instruments of ratification, formal confirmation, acceptance, approval or accession

1. Unless the treaty otherwise provides, instruments of ratification, instruments relating to an act of formal confirmation or instruments of acceptance, approval or accession establish the consent of a State or of an international organization to be bound by a treaty between one or more States and one or more international organizations upon:

(a) their exchange between the contracting States and contracting organizations;

(b) their deposit with the depositary; or

(c) their notification to the contracting States and to the contracting organizations or to the depositary, if so agreed.

2. Unless the treaty otherwise provides, instruments relating to an act of formal confirmation or instruments of acceptance, approval or accession establish the consent of an international organization to be bound by a treaty between international organizations upon:

(a) their exchange between the contracting organizations;

(b) their deposit with the depositary; or

(c) their notification to the contracting organizations or to the depositary, if so agreed.

Article 17

Consent to be bound by part of a treaty and choice of differing provisions

1. Without prejudice to articles 19 to 23, the consent of a State or of an international organization to be bound by part of a treaty is effective only if the treaty so permits, or if the contracting States and contracting organizations or, as the case may be, the contracting organizations so agree.

2. The consent of a State or of an international organization to be bound by a treaty which permits a choice between differing provisions is effective only if it is made clear to which of the provisions the consent relates.
Article 18

Obligation not to defeat the object and purpose of a treaty prior to its entry into force

A State or an international organization is obliged to refrain from acts which would defeat the object and purpose of a treaty when:

(a) that State or that organization has signed the treaty or has exchanged instruments constituting the treaty subject to ratification, act of formal confirmation, acceptance or approval, until that State or that organization shall have made its intention clear not to become a party to the treaty; or

(b) that State or that organization has expressed its consent to be bound by the treaty, pending the entry into force of the treaty and provided that such entry into force is not unduly delayed.

SECTION 2. RESERVATIONS

Article 19

Formulation of reservations

A State or an international organization may, when signing, ratifying, formally confirming, accepting, approving or acceding to a treaty, formulate a reservation unless:

(a) the reservation is prohibited by the treaty;

(b) the treaty provides that only specified reservations, which do not include the reservation in question, may be made; or

(c) in cases not falling under sub-paragraphs (a) and (b), the reservation is incompatible with the object and purpose of the treaty.

Article 20

Acceptance of and objection to reservations

1. A reservation expressly authorized by a treaty does not require any subsequent acceptance by the contracting States and contracting organizations or, as the case may be, by the contracting organizations unless the treaty so provides.

2. When it appears from the limited number of the negotiating States and negotiating organizations or, as the case may be, of the negotiating organizations and the object and purpose of a treaty that the application of the treaty in its entirety between all the parties is an essential condition of the consent of each one to be bound by the treaty, a reservation requires acceptance by all the parties.

3. When a treaty is a constituent instrument of an international organization and unless it otherwise provides, a reservation requires the acceptance of the competent organ of that organization.

4. In cases not falling under the preceding paragraphs and unless the treaty otherwise provides:

(a) acceptance of a reservation by a contracting State or by a contracting organization constitutes the reserving State or international organization a party to the treaty in relation to the accepting State or organization if or when the treaty is in force for the reserving State or organization and for the accepting State or organization;

(b) an objection by a contracting State or by a contracting organization to a reservation does not preclude the entry into force of the treaty as between the objecting State or international organization and the reserving State or organization unless a contrary intention is definitely expressed by the objecting State or organization;
an act expressing the consent of a State or of an international organization to be bound by the treaty and containing a reservation is effective as soon as at least one contracting State or one contracting organization has accepted the reservation.

5. For the purposes of paragraphs 2 and 4 and unless the treaty otherwise provides, a reservation is considered to have been accepted by a State or an international organization if it shall have raised no objection to the reservation by the end of a period of twelve months after it was notified of the reservation or by the date on which it expressed its consent to be bound by the treaty, whichever is later.

**Article 21**

*Legal effects of reservations and of objections to reservations*

1. A reservation established with regard to another party in accordance with articles 19, 20 and 23:

   (a) modifies for the reserving State or international organization in its relations with that other party the provisions of the treaty to which the reservation relates to the extent of the reservation; and

   (b) modifies those provisions to the same extent for that other party in its relations with the reserving State or international organization.

2. The reservation does not modify the provisions of the treaty for the other parties to the treaty *inter se*.

3. When a State or an international organization objecting to a reservation has not opposed the entry into force of the treaty between itself and the reserving State or organization, the provisions to which the reservation relates do not apply as between the reserving State or organization and the objecting State or organization to the extent of the reservation.

**Article 22**

*Withdrawal of reservations and of objections to reservations*

1. Unless the treaty otherwise provides, a reservation may be withdrawn at any time and the consent of a State or of an international organization which has accepted the reservation is not required for its withdrawal.

2. Unless the treaty otherwise provides, an objection to a reservation may be withdrawn at any time.

3. Unless the treaty otherwise provides, or it is otherwise agreed:

   (a) the withdrawal of a reservation becomes operative in relation to a contracting State or a contracting organization only when notice of it has been received by that State or that organization;

   (b) the withdrawal of an objection to a reservation becomes operative only when notice of it has been received by the State or international organization which formulated the reservation.

**Article 23**

*Procedure regarding reservations*

1. A reservation, an express acceptance of a reservation and an objection to a reservation must be formulated in writing and communicated to the contracting States and contracting organizations and other States and international organizations entitled to become parties to the treaty.

2. If formulated when signing the treaty subject to ratification, act of formal confirmation, acceptance or approval, a reservation must be formally confirmed by the reserving State or international organization when expressing its consent to be bound by the treaty. In such a case the reservation shall be considered as having been made on the date of its confirmation.
3. An express acceptance of, or an objection to, a reservation made previously to confirmation of the reservation does not itself require confirmation.

4. The withdrawal of a reservation or of an objection to a reservation must be formulated in writing.

SECTION 3. ENTRY INTO FORCE AND PROVISIONAL APPLICATION OF TREATIES

Article 24

Entry into force

1. A treaty enters into force in such manner and upon such date as it may provide or as the negotiating States and negotiating organizations or, as the case may be, the negotiating organizations may agree.

2. Failing any such provision or agreement, a treaty enters into force as soon as consent to be bound by the treaty has been established for all the negotiating States and negotiating organizations or, as the case may be, all the negotiating organizations.

3. When the consent of a State or of an international organization to be bound by a treaty is established on a date after the treaty has come into force, the treaty enters into force for that State or that organization on that date, unless the treaty otherwise provides.

4. The provisions of a treaty regulating the authentication of its text, the establishment of consent to be bound by the treaty, the manner or date of its entry into force, reservations, the functions of the depositary and other matters arising necessarily before the entry into force of the treaty apply from the time of the adoption of its text.

Article 25

Provisional application

1. A treaty or a part of a treaty is applied provisionally pending its entry into force if:

(a) the treaty itself so provides; or

(b) the negotiating States and negotiating organizations or, as the case may be, the negotiating organizations have in some other manner so agreed.

2. Unless the treaty otherwise provides or the negotiating States and negotiating organizations or, as the case may be, the negotiating organizations have otherwise agreed, the provisional application of a treaty or a part of a treaty with respect to a State or an international organization shall be terminated if that State or that organization notifies the States and organizations with regard to which the treaty is being applied provisionally of its intention not to become a party to the treaty.
PART III

OBSERVANCE, APPLICATION AND INTERPRETATION OF TREATIES

SECTION 1. OBSERVANCE OF TREATIES

Article 26

Pacta sunt servanda

Every treaty in force is binding upon the parties to it and must be performed by them in good faith.

Article 27

Internal law of States, rules of international organizations and observance of treaties

1. A State party to a treaty may not invoke the provisions of its internal law as justification for its failure to perform the treaty.

2. An international organization party to a treaty may not invoke the rules of the organization as justification for its failure to perform the treaty.

3. The rules contained in the preceding paragraphs are without prejudice to article 46.

SECTION 2. APPLICATION OF TREATIES

Article 28

Non-retroactivity of treaties

Unless a different intention appears from the treaty or is otherwise established, its provisions do not bind a party in relation to any act or fact which took place or any situation which ceased to exist before the date of the entry into force of the treaty with respect to that party.

Article 29

Territorial scope of treaties

Unless a different intention appears from the treaty or is otherwise established, a treaty between one or more States and one or more international organizations is binding upon each State party in respect of its entire territory.

Article 30

Application of successive treaties relating to the same subject-matter

1. The rights and obligations of States and international organizations parties to successive treaties relating to the same subject-matter shall be determined in accordance with the following paragraphs.

2. When a treaty specifies that it is subject to, or that it is not to be considered as incompatible with, an earlier or later treaty, the provisions of that other treaty prevail.

3. When all the parties to the earlier treaty are parties also to the later treaty but the earlier treaty is not terminated or suspended in operation under article 59, the earlier treaty applies only to the extent that its provisions are compatible with those of the later treaty.
4. When the parties to the later treaty do not include all the parties to the earlier one:

(a) as between two parties, each of which is a party to both treaties, the same rule applies as in paragraph 3;

(b) as between a party to both treaties and a party to only one of the treaties, the treaty to which both are parties governs their mutual rights and obligations.

5. Paragraph 4 is without prejudice to article 41, or to any question of the termination or suspension of the operation of a treaty under article 60 or to any question of responsibility which may arise for a State or for an international organization from the conclusion or application of a treaty the provisions of which are incompatible with its obligations towards a State or an organization under another treaty.

6. The preceding paragraphs are without prejudice to the fact that, in the event of a conflict between obligations under the Charter of the United Nations and obligations under a treaty, the obligations under the Charter shall prevail.

SECTION 3. INTERPRETATION OF TREATIES

Article 31

General rule of interpretation

1. A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose.

2. The context for the purpose of the interpretation of a treaty shall comprise, in addition to the text, including its preamble and annexes:

(a) any agreement relating to the treaty which was made between all the parties in connection with the conclusion of the treaty;

(b) any instrument which was made by one or more parties in connection with the conclusion of the treaty and accepted by the other parties as an instrument related to the treaty.

3. There shall be taken into account, together with the context:

(a) any subsequent agreement between the parties regarding the interpretation of the treaty or the application of its provisions;

(b) any subsequent practice in the application of the treaty which establishes the agreement of the parties regarding its interpretation;

(c) any relevant rules of international law applicable in the relations between the parties.

4. A special meaning shall be given to a term if it is established that the parties so intended.

Article 32

Supplementary means of interpretation

Recourse may be had to supplementary means of interpretation, including the preparatory work of the treaty and the circumstances of its conclusion, in order to confirm the meaning resulting from the application of article 31, or to determine the meaning when the interpretation according to article 31:

(a) leaves the meaning ambiguous or obscure; or

(b) leads to a result which is manifestly absurd or unreasonable.
Article 33

Interpretation of treaties authenticated in two or more languages

1. When a treaty has been authenticated in two or more languages, the text is equally authoritative in each language, unless the treaty provides or the parties agree that, in case of divergence, a particular text shall prevail.

2. A version of the treaty in a language other than one of those in which the text was authenticated shall be considered an authentic text only if the treaty so provides or the parties so agree.

3. The terms of a treaty are presumed to have the same meaning in each authentic text.

4. Except where a particular text prevails in accordance with paragraph 1, when a comparison of the authentic texts discloses a difference of meaning which the application of articles 31 and 32 does not remove, the meaning which best reconciles the texts, having regard to the object and purpose of the treaty, shall be adopted.

SECTION 4. TREATIES AND THIRD STATES OR THIRD ORGANIZATIONS

Article 34

General rule regarding third States and third organizations

A treaty does not create either obligations or rights for a third State or a third organization without the consent of that State or that organization.

Article 35

Treaties providing for obligations for third States or third organizations

An obligation arises for a third State or a third organization from a provision of a treaty if the parties to the treaty intend the provision to be the means of establishing the obligation and the third State or the third organization expressly accepts that obligation in writing. Acceptance by the third organization of such an obligation shall be governed by the rules of that organization.

Article 36

Treaties providing for rights for third States or third organizations

1. A right arises for a third State from a provision of a treaty if the parties to the treaty intend the provision to accord that right either to the third State, or to a group of States to which it belongs, or to all States, and the third State assents thereto. Its assent shall be presumed so long as the contrary is not indicated, unless the treaty otherwise provides.

2. A right arises for a third organization from a provision of a treaty if the parties to the treaty intend the provision to accord that right either to the third organization, or to a group of international organizations to which it belongs, or to all organizations, and the third organization assents thereto. Its assent shall be governed by the rules of the organization.

3. A State or an international organization exercising a right in accordance with paragraph 1 or 2 shall comply with the conditions for its exercise provided for in the treaty or established in conformity with the treaty.
Article 37

Revocation or modification of obligations or rights
of third States or third organizations

1. When an obligation has arisen for a third State or a third organization in conformity with article 35, the obligation may be revoked or modified only with the consent of the parties to the treaty and of the third State or the third organization, unless it is established that they had otherwise agreed.

2. When a right has arisen for a third State or a third organization in conformity with article 36, the right may not be revoked or modified by the parties if it is established that the right was intended not to be revocable or subject to modification without the consent of the third State or the third organization.

3. The consent of an international organization party to the treaty or of a third organization, as provided for in the foregoing paragraphs, shall be governed by the rules of that organization.

Article 38

Rules in a treaty becoming binding on third States or third organizations through international custom

Nothing in articles 34 to 37 precludes a rule set forth in a treaty from becoming binding upon a third State or a third organization as a customary rule of international law, recognized as such.
PART IV
AMENDMENT AND MODIFICATION OF TREATIES

Article 39

General rule regarding the amendment of treaties

1. A treaty may be amended by agreement between the parties. The rules laid down in Part II apply to such an agreement except in so far as the treaty may otherwise provide.

2. The consent of an international organization to an agreement provided for in paragraph 1 shall be governed by the rules of that organization.

Article 40

Amendment of multilateral treaties

1. Unless the treaty otherwise provides, the amendment of multilateral treaties shall be governed by the following paragraphs.

2. Any proposal to amend a multilateral treaty as between all the parties must be notified to all the contracting States and all the contracting organizations, each one of which shall have the right to take part in:
   (a) the decision as to the action to be taken in regard to such proposal;
   (b) the negotiation and conclusion of any agreement for the amendment of the treaty.

3. Every State or international organization entitled to become a party to the treaty shall also be entitled to become a party to the treaty as amended.

4. The amending agreement does not bind any State or international organization already a party to the treaty which does not become a party to the amending agreement; article 30, paragraph 4(b), applies in relation to such State or organization.

5. Any State or international organization which becomes a party to the treaty after the entry into force of the amending agreement shall, failing an expression of a different intention by that State or that organization:
   (a) be considered as a party to the treaty as amended; and
   (b) be considered as a party to the unamended treaty in relation to any party to the treaty not bound by the amending agreement.

Article 41

Agreements to modify multilateral treaties between certain of the parties only

1. Two or more of the parties to a multilateral treaty may conclude an agreement to modify the treaty as between themselves alone if:
   (a) the possibility of such a modification is provided for by the treaty; or
   (b) the modification in question is not prohibited by the treaty and:
      (i) does not affect the enjoyment by the other parties of their rights under the treaty or the performance of their obligations;
      (ii) does not relate to a provision, derogation from which is incompatible with the effective execution of the object and purpose of the treaty as a whole.
2. Unless in a case falling under paragraph 1(a) the treaty otherwise provides, the parties in question shall notify the other parties of their intention to conclude the agreement and of the modification to the treaty for which it provides.
PART V

INVALIDITY, TERMINATION AND SUSPENSION
OF THE OPERATION OF TREATIES

SECTION 1. GENERAL PROVISIONS

Article 42

Validity and continuance in force of treaties

1. The validity of a treaty or of the consent of a State or an international organization to be bound by a treaty may be impeached only through the application of the present Convention.

2. The termination of a treaty, its denunciation or the withdrawal of a party, may take place only as a result of the application of the provisions of the treaty or of the present Convention. The same rule applies to suspension of the operation of a treaty.

Article 43

Obligations imposed by international law independently of a treaty

The invalidity, termination or denunciation of a treaty, the withdrawal of a party from it, or the suspension of its operation, as a result of the application of the present Convention or of the provisions of the treaty, shall not in any way impair the duty of any State or of any international organization to fulfill any obligation embodied in the treaty to which that State or that organization would be subject under international law independently of the treaty.

Article 44

Separability of treaty provisions

1. A right of a party, provided for in a treaty or arising under article 56, to denounce, withdraw from or suspend the operation of the treaty may be exercised only with respect to the whole treaty unless the treaty otherwise provides or the parties otherwise agree.

2. A ground for invalidating, terminating, withdrawing from or suspending the operation of a treaty recognized in the present Convention may be invoked only with respect to the whole treaty except as provided in the following paragraphs or in article 60.

3. If the ground relates solely to particular clauses, it may be invoked only with respect to those clauses where:

(a) the said clauses are separable from the remainder of the treaty with regard to their application;

(b) it appears from the treaty or is otherwise established that acceptance of those clauses was not an essential basis of the consent of the other party or parties to be bound by the treaty as a whole; and

(c) continued performance of the remainder of the treaty would not be unjust.

4. In cases falling under articles 49 and 50, the State or international organization entitled to invoke the fraud or corruption may do so with respect either to the whole treaty or, subject to paragraph 3, to the particular clauses alone.

5. In cases falling under articles 51, 52 and 53, no separation of the provisions of the treaty is permitted.
Article 45

Loss of a right to invoke a ground for invalidating, terminating, withdrawing from or suspending the operation of a treaty

1. A State may no longer invoke a ground for invalidating, terminating, withdrawing from or suspending the operation of a treaty under articles 46 to 50 or articles 60 and 62 if, after becoming aware of the facts:

(a) it shall have expressly agreed that the treaty is valid or remains in force or continues in operation, as the case may be; or

(b) it must by reason of its conduct be considered as having acquiesced in the validity of the treaty or in its maintenance in force or in operation, as the case may be.

2. An international organization may no longer invoke a ground for invalidating, terminating, withdrawing from or suspending the operation of a treaty under articles 46 to 50 or articles 60 and 62 if, after becoming aware of the facts:

(a) it shall have expressly agreed that the treaty is valid or remains in force or continues in operation, as the case may be; or

(b) it must by reason of the conduct of the competent organ be considered as having renounced the right to invoke that ground.

SECTION 2. INVALIDITY OF TREATIES

Article 46

Provisions of internal law of a State and rules of an international organization regarding competence to conclude treaties

1. A State may not invoke the fact that its consent to be bound by a treaty has been expressed in violation of a provision of its internal law regarding competence to conclude treaties as invalidating its consent unless that violation was manifest and concerned a rule of its internal law of fundamental importance.

2. An international organization may not invoke the fact that its consent to be bound by a treaty has been expressed in violation of the rules of the organization regarding competence to conclude treaties as invalidating its consent unless that violation was manifest and concerned a rule of fundamental importance.

3. A violation is manifest if it would be objectively evident to any State or any international organization conducting itself in the matter in accordance with the normal practice of States and, where appropriate, of international organizations and in good faith.

Article 47

Specific restrictions on authority to express the consent of a State or an international organization

If the authority of a representative to express the consent of a State or of an international organization to be bound by a particular treaty has been made subject to a specific restriction, his omission to observe that restriction may not be invoked as invalidating the consent expressed by him unless the restriction was notified to the negotiating States and negotiating organizations prior to his expressing such consent.

Article 48

Error

1. A State or an international organization may invoke an error in a treaty as invalidating its consent to be bound by the treaty if the error relates to a fact or situation which was assumed by that State or that organization
to exist at the time when the treaty was concluded and formed an essential basis of the consent of that State or that organization to be bound by the treaty.

2. Paragraph 1 shall not apply if the State or international organization in question contributed by its own conduct to the error or if the circumstances were such as to put that State or that organization on notice of a possible error.

3. An error relating only to the wording of the text of a treaty does not affect its validity; article 80 then applies.

Article 49

Fraud

A State or an international organization induced to conclude a treaty by the fraudulent conduct of a negotiating State or a negotiating organization may invoke the fraud as invalidating its consent to be bound by the treaty.

Article 50

Corruption of a representative of a State or of an international organization

A State or an international organization the expression of whose consent to be bound by a treaty has been procured through the corruption of its representative directly or indirectly by a negotiating State or a negotiating organization may invoke such corruption as invalidating its consent to be bound by the treaty.

Article 51

Coercion of a representative of a State or of an international organization

The expression by a State or an international organization of consent to be bound by a treaty which has been procured by the coercion of the representative of that State or that organization through acts or threats directed against him shall be without any legal effect.

Article 52

Coercion of a State or of an international organization by the threat or use of force

A treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter of the United Nations.

Article 53

Treaties conflicting with a peremptory norm of general international law (jus cogens)

A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the purposes of the present Convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.
SECTION 3. TERMINATION AND SUSPENSION OF THE OPERATION OF TREATIES

Article 54

Termination of or withdrawal from a treaty under its provisions or by consent of the parties

The termination of a treaty or the withdrawal of a party may take place:

(a) in conformity with the provisions of the treaty; or

(b) at any time by consent of all the parties after consultation with the contracting States and contracting organizations.

Article 55

Reduction of the parties to a multilateral treaty below the number necessary for its entry into force

Unless the treaty otherwise provides, a multilateral treaty does not terminate by reason only of the fact that the number of the parties falls below the number necessary for its entry into force.

Article 56

Denunciation of or withdrawal from a treaty containing no provision regarding termination, denunciation or withdrawal

1. A treaty which contains no provision regarding its termination and which does not provide for denunciation or withdrawal is not subject to denunciation or withdrawal unless:

(a) it is established that the parties intended to admit the possibility of denunciation or withdrawal; or

(b) a right of denunciation or withdrawal may be implied by the nature of the treaty.

2. A party shall give not less than twelve months' notice of its intention to denounce or withdraw from a treaty under paragraph 1.

Article 57

Suspension of the operation of a treaty under its provisions or by consent of the parties

The operation of a treaty in regard to all the parties or to a particular party may be suspended:

(a) in conformity with the provisions of the treaty; or

(b) at any time by consent of all the parties after consultation with the contracting States and contracting organizations.

Article 58

Suspension of the operation of a multilateral treaty by agreement between certain of the parties only

1. Two or more parties to a multilateral treaty may conclude an agreement to suspend the operation of provisions of the treaty, temporarily and as between themselves alone, if:

(a) the possibility of such a suspension is provided for by the treaty; or
(b) the suspension in question is not prohibited by the treaty and:

(i) does not affect the enjoyment by the other parties of their rights under the treaty or the performance of their obligations;

(ii) is not incompatible with the object and purpose of the treaty.

2. Unless in a case falling under paragraph 1(a) the treaty otherwise provides, the parties in question shall notify the other parties of their intention to conclude the agreement and of those provisions of the treaty the operation of which they intend to suspend.

Article 59

Termination or suspension of the operation of a treaty implied by conclusion of a later treaty

1. A treaty shall be considered as terminated if all the parties to it conclude a later treaty relating to the same subject-matter and:

(a) it appears from the later treaty or is otherwise established that the parties intended that the matter should be governed by that treaty; or

(b) the provisions of the later treaty are so far incompatible with those of the earlier one that the two treaties are not capable of being applied at the same time.

2. The earlier treaty shall be considered as only suspended in operation if it appears from the later treaty or is otherwise established that such was the intention of the parties.

Article 60

Termination or suspension of the operation of a treaty as a consequence of its breach

1. A material breach of a bilateral treaty by one of the parties entitles the other to invoke the breach as a ground for terminating the treaty or suspending its operation in whole or in part.

2. A material breach of a multilateral treaty by one of the parties entitles:

(a) the other parties by unanimous agreement to suspend the operation of the treaty in whole or in part or to terminate it either:

(i) in the relations between themselves and the defaulting State or international organization, or

(ii) as between all the parties;

(b) a party specially affected by the breach to invoke it as a ground for suspending the operation of the treaty in whole or in part in the relations between itself and the defaulting State or international organization;

(c) any party other than the defaulting State or international organization to invoke the breach as a ground for suspending the operation of the treaty in whole or in part with respect to itself if the treaty is of such a character that a material breach of its provisions by one party radically changes the position of every party with respect to the further performance of its obligations under the treaty.

3. A material breach of a treaty, for the purposes of this article, consists in:

(a) a repudiation of the treaty not sanctioned by the present Convention; or

(b) the violation of a provision essential to the accomplishment of the object or purpose of the treaty.
4. The foregoing paragraphs are without prejudice to any provision in the treaty applicable in the event of a breach.

5. Paragraphs 1 to 3 do not apply to provisions relating to the protection of the human person contained in treaties of a humanitarian character, in particular to provisions prohibiting any form of reprisals against persons protected by such treaties.

Article 61

Supervening impossibility of performance

1. A party may invoke the impossibility of performing a treaty as a ground for terminating or withdrawing from it if the impossibility results from the permanent disappearance or destruction of an object indispensable for the execution of the treaty. If the impossibility is temporary, it may be invoked only as a ground for suspending the operation of the treaty.

2. Impossibility of performance may not be invoked by a party as a ground for terminating, withdrawing from or suspending the operation of a treaty if the impossibility is the result of a breach by that party either of an obligation under the treaty or of any other international obligation owed to any other party to the treaty.

Article 62

Fundamental change of circumstances

1. A fundamental change of circumstances which has occurred with regard to those existing at the time of the conclusion of a treaty, and which was not foreseen by the parties, may not be invoked as a ground for terminating or withdrawing from the treaty unless:

(a) the existence of those circumstances constituted an essential basis of the consent of the parties to be bound by the treaty; and

(b) the effect of the change is radically to transform the extent of obligations still to be performed under the treaty.

2. A fundamental change of circumstances may not be invoked as a ground for terminating or withdrawing from a treaty between two or more States and one or more international organizations if the treaty establishes a boundary.

3. A fundamental change of circumstances may not be invoked as a ground for terminating or withdrawing from a treaty if the fundamental change is the result of a breach by the party invoking it either of an obligation under the treaty or of any other international obligation owed to any other party to the treaty.

4. If, under the foregoing paragraphs, a party may invoke a fundamental change of circumstances as a ground for terminating or withdrawing from a treaty it may also invoke the change as a ground for suspending the operation of the treaty.

Article 63

Severance of diplomatic or consular relations

The severance of diplomatic or consular relations between States parties to a treaty between two or more States and one or more international organizations does not affect the legal relations established between those States by the treaty except in so far as the existence of diplomatic or consular relations is indispensable for the application of the treaty.
Article 64

Emergence of a new peremptory norm of general international law (jus cogens)

If a new peremptory norm of general international law emerges, any existing treaty which is in conflict with that norm becomes void and terminates.

SECTION 4. PROCEDURE

Article 65

Procedure to be followed with respect to invalidity, termination, withdrawal from or suspension of the operation of a treaty

1. A party which, under the provisions of the present Convention, invokes either a defect in its consent to be bound by a treaty or a ground for impeaching the validity of a treaty, terminating it, withdrawing from it or suspending its operation, must notify the other parties of its claim. The notification shall indicate the measure proposed to be taken with respect to the treaty and the reasons therefore.

2. If, after the expiry of a period which, except in cases of special urgency, shall not be less than three months after the receipt of the notification, no party has raised any objection, the party making the notification may carry out in the manner provided in article 67 the measure which it has proposed.

3. If, however, objection has been raised by any other party, the parties shall seek a solution through the means indicated in Article 33 of the Charter of the United Nations.

4. The notification or objection made by an international organization shall be governed by the rules of that organization.

5. Nothing in the foregoing paragraphs shall affect the rights or obligations of the parties under any provisions in force binding the parties with regard to the settlement of disputes.

6. Without prejudice to article 45, the fact that a State or an international organization has not previously made the notification prescribed in paragraph 1 shall not prevent it from making such notification in answer to another party claiming performance of the treaty or alleging its violation.

Article 66

Procedures for judicial settlement, arbitration and conciliation

1. If, under paragraph 3 of article 65, no solution has been reached within a period of twelve months following the date on which the objection was raised, the procedures specified in the following paragraphs shall be followed.

2. With respect to a dispute concerning the application or the interpretation of article 53 or 64:

(a) if a State is a party to the dispute with one or more States, it may, by a written application, submit the dispute to the International Court of Justice for a decision;

(b) if a State is a party to the dispute to which one or more international organizations are parties, the State may, through a Member State of the United Nations if necessary, request the General Assembly or the Security Council or, where appropriate, the competent organ of an international organization which is a party to the dispute and is authorized in accordance with Article 96 of the Charter of the United Nations, to request an advisory opinion of the International Court of Justice in accordance with article 65 of the Statute of the Court;
(c) if the United Nations or an international organization that is authorized in accordance with Article 96 of the Charter of the United Nations is a party to the dispute, it may request an advisory opinion of the International Court of Justice in accordance with article 65 of the Statute of the Court;

(d) if an international organization other than those referred to in sub-paragraph (c) is a party to the dispute, it may, through a Member State of the United Nations, follow the procedure specified in sub-paragraph (b);

(e) the advisory opinion given pursuant to sub-paragraph (b), (c) or (d) shall be accepted as decisive by all the parties to the dispute concerned;

(f) if the request under sub-paragraph (b), (c) or (d) for an advisory opinion of the Court is not granted, any one of the parties to the dispute may, by written notification to the other party or parties, submit it to arbitration in accordance with the provisions of the Annex to the present Convention.

3. The provisions of paragraph 2 apply unless all the parties to a dispute referred to in that paragraph by common consent agree to submit the dispute to an arbitration procedure, including the one specified in the Annex to the present Convention.

4. With respect to a dispute concerning the application or the interpretation of any of the articles in Part V, other than articles 53 and 64, of the present Convention, any one of the parties to the dispute may set in motion the conciliation procedure specified in the Annex to the Convention by submitting a request to that effect to the Secretary-General of the United Nations.

Article 67

Instruments for declaring invalid, terminating, withdrawing from or suspending the operation of a treaty

1. The notification provided for under article 65, paragraph 1 must be made in writing.

2. Any act declaring invalid, terminating, withdrawing from or suspending the operation of a treaty pursuant to the provisions of the treaty or of paragraphs 2 or 3 of article 65 shall be carried out through an instrument communicated to the other parties. If the instrument emanating from a State is not signed by the Head of State, Head of Government or Minister for Foreign Affairs, the representative of the State communicating it may be called upon to produce full powers. If the instrument emanates from an international organization, the representative of the organization communicating it may be called upon to produce full powers.

Article 68

Revocation of notifications and instruments provided for in articles 65 and 67

A notification or instrument provided for in articles 65 or 67 may be revoked at any time before it takes effect.

SECTION 5. CONSEQUENCES OF THE INVALIDITY, TERMINATION OR SUSPENSION OF THE OPERATION OF A TREATY

Article 69

Consequences of the invalidity of a treaty

1. A treaty the invalidity of which is established under the present Convention is void. The provisions of a void treaty have no legal force.

2. If acts have nevertheless been performed in reliance on such a treaty:
(a) each party may require any other party to establish as far as possible in their mutual relations the position that would have existed if the acts had not been performed;

(b) acts performed in good faith before the invalidity was invoked are not rendered unlawful by reason only of the invalidity of the treaty.

3. In cases falling under articles 49, 50, 51 or 52, paragraph 2 does not apply with respect to the party to which the fraud, the act of corruption or the coercion is imputable.

4. In the case of the invalidity of the consent of a particular State or a particular international organization to be bound by a multilateral treaty, the foregoing rules apply in the relations between that State or that organization and the parties to the treaty.

Article 70

Consequences of the termination of a treaty

1. Unless the treaty otherwise provides or the parties otherwise agree, the termination of a treaty under its provisions or in accordance with the present Convention:

(a) releases the parties from any obligation further to perform the treaty;

(b) does not affect any right, obligation or legal situation of the parties created through the execution of the treaty prior to its termination.

2. If a State or an international organization denounces or withdraws from a multilateral treaty, paragraph 1 applies in the relations between that State or that organization and each of the other parties to the treaty from the date when such denunciation or withdrawal takes effect.

Article 71

Consequences of the invalidity of a treaty which conflicts with a peremptory norm of general international law

1. In the case of a treaty which is void under article 53 the parties shall:

(a) eliminate as far as possible the consequences of any act performed in reliance on any provision which conflicts with the peremptory norm of general international law; and

(b) bring their mutual relations into conformity with the peremptory norm of general international law.

2. In the case of a treaty which becomes void and terminates under article 64, the termination of the treaty:

(a) releases the parties from any obligation further to perform the treaty;

(b) does not affect any right, obligation or legal situation of the parties created through the execution of the treaty prior to its termination; provided that those rights, obligations or situations may thereafter be maintained only to the extent that their maintenance is not in itself in conflict with the new peremptory norm of general international law.

Article 72

Consequences of the suspension of the operation of a treaty

1. Unless the treaty otherwise provides or the parties otherwise agree, the suspension of the operation of a treaty under its provisions or in accordance with the present Convention:

(a) releases the parties between which the operation of the treaty is suspended from the obligation to perform the treaty in their mutual relations during the period of the suspension;
(b) does not otherwise affect the legal relations between the parties established by the treaty.

2. During the period of the suspension the parties shall refrain from acts tending to obstruct the resumption of the operation of the treaty.
PART VI
MISCELLANEOUS PROVISIONS

Article 73

Relationship to the Vienna Convention on the Law of Treaties

As between States parties to the Vienna Convention on the Law of Treaties of 1969, the relations of those States under a treaty between two or more States and one or more international organizations shall be governed by that Convention.

Article 74

Questions not prejudged by the present Convention

1. The provisions of the present Convention shall not prejudge any question that may arise in regard to a treaty between one or more States and one or more international organizations from a succession of States or from the international responsibility of a State or from the outbreak of hostilities between States.

2. The provisions of the present Convention shall not prejudge any question that may arise in regard to a treaty from the international responsibility of an international organization, from the termination of the existence of the organization or from the termination of participation by a State in the membership of the organization.

3. The provisions of the present Convention shall not prejudge any question that may arise in regard to the establishment of obligations and rights for States members of an international organization under a treaty to which that organization is a party.

Article 75

Diplomatic and consular relations and the conclusion of treaties

The severance or absence of diplomatic or consular relations between two or more States does not prevent the conclusion of treaties between two or more of those States and one or more international organizations. The conclusion of such a treaty does not in itself affect the situation in regard to diplomatic or consular relations.

Article 76

‘Case of an aggressor State

The provisions of the present Convention are without prejudice to any obligation in relation to a treaty between one or more States and one or more international organizations which may arise for an aggressor State in consequence of measures taken in conformity with the Charter of the United Nations with reference to that State’s aggression.
PART VII
DEPOSITARIES, NOTIFICATIONS, CORRECTIONS
AND REGISTRATION

Article 77
Depositaries of treaties

1. The designation of the depositary of a treaty may be made by the negotiating States and negotiating
organizations or, as the case may be, the negotiating organizations, either in the treaty itself or in some other
manner. The depositary may be one or more States, an international organization or the chief administrative
officer of the organization.

2. The functions of the depositary of a treaty are international in character and the depositary is under an
obligation to act impartially in their performance. In particular, the fact that a treaty has not entered into force
between certain of the parties or that a difference has appeared between a State or an international organization
and a depositary with regard to the performance of the latter's functions shall not affect that obligation.

Article 78
Functions of depositaries

1. The functions of a depositary, unless otherwise provided in the treaty or agreed by the contracting States
and contracting organizations or, as the case may be, by the contracting organizations, comprise in particular:

(a) keeping custody of the original text of the treaty and of any full powers delivered to the depositary;

(b) preparing certified copies of the original text and preparing any further text of the treaty in such
additional languages as may be required by the treaty and transmitting them to the parties and to the
States and international organizations entitled to become parties to the treaty;

(c) receiving any signatures to the treaty and receiving and keeping custody of any instruments, notifications
and communications relating to it;

(d) examining whether the signature or any instrument, notification or communication relating to the treaty is
in due and proper form and, if need be, bringing the matter to the attention of the State or international
organization in question;

(e) informing the parties and the States and international organizations entitled to become parties to the
treaty of acts, notifications and communications relating to the treaty;

(f) informing the States and international organizations entitled to become parties to the treaty when the
number of signatures or of instruments of ratification, instruments relating to an act of formal
confirmation, or of instruments of acceptance, approval or accession required for the entry into force of
the treaty has been received or deposited;

(g) registering the treaty with the Secretariat of the United Nations;

(h) performing the functions specified in other provisions of the present Convention.

2. In the event of any difference appearing between a State or an international organization and the depositary
as to the performance of the latter's functions, the depositary shall bring the question to the attention of:

(a) the signatory States and organizations and the contracting States and contracting organizations; or

(b) where appropriate, the competent organ of the international organization concerned.
Article 79

Notifications and communications

Except as the treaty or the present Convention otherwise provide, any notification or communication to be made by any State or any international organization under the present Convention shall:

(a) if there is no depositary, be transmitted direct to the States and organizations for which it is intended, or if there is a depositary, to the latter;

(b) be considered as having been received by the State or organization in question only upon its receipt by the State or organization to which it was transmitted or, as the case may be, upon its receipt by the depositary;

(c) if transmitted to a depositary, be considered as received by the State or organization for which it was intended only when the latter State or organization has been informed by the depositary in accordance with article 78, paragraph 1(e).

Article 80

Correction of errors in texts or in certified copies of treaties

1. Where, after the authentication of the text of a treaty, the signatory States and international organizations and the contracting States and contracting organizations are agreed that it contains an error, the error shall, unless those States and organizations decide upon some other means of correction, be corrected:

(a) by having the appropriate correction made in the text and causing the correction to be initialled by duly authorized representatives;

(b) by executing or exchanging an instrument or instruments setting out the correction which it has been agreed to make; or

(c) by executing a corrected text of the whole treaty by the same procedure as in the case of the original text.

2. Where the treaty is one for which there is a depositary, the latter shall notify the signatory States and international organizations and the contracting States and contracting organizations of the error and of the proposal to correct it and shall specify an appropriate time-limit within which objection to the proposed correction may be raised. If, on the expiry of the time-limit:

(a) no objection has been raised, the depositary shall make and initial the correction in the text and shall execute a procès-verbal of the rectification of the text and communicate a copy of it to the parties and to the States and organizations entitled to become parties to the treaty;

(b) an objection has been raised, the depositary shall communicate the objection to the signatory States and organizations and to the contracting States and contracting organizations.

3. The rules in paragraphs 1 and 2 apply also where the text has been authenticated in two or more languages and it appears that there is a lack of concordance which the signatory States and international organizations and the contracting States and contracting organizations agree should be corrected.

4. The corrected text replaces the defective text ab initio, unless the signatory States and international organizations and the contracting States and contracting organizations otherwise decide.

5. The correction of the text of a treaty that has been registered shall be notified to the Secretariat of the United Nations.

6. Where an error is discovered in a certified copy of a treaty, the depositary shall execute a procès-verbal specifying the rectification and communicate a copy of it to the signatory States and international organizations and to the contracting States and contracting organizations.
Article 81

Registration and publication of treaties

1. Treaties shall, after their entry into force, be transmitted to the Secretariat of the United Nations for registration or filing and recording, as the case may be, and for publication.

2. The designation of a depositary shall constitute authorization for it to perform the acts specified in the preceding paragraph.
PART VIII
FINAL PROVISIONS

Article 82

Signature

The present Convention shall be open for signature until 31 December 1986 at the Federal Ministry for Foreign Affairs of the Republic of Austria, and subsequently, until 30 June 1987, at United Nations Headquarters, New York by:

(a) all States;

(b) Namibia, represented by the United Nations Council for Namibia;

(c) international organizations invited to participate in the United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations.

Article 83

Ratification or act of formal confirmation

The present Convention is subject to ratification by States and by Namibia, represented by the United Nations Council for Namibia, and to acts of formal confirmation by international organizations. The instruments of ratification and those relating to acts of formal confirmation shall be deposited with the Secretary-General of the United Nations.

Article 84

Accession

1. The present Convention shall remain open for accession by any State, by Namibia, represented by the United Nations Council for Namibia, and by any international organization which has the capacity to conclude treaties.

2. An instrument of accession of an international organization shall contain a declaration that it has the capacity to conclude treaties.

3. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 85

Entry into force

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the thirty-fifth instrument of ratification or accession by States or by Namibia, represented by the United Nations Council for Namibia.

2. For each State or for Namibia, represented by the United Nations Council for Namibia, ratifying or acceding to the Convention after the condition specified in paragraph 1 has been fulfilled, the Convention shall enter into force on the thirtieth day after deposit by such State or by Namibia of its instrument of ratification or accession.

3. For each international organization depositing an instrument relating to an act of formal confirmation or an instrument of accession, the Convention shall enter into force on the thirtieth day after such deposit, or at the date the Convention enters into force pursuant to paragraph 1, whichever is later.
Article 86

Authentic texts

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized by their respective Governments, and duly authorized representatives of the United Nations Council for Namibia and of international organizations have signed the present Convention.

DONE AT VIENNA this twenty-first day of March one thousand nine hundred and eighty-six.
ANNEX

ARBITRATION AND CONCILIATION PROCEDURES
ESTABLISHED IN APPLICATION OF ARTICLE 66

I. ESTABLISHMENT OF THE ARBITRAL TRIBUNAL
OR CONCILIATION COMMISSION

1. A list consisting of qualified jurists, from which the parties to a dispute may choose the persons who are to constitute an arbitral tribunal or, as the case may be, a conciliation commission, shall be drawn up and maintained by the Secretary-General of the United Nations. To this end, every State which is a Member of the United Nations and every party to the present Convention shall be invited to nominate two persons, and the names of the persons so nominated shall constitute the list, a copy of which shall be transmitted to the President of the International Court of Justice. The term of office of a person on the list, including that of any person nominated to fill a casual vacancy, shall be five years and may be renewed. A person whose term expires shall continue to fulfil any function for which he shall have been chosen under the following paragraphs.

2. When notification has been made under article 66, paragraph 2, sub-paragraph (f), or agreement on the procedure in the present Annex has been reached under paragraph 3, the dispute shall be brought before an arbitral tribunal. When a request has been made to the Secretary-General under article 66, paragraph 4, the Secretary-General shall bring the dispute before a conciliation commission. Both the arbitral tribunal and the conciliation commission shall be constituted as follows:

The States, international organizations or, as the case may be, the States and organizations which constitute one of the parties to the dispute shall appoint by common consent:

(a) one arbitrator or, as the case may be, one conciliator, who may or may not be chosen from the list referred to in paragraph 1; and

(b) one arbitrator or, as the case may be, one conciliator, who shall be chosen from among those included in the list and shall not be of the nationality of any of the States or nominated by any of the organizations which constitute that party to the dispute, provided that a dispute between two international organizations is not considered by nationals of one and the same State.

The States, international organizations or, as the case may be, the States and organizations which constitute the other party to the dispute shall appoint two arbitrators or, as the case may be, two conciliators, in the same way. The four persons chosen by the parties shall be appointed within sixty days following the date on which the other party to the dispute receives notification under article 66, paragraph 2, sub-paragraph (f), or on which the agreement on the procedure in the present Annex under paragraph 3 is reached, or on which the Secretary-General receives the request for conciliation.

The four persons so chosen shall, within sixty days following the date of the last of their own appointments, appoint from the list a fifth arbitrator or, as the case may be, conciliator, who shall be chairman.

If the appointment of the chairman, or any of the arbitrators or, as the case may be, conciliators, has not been made within the period prescribed above for such appointment, it shall be made by the Secretary-General of the United Nations within sixty days following the expiry of that period. The appointment of the chairman may be made by the Secretary-General either from the list or from the membership of the International Law Commission. Any of the periods within which appointments must be made may be extended by agreement between the parties to the dispute. If the United Nations is a party or is included in one of the parties to the dispute, the Secretary-General shall transmit the above-mentioned request to the President of the International Court of Justice, who shall perform the functions conferred upon the Secretary-General under this sub-paragraph.

Any vacancy shall be filled in the manner prescribed for the initial appointment.

The appointment of arbitrators or conciliators by an international organization provided for in paragraphs 1 and 2 shall be governed by the rules of that organization.
II. FUNCTIONING OF THE ARBITRAL TRIBUNAL

3. Unless the parties to the dispute otherwise agree, the Arbitral Tribunal shall decide its own procedure, assuring to each party to the dispute a full opportunity to be heard and to present its case.

4. The Arbitral Tribunal, with the consent of the parties to the dispute, may invite any interested State or international organization to submit to it its views orally or in writing.

5. Decisions of the Arbitral Tribunal shall be adopted by a majority vote of the members. In the event of an equality of votes, the vote of the Chairman shall be decisive.

6. When one of the parties to the dispute does not appear before the Tribunal or fails to defend its case, the other party may request the Tribunal to continue the proceedings and to make its award. Before making its award, the Tribunal must satisfy itself not only that it has jurisdiction over the dispute but also that the claim is well founded in fact and law.

7. The award of the Arbitral Tribunal shall be confined to the subject-matter of the dispute and state the reasons on which it is based. Any member of the Tribunal may attach a separate or dissenting opinion to the award.

8. The award shall be final and without appeal. It shall be complied with by all parties to the dispute.

9. The Secretary-General shall provide the Tribunal with such assistance and facilities as it may require. The expenses of the Tribunal shall be borne by the United Nations.

III. FUNCTIONING OF THE CONCILIATION COMMISSION

10. The Conciliation Commission shall decide its own procedure. The Commission, with the consent of the parties to the dispute, may invite any party to the treaty to submit to it its views orally or in writing. Decisions and recommendations of the Commission shall be made by a majority vote of the five members.

11. The Commission may draw the attention of the parties to the dispute to any measures which might facilitate an amicable settlement.

12. The Commission shall hear the parties, examine the claims and objections, and make proposals to the parties with a view to reaching an amicable settlement of the dispute.

13. The Commission shall report within twelve months of its constitution. Its report shall be deposited with the Secretary-General and transmitted to the parties to the dispute. The report of the Commission, including any conclusions stated therein regarding the facts or questions of law, shall not be binding upon the parties and it shall have no other character than that of recommendations submitted for the consideration of the parties in order to facilitate an amicable settlement of the dispute.

14. The Secretary-General shall provide the Commission with such assistance and facilities as it may require. The expenses of the Commission shall be borne by the United Nations.
Appendix III

Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations concluded at Vienna on 21 March 1986

List of signatories and parties as at 7 February 2000

<table>
<thead>
<tr>
<th>State or organization</th>
<th>Date of signature</th>
<th>Date of ratification, accession, succession, or formal confirmation</th>
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<tr>
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<td>10 March 1988</td>
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<td>Bosnia and Herzegovina</td>
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<td>Democratic Republic of the Congo</td>
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<td>Denmark</td>
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1 Source: Multilateral treaties deposited with the Secretary-General, United Nations, New York, at http://untreaty.un.org/.
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Note:
The second column of this table indicates which of the States or organizations listed in the first column have signed the Convention.
The third column indicates the States and organizations which will be parties to the Convention when it enters into force, either because their signature was followed by ratification or formal confirmation or because they have acceded or succeeded to the Convention without signing it.
Reports of the Selection Committee

FIRST REPORT

1. Election of the Officers of the Committee

The Selection Committee elected its Officers as follows:

Chairperson: Mr. J.F. Alfaro Mijangos (Guatemala)
Employers' Vice-Chairperson: Mr. A. M’Kaissi (Tunisia)
Workers' Vice-Chairperson: Lord Brett (United Kingdom).

2. Discussion of the Reports of the Chairperson of the Governing Body and the Director-General: opening date for the discussion and closing date for the list of speakers

The Selection Committee has decided that the discussion of the Reports of the Chairperson of the Governing Body and the Director-General will begin on Monday 5 June, at 11 a.m., and that the list of speakers will be closed on Wednesday, 7 June at 6 p.m., under the usual conditions.

3. Discussion of the Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work

At its 276th Session (November 1999), the Governing Body recommended to the Conference a set of ad hoc arrangements for the discussion of the global report under the follow-up to the Declaration which are reproduced in Appendix I.

On the basis of those proposed arrangements, the Selection Committee recommends to the Conference that the global report under the Follow-up to the Declaration be dealt with separately from the reports of the Chairperson of the Governing Body and of the Director-General in two plenary sittings entirely devoted to it;

The Selection Committee has decided, if the Conference agrees to such separate discussion, that the two sittings be held on Tuesday 6 June.

4. Plan of work of Conference committees

The Selection Committee endorsed a draft plan of work for committees, which is not binding but would enable them, in organizing their work, to take maximum possible account of the overall needs and possibilities of the Conference. The plan is attached in tabular form for the information of the Conference (Appendix III).
5. Suggestions to facilitate the work of the Conference

As in previous years, the Selection Committee invites the Conference to confirm the following principles.

(a) Quorum

(i) the quorum will be fixed provisionally, on the basis of the credentials received, in the brief report of the Chairperson of the Governing Body on the day before the opening of the Conference, which is appended to the record of the first sitting of the Conference. This provisional quorum will remain unchanged until the Credentials Committee determines the quorum on the basis of registrations, it being understood that, if an important vote were to take place in the initial stages of the Conference (once the Credentials Committee has been appointed), the Conference might request the Credentials Committee to determine the quorum in an urgent report;

(ii) thereafter, the quorum will be adjusted, under the authority of the Credentials Committee, so as to take into account new registrations and notices of departure from delegates leaving the Conference;

(iii) delegates should register immediately on arrival, since the quorum is calculated on the basis of the number of delegates registered;

(iv) acceptance of appointment as a delegate implies an obligation to be available in Geneva personally or through an adviser authorised to act as a substitute for the work of the Conference until its end, since important votes often take place on the last day;

(v) delegates who are nevertheless obliged to leave the Conference before it finishes should give notice of their forthcoming departure to the secretariat of the Conference. (The form provided for indicating their date of departure also enables them to authorise an adviser to act and to vote in their place.) At group meetings held during the second half of the Conference the attention of members of the groups will be drawn to the importance of completing and handing in this form;

(vi) in addition, one Government delegate of a country may report the departure of the other Government delegate, and the Secretaries of the Employers' and Workers' groups may also give notice of the final departure of members of their groups who have not authorised advisers to act in their place;

(vii) when a record vote is taken in plenary while committees are sitting, delegates are both entitled and expected to leave committees to vote unless they are replaced by a substitute in plenary. Announcements are made in the committees to ensure that all delegates are aware that a record vote is about to take place. Appropriate arrangements will be made for committees meeting in the ILO building.

(b) Punctuality

The Selection Committee recommends that the Conference ask committee chairpersons to start proceedings very punctually, irrespective of the number of persons present, but on condition that votes will not be taken unless a quorum is clearly present.

(c) Negotiations

In order to facilitate more continuous negotiation in committees between the different groups, representatives of each group should meet with the chairperson and reporter of the committee and with the representative of the Secretary-General, whenever this is desirable, to ensure that the leaders of each group know fully the minds of their colleagues in the other groups; normally such meetings are held before each group has committed itself to a
definite position. The function of these informal meetings is to afford opportunities for a fuller understanding of differences of view before definite positions have crystallized.

6. Participation in Conference committees by Members having lost the right to vote

At its 239th Session (February-March 1988), the Governing Body considered the implications of the appointment, as regular members of Conference committees, of representatives of a member State which had lost the right to vote under article 13, paragraph 4 of the Constitution of the ILO. It noted that, while the appointment of employers' and workers' representatives from such a State had no practical implications, because the employers' and workers' groups operated an effective system under article 56, paragraph 5(b) of the Conference Standing Orders for ensuring that deputy members of a committee voted in the place of regular members deprived of the right to vote, the same was not true of the Government group. As a result, if a Government that has lost the right to vote is appointed as a regular member of a committee, the distribution of votes between the three groups is distorted because the weighting of votes is based on the full regular membership and in practice the Government regular members of committees who are unable to vote do not make use of the possibility afforded by article 56, paragraph 5(a) of appointing a deputy member to vote in their place.

The Governing Body accordingly recommended that, in order to avoid such distortions, members of the Government group should not apply for regular membership of committees if they were not at the time in question entitled to vote. Should this practice, which has been maintained at all sessions of the Conference since 1987, for any reason not be fully respected, the weighting coefficients in committees should be calculated on the basis of the number of Government members entitled to vote.

The Selection Committee accordingly recommends to the Conference that the calculation of weighting coefficients for votes in committees should be based on the number of regular Government members entitled to vote.

7. Requests for representation in Conference committees submitted by non-governmental international organizations

In accordance with article 2, paragraph 3(j) of the Standing Orders of the Conference, the Officers of the Governing Body have decided to invite certain non-governmental international organizations to be represented at the present session of the Conference, it being understood that it would be for the Selection Committee of the Conference to consider their requests to participate in the work of the committees dealing with items on the agenda in which they have expressed a particular interest.

The provision of the Standing Orders of the Conference which is relevant to such requests is article 56, paragraph 9. In accordance with that article it is suggested that the Selection Committee recommends to the Conference that the following organizations be invited to be represented in the Committees stated:

III. Committee on the Application of Standards

- Amnesty International
- Andean Labour Institute
- Anti-Slavery International
- Arab Federation of Petroleum, Mines and Chemical Workers
- Arab Lawyers Union
Education International
Friends World Committee for Consultation (Quakers)
General Confederation of Trade Unions
Ibero-American Confederation of Labour Inspectors
International Alliance of Women
International Association of Lawyers
International Centre for Trade Union Rights
International Confederation of Public Service Officers
International Construction Institute
International Council of Women
International Council of Jewish Women
International Federation of Building and Woodworkers
International Federation of Civil Servants' Associations
International Federation of Women in Legal Careers
International Federation Terre des Hommes
International Metalworkers' Federation
International Transport Workers' Federation
International Young Christian Workers
Latin American Union of Municipal Workers
Permanent Congress of Trade Union Unity of Latin American Workers
Public Services International
Union of International Associations
World Confederation of Teachers
World Federation of Industry Workers
World Federation of Teachers' Unions
World Federation of United Nations Associations
World Jewish Congress
World Movement of Christian Workers

IV. Committee on the Maternity Protection Convention and Recommendation

American Association of Jurists
Commonwealth Trade Union Council
Democratic Organization of African Workers' Trade Unions
Education International
European Confederation of Independent Trade Unions
European Trade Union Confederation
Friends World Committee for Consultation (Quakers)
International Alliance of Women
International Association for Professionals in Employment Security
International Association of Lawyers
International Centre for Trade Union Rights
International Christian Union of Business Executives
International Council of Women
International Council of Jewish Women
International Council of Nurses
International Federation for Alternative Trade
International Federation of Building and Woodworkers
International Federation of Chemical, Energy, Mine and General Workers' Unions
International Federation of University Women
International Federation of Women in Legal Careers
International Head College of Experts
International Metalworkers’ Federation
International Textile, Garment & Leather Workers’ Federation
International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations
International Women Count Network
International Young Christian Workers
Latin American Union of Municipal Workers
Permanent Congress of Trade Union Unity of Latin American Workers
Public Services International
Soroptimist International
Trade Unions International of Workers of Energy, Metal, Chemical, Oil and Allied Industries
Union Network International
Union of Workers of the Arab Maghreb
World Confederation of Teachers
World Federation of Agriculture, Food, Hotel and Allied Workers
World Federation of Industry Workers
World Movement of Christian Workers
World Union of Catholic Women’s Organizations
World Vision International
World Young Women’s Christian Association
Zonta International

V. Committee on Human Resources Training and Development

African Organization of Miners, Energy, Chemical and Allied Trade Unions
Arab Federation of Employees in Banking, Insurance and Finance
Arab Federation of Petroleum, Mines and Chemical Workers
Arab Lawyers Union
Caritas Internationalis
Commonwealth Trade Union Council
Education International
European Confederation of Independent Trade Unions
Exchange and Cooperation Center for Latin America
Friends World Committee for Consultation (Quakers)
General Confederation of Trade Unions
General Union of Chambers of Commerce, Industry and Agriculture for Arab Countries
International Alliance of Women
International Association for Educational and Vocational Guidance
International Association for Professionals in Employment Security
International Association of Lawyers
International Centre for Trade Union Rights
International Christian Union of Business Executives
International Confederation of Arab Trade Unions
International Confederation of Executive Staff
International Construction Institute
International Council of Nurses
International Energy and Mines' Organization
International Entertainment Alliance
International Federation for Alternative Trade
International Federation of Building and Woodworkers
International Federation of Employees in Public Services
International Federation of Training and Development Organizations
International Federation of University Women
International Federation of Women in Legal Careers
International Head College of Experts
International Metalworkers' Federation
International Movement ATD Fourth World
International Occupational Hygiene Association
International Textile, Garment & Leather Workers' Federation
International Young Christian Workers
Latin American Central of Workers
Permanent Congress of Trade Union Unity of Latin American Workers
Public Services International
Soroptimist International
Trade Union Advisory Committee to the Organisation for Economic Cooperation and Development (OECD)
Trade Unions International of Transport Workers
Trade Unions International of Workers of Energy, Metal, Chemical, Oil and Allied Industries
Trades Union Federation of Workers of the Food, Tobacco and Tourism Industries in Maghreb Countries
Union of International Associations
Union of Workers of the Arab Maghreb
Union Network International
World Alliance of Young Men's Christian Associations
World Association of Public Employment Services
World Confederation of Teachers
World Federation of Industry Workers
World Federation of Scientific Workers
World Federation of Teachers' Unions
World Federation of United Nations Associations
World Movement of Christian Workers
World Union of Catholic Women's Organizations
VI. Committee on Safety and Health in Agriculture

Anti-Slavery International
Caritas Internationalis
Commonwealth Trade Union Council
Education International
Friends World Committee for Consultation (Quakers)
General Confederation of Trade Unions
General Union of Chambers of Commerce, Industry and Agriculture for Arab Countries
Ibero-American Confederation of Labour Inspectors
International Alliance of Women
International Association for Professionals in Employment Security
International Centre for Trade Union Rights
International Christian Union of Business Executives
International Confederation of Arab Trade Unions
International Construction Institute
International Council of Women
International Council of Jewish Women
International Federation of University Women
International Federation of Women in Legal Careers
International Head College of Experts
International Metalworkers’ Federation
International Occupational Hygiene Association
International Safety Council
International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations
International Young Christian Workers
Latin American Central of Workers
Permanent Congress of Trade Union Unity of Latin American Workers
Public Services International
World Federation of Agriculture, Food, Hotel and Allied Workers
World Federation of United Nations Associations
World Movement of Christian Workers
World Vision International
World Union of Catholic Women’s Organizations
World Young Women’s Christian Association

8. Composition of the Credentials Committee

The Selection Committee proposes to the Conference that the three members of the Credentials Committee should be the following:
Government member: Mr. Oni (Benin)
Employers' Vice-Chairperson: Mr. Funes de Rioja (Argentina)
Workers' Vice-Chairperson: Mr. Edström (Sweden).

9. Appointment of the Conference Drafting Committee

The Selection Committee recommends that, in accordance with the provisions of article 6, paragraph 1 of the Standing Orders, the Conference Drafting Committee should be composed as follows:

- The President of the Conference
- The Secretary-General of the Conference
- The Legal Adviser of the Conference
- The Director of the International Labour Standards Department
- The Deputy Legal Adviser of the Conference.

10. Delegation of authority to the Officers of the Selection Committee

At its first sitting, the Conference had before it a proposal by its Officers to suspend the Standing Orders of the Conference so as to delegate to the Selection Committee the authority to approve non-controversial changes in the composition of committees and to approve non-controversial requests for representation in Conference committees submitted by non-governmental international organizations; and also to authorize the Selection Committee to delegate such authority to its Officers.

Subject to the adoption by the Conference of this recommendation, the Selection Committee has delegated to its Officers the following functions:

(a) the approval of non-controversial changes in the composition of committees (Standing Orders, article 9(a));

(b) the approval of non-controversial requests for representation in Conference committees submitted by non-governmental international organizations (article 56, paragraph 9).

In accordance with the usual practice, the Selection Committee has also delegated to its Officers the authority to arrange the programme of the Conference and fix the time and agenda for plenary sittings (Standing Orders, article 4, paragraph 2).

11. Electronic voting system

A description of the electronic voting system, to be used in principle for all votes in plenary sittings in accordance with article 19, paragraph 15, of the Standing Orders, is attached in Appendix II.

12. Composition of committees

The full lists of the composition of committees will be issued in a supplementary report.
13. Other questions

The Selection Committee also had items on its agenda concerning the procedure for the consideration by the Conference of: (a) the 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) the proposed withdrawal of Conventions Nos. 31, 46, 51, 61 and 66; and (c) the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations with a view to its formal confirmation by the ILO. The Committee’s recommendations on these items will be the subject of a separate report.

Signed,

J.F. Alfaro Mijangos,
Chairperson

Appendix I

Ad hoc arrangements for the discussion of the global report under the follow-up to the Declaration at the 88th Session of the International Labour Conference¹

Principle of the discussion

Having regard to the various options referred to in the Annex to the Declaration, the Governing Body recommends that the global report submitted to the Conference by the Director-General should be dealt with separately from the Director-General's reports under article 12 of the Conference Standing Orders and should be discussed during plenary sittings devoted entirely to it.

Timing of the discussion

Two sittings on the same day should be convened for the discussion of the global report, with the possibility, if necessary, of extending the sitting or convening a further sitting on the same day or on a different day, as appropriate.

In order to take account of the programme of work of the Conference and of the fact that a number of ministers, who usually are present during the second week of the Conference, may wish to take the floor, the discussion of the global report should be held during the second week of the Conference.

Procedure for the discussion

The separate discussion of the global report recommended above implies in particular that the statements made during the discussion of the global report should not fall under the limitation concerning the number of statements by each speaker in plenary provided for in article 12, paragraph 3, of the Standing Orders, and that the discussion should not be governed by the provisions of article 14, paragraph 6, concerning the time-limit for speeches. These provisions should accordingly be suspended under the procedure provided for in article 76 of the Standing Orders to the extent necessary for the discussion of the global report.

Organization of the discussion

Special arrangements will be made by the Officers of the Conference for the organization of the discussion.

The time available would be divided into three phases: a first phase devoted to opening statements by the spokespersons of the Employers and Workers and, if appropriate, by other delegates; a second phase for statements by individual delegates; and a third phase to allow the spokespersons of groups and other delegates to make their concluding remarks in the discussion.

The time for speeches would be set, subject to adjustments decided by the Officers of the Conference, at ten minutes for speeches by group spokespersons and at five minutes for individual delegates.

¹ Adopted by the Governing Body of the ILO at its 276th Session (November 1999).
Appendix II

The electronic voting system

The electronic system provides for votes (in most cases: yes, no, abstention) to be expressed by means of a keyboard on a “voting station” that will be made available to all delegates or persons empowered to vote on their behalf.

Where the electronic system is used, the subject and question to be voted on will be displayed, as well as the nature of the vote (show of hands, record vote or secret ballot) and the President or Chairperson will announce the beginning of the vote. After the President or Chairperson has made sure that all delegates have been given sufficient opportunity to record their vote in one of the voting stations available to them, the President or Chairperson will announce the closure of the vote.

Where the method of vote is by show of hands, once all votes have been registered the final voting figures will be immediately displayed and subsequently published with the following indications: total number of votes in favour, total number of votes against, total number of abstentions and the quorum as well as the majority required.

Where a record vote is taken, once all votes have been registered the final voting figures will be immediately displayed with the following indications: total number of votes in favour, total number of votes against, total number of abstentions and the quorum as well as the majority required. These indications will subsequently be published together with a list of the delegates who have voted, showing how they have voted.

In the case of a secret ballot, once all votes have been registered the final voting figures will be immediately displayed and subsequently published with the following indications: total number of votes in favour, total number of votes against, total number of abstentions and the quorum as well as the majority required. There will be absolutely no access possible to individual votes nor any record of how the delegates have voted.

It is important that, as at present, delegates should have previously decided whether they or another member of their delegation will exercise their right to vote in a given case. Where more than one vote is nevertheless cast on behalf of a delegate at two different moments or from two different places, only the first vote will be recognized, whether made by a delegate, by a substitute delegate or by an adviser who has received a specific written authorization to that end. Such specific authorizations must reach the secretariat sufficiently before the opening of voting is announced so as to be duly recorded.
## Appendix III

### 88th Session (May-June 2000) of the International Labour Conference – Tentative plan of work

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| Group meetings |  |
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| HIV/AIDS |  |
| Finance Committee | ■ |  |
| Application of Standards | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |  |
| Committee on Maternity Protection (second discussion) | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |  |
| Committee on Human Resources Training and Development (general discussion) | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |  |
| Committee on Safety and Health in Agriculture (first discussion) | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |  |
| Resolutions Committee | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | A |  |
| Governing Body | 4 | 5 |  |

**DC** Drafting Committee

**A** Adoption by the committee of its report

**PI** Adoption of the report by the Conference in plenary sitting

**V** Record vote in plenary sitting of the Conference

**HIV/AIDS** Special event on HIV/AIDS and the world of work

1. Guest of honour, H.E. Jorge Fernando Branco de Sampaio, President of the Portuguese Republic
2. Discussion of the Global Report on the ILO Declaration on Fundamental Principles and Rights at Work
3. Visit of H.E. Sam Nujoma, President of the Republic of Namibia
4. Programme, Financial and Administrative Committee
5. Government members of the Programme, Financial and Administrative Committee

if necessary
FIRST REPORT: ADDENDUM

1. Procedure for the consideration of the 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)

The Conference has before it, under the eighth item on its agenda, Provisional Record No. 4 concerning the measures recommended by the Governing Body, including 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 Selection Committee recommends that the Conference refer the eighth item on its agenda to the Selection Committee itself for examination and report.

2. Withdrawal of Conventions Nos. 31, 46, 51, 61 and 66

The Conference has before it, under the seventh item on its agenda, Report VII (Parts 1 and 2) – Withdrawal of the Hours of Work (Coal Mines) Convention, 1931; the Hours of Work (Coal Mines) Convention (Revised), 1935; the Reduction of Hours of Work (Public Works) Convention, 1936; the Reduction of Hours of Work (Textiles) Convention, 1937; and the Migration for Employment Convention, 1939.

The Selection Committee recommends that the Conference refer this agenda item to the Selection Committee itself for examination and report.

3. Consideration of the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations with a view to formal confirmation by the ILO

The Conference has before it, in Provisional Record No. 5, a proposal by the Governing Body that the Conference consider the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations with a view to the deposit of an act of formal confirmation by the ILO.

The Selection Committee recommends that the Conference refer this item to the Selection Committee itself for examination and report.

Signed,

J.F. Alfaro Mijangos,  

Chairperson
FIRST SUPPLEMENTARY REPORT

Punctuality

The Selection Committee recommends that the Conference strongly request committee chairpersons to start proceedings very punctually, irrespective of the number of persons present, but on condition that votes will not be taken unless a quorum is clearly present.

Composition of committees

The lists of the composition of the committees of the Conference are appended.

Composition des commissions
Composition of committees
Composición de las comisiones

(Note: Names of countries are given in French; los nombres de los países figuran en francés.)

COMMISSION DE L'APPLICATION DES NORMES
COMMITTEE ON THE APPLICATION OF STANDARDS
COMISIÓN DE APLICACIÓN DE NORMAS

**Membres gouvernementaux - Government members - Miembros gubernamentales**

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**Membres gouv. adjoints - Govt. deputy members - Miembros gub. adjuntos**

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S = suppléant; substitute; suplente
Membres employeurs - Employers' members - Miembros empleadores

Mr. AMPIAH (Ghana)
S: Mr. AMOASI-ANDOH
S: Mr. AGYIRI
S: Mr. LAMPTBEY

Mr. ASFOUR (Jordanie)

M. BOISSON (France)
S: Mme ROILAND
S: Mme BENHAMOUM

Sr. BRITO (Venezuela)
S: Sr. DE ARBELOA
S: Sr. GARRIDO

Sr. DE REGIL (Mexique)
S: Sr. MORALES

Sr. DURLING (Panama)

Mr. EREMEEV (Fédération de Russie)
S: Mr. VORONOV
S: Mr. BIRIUKOV

Sr. ESPAÑA SMITH (Bolivie)

Sr. FERRER DUFOL (Espagne)
S: Sr. SUAREZ GARCÍA
S: Sr. DE LA CAVADA
S: Sr. LACASA ASO

Sr. GONZALEZ VARGAS (Costa Rica)
S: Sr. MONTOYA MONTEALEGRE

Mr. HLOPHE (Swaziland)
S: Mr. VON WISSEL

Mr. HOFF (Norvège)
S: Mr. KAADA

Mr. KOHLI (Inde)
S: Mr. PANT

Mr. LAMBERT (Royaume-Uni)
S: Ms. WALKER
S: Mr. JOHNSON

Mr. LAWSON (Canada)
S: Ms. O’BRIEN

Sr. MARTINEZ (Honduras)

M. MATENDA KYELU (République démocratique du
S: M. NTAMBWE KITENGE

M. MEGATELI (Algérie)
S: M. ABDELLAOUI

Mr. MOORHEAD (Etats-Unis)
S: Mr. POTTER

Mr. MUSENGE (Zambie)
S: Mr. MUSANA
S: Ms. NONDE

Mr. NOAKES (Australie)

Mr. OKUDA (Japon)
S: Mr. SUZUKI
S: Mr. YANO

Mr. OMER (Soudan)

S = suppléant; substitute; suplente
Mr. OSHINOWO (Nigeria)
  s: Mr. EBURAJOLO
  s: Mr. YAKASAI
Mr. OWUOR (Kenya)
  s: Mr. SHAH
  s: Mr. MOSETI
Mr. PIRLER (Turquie)
  s: Mr. CENTEL
Sr. PRETI JORQUIN (Guatemala)
  s: Sr. RICCI MUADI
Sr. RIAL (Argentine)
  s: Sr. FUNES DE RIOJA
  s: Sr. SPAGHI
  s: Sr. MELIAN
Mr. RONNEST (Danemark)
  s: Mr. DREESEN
  s: Mr. STEENHOLM
  s: Mr. SCHILDER
  s: Mr. LAURENTS
Mme SASSO MAZZUFFERI (Italie)
  s: M. MACCIO'
  s: M. FERRARA
  s: M. CATAPANO
  s: M. SCIARRI
Mr. SEOUDY (Egypte)
  s: Mr. SCHOEIB
  s: Mr. EL BORAI
  s: Mr. MAZHAR
Mr. TECLEZION (Erythrée)
Mr. THÜSING (Allemagne)
  s: Mr. WISSKIRCHEN
Mr. VARELA (Philippines)
  s: Mr. DEE
Sr. VILLEGAS (Colombie)
  s: Sr. ECHAVARRIA
  s: Sr. OJALVO
  s: Sr. TORRES
M. WADE (Sénégal)
Ms. WALLSTÉN (Suède)
  s: Ms. BRODOWSKY
  s: Mr. TIBELL

s = suppléant; substitute; suplente
Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos

Mr. AL-BEJAN (Koweït)
S: Mr. AL-RABAH
M. ANALYTIS (Grèce)
S: M. CHARAKAS
S: Mme TSOUMANI-SPENZTA
M. BARDE (Suisse)
S: M. PLASSARD
M. BELLO VAN ZELLER (Portugal)
S: M. CORREA CUSTÓDIO
S: M. SOARES DE SOUSA
Mr. BITTENCOURT DA SILVA (Brésil)
S: Ms. RONDON LINHARES
S: Mr. DE OLIVEIRA RODRIGUES
Mr. BOTHA (Afrique du Sud)
S: Mr. LAMPRECHT
S: Mr. VAN NIEKERK
Mr. BYOGA RUTEGA (Ouganda)
S: Mrs. NAMATOVOU SSENABULYA
Sr. CHACÓN DÍAZ (Cuba)
Mr. DANOV (Bulgarie)
S: Mr. HANDJIEV
Mr. DEWAH (Botswana)
Mr. DR. MOKHZANI (Malaisie)
S: Mr. SHAMSUDDIN
M. HAMADE (Liban)
S: M. BSAT
Mr. HILTON CLARKE (Trinité-et-Tobago)
S: Ms. THOMPSON-BODDIE
Mr. HUNTJENS (Pays-Bas)
Mr. JAHNÁTEK (Slovaquie)
S: Mr. KATRIAK
Ms. KNOWLES (Nouvelle-Zélande)
S: Ms. LEEMING
Mme MENICUCCI (Saint-Marin)
S: M. VAGNINI
S: M. VILLANI
M. MUNTEANU (Roumanie)
S: M. VLADUCA
Mr. MUSIOL (Pologne)
S: Mr. ZAJKO
Mr. NYOKA (Zimbabwe)
M. OULD MOCTAR EL HASSEN (Mauritanie)
Mr. RISKI (Finlande)
S: Mr. ÁIÓ
Sr. SADHALA DUMIT (République dominicaine)
S: Sr. CASTILLO CAMINERO
Ms. STEFÁNSDÓTTIR (Islande)
S: Mr. MAGNÚSSON
Mr. SZIRMAI (Hongrie)
S: Mr. KOROMPAY
S: Mr. TÓTH
Mr. TABANI (Pakistan)

S = suppléant; substitute; suplente
Mr. TRUEBODY (Namibie)
S: Mr. SHIKANGALAH
S: Mr. VAN ROOYEN
M. VAN HOLM (Belgique)
S: M. DA COSTA
Sr. ZAVALA COSTA (Pérou)

S = suppléant; substitute; suplente
Membres travailleurs - Workers' members - Miembros trabajadores

Mr. ADAMY (Allemagne)
Mr. AL AZALI (Egypte)
Mr. AL-AZMI (Koweït)
M. ALVES TRINDADE (Portugal)
M. ASSOGBA (Bénin)
Sr. BELLIO DOREN (Chili)
Sr. BERNAL CAMERO (Cuba)
Mme BRIGHI (Italie)
Mr. BRUUN (Danemark)
M. CORTEBEECK (Belgique)
Sr. DAER (Argentine)
M. DIAKITE (Mali)
Ms. DJALINOUS (Autriche)
Mr. ETTY (Pays-Bas)
Mr. FISHMAN (Etats-Unis)
M. GARCIA (Angola)
Mr. GHANDOUR (Soudan)
Sr. GONZÁLEZ ZAMORA (Espagne)
Mr. KHAN (Bangladesh)
Mr. MANJAZE (Mozambique)
Sr. MEDINA TORRES (Mexique)
Mr. MERAL (Turquie)
Mr. MLADENOV (Bulgarie)
Mr. MOSS (Bahamas)
Mr. MUNYAO (Kenya)
Sr. NERIO (El Salvador)
Ms. NYBERG (Suède)
Mr. PANDHE (Inde)
Sr. PINZON SALAZAR (Guatemala)
M. RAHAINGO (Madagascar)
Mr. RUSANEN (Finlande)
Mr. SALMIAN (République islamique d'Iran)
Mr. SAMEK (République tchèque)
Mr. STEYNE (Roysme-Uni)
Mr. SUBASINGHE (Sri Lanka)
Mr. TEMBO (Zambie)
M. TRAUSCH (Luxembourg)
Sr. VILLASMIL (Venezuela)
Ms. YACOB (Singapour)
Mr. ZHANG (Chine)

Mr. AHMAD (Pakistan)
Mr. AL-AKEL (Yémen)
Mr. ALEMAYEHU (Éthiopie)
Mr. ANTONIO (Malawi)
M. BECCARI (Saint-Marin)
Ms. BENOVIC (Croatie)
M. BOUZIA (Maroc)
Sr. BROWN YOUNG (Costa Rica)
M. CAMARA (Guinée-Bissau)
Mr. CRIVELLI (Brésil)
M. DASSIS (Grèce)
M. DIOP (Sénégal)
M. ELHADJ DADO (Niger)
Sr. FERNANDEZ (Uruguay)
Sr. FLORES (Paraguay)
Mr. GAREEB (Iraq)
Sr. GOMEZ ESGUERRA (Colombie)
Mr. JOHN (Trinité-et-Tobago)
M. MAHAN (Côte d'Ivoire)
Mr. MATHESON (Australie)
Sr. MENDEZ (Panama)
M. MEZIANI (Algérie)
Mr. MONYAKE (Botswana)
M. MUGGLIN (Suisse)
Sr. NEGRON TEJADA (République dominicaine)
Mr. NGCUKANA (Afrique du Sud)
Mr. OSMAN (Jamahiriya arabe libyenne)
Mr. PARROT (Canada)
M. POPESCU (Roumanie)
Mr. ROS (Cambodge)
M. SAKR (Liban)
Sr. SALINAS ELVIR (Honduras)
Mr. Sidorov (Fédération de Russie)
M. STOYAN (Ukraine)
Mr. SUBRAMANIAM (Malaisie)
Ms. THEODORSEN (Norvège)
M. VALLADON (France)
Mr. WOZNIEWSKI (Pologne)
Mr. YOSHIDA (Japon)
Mr. ZINDOGA (Zimbabwe)
Membres travailleurs adjoints - Workers' deputy members - Miembros trabajadores adjuntos

Ms. AGATHONOS-MÄHR (Autriche)
M. AL LOZI (République arabe syrienne)
Mr. AL-KOHLANI (Yémen)
M. ATTIGBE (Bénin)
Mr. BANDA (Malawi)
Ms. BERESFORD (Nouvelle-Zélande)
M. BOUZIDI (Algérie)
Ms. BUVERUD PEDERSEN (Norvège)
Ms. CZUGLERNÉ-IVÁNY (Hongrie)
M. DJIBRINE ASSALI (Tchad)
Mr. EIKELAND (Norvège)
Mr. EZLITNI (Jamahiriya arabe libyenne)
M. FELICI (Saint-Marin)
Mr. FOLDBERG (Danemark)
Sr. GARCIA (Argentine)
Sra. GIUZZIO (Uruguay)
Sr. GONZÁLEZ BOAN (Espagne)
Ms. HAWKES (Royaume-Uni)
Mr. HONARI (République islamique d'Iran)
M. KABBAY (Maroc)
M. KOLETSIS (Grèce)
Ms. MC CORMACK (Irlande)
Mr. MOYSEOS (Chypre)
M. NAJDH (Liban)
Ms. NZIMANDE (Afrique du Sud)
Mr. OLSEN (Norvège)
Mr. PASHEV (Bulgarie)
Sr. PÉREZ MARROQUIN (El Salvador)
M. RETUREAU (France)
Mr. ROSTOM (Egypte)
M. SEYDOU (Niger)
Sr. SILVA ALARCÓN (Chili)
Sr. TOMASSONE ( Argentine)
Sr. VELASCO PEREZ (Mexique)
Mr. WA-MUSAMIA (Kenya)

M. AGYEI (Ghana)
Mr. AL-AJMI (Koweit)
Mr. AL-SHABIBI (Oman)
M. BACIU (Roumanie)
Mr. BASHAR (Bangladesh)
M. BLONDEL (France)
Mr. BRETT (Royaume-Uni)
M. CEDRONE (Italie)
M. DALEIDEN (Luxembourg)
Mr. EDSTRÖM (Suède)
Ms. ENODD (Norvège)
Sr. FAJARDO ABRIL (Colombie)
Mr. FERNANDEZ (Brésil)
Mr. GACEK (Etats-Unis)
Sr. GARZON MACEDA (Argentine)
Sr. GONZÁLEZ (Cuba)
Ms. HAROE (Papouasie-Nouvelle Guinée)
Sr. HERNANDEZ (Panama)
Mr. INOGUCHI (Japon)
Mr. KOC (Turquie)
Mr. MALLON (Canada)
Sr. MESIAS ORTIZ (Guatemala)
Mr. NAGAITSEV (Fédération de Russie)
M. NIYONGABO (Burundi)
Ms. O'DONOVAN (Irlande)
Sr. PARRA GAONA (Paraguay)
Ms. PEDERSEN (Norvège)
Sr. RAMIREZ LEON (Venezuela)
Sra. RIAL (Argentine)
Sr. SAEZ (Argentine)
M. SHILOV (Ukraine)
Mr. TANAKA (Japon)
M. TORCHE (Suisse)
Mme VERWIMP (Belgique)

S = suppléant; substitute; suplente
**COMMISSION DE LA PROTECTION DE LA MATERNITE**
**COMMITTEE ON MATERNITY PROTECTION**
**COMISIÓN DE LA PROTECCION DE LA MATERNIDAD**

**Membres gouvernementaux - Government members - Miembros gubernamentales**

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**Membres gouv. adjoints - Govt. deputy members - Miembros gub.adjuntos**

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Membres employeurs - Employers' members - Miembros empleadores

Mr. AMPIAH (Ghana)
S: Mr. DZIKO

M. ANALYTIS (Grèce)
S: Mme TSOUUMANNI-SPENTZA
S: M. CHARAKAS
S: Mme IOANNIDOU

M. BELLO VAN ZELLER (Portugal)
S: M. FERNANDES SALGUEIRO
S: M. DA ROCHA NOVO
S: M. CORREIA CUSTÓDIO
S: M. SOARES DE SOUSA

M. BOISSON (France)
S: Mme FAUCHOIS
S: Mme ROILAND

Sr. DE REGIL (Mexique)
S: Sra. MARTINEZ BARRERA
S: Sra. GARZA MERODIO
S: Sr. SANTOS

Sr. FERRER DUFOL (Espagne)
S: Sr. SUÁREZ SANTOS

M. HAMADE (Liban)
S: M. BSAT

M. HANA (République arabe syrienne)
S: M. EL-BAHRA
S: M. ALHINDI

Mr. HOFF (Norvège)
S: Mr. OYDEGARD

Mr. HUNTJEWS (Pays-Bas)
S: Ms. VAN HOOGSTRATEN

Mr. HUSBANDS (Barbade)

Ms. KNOWLES (Nouvelle-Zélande)

Mr. KOHLI (Inde)
S: Mr. AGARWAL

Mr. LAMBERT (Royaume-Uni)
S: Mr. HUMPHREY
S: Mr. JOHNSON

Mr. LAWSON (Canada)
S: Ms. WALPERT-DONELY

Mr. MAKEKA (Lesotho)
S: Mr. SEKONYELA

Mr. MARO (Papouasie-Nouvelle Guinée)

M. MATENDA KYELU (République démocratique du
S: Mme MUNKENI KIEKIE

M. MEGATELI (Algérie)
S: M. YOUSFI
S: M. BENAOUDA
S: M. BENDRISS

Mr. MOORHEAD (Etats-Unis)
S: Ms. FIECHTNER
Mr. MUSENGE (Zambie)
S: Mr. MUSANA
S: Ms. NONDE
Mr. MUSIOL (Pologne)
S: Mr. OSKWAREK
Mr. OKUDA (Japon)
S: Mr. SUZUKI
S: Mr. YANO
Mr. OMER (Soudan)
S: Ms. ELTIGANI
Mr. OSHINOWO (Nigéria)
S: Mr. LASISI
S: Mr. MUSA
Mr. OWUOR (Kenya)
S: Ms. OKUNGU
Sr. PENINO (Uruguay)
S: Sra. IGLESIAS
Mr. PIERIDES (Chypre)
S: Mr. PHILIPPOU
S: Mr. ASHIKALIS
Mr. PIRLER (Turquie)
S: Mr. BOLUKBASI
Sr. RIAL (Argentine)
S: Sr. FUNES DE RIOJA
S: Sr. CACCIABUE
S: Sr. ETALA
S: Sr. LAMAS
S: Sra. SALVAT
Mr. RISKI (Finlande)
S: Ms. TULIARA
S: Mr. ÁIJIÖ
Mr. RONNEST (Danemark)
S: Mr. DREESEN
S: Mr. STEENHOLM
S: Mr. SCHILDER
S: Mr. LAURENTS
Mme SASSO MAZZUFFERI (Italie)
S: M. MACCIO'
S: M. FERRARA
S: M. CATAPANO
S: M. SCIARRI
Mr. SEOUDY (Egypte)
S: Mr. MAZHAR
S: Mr. ABOU-ISMIAL
Mr. THÜSING (Allemagne)
S: Ms. WINTERFELD
M. TIAGO GOMES (Angola)
S: M. CABRAL
M. VAN HOLM (Belgique)
S: Mme SEVRAIN
S: Mme STORM

S = suppléant; substitute; suplente
Mr. VARELA (Philippines)
S: Mr. TAN
S: Mr. DEE
Sr. VILLEGAS (Colombie)
S: Sr. ECHAVARRIA
S: Sr. JARAMILLO
S: Sr. DEL RIO
Ms. WALLSTÉN (Suède)
S: Ms. SONDELL
Mr. YING (Jamaïque)

S = suppléant; substitute; suplente
Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos

Mr. AL-BEAJAN (Koweït)
S: Mr. AL-RABAH

Mr. ARBESSER-RASTBURG (Autriche)
S: Mr. BRAUNER
S: Mr. STRIMITZER

Mr. ASFOUR (Jordanie)
S: M. TELEKI
S: M. Plassard

Mme BERTRAND-SCHAUL (Luxembourg)
S: M. KIEFFER

Mr. BITTENCOURT DA SILVA (Brésil)
S: Ms. OLIVEIRA SCHMIDT
S: Mr. BRUSTOLIN

Mr. BOTHA (Afrique du Sud)
S: Ms. DOWIE

Ms. BURROWES (Belize)
Mr. CHO (République de Corée)
S: Ms. HAHM

Mr. DEWAH (Botswana)
M. DJILANI (Tunisie)
S: M. GHARIANI

Mr. DR. MOKHZANI (Malaisie)
S: Mr. SHAMSUDDIN

Mr. EREMEEV (Fédération de Russie)
S: Mr. KRUGLIK
S: Ms. MANGUTOVA
Sr. ESPAÑA SMITH (Bolivie)

M. GLELE (Bénin)
S: Mme ADOUKONOU
Sr. GONZALEZ VARGAS (Costa Rica)
S: Sr. MONTOYA MONTEALEGRE

Mr. JAHNÁTEK (Slovaquie)
S: Ms. KROMEROVÁ

Mr. KUNANANTAKUL (Thaïlande)
S: Ms. KHANTHAVIT
S: Mr. THEPHASDIN NAAYUDHYA

M. MUNTEANU (Roumanie)
S: Mme VOINESCU

Mr. NYOKA (Zimbabwe)
Sr. PRETI JORQUIN (Guatemala)
S: Sr. RICCI MUADI

Mr. PRIOR (République tchèque)
S: Ms. DRBALOVÁ

Ms. QIU (Chine)
S: Mr. HAN

Sr. SADHALA DUMIT (République dominicaine)
S: Sra. PEÑA DE MORALES

Ms. STEFÁNSDÓTTIR (Islande)
S: Mr. MAGNUSSON
Mr. SZIRMAI (Hongrie)
S: Mr. SZÜCS
S: Ms. BOROSNÉ-BARTHA
Mr. TECLEZION (Erythrée)
Mr. TRUEBODY (Namibie)
S: Mr. SHIKANGALAH

Membres travailleurs - Workers' members - Miembros trabajadores

Ms. ABDEL HADI (Egypte) M. ALBU (Roumanie)
Sra. ANDERSON NEVAREZ (Mexique) M. BENATIA (Algérie)
Ms. BERESFORD (Nouvelle-Zélande) Ms. BIJLEVELD (Pays-Bas)
Mme BRINGHI (Italie) Mme CARMO CISA (Portugal)
Sra. CASTELLANOS (Venezuela) Ms. CHARALAMBOUS (Chypre)
Sr. CHAVES MIRANDA (Costa Rica) Ms. CZUGLERNÉ-IVÁNY (Hongrie)
M. DE SOUZA (Bénin) Ms. ENGELEN-KEFER (Allemagne)
Ms. ENODD (Norvège) Mme GASSMANN (Suisse)
Sra. GIUZZIO (Uruguay) Mr. GRINNIK (Fédération de Russie)
Ms. GOULART (Brésil) Ms. HAROE (Papouasie-Nouvelle Guinée)
Ms. HOY (Danemark) Mr. HONEK (République tchèque)
M. KABBAJ (Maroc) Ms. HOZOURI (République islamique d'Iran)
Ms. LABINE (Canada) M. KILIC (Turquie)
Ms. ENGELEN-KEFER (Allemagne)
Ms. NAJDAH (Liban) Ms. LEGUIZAMÓN (Paraguay)
Mme NDIONGUE (Sénégal) M. LIMA DA COSTA (Guinée-Bissau)
Ms. LUTZ (Autriche) Mr. MELENDEZ (Belize)
Ms. LUTZ (Autriche) Mr. MELENDEZ (Belize)
M. NAJDAH (Liban) Mr. MELENDEZ (Belize)
Mme NDIONGUE (Sénégal) Ms. NCONGWANE (Swaziland)
Ms. ÖSTERBERG (Suède) Ms. NZIMANDE (Afrique du Sud)
Ms. PANDENI (Namibie) Ms. PAMOFWE CHALI (Zambie)
Sra. REQUENA CASTILLO (Chili) Mme PEDRO GARCIA (Angola)
Sra. RUEDA (Argentine) Mme ROBERT (France)
Mr. SALAMAH (Arabie saoudite) Sra. RUIZ (Espagne)
Ms. SILAM (Malaisie) Mme SALAMATOU (Niger)
Sr. SORIANO (El Salvador) Mr. SIRIWARDENA (Sri Lanka)
Ms. TAKASHIMA (Japon) M. STRATOUS (Grèce)
Sra. TRIANA ALVIS (Colombie) Mr. TIAGI (Inde)
Mme VAN PEBORGH (Belgique) Ms. TYÖLÄJÄRVI (Finlande)
Mr. YOUSEF (Bahreïn) Mr. ZHAO (Chine)
Membres travailleurs adjoints - Workers' deputy members - Miembros trabajadores adjuntos

Mr. AHMAD (Pakistan)  Mr. AL MARZOUQI (Emirats arabes unis)
Mr. ALEMAH (Ethiopie)  Mr. AL-KHAL FAKROU (Qatar)
Mr. ANKAMAH (Ghana)  M. AZOUA (Bénin)
Ms. BALSINE (Lituanie)  Mr. BASHAR (Bangladesh)
Ms. BEZERRA DE LIMA (Brésil)  Mr. BODIN (Suède)
Mme BOUCHENTOUF (Maroc)  M. BOUZIRBA (Tunisie)
Ms. BUVERUD PEDERSEN (Norvège)  Sra. CALDERON (Argentine)
M. CAMARA (Guinée-Bissau)  Sr. CASTRO (Venezuela)
Mme COLETTI (Italie)  Mme DEBRULLE (Belgique)
Sr. DEL VALLE PEREZ (Mexique)  Sr. DIAZ BERRIOS (Chili)
Ms. DJALINOUS (Autriche)  Ms. DORSETT (Bahamas)
Mr. EIKELAND (Norvège)  Ms. FABER (Danemark)
Mme FARACHE (France)  Sra. GIMENO LAVIN (Espagne)
Ms. HAWKES (Royaume-Uni)  Mme HELMINGER (Luxembourg)
Ms. HENNESSER (Danemark)  Mr. IMRITH (Maurice)
Mr. IWASHITA (Japon)  Mr. JOHN (Trinité-et-Tobago)
Mr. JOLICOEUR (Seychelles)  Mr. KAADU (Estonie)
M. KABOUL (République arabe syrienne)  Ms. KAMTRONG (Thaïlande)
M. KANOUTE (Mali)  M. KEBE (Guinée)
Mme KEÏTA (Niger)  Ms. KERSCHBAUMER (Allemagne)
Mr. LEATHWOOD (Royaume-Uni)  Sr. LEMAÎTRE SALINAS (Chili)
M. MALKI (Algérie)  Sra. MARQUEZ (Uruguay)
Mme MBAYE (Sénégal)  Ms. MC CORMACK (Irlande)
Sra. MENDOZA PEÑA (Colombie)  Mr. MLADENOV (Bulgarie)
Mme MONRIQUE (France)  M. MUGGLIN (Suisse)
Sr. NERIO (El Salvador)  Mr. NG (Chine)
Mme NIELES (Luxembourg)  Mr. OLSEN (Norvège)
Mr. PARROT (Canada)  Mr. PASHEV (Bulgarie)
Ms. PEDERSEN (Norvège)  Ms. PILAVAKI (Chypre)
Sr. PINZON SALAZAR (Guatemala)  Mr. RANAWEERA (Sri Lanka)
Ms. REA (Brésil)  Ms. RODSIMA (Thaïlande)
Mr. ROS (Cambodge)  Sr. RUIZ (Argentine)
Ms. SIMIYU (Kenya)  M. SIOLIS (Grèce)
Ms. SPADARI (Brésil)  Mr. SZIKLAI (Hongrie)
Ms. THEODORSEN (Norvège)  Ms. TOKUMO (Japon)
Ms. VALKONEN (Finlande)  Ms. VODOPOYANOVA (Fédération de Russie)
Mr. VON SEGGERN (Allemagne)  

6-1/32  S = suppléant; substitute; suplente
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S = suppléant; substitute; suplente
Membres employeurs - Employers' members - Miembros empleadores

Mr. ALELIUNAS (Lituanie)
Mr. AMPIAH (Ghana)
  S: Mr. AMOASI-ANDOH
  S: Mr. OKUNOR
  S: Mr. DANQUAH
  S: Mr. ACCUH-ADDO
M. ANALYTIS (Grèce)
  S: Mme KOUTSIVITOU
  S: Mme TSOUMANI-SPENTZA
  S: M. CHARAKAS
M. BELLO VAN ZELLER (Portugal)
  S: M. FERNANDES SALGUEIRO
  S: M. CORREIA CUSTÓDIO
  S: M. SOARES DE SOUSA
  S: M. DA ROCHA NOVO
Mr. BITTENCOURT DA SILVA (Brésil)
  S: Mr. LIMA GODOY
  S: Mr. FERNANDEZ SILVA
M. BOISSON (France)
  S: M. DUMONT
  S: Mme ANDRIEU
  S: M. VEYSSET
Mr. BOTHA (Afrique du Sud)
  S: Mr. MAIMANE
Ms. BURROWES (Belize)
Sr. CHACÓN DÍAZ (Cuba)
Mr. DAHLAN (Arabie Saoudite)
  S: Mr. ALKERNASS
Sr. DE REGIL (Mexique)
  S: Sr. SOTO PRIANTE
  S: Sr. YLLANES MARTINEZ
Mr. DEWAH (Botswana)
M. DJILANI (Tunisie)
  S: M. GHARIANI
Sr. DURLING (Panama)
  S: Sra. CASTRELLON
Sr. FERRER DUFOL (Espagne)
  S: Sr. GÓMEZ ALBO
  S: Sr. CESTER BEATOBE
M. GLELE (Bénin)
  S: Mme ADOUKONOU
M. HAMADE (Liban)
  S: M. BSAT
M. HANA (République arabe syrienne)
  S: M. EL-BAHRA
Mr. HOFF (Norvège)
  S: Ms. VAGENG
Mr. HUNTJENS (Pays-Bas)
  S: Mr. RENIQUE
M. IAMEDI INCADA (Guinée-Bissau)

S = suppléant; substitute; suplente
Mr. IVANCEVIC (Croatie)
S: Ms. HORVATIC
Ms. KNOWLES (Nouvelle-Zélande)
S: Ms. LEEMING
Mr. KOHLI (Inde)
S: Mr. HAKEEM
Mr. KUNANANTAKUL (Thaïlande)
S: Ms. KHANTHAVIT
S: Mr. THEPHISDIN NA AYUDHYA
Mr. LAMBERT (Royaume-Uni)
S: Mr. JOHNSON
Mr. LAWSON (Canada)
S: Mr. WAJDA
Mr. MAENDA (République-Unie de Tanzanie)
S: Mr. KABYEMERA
Mr. MALLIA MILANES (Malte)
S: Mr. MIZZI
S: Mr. SCICLUNA
Mr. MATAR (Emirats arabes unis)
S: Mr. AL QAIZI
M. MATENDA KYELU (République démocratique du
S: M. POMA APOPOTSA
S: M. LUGE NYEMA LULE
S: M. ILDEPHONSE SELEMANI MEBA
Sr. MAYORGA LACAYO (Nicaragua)
M. MEGATELI (Algérie)
S: M. NAÏT-ABDELAZIZ
S: M. YOUSSI
S: M. SAHARI
Mr. MOORHEAD (Etats-Unis)
S: Ms. WALKER
S: Mr. POTTER
M. MUNTEANU (Roumanie)
Mr. MUSENGE (Zambie)
S: Mr. MUSANA
S: Ms. NONDE
Mr. MUSIOL (Pologne)
S: Mr. RYBCZYNSKI
M. NACOULMA (Burkina Faso)
S: M. KABORE
Mr. NYOKA (Zimbabwe)
S: Mr. MUFUKARE
Mr. OKUDA (Japon)
S: Mr. SUZUKI
S: Mr. YANO
Mr. OSHINOWO (Nigéria)
S: Mr. YAKASAI
S: Mr. AKINBANI
Mr. OWUOR (Kenya)
S: Mr. ONYACH
Ms. PĂÅRENDSÖN (Estonie)
Sr. PENINO (Uruguay)

S = suppléant; substituto; suplente
Mr. PRIOR (République tchèque)
S: Mr. ERNST
M. RABEMANANTSOA (Madagascar)
Sr. RIAL (Argentine)
S: Sr. ALDAO ZAPIOLA
S: Sr. FIORE
S: Sr. GELMI
S: Sr. HERMIDA MARTINEZ
S: Sra. SALVAT
Mme SASSO MAZZUFFERI (Italie)
S: M. MACCIO
S: M. FERRARA
S: M. CATAPANO
S: M. SCIARRI
Sr. SOTO RAMIREZ (El Salvador)
Mr. SULTAN-BEAUDOUIN (Seychelles)
Mr. SZIRMAI (Hongrie)
S: Mr. ROLEK
S: Mr. WIMMER
S: Mr. CSUPORT
Mr. THÜSING (Allemagne)
S: Mr. EBERT
M. TOURE (Mali)
S: M. TRAOÈRE
Mr. TRUEBODY (Namibie)
S: Mr. SHIKANGALAH
S: Mr. VAN ROOYEN
M. VAN HOLM (Belgique)
S: Mme STORM
S: M. DA COSTA
Mr. VARELA (Philippines)
S: Mr. INOCENTES
S: Mr. ORTIZ-LUIS, JR.
Mr. VU (Viet Nam)
S: Mr. LE
M. WADE (Sénégal)
S: M. KANE
Ms. WALLSTÈN (Suède)
S: Mr. WIKFELDT
Mr. ZAGUI (République Centrafricaine)

S = suppléant; substitute; suplente
Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos

Mr. AL-BEAJAN (Koweït)
S: Mr. AL-HAROON
S: Mr. AL-MENAYYES
Mr. AL-RAABEEY (Oman)
Mr. ARNETT (Bahamas)
M. BARDE (Suisse)
S: Mme DAVATZ-HÖCHNER
S: M. SCHUTHÉ
Mme BERTRAND-SCHAUL (Luxembourg)
S: M. SAUBER
S: M. SCHMIT
Sr. BRITO (Venezuela)
S: Sr. DE ARBELOA
Mr. DANEV (Bulgarie)
S: Mr. HANDJIEV
M. DIACK (Côte d'Ivoire)
Mr. DR. MOKHZANI (Malaisie)
S: Mr. SHAMSUDDIN
Mr. EREMEEV (Fédération de Russie)
S: Mr. BEDNOV
Mr. HILTON CLARKE (Trinité-et-Tobago)
S: Ms. THOMPSON-BODDIE
Mr. HLOPHE (Swaziland)
Mr. JAHNÁTEK (Slovaquie)
S: Mr. HRDINA
Mr. JEETUN (Maurice)
Mr. MAKEKA (Lesotho)
S: Mr. SEKONYELA
Sr. MARTINEZ (Honduras)
Mme MENICUCCI (Saint-Marin)
S: Mme DELLA BALDA
S: M. UGOLINI
M. MYROSHNYCHENKO (Ukraine)
S: M. PONOMAREV
M. OULD MOCTAR EL HASSEN (Mauritanie)
Mr. PIERIDES (Chypre)
S: Mr. KYTHREOTIS
Mr. PIRLER (Turquie)
S: Mr. ILTER
S: Mr. ERSOY
Ms. QIU (Chine)
S: Ms. CHEN
Mr. RISKI (Finlande)
S: Mr. HUTTUNEN
Mr. RONNEST (Danemark)
S: Mr. DREESEN
S: Mr. STEENHOLM
S: Mr. SCHILDER
S: Mr. LAURENTS
Sr. SADHALA DUMIT (République dominicaine)
S: Sra. LEON DE FERNANDEZ

S = suppléant; substitute; suplente
Mr. SARRAJ (Jamahiriya arabe libyenne)
S; Mr. HAMED
Mr. SEOUDY (Egypte)
Mr. TABANI (Pakistan)
Sr. VILLEGAS (Colombie)
S; Sr. ECHAVARRIA
S; Sr. BURGOS
S; Sr. FRANCO
Mr. YING (Jamaïque)
Sr. ZAVALA COSTA (Pérou)
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<td>Ms. AGATHONOS-MÄHR (Autriche)</td>
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<td>Mr. AL-HAIRI (Arabie saoudite)</td>
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<td>Mr. ALMAHFOODH (Bahreïn)</td>
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<td>Ms. BALSIESE (Lituanie)</td>
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<td>M. BAUSCH (Luxembourg)</td>
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<td>Mr. BODIN (Suède)</td>
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<td>Mr. CUTAJAR (Malte)</td>
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<td>M. DIALLO (Sénégal)</td>
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<td>M. DJIBRINE ASSALI (Tchad)</td>
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<td>M. FERREIRA MARTINS (Portugal)</td>
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<td>M. KAFI CHERRAT (Maroc)</td>
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<td>Sr. MEDINA (Paraguay)</td>
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<td>M. NIYONGABO (Burundi)</td>
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<td>Mr. AL MARZOUQI (Emirats arabes unis)</td>
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<td>M. NGABA-MANGOU (République centrafricaine)</td>
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<td>Mr. PATEL (Afrique du Sud)</td>
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<td>Mr. VIND (Danemark)</td>
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<td>Mr. WA-MUSAMIA (Kenya)</td>
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S = suppléant; substitute; suplente
Membres travailleurs adjoints - Workers’ deputy members - Miembros trabajadores adjuntos

Mr. AHMAD (Pakistan)                         Mr. AL MUAINI (Emirats arabes unis)
Mr. AL-KOHLANI (Yémen)                       Mr. AL-SHABIBI (Oman)
M. ASSOGBA (Bénin)                           M. BENLARBI (Maroc)
M. BLONDEL (France)                          M. BOUZIDI (Algérie)
Mr. BUHAGIAR (Malte)                         Ms. BUVERUD PEDERSEN (Norvège)
Sr. CHAVES MIRANDA (Costa Rica)              M. CHIESA (Italie)
Mr. CORTES MARINHO (Brésil)                  Sr. DE LA PUENTE PEÑA (Chili)
M. DEMUELENAERE (Belgique)                   M. DIAKITE (Mali)
Mr. EIKELAND (Norvège)                       M. ELHADJI DADDIO (Niger)
Ms. ENODD (Norvège)                          Sr. FERNANDEZ (Uruguay)
Sr. FERNÁNDEZ MATXUKA (Espagne)              Sr. FLORES (Paraguay)
M. FORMOSA (France)                          Ms. HAROE (Papouasie-Nouvelle Guinée)
Ms. HOLLOWAY (Royaume-Uni)                   Ms. HOZOURI (République islamique d’Iran)
Sr. HUIDOBRO (Argentine)                     M. ISSA (République arabe syrienne)
Mr. IWASHITA (Japon)                         Mr. JOLICOEUR (Seychelles)
Mr. KAADU (Estonie)                          Mr. KHAN (Bangladesh)
Mr. KLUNSUWAN (Thaïlande)                    Mr. KUMLU (Turquie)
Mr. KYRITSIS (Chypre)                        Mr. LEATHWOOD (Royaume-Uni)
Ms. LUTZ (Autriche)                          M. MACINA (Saint-Marin)
Mr. MANJAZE (Mozambique)                     Ms. MC CORMACK (Irlande)
Mr. MEJLBY (Danemark)                        Ms. MIDDLETON (Nouvelle-Zélande)
Mr. MLADENOV (Bulgarie)                      Mr. MONYAKE (Botswana)
Mr. MUNYAO (Kenya)                           Sr. NAVARRO (Venezuela)
Mr. NG (Chine)                               Mr. NUNOO-QUAYE (Ghana)
Ms. O’DONOVAN (Irlande)                      Ms. OSTÉRBERG (Suède)
Mr. PARROT (Canada)                          Mr. PASHEV (Bulgarie)
Ms. PEDERSEN (Norvège)                       M. PIZZAFERRI (Luxembourg)
M. RAFTOPOULOS (Grèce)                      M. RAHAINGO (Madagascar)
Mr. RANAWERA (Sri Lanka)                     Sr. ROSALES (Argentine)
Mr. ROY (Canada)                             Sr. RUIZ (Argentine)
Mr. SHEPEL (Fédération de Russie)            Sr. SOSA ARREOLA (Mexique)
Mr. STECH (République tchèque)               Ms. SYMONETTE (Bahamas)
Mr. TANAKA (Japon)                           Ms. THEODORSEN (Norvège)
Mr. WIADERNY (Pologne)                       Ms. Xu (Chine)
Mr. YOUSEF (Bahrein)
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**Membres gouvernementaux - Government members - Miembros gubernamentales**

**Membres gouv. adjoints - Govt. deputy members - Miembros gub. adjuntos**

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Membres employeurs - Employers' members - Miembros empleadores

Mr. AMPIAH (Ghana)
S: Mr. AMOASI-ANDOH
S: Mr. ANLAGYEI
S: Mr. GARSHONG
Mr. BANDA (Malawi)
M. BELLO VAN ZELLER (Portugal)
S: Mme NAGY MORAIS
S: Mme GUERREIRO
Mr. BOISSON (France)
S: M. BRUM
S: M. VEYSSET
Mr. BOTHA (Afrique du Sud)
S: Mr. KLEYHANS
Mr. DR. MOKHZANI (Malaisie)
S: Mr. SHAMSUDDIN
Sr. DURLING (Panama)
S: Sr. AIZPURUA
Sr. FERRER DUFOL (Espagne)
S: Sr. BOHORQUEZ Y DE MORA FIGUEROA
S: Sr. SUÁREZ SANTOS
Mr. HOFF (Norvège)
S: Mr. NILSEN
Mr. KOHLI (Inde)
S: Mr. AGARWAL
Mr. LAMBERT (Royaume-Uni)
S: Mr. BRATT
S: Mr. JOHNSON
Mr. LAWSON (Canada)
S: Mr. BLACK
Mr. MAKEKA (Lesotho)
S: Mr. SEKONYELA
M. MATENDA KYELU (République démocratique du
M. MEGATELI (Algérie)
S: M. YOUSFI
S: M. BENDRISS
Mr. MOORHEAD (Etats-Unis)
S: Ms. STEARNS
S: Ms. HUGHES
S: Mr. LITTLE
Mr. MUSENGE (Zambie)
S: Mr. MUSANA
S: Mr. MUGALA
Mr. MUSIOL (Pologne)
S: Mr. SULKOWSKI
M. NACOULMA (Burkina Faso)
S: M. KABORE
Mr. NYOKA (Zimbabwe)
S: Mr. MUFUKARE
Mr. OSHINOWO (Nigéria)
S: Mr. EBURAJOLO
S: Mr. ADEGBOYEGA

S = suppléant; substitute; suplente
Mr. OWUOR (Kenya)
S: Mr. NASIREMBE
Mr. PIERIDES (Chypre)
S: Mr. PILIKOS
S: Mr. CHRISTODOULOU
Sr. PRETI JORQUIN (Guatemala)
S: Sr. MENENDEZ CASTEJON
Sr. RIAL (Argentine)
S: Sr. HERMIDA MARTINEZ
S: Sr. ETALA
S: Sr. FIORE
S: Sr. SPAGHI
S: Sr. SANTOCONO
Mr. RISKI (Finlande)
S: Mr. REKOLA
S: Mr. HUTTUNEN
Mr. THÜSING (Allemagne)
S: Mr. SAUER
S: Mr. GOSE
Mr. TRUEBODY (Namibie)
S: Mr. SHIKANGALAH
M. VAN HOLM (Belgique)
S: M. BOTTERMAN

S = suppléant; substitute; suplente
Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos

Mr. AL-FIHANI (Qatar)
M. BARDE (Suisse)
Mr. BITTENCOURT DA SILVA (Brésil)
M. DJILANI (Tunisie)
Mr. EREMEEV (Fédération de Russie)
Mr. KUNANANTAKUL (Thaïlande)
Mr. MAENDA (République-Unie de Tanzanie)
Mr. MATAR (Emirats arabes unis)
M. MUNTEANU (Roumanie)
Mr. OKUDA (Japon)
Sr. PENINO (Uruguay)
Mr. PRIOR (République tchèque)
Ms. QIU (Chine)
Mr. RONNEST (Danemark)
Mme SASSO MAZZUFFERI (Italie)
Mr. SEOUDY (Egypte)
Mr. SZIRMAI (Hongrie)

S = suppléant; substitute; suplente
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<td>Ms. SIMIYU</td>
<td>Kenya</td>
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<td>Mr. TESCH AOERSVALD</td>
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S = suppléant; substitute; suplente
| Membres travailleurs adjoints - Workers' deputy members - Miembros trabajadores adjuntos |
|---------------------------|--------------------------|
| Mr. ABU-ANGOUR (Jordanie) | M. ADIKO (Côte d'Ivoire) |
| Mr. AHMAD (Pakistan)      | Mr. BASHAR (Bangladesh)  |
| Mr. BAYOUMI (Egypte)      | Mr. BRETT (Royaume-Uni)  |
| Ms. BUVERUD PEDERSEN (Norvège) | Sra. CALDERON (Argentina) |
| Mr. CORTES MARINHO (Brésil) | M. DE SOUZA (Bénin)       |
| Mr. EGZIHABHER (Ethiopie) | Ms. ENODD (Norvège)       |
| M. ETTE (Côte d'Ivoire)   | Sr. FRADES (Espagne)      |
| Mr. HAKANSSON (Suède)     | Ms. HAROE (Papouasie-Nouvelle Guinée) |
| Mr. IBRAHIM (Brésil)      | M. KAFI CHERRAT (Maroc)   |
| Mr. KOTOWSKI (Pologne)    | Mr. KYRITSIS (Chypre)     |
| Sra. LEGUIZAMÓN (Paraguay) | Mr. MAHJOOB (République islamique d'Iran) |
| M. MALOUSOUDIS (Grèce)    | Sra. MARQUEZ (Uruguay)    |
| Mr. MLADENOV (Bulgarie)   | Mr. MOSS (Bahamas)        |
| M. MUGGLIN (Suisse)       | Mr. OKADA (Japon)         |
| Mr. OLSEN (Norvège)       | Sr. PARRA GAONA (Paraguay) |
| Mr. PARROT (Canada)       | Mr. PASHEV (Bulgarie)     |
| Ms. PEDERSEN (Norvège)    | M. PETTENELLO (Italie)    |
| Mr. SAHA (Inde)           | Mr. SENEVIRATNE (Sri Lanka) |
| M. SIDI SAID (Algérie)    | Mr. STEYNE (Royaume-Uni)  |
| Mr. TAJEDDIN KOHOZANI (République islamique d'Iran) | Mr. TASCi (Turquie)       |
| Ms. THEODORSEN (Norvège)  | Mr. TRUMMEL (Fédération de Russie) |
| Sr. VERASAY VERASAY (Chili) | Sr. VILLASMIL (Venezuela) |
| Mr. VIND (Danemark)       | Mr. WA-MUSAMIA (Kenya)    |
| M. ZIDOUH (Maroc)         |                          |
### Membres gouvernementaux - Government members - Miembros gubernamentales

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### Membres gouv. adjoints - Govt. deputy members - Miembros gub. adjuntos

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Membres employeurs - Employers' members - Miembros empleadores

Mr. AL-FIHANI (Qatar)
Mr. AL-RABEEY (Oman)
Mr. AMPIAH (Ghana)
S: Mr. AMOASI-ANDOH
M. BELLO VAN ZELLER (Portugal)
S: M. DA ROCHA NOVO
S: M. FERNANDES SALGUEIRO
S: M. CORREIA CUSTÓDIO
S: M. SOARES DE SOUSA
M. BOISSON (France)
S: M. HAUSER
S: Mme ROILAND
Mr. BOTHA (Afrique du Sud)
Mr. DAHLAN (Arabie saoudite)
S: Mr. ALKERNASS
Sr. DE REGIL (Mexique)
S: Sr. CARBAJAL BUSTAMANTE
M. DJILANI (Tunisie)
S: M. M’KAISSI
Mr. EREMEEV (Fédération de Russie)
S: Mr. CHUPRIKOV
S: Mr. TOMCHIN
Sr. FERRER DUFOL (Espagne)
S: Sr. CESTER BEATOBE
S: Sr. SUÁREZ SANTOS
S: Sr. DE LA CAVADA
Mr. GATTEGNO (Israël)
S: Mr. HILB
M. HANA (République arabe syrienne)
S: M. ALHINDI
Mr. HOFF (Norvège)
S: Ms. RIDDERVOLD
Mr. KOHLI (Inde)
S: Mr. ANAND
Mr. LAMBERT (Royaume-Uni)
S: Mr. ALLEN
S: Mr. JOHNSON
Mr. LAWSON (Canada)
S: Mr. TURNER
Mr. MATAR (Emirats arabes unis)
S: Mr. AL QAIZI
M. MATENDA KYELU (République démocratique du)
M. MEGATELLI (Algérie)
S: M. YOUSFI
S: M. NAÏT-ABDELAZIZ
Mr. MOORHEAD (Etats-Unis)
S: Ms. WALKER
S: Mr. POTTER
Mr. OKUDA (Japon)
S: Mr. SUZUKI
S: Mr. YANO

S = suppléant; substitute; suplente
Mr. OMER (Soudan)
S: Mr. MUSTAJA
Mr. OSHINOWO (Nigéria)
S: Mr. LOHOR
Mr. QUASEM (Bangladesh)
S: Mr. HYDER
Sr. RIAL (Argentine)
S: Sr. MANTILLA
S: Sr. CACCIABUE
Mr. RISKI (Finlande)
S: Mr. HUTTUNEN
Mme SASSO MAZZUFFERI (Italie)
S: M. MACCIO'
S: M. FERRARA
S: M. CATAPANO
S: M. SCIARRI
Mr. SEOUDY (Egypte)
S: Mr. MAZHAR
S: Mr. EL BORAI
Mr. TABANI (Pakistan)
M. VAN HOLM (Belgique)
S: M. DA COSTA
Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos

Mr. AL-BEAJAN (Koweït)
S: Mr. AL-RABAH
S: Mr. AL-HAROON

Mr. ARBESSER-RASTBURG (Autriche)
S: Mr. BRAUNER
S: Mr. STRIMITZER

Mr. ASFOUR (Jordanie)
M. BARDE (Suisse)
S: M. PLASSARD

Mr. BITTENCOURT DA SILVA (Brésil)
S: Mr. DONATO

Sr. BRITO (Venezuela)
S: Sr. CARMONA
S: Sr. DE ARBELOA

Mr. CHO (République de Corée)
S: Mr. LEE

Mr. DR. MOKHZANI (Malaisie)
S: Mr. SHAMSUDDIN

Sr. DURLING (Panama)

M. HAMADE (Liban)
S: M. BALBOUL

Mr. HUNTES (Pays-Bas)
Ms. KNOWLES (Nouvelle-Zélande)
S: Ms. LEEMING

M. MUNTEANU (Roumanie)
Mr. MUSIOL (Pologne)
S: Mr. JANKOWSKI

Mr. NOAKES (Australie)
Mr. NYOKA (Zimbabwe)
Mr. OWUOR (Kenya)
S: Mr. MOSETI

Mr. PIRLER (Turquie)
Mr. RONNEST (Danemark)
S: Mr. DREESEN
S: Mr. STEENHOLM
S: Mr. SCHILDER
S: Mr. LAURENTS

Sr. SADHALA DUMIT (République dominicaine)
S: Sr. HERRERA ROA

Mr. TECLEZION (Erythrée)
Mr. THÜSING (Allemagne)
S: Mr. HESS

M. WADE (Sénégal)
S: M. KANE

Ms. WALLSTÉN (Suède)
S: Mr. TIBELL
Membres travailleurs - Workers' members - Miembros trabajadores

Mr. ABDOON (Soudan)  Mr. ABDUL HUSSAIN ABDULLA (Bahreïn)
Mr. ABE (Japon)  Mr. ABU-ANGOUR (Jordanie)
M. AFILAL (Maroc)  Mr. AL MUAINI (Emirats arabes unis)
Mr. AL-AJMI (Koweït)  Mr. AL-KHAL FAKROU (Qatar)
Mr. AL-KOHLANI (Yémen)  Mr. AL-SHABIBI (Oman)
Sr. ALVIS FERNANDEZ (Colombie)  Sr. BONMATI (Espagne)
Mr. BRETT (Royaume-Uni)  Ms. BUVERUD PEDERSEN (Norvège)
Sr. CASTILLO (Panama)  Mme COLETTI (Italie)
Sr. DEL RIO (République dominicaine)  M. DELIYANNAKIS (Grèce)
M. DEREMYMAEKER (Belgique)  Sr. DIAZ BERRIOS (Chili)
Sr. DIAZ VARGAS (Mexique)  Mr. FOLDBERG (Danemark)
Sr. GARCIA (Argentine)  Mr. GROBLER (Afrique du Sud)
Mr. GYÖRGY (Hongrie)  M. HUGO SEQUEIRA (Portugal)
M. ISSA (République arabe syrienne)  Mr. KITTENIS (Chypre)
M. MAHDI (Algérie)  Mr. MAHJOOB (République islamique d'Iran)
Mr. MALLON (Canada)  Mr. MIRANDA DE OLIVEIRA (Brésil)
Mr. MUND (Allemagne)  Mr. NAILI (Jamahiriya arabe libyenne)
Sr. NAVARRO (Venezuela)  Ms. NISSINEN (Finlande)
Ms. O’DONOVAN (Irlande)  Mr. OZBEK (Turquie)
Sr. PARRA GAONA (Paraguay)  Mr. PASHEV (Bulgarie)
M. PIZZAFERRI (Luxembourg)  M. POPEȘCU (Roumanie)
M. SEYDOU (Niger)  M. SOW (Sénégal)
Mr. SUDOL (Pologne)  Mr. TAHA (Égypte)
Mr. THAKkar (Inde)  M. TODJINOU (Bénin)
M. TRABELSI (Tunisie)  M. VERONESE (France)
Mr. WANG (Chine)  Mr. ZAINAL (Malaisie)
Mr. ZELLOHEFER (Etats-Unis)  Ms. ZETTERVALL-THAPPER (Suède)

S = suppléant; substitute; suplente
Membres travailleurs adjoints - Workers' deputy members - Miembros trabajadores adjuntos

Mr. ABU-KHADRA (Jordanie)  Mr. ADAMY (Allemagne)
Mr. AHMAD (Pakistan)  Mr. AL-AJMI (Koweït)
Mr. AL-AKEL (Yémen)  M. B. BAUSCH (Luxembourg)
Sr. BELLO DOREN (Chili)  Sr. BELOSO (Argentine)
Ms. BERAN (République tchèque)  Sr. BROWN YOUNG (Costa Rica)
Mme BRUNEL (France)  Mr. BRUUN (Danemark)
M. CEDRONE (Italie)  Mr. DE BARROS (Brésil)
M. DE CARVALHO (Portugal)  Mr. EDSTRÖM (Suède)
Mr. EIKELAND (Norvège)  Ms. ENODD (Norvège)
Sr. FRADES (Espagne)  Ms. HAROE (Papouasie-Nouvelle Guinée)
Ms. HOLLOWAY (Royaume-Uni)  Mr. HONARI (République islamique d'Iran)
Mr. ITO (Japon)  M. KABOUL (République arabe syrienne)
M. KAFI CHERRAT (Maroc)  Mr. KHAN (Bangladesh)
M. LIAKOPoulos (Grèce)  M. LIMA DA COSTA (Guinée-Bissau)
Sr. LÓPEZ (Paraguay)  Mr. MAHENDRA (Inde)
M. MALAM SOFFO (Niger)  Mr. MATHESON (Australie)
Ms. MC CORMACK (Irlande)  Sr. MEDINA TORRES (Mexique)
Mr. MELENDEZ (Belize)  Sr. MENDEZ (Panama)
Ms. MIDDLETON (Nouvelle-Zélande)  Mr. MLADENOV (Bulgarie)
M. MONTEIRO (Bénin)  Mr. MOYSEOS (Chypre)
Mr. NAJDAH (Liban)  M. NOUASRI (Algérie)
Mr. OLSén (Norvège)  Mr. OSMAN (Jamahiriya arabe libyenne)
Mr. PARROT (Canada)  Ms. PEDERSEN (Norvège)
Mr. POLAT (Turquie)  Sr. RAMIREZ LEON (Venezuela)
Sr. ROSALES (Argentine)  Sr. RUEDA (Argentine)
Sr. SALINAS ELVIR (Honduras)  Mr. STEYNE (Royaume-Uni)
Mr. TAVIP (Indonésie)  Ms. THEODORSEN (Norvège)
M. TLEISS (Liban)  Mr. TROTMAN (Barbade)
Ms. VALKONEN (Finlande)  Sr. VÁSQUEZ (El Salvador)
Sr. VELASCO PEREZ (Mexique)  Mr. YOSHIDA (Japon)
COMMISSION DE PROPOSITION
SELECTION COMMITTEE
COMISION DE PROPOSICIONES

**Membres gouvernementaux - Government members - Miembros gubernamentales**

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**Membres gouv. adjoints - Govt. deputy members - Miembros gub.adjuntos**

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**Membres employeurs - Employers' members - Miembros empleadores**

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<td>Mr. OWUOR (Kenya)</td>
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<td>M. SANZOUANGO (Cameroun)</td>
<td>Mr. SUZUKI (Japon)</td>
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S = suppléant; substitute; suplente
Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos

Mr. AMOASI-ANDOH (Ghana)
Mr. ANAND (Inde)
Sr. DE ARBELOA (Venezuela)
Sr. DURLING (Panama)
Sr. FERRER DUFOL (Espagne)
Mr. HOFF (Norvège)
Mr. HYDER (Bangladesh)
Mr. JEETUN (Maurice)
Mr. LAWSON (Canada)
Mme SASSO MAZZUFFERI (Italie)
Mr. VARELA (Philippines)
M. WADE (Sénégal)

Membres travailleurs - Workers' members - Miembros trabajadores

M. ADIKO (Côte d'Ivoire)
Mr. AHMAD (Pakistan)
Mr. BRETT (Royaume-Uni)
Ms. ENGELEN-KEFER (Allemagne)
Mr. MUNYAO (Kenya)
Sr. RAMIREZ LEON (Venezuela)
Mr. TAN (Philippines)

Membres travailleurs adjoints - Workers' deputy members - Miembros trabajadores adjuntos

M. CORTEBEECK (Belgique)
Mr. PATEL (Afrique du Sud)

Mr. AGYEI (Ghana)
Sra. ANDERSON NEVAREZ (Mexique)
M. DIOP (Sénégal)
Mr. ITO (Japon)
Ms. PEDERSEN (Norvège)
Mr. SHMAKOV (Fédération de Russie)
Mr. ZELLHOEFER (Etats-Unis)

Ms. O'DONOVAN (Irlande)
Mr. TROTMAN (Barbade)

S = suppléant; substitute; suplente
SECOND SUPPLEMENTARY REPORT

By virtue of the authority delegated to them by the Conference and the Committee, the Officers of the Selection Committee have taken the following decisions with effect from 1 June 2000.

Changes in the composition of committees

The Officers of the Selection Committee have approved the attached changes in the composition of committees.


COMMITTEE ON THE APPLICATION OF STANDARDS
COMMISSION DE L'APPLICATION DES NORMES
COMISIÓN DE APLICACIÓN DE NORMAS

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Governments - Gouvernements - Gobiernos

add/ajouter/añadir

GUINEE - T
LETTONIE - A
MYANMAR - T
SENEGAL - T

changer/change/cambiar

IRLANDE - A T

Employers - Employeurs - Empleadores

add/ajouter/añadir

M. BENDRIS (Algérie) - Suppléant de M. MEGATELI
Sr. DIAZ GUAJARDO (Mexique) - Suppléant de Sr. DE REGIL
Sr. YLLANES MARTINEZ (Mexique) - Suppléant de Sr. DE REGIL

¹ T: Regular member / membre Titulaire / miembro titular
A: Deputy member / membre adjoint / miembro adjunto
S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observador
Mr. ASFOUR (Jordanie) T

Workers - Travailleurs - Trabajadores

Ms. ABASHIDZE (Géorgie) A
Mr. AHN (République de Corée) T
Mme DUPUY (France) A
M. FORMOSA (France) A
Mr. GOODLEIGH (Jamaïque) T
Mr. MOHD. SHAFIE (Malaisie) A
Sr. NAVARRO (Venezuela) T
M. NDIAYE (Sénégal) A
Mr. NYAIN (Libéria) T
M. SAGNON (Burkina Faso) T
Sr. SALAZAR AGUILAR (Nicaragua) T
M. SALL (Sénégal) A
Mr. TUGUSHI (Géorgie) T
Mr. YIGZAW (Erythrée) A
Mr. YOON (République de Corée) A

COMMITTEE ON MATERNITY PROTECTION
COMMISSION DE LA PROTECTION DE LA MATERNITÉ
COMISIÓN DE LA PROTECCIÓN DE LA MATERNIDAD

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Governments - Gouvernements - Gobiernos

GUINEE T
LETTONIE A
RWANDA T
SENEGAL T

IRLANDE A T

1 T: Regular member / membre Titulaire / miembro titular
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S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observadore
### Employers - Employeurs - Empleadores

**add/ajouter/añadir**

<table>
<thead>
<tr>
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<th>Role</th>
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<tbody>
<tr>
<td>Mme DE CARVALHO (Portugal)</td>
<td>Suppléant de M. BELLO VAN ZELLER</td>
</tr>
<tr>
<td>Mme VIEIRA (Portugal)</td>
<td>Suppléant de M. BELLO VAN ZELLER</td>
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**changer/change/cambiar**

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Mr. MARO (Papouasie-Nouvelle Guinée)</td>
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</tr>
<tr>
<td>M. MATENDA KYELU (République démocratique du Congo)</td>
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</tr>
<tr>
<td>Mme MUNKENI KIEKIE (République démocratique du Congo)</td>
<td>Suppléant de M. MATENDA KYELU</td>
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### Workers - Travailleurs - Trabajadores

**add/ajouter/añadir**

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<tr>
<td>Ms. ANKRAH (Libéria)</td>
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<tr>
<td>Mme BIKRE (Maroc)</td>
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<td>Mme EZZOUMI (Maroc)</td>
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<td>Ms. JOUNG (République de Corée)</td>
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<td>Ms. KIM (République de Corée)</td>
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<td>Mme KRATIMENOU (Grèce)</td>
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<td>M. SAGNON (Burkina Faso)</td>
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**changer/change/cambiar**

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<td>Mr. WOJCIK (Pologne)</td>
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**delete/supprimer/suprimir**

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1. T: Regular member / membre Titulaire / miembro titular
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### Governments - Gouvernements - Gobiernos

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### Employers - Employeurs - Empleadores

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<tr>
<td>Mr. BYOGA RUTEGA (Ouganda)</td>
<td>-</td>
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<tr>
<td>Mr. CHUPRIKOV (Fédération de Russie)</td>
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<td>Sr. DIAZ GUJARDO (Mexique)</td>
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<tr>
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¹ T: Regular member / membre Titulaire / miembro titular
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O: Observer member / membre observateur / miembro observador
Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. BANDA (Malawi) - T
M. CEDRONE (Italie) - A
Ms. HARDING (Bahamas) - A
M. IDRISI (Maroc) - A
Mr. KANG (République de Corée) - A
Mr. KAWAH (Libéria) - T
Mr. LEE (République de Corée) - T
Sr. MADRIZ (Venezuela) - A
M. MARTINS FERREIRA (France) - A
Mr. MASASI (République-Unie de Tanzanie) - A
Sr. MEJIA (Venezuela) - A
Mr. MOSS (Bahamas) - A
M. NAMA (Burkina Faso) - A
Mme PEHLIVANIDOU (Grèce) - A
Mr. PEREZ (Philippines) - T
Mr. SUBRAMANIAM (Malaisie) - A
Mr. TAVIP (Indonésie) - T
Mr. VAJNORSKY (Slovaquie) - T
Mr. YIGZAW (Erythrée) - T
Mr. YOON (République de Corée) - A

cambiar/changer

M. DJIBRINE ASSALI (Tchad) T A
M. ETTE (Côte d'Ivoire) T A
M. KEBE (Guinée) T A

COMMITTEE ON SAFETY AND HEALTH IN AGRICULTURE
COMMISSION DE LA SÉCURITÉ ET SANTÉ DANS L'AGRICULTURE
COMISIÓN DE LA SEGURIDAD Y SALUD EN LA AGRICULTURA

Previous status    New status
Statut antérieur    Nouveau statut
Calidad anterior    Nueva calidad

Governments - Gouvernements - Gobiernos
add/ajouter/añadir

GUINEE - A
LETONIE - A
SENEGAL - T

1 T: Regular member / membre Titulaire / miembro titular
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S: Substitute member / membre suppléant / miembro suplente
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### Employers - Employeurs - Empleadores

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<td>Mme KOLYVA (Grèce)</td>
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<td>Mr. PETROU (Chypre)</td>
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Suppléant de M. ANALYTIS
Suppléant de Mr. PIERIDES

### Workers - Travailleurs - Trabajadores

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<td>Mme PSAROYANNI (Grèce)</td>
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<td>Mr. SZAKACS (Slovaquie)</td>
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Suppléant de Mr. PIERIDES

### RESOLUTIONS COMMITTEE

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### Governments - Gouvernements - Gobiernos

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Suppléant de Mr. MOORHEAD

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1 T: Regular member / membre Titulaire / miembro titular
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6-1/60
Mr. ASFOUR (Jordanie) A T
M. BALBOUL (Liban) S Suppléant de M. HAMADE
M. HAMADE (Liban) A T

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. AHN (République de Corée) - A
M. KEBE (Guinée) - T
Mr. YOON (République de Corée) - A

change/cambiar

M. DELIYANNAKIS (Grèce) T A
M. NAJDHAH (Liban) A T
Sr. NAVARRO (Venezuela) T A
Sr. RAMIREZ LEON (Venezuela) A T
Sr. ROSALES (Argentine) A T

delete/supprimer/suprimir

Sr. GARCIA (Argentine) T

SELECTION COMMITTEE

COMMISSION DE PROPOSITION
COMisión DE PROPOSICIONES

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Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Ms. BUVERUD PEDERSEN (Norvège) - T

delete/supprimer/suprimir

Ms. PEDERSEN (Norvège) T

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By virtue of the authority delegated to them by the Conference and the Committee, the Officers of the Selection Committee have taken the following decisions with effect from 2 June 2000.

Request by a non-governmental international organization to be represented in a committee

The Officers of the Selection Committee have authorized the International Federation of Building and Woodworkers to be represented in the Committee on Safety and Health in Agriculture.

Changes in the composition of committees

The Officers of the Selection Committee have approved the attached changes in the composition of committees.

Geneva, 1 June 2000.
COMMITTEE ON THE APPLICATION OF STANDARDS
COMMISSION DE L'APPLICATION DES NORMES
COMISIÓN DE APLICACIÓN DE NORMAS

Previous status  New status 1
Statut antérieur  Nouveau statut
Calidad anterior  Nueva calidad

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

ALGERIE   -   T
BANGLADESH  -   T
SAO TOME-ET-PRINCIPE  -   T

changer/change/cambiar

DJIBOUTI T   A

Employers - Employeurs - Empleadores

add/ajouter/añadir

M. ABDELMKADER BELARBI (Maroc)  -   T
M. AHMED (Djibouti)  -   A
M. KETTANI (Maroc)  -   Suppléant de M. ABDELMKADER BELARBI

changer/change/cambiar

M. MATENDA KYELU (République démocratique du Congo) T   A
Mr. MUSANA (Zambie) S   T
Ms. NONDE (Zambie) S   Suppléant de Mr. MUSANA
M. NTAMBWE KITENGE (République démocratique du Congo) S   Suppléant de M. MATENDA KYELU
M. WADE (Sénégal) T   A

delete/supprimer/suprimir

() T

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

M. ATINTOH (Togo)  -   T
M. MURANGIRA (Rwanda)  -   T

changer/change/cambiar

Mr. FISHMAN (Etats-Unis) T   A
Mr. MATHESON (Australie) T   A

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   O: Observer member / membre observateur / miembro observador
## Committee on Maternity Protection

### Previous status
- Statut antérieur
- Calidad anterior

### New status
- Nouveau statut
- Nueva calidad

### Governments - Gouvernements - Gobiernos

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### Employers - Employeurs - Empleadores

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<td>M. KOLLOU (Maroc)</td>
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<td>Suppléant de Mr. VARELA</td>
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### Observers

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Workers - Travaillleurs - Trabajadores

add/ajouter/añadir

M. ATINTOH (Togo) A
Mr. DE QUIROZ (Philippines) T
Ms. PIMENTEL (Brésil) A

changer/change/cambiar

M. BENATIA (Algérie) T A
Sra. CASTELLANOS (Venezuela) T A
Mr. HONEK (République tchèque) T A
Mr. KILIC (Turquie) T A
Sr. SORIANO (El Salvador) T A
M. STRATOLIS (Grèce) T A

delete/supprimer/suprimir

- Mr. RANAWEERA (Sri Lanka) A

COMMITTEE ON HUMAN RESOURCES TRAINING AND DEVELOPMENT
COMMISSION DE LA MISE EN VALEUR DES RESSOURCES HUMAINES
COMISIÓN DEL DESARROLLO DE RECURSOS HUMANOS

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Governments - Gouvernements - Gobiernos

add/ajouter/añadir

ALGERIE T
BANGLADESH T

changer/change/cambiar

DJIBOUTI T A

1 T: Regular member / membre Titulaire / miembro titular
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<td>Croatie</td>
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<td>République démocratique du Congo</td>
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**changer/change/cambiar**

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**delete/supprimer/suprimir**

1. **T**: Regular member / membre Titulaire / miembro titular
2. **A**: Deputy member / membre adjoint / miembro adjunto
3. **S**: Substitute member / membre suppléant / miembro suplente
4. **O**: Observer member / membre observateur / miembro observadore

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6-1/68
Workers - Travaillleurs - Trabajadores

add/ajouter/añadir

Mr. SUDOL (Pologne) - A

changer/change/cambiar

Mr. BASHAR (Bangladesh) T A
M. BOUAKEL (Algérie) T A
Sr. DE LA PUENTE PEÑA (Chili) A T
M. KANOUTE (Mali) T A
Mr. KAWAH (Libéria) T A
Mr. LEE (République de Corée) T A
Sr. MEDINA (Paraguay) T A
Sr. MORAGA CONTRERAS (Chili) T A
M. NGABA-MANGOU (République centrafricaine) T A
M. PIERMATTEI (Saint-Marin) T A
Mr. SHIEKH (Yémen) T A
Mr. TAVIP (Indonésie) T A
M. TLEISS (Liban) T A
M. TORCHE (Suisse) T A
M. TRICOCHE (France) T A
Sr. VÁSQUEZ (El Salvador) T A
Mr. YIGZAW (Erythrée) T A

COMMITTEE ON SAFETY AND HEALTH IN AGRICULTURE
COMMISSION DE LA SÉCURITÉ ET SANTÉ DANS L'AGRICULTURE
COMISIÓN DE LA SEGURIDAD Y SALUD EN LA AGRICULTURA

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Governments - Gouvernements - Gobiernos

add/ajouter/añadir

ALGERIE - T
BANGLADESH - T
BOLIVIE - T
DJIBOUTI - A
NEPAL - A
SAO TOME-ET-PRINCIPE - T

1 T: Regular member / membre Titulaire / miembro titular
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<tr>
<td>Mr. EBURAJOLO (Nigéria)</td>
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<td>M. MATENDA KYELU (République démocratique du Congo)</td>
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<td>M. MEGATELI (Algérie)</td>
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<td>Mr. MUGALA (Zambie)</td>
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<td>Mr. MUSANA (Zambie)</td>
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<td>Ms. HOLLOWAY (Royaume-Uni)</td>
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<tr>
<td>Ms. LUTZ (Autriche)</td>
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<td>M. ROBEL (Madagascar)</td>
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<td>Mr. YIGZAW (Erythrée)</td>
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| Mr. ABU-KHADRA (Jordanie) | T |
| Sr. ARISMENDI (Venezuela) | T |
| M. AZOUA (Bénin)          | T |
| Mme BOUCHENTOUF (Maroc)   | T |
| Mr. KAYKAC (Turquie)      | T |
| Sr. PÉREZ MARROQUIN (El Salvador) | T |
| Mr. TESCH AUERSVALD (Brésil) | T |
| M. VOULGARAKIS (Grèce)    | T |
| Mr. WIERZBICKI (Pologne)  | T |

| Mr. HAKANSSON (Suède) | A |

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Governments - Gouvernements - Gobiernos

add/ajouter/añadir

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changer/change/cambiar

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Employers - Employeurs - Empleadores

add/ajouter/añadir

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<tr>
<td>Mr. KAADA (Norvège)</td>
<td>-</td>
<td>Suppléant de Mr. HOFF</td>
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<tr>
<td>M. KETTANI (Maroc)</td>
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<tr>
<td>M. ZAHIR (Maroc)</td>
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changer/change/cambiar

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<tr>
<td>M. DA COSTA (Belgique)</td>
<td>S</td>
<td>Suppléant de M. VAN HOLM</td>
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<td>Mr. LOHOR (Nigéria)</td>
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<tr>
<td>M. MATENDA KYELU (République démocratique du Congo)</td>
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<tr>
<td>Mr. OSHINOWO (Nigéria)</td>
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<td>M. VAN HOLM (Belgique)</td>
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Workers - Travailleurs - Trabajadores

add/ajouter/añadir

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<tr>
<td>M. PIERMATTEI (Saint-Marin)</td>
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<td>Sr. BONMATI (Espagne)</td>
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<td>Sr. CASTILLO (Panama)</td>
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<td>M. DEREYMAEKER (Belgique)</td>
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<td>Sr. DIAZ BERRIOS (Chili)</td>
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**Delete/Supprimer/Suprimir**

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1. T: Regular member / membre Titulaire / miembro titular
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FOURTH SUPPLEMENTARY REPORT

By virtue of the authority delegated to them by the Conference and the Committee, the Officers of the Selection Committee have taken the following decisions with effect from 3 June 2000.

Changes in the composition of committees

The Officers of the Selection Committee have approved the attached changes in the composition of committees.

Geneva, 2 June 2000
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**Governments - Gouvernements - Gobiernos**

*add/ajouter/añadir*

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<td>TCHAD</td>
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<td>TOGO</td>
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**Employers - Employeurs - Empleadores**

*add/ajouter/añadir*

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<tr>
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<tr>
<td>Mr. HRDINA (Slovaquie)</td>
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<tr>
<td>M. KANE (Sénégal)</td>
<td>Suppléant de M. WADE</td>
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<tr>
<td>Mr. RACHMAN (Indonésie)</td>
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<td>Mr. SIMANJUNTAK (Indonésie)</td>
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<tr>
<td>Mr. WILLIAMS (Libéria)</td>
<td>Suppléant de Mr. COOPER</td>
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*changer/change/cambiar*

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<td>Sr. GARRIDO (Venezuela)</td>
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<td>Mr. KATRIAK (Slovaquie)</td>
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<tr>
<td>Mr. JAHNÁTEK (Slovaquie)</td>
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Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. ARITONANG (Indonésie) - A
M. ASSIMA (Togo) - Á
Mr. DAVID (Indonésie) - T
Sr. DIAZ VARGAS (Mexique) - A
M. DIBADI OBAME (Gabon) - A
M. FALL (Sénégal) - A
M. IDRISSI (Maroc) - A
M. MAGANGA IKAPI (Gabon) - A
M. MOMBO-MOULELT (Gabon) - T
M. MOUSSEN (Cameroun) - T
M. NAPOE (Togo) - A
Mr. OSHIOMHOLE (Nigéria) - T
Mr. PAKPAHAN (Indonésie) - A
M. SOW (Sénégal) - A
Mr. TAN (Philippines) - A

changer/change/cambiar

Mr. FISHMAN (Etats-Unis) A T
Mr. MATHESON (Australie) A T
delete/supprimer/suprimir

M. KABBAJ (Maroc) A
Mr. SUBRAMANIAM (Malaisie) T

COMMITTEE ON MATERNITY PROTECTION
COMMISSION DE LA PROTECTION DE LA MATERNITÉ
COMISIÓN DE LA PROTECCIÓN DE LA MATERNIDAD

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Committee - Gouvernements - Gobiernos

add/ajouter/añadir

BELARUS - T
BOLIVIE - T
NICARAGUA - T
TCHAD - T

changer/change/cambiar

PAKISTAN A T

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6-1/76
### Employers - Employeurs - Empleadores

<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
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<tr>
<td>M. ABOUGHE-OBAME (Gabon)</td>
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<td>A Suppléant de M. ABOUGHE-OBAME</td>
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<tr>
<td>M. AKOULOU EYELEKO (Gabon)</td>
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<tr>
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<td>Mr. HRDINA (Slovaquie)</td>
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<td>Mr. MAMUKO (Indonésie)</td>
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<td>Suppléant de Mr. SUPRIYANTO</td>
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<tr>
<td>Mr. MARGONO (Indonésie)</td>
<td>-</td>
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### Workers - Travailleurs - Trabajadores

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<tr>
<td>M. POUYE (Sénégal)</td>
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COMMITTEE ON HUMAN RESOURCES TRAINING AND DEVELOPMENT
COMMISSION DE LA MISE EN VALEUR DES RESSOURCES HUMAINES
COMISIÓN DEL DESARROLLO DE RECURSOS HUMANOS

Previous status | New status ¹
Statut antérieur | Nouveau statut
Calidad anterior | Nueva calidad

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

LIBERIA - T
NICARAGUA - A

Employers - Employeurs - Empleadores

add/ajouter/añadir

M. ABOUGHE-OBAME (Gabon) - A
M. AKOULOU EYELEKO (Gabon) - Suppléant de M. ABOUGHE-OBAME
Ms. CHILEKWA (Zambie) - Suppléant de Mr. MUSANA
Mr. COOPER (Libéria) - A
Sr. DE ARBELOA (Venezuela) - A
Mr. ENDRO (Indonésie) - Suppléant de Mr. SUPRIYANTO
Mr. JOHNSON (Sierra Leone) - A
Mr. KILA (Nigéria) - Suppléant de Mr. OSHINOWO
Mr. MARGONO (Indonésie) - Suppléant de Mr. SUPRIYANTO
M. NGUSSAN (Togo) - A
Mr. SUPRIYANTO (Indonésie) - Suppléant de Mr. SUPRIYANTO
Mr. SUPRIYANTO (Indonésie) - A
Mr. WILLIAMS (Libéria) - Suppléant de Mr. COOPER

changer/change/cambiar

M. BSAT (Liban) S Suppléant de M. HAMADE
M. HAMADE (Liban) T A
Mr. HRDINA (Slovaquie) S A
Ms. KHANTHAVIT (Thaïlande) S Suppléant de Mr. KUNANANTAKUL
Mr. KUNANANTAKUL (Thaïlande) T A
Mr. THEPHASDIN NA AYUDHYA (Thaïlande) S Suppléant de Mr. KUNANANTAKUL

delete/supprimer/suprimir

0 S
0 A
Mr. JAHNÁTEK (Slovaquie) A

¹ T: Regular member / membre Titulaire / miembro titular
A: Deputy member / membre adjoint / miembro adjunto
S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observador

6-1/78
Workers - Travaillleurs - Trabajadores

add/ajouter/añadir

M. DIBADI OBAME (Gabon) - T
M. GUEYE (Sénégal) - A
Mr. GUNNARSSON (Islande) - A
Mr. KARA (Israël) - A
M. MOMBO-MOUELET (Gabon) - A
M. NDIAYE (Sénégal) - A
M. NTONE DIBOTI (Cameroun) - T
Mr. ONYENEMERE (Nigéria) - T
Mme PORTELA DA SILVA (Portugal) - A
Mme TSAMION (Gabon) - A

changer/change/cambiar

M. BAUSCH (Luxembourg) T A
Mr. CUTAJAR (Malte) T A
Mr. DEVENDRA (Sri Lanka) T A
Mr. DIOMEDOUS (Chypre) T A
Mr. PEREZ (Philippines) T A
M. PIERMATTEI (Saint-Marin) A T

delete/supprimer/suprimir

M. PETTENELLO (Italie) T

COMMITTEE ON SAFETY AND HEALTH IN AGRICULTURE
COMMISSION DE LA SÉCURITÉ ET SANTÉ DANS L'AGRICULTURE
COMISIÓN DE LA SEGURIDAD Y SALUD EN LA AGRICULTURA

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<th>New status</th>
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<td>Nouveau statut</td>
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<tr>
<td>Calidad anterior</td>
<td>Nueva calidad</td>
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Governments - Gouvernements - Gobiernos

add/ajouter/añadir

NICARAGUA - A
TCHAD - T
TOGO - A

changer/change/cambiar

GABON A T

delete/supprimer/suprimir

AUSTRALIE T

1 T: Regular member / membre Titulaire / miembro titular
   S: Substitute member / membre suppléant / miembro suplente
   A: Deputy member / membre adjoint / miembro adjunto
   O: Observer member / membre observateur / miembro observador
Employers - Employeurs - Empleadores

add/ajouter/añadir

Mr. COOPER (Libéria) - A
Mr. HRDINA (Slovaquie) - A
Mr. KUNTADI (Indonésie) - A
M. NGUISSAN (Togo) - Suppléant de Mr. SUPRIYANTO
Mr. SUNGKOWO (Indonésie) - A
Mr. WILLIAMS (Libéria) - Suppléant de Mr. COOPER

changer/change/cambiar

Mr. PECIAR (Slovaquie) - S Suppléant de Mr. HRDINA

delete/supprimer/suprimir

Mr. JAHNÁTEK (Slovaquie) - A

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

M. ASSIMA (Togo) - A
Mr. DE LA CRUZ (Philippines) - A
M. DIBADI OBAME (Gabon) - A
M. DIOP (Sénégal) - A
M. GUEYE (Sénégal) - A
Ms. HOLLO WAY (Royaume-Uni) - A
M. NAPOE (Togo) - A
M. ROBEL (Madagascar) - A
M. TODJINOU (Bénin) - T
Mr. YIGZAW (Erythrée) - A

1 T: Regular member / membre Titulaire / miembro titular
   A: Deputy member / membre adjoint / miembro adjunto
   S: Substitute member / membre suppléant / miembro suplente
   O: Observer member / membre observateur / miembro observador
RESOLUTIONS COMMITTEE
COMMISSION DES RÉSOLUTIONS
COMISIÓN DE RESOLUCIONES

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Governments - Gouvernements - Gobiernos

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   O: Observer member / membre observateur / miembro observadore

BOLIVIE - T
LIBERIA - T
NICARAGUA - T
POLOGNE - T

EQUATEUR - A T
MADAGASCAR - A T
PAKISTAN - A T
**Employers - Employeurs - Empleadores**

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<tr>
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<td>-</td>
<td>A</td>
</tr>
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<td>-</td>
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<tr>
<td>Mr. SUPRIYANTO (Indonésie)</td>
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<td>Mr. CARVALHO (Venezuela)</td>
<td>S</td>
<td>Suppléant de Sr. DE ARBELOA</td>
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<td>Mr. ALLINI (Gabon)</td>
<td>-</td>
<td>T</td>
</tr>
<tr>
<td>M. KABBAJ (Maroc)</td>
<td>-</td>
<td>T</td>
</tr>
<tr>
<td>Mr. KARA (Israel)</td>
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<tr>
<td>Mme TSAMION (Gabon)</td>
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**Workers - Travailleurs - Trabajadores**

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<td>Mr. AL-SHABIBI (Oman)</td>
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<td>T</td>
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<tr>
<td>Mr. MATHESON (Australie)</td>
<td>T</td>
<td>A</td>
</tr>
<tr>
<td>M. PIERMATEI (Saint-Marin)</td>
<td>T</td>
<td>A</td>
</tr>
<tr>
<td>Mr. ZELLHOEFER (Etats-Unis)</td>
<td>A</td>
<td>T</td>
</tr>
<tr>
<td>M. AFILAL (Maroc)</td>
<td>T</td>
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</tr>
<tr>
<td>Mr. FISHMAN (Etats-Unis)</td>
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</tbody>
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1 T: Regular member / membre Titulaire / miembro titular
   A: Deputy member / membre adjoint / miembro adjunto
   S: Substitute member / membre suppléant / miembro suplente
   O: Observer member / membre observateur / miembro observador
FIFTH SUPPLEMENTARY REPORT

By virtue of the authority delegated to them by the Conference and the Committee, the Officers of the Selection Committee have taken the following decisions with effect from 5 June 2000.

Changes in the composition of committees

The Officers of the Selection Committee have approved the attached changes in the composition of committees.

COMMITTEE ON THE APPLICATION OF STANDARDS
COMMISSION DE L'APPLICATION DES NORMES
COMISIÓN DE APLICACIÓN DE NORMAS

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

M. OULD BRAHIM (Mauritanie) - A

COMMITTEE ON MATERNITY PROTECTION
COMMISSION DE LA PROTECTION DE LA MATERNITE
COMISIÓN DE LA PROTECCION DE LA MATERNIDAD

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

M. OULD MOHAMED (Mauritanie) - A

Governments - Gouvernements - Gobiernos

changer/change/cambiar

MAURITANIE A T

Workers - Travailleurs - Trabajadores

changer/change/cambiar

Mr. DE QUIROZ (Philippines) T A
Mme EZZOUMI (Maroc) T A
Ms. HOLLOWAY (Royaume-Uni) T A
Sr. LEGUIZAMÓN (Paraguay) T A
Mme NDIONGUE (Sénégal) T A
Mme SALAMATOU (Niger) T A

1 T: Regular member / membre Titulaire / miembro titular
   A: Deputy member / membre adjoint / miembro adjunto
   S: Substitute member / membre suppléant / miembro suplente
   O: Observer member / membre observateur / miembro observador

6-1/84
COMMITTEE ON HUMAN RESOURCES TRAINING AND DEVELOPMENT
COMMISSION DE LA MISE EN VALEUR DES RESSOURCES HUMAINES
COMISIÓN DEL DESARROLLO DE RECURSOS HUMANOS

Previous status    New status
Statut antérieur    Nouveau statut
Calidad anterior    Nueva calidad

Governments - Gouvernements - Gobiernos
changer/change/cambiar

MAURITANIE
A    T

Workers - Travailleurs - Trabajadores
add/ajouter/añadir

M. OULD BRAHIM (Mauritanie)
A

Mr. HONARI (République islamique d'Iran)
T    A

COMMITTEE ON SAFETY AND HEALTH IN AGRICULTURE
COMMISSION DE LA SÉCURITÉ ET SANTÉ DANS L'AGRICULTURE
COMISIÓN DE LA SEGURIDAD Y SALUD EN LA AGRICULTURA

Governments - Gouvernements - Gobiernos
add/ajouter/añadir

LIBERIA
-    T

Workers - Travailleurs - Trabajadores
add/ajouter/añadir

M. OULD BEYE (Mauritanie)
-    A

Mr. YOON (République de Corée)
T    A

Mr. HANSSON (Suède)
T

1 T: Regular member / membre Titulaire / miembro titular
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**Workers - Travailleurs - Trabajadores**

*add/ajouter/añadir*

M. OULD MOHAMED (Mauritanie)

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<th>T: Regular member / membre Titulaire / miembro titular</th>
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<tr>
<td>A: Deputy member / membre adjoint / miembro adjunto</td>
<td>O: Observer member / membre observateur / miembro observador</td>
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</table>
SIXTH SUPPLEMENTARY REPORT

By virtue of the authority delegated to them by the Conference and the Committee, the Officers of the Selection Committee have taken the following decisions with effect from 6 June 2000.

Changes in the composition of committees

The Officers of the Selection Committee have approved the attached changes in the composition of committees.

<table>
<thead>
<tr>
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<th>Governments - Gouvernements - Gobiernos</th>
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<td>JAMAHIRIYA ARABE LIBYENNE</td>
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<tr>
<td>Workers - Travailleurs - Trabajadores</td>
<td>Workers - Travailleurs - Trabajadores</td>
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<td>add/ajouter/añadir</td>
<td>add/ajouter/añadir</td>
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<tr>
<td>M. BINTOU'A-TSHIABOLA KATOMPA</td>
<td>M. BINTOU'A-TSHIABOLA KATOMPA</td>
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<tr>
<td>(République démocratique du Congo)</td>
<td>(République démocratique du Congo)</td>
</tr>
<tr>
<td>Ms. SOUPRAYEN-YORKS (Suriname)</td>
<td>Ms. SOUPRAYEN-YORKS (Suriname)</td>
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### COMMITTEE ON THE APPLICATION OF STANDARDS

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### COMMITTEE ON MATURENITY PROTECTION

<table>
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S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observador

6-1/89
Employers - Employeurs - Empleadores

add/ajouter/añadir

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<th>Name</th>
<th>Position</th>
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<tr>
<td>Sr. ALDAO ZAPIOLA (Argentina)</td>
<td>Suppléant de Sr. RIAL</td>
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<tr>
<td>Mr. DUNNE (Irlande)</td>
<td>A</td>
</tr>
<tr>
<td>Mr. FLOOD (Irlande)</td>
<td>Suppléant de Mr. DUNNE</td>
</tr>
<tr>
<td>Sr. HERNANDEZ (République dominicaine)</td>
<td>Suppléant de Sr. SADHALA DUMIT</td>
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changer/change/cambiar

<table>
<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Mr. BOLUKBASI (Turquie)</td>
<td>Suppléant de Mr. PIRLER</td>
</tr>
<tr>
<td>M. HAMADE (Liban)</td>
<td>A</td>
</tr>
<tr>
<td>Mr. HUMPHREY (Royaume-Uni)</td>
<td>Suppléant de Mr. LAMBERT</td>
</tr>
<tr>
<td>Mr. JOHNSON (Royaume-Uni)</td>
<td>Suppléant de Mr. LAMBERT</td>
</tr>
<tr>
<td>Mr. LAMBERT (Royaume-Uni)</td>
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<tr>
<td>Mr. PIRLER (Turquie)</td>
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delete/supprimer/suprimir

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<tr>
<td>M. BSAT (Liban)</td>
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<tr>
<td>Mr. HUSBANDS (Barbade)</td>
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Workers - Travailleurs - Trabajadores

add/ajouter/añadir

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<td>Sr. ASTURIZAGA (Bolivie)</td>
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<td>M. OUEDRAOGO (Burkina Faso)</td>
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</tr>
<tr>
<td>Sra. RODRIGUEZ (Colombie)</td>
<td>A</td>
</tr>
<tr>
<td>Ms. SOUPRAYEN-YORKS (Suriname)</td>
<td>T</td>
</tr>
<tr>
<td>Ms. WALSH (Etats-Unis)</td>
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changer/change/cambiar

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<td>Ms. ABDEL HADI (Egypte)</td>
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</tr>
<tr>
<td>Ms. BERESFORD (Nouvelle-Zélande)</td>
<td>A</td>
</tr>
<tr>
<td>Mme CARMO CISA (Portugal)</td>
<td>A</td>
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<tr>
<td>Ms. CHARALAMBOUS (Chypre)</td>
<td>A</td>
</tr>
<tr>
<td>Ms. HOY (Danemark)</td>
<td>A</td>
</tr>
<tr>
<td>Ms. LABINE (Canada)</td>
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<tr>
<td>Ms. LENOIR (Etats-Unis)</td>
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<tr>
<td>Ms. LUTZ (Autriche)</td>
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</tr>
<tr>
<td>Mr. MELENDEZ (Belize)</td>
<td>A</td>
</tr>
<tr>
<td>Mr. NCONGWANE (Swaziland)</td>
<td>A</td>
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<tr>
<td>Sra. RUIZ (Espagne)</td>
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COMMITTEE ON HUMAN RESOURCES TRAINING AND DEVELOPMENT
COMMISSION DE LA MISE EN VALEUR DES RESSOURCES HUMAINES
COMISIÓN DEL DESARROLLO DE RECURSOS HUMANOS

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

CONGO

changer/change/cambiar

JAMAHIRIYA ARABE LIBYENNE

Employers - Employeurs - Empleadores

add/ajouter/añadir

M. ALI ABBAS (Tchad)
M. AYANGMA (Cameroun)
M. SANZOUANGO (Cameroun)
Mr. VAN OMMEREN (Suriname)

changer/change/cambiar

M. ABDELKADER BELARBI (Maroc)
Mme ADOUKONOU (Bénin)
M. BELLO VAN ZELLER (Portugal)
Mr. BOTHA (Afrique du Sud)
M. BOUDHIM (Maroc)
M. CORREIA CUSTÓDIO (Portugal)
Mr. CSUPORT (Hongrie)
M. DA ROCHA NOVO (Portugal)
M. FERNANDES SALGUEIRO (Portugal)
M. GLELE (Bénin)
M. KOLLOU (Maroc)
Mr. LE (Viet Nam)
Mr. MAIMANE (Afrique du Sud)
M. PENA E COSTA (Portugal)
Mr. ROLEK (Hongrie)
M. SOARES DE SOUSA (Portugal)
Mr. SZIRMAI (Hongrie)
Mr. VU (Viet Nam)
Mr. WIMMER (Hongrie)

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O: Observer member / membre observateur / miembro observadore

6-1/91
Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. AGG (Hongrie) - A
Mr. DUANGRAT (Thaïlande) - A
Sr. LEMAITRE SALINAS (Chili) - A
M. MAGANGA IKAPI (Gabon) - A
Mr. NGUYEN (Viet Nam) - T
M. SOW (Mauritanie) - T
Mr. TÔTH (Hongrie) - A
M. TOURE (Guinée) - T

changer/change/cambiar

Mr. ALMAHFOODH (Bahreïn) T A
Sr. CASTRO (Venezuela) T A
M. KAFI CHERRAT (Maroc) T A
Mme PORTELA DA SILVA (Portugal) A T
Mr. VO (Viet Nam) T A
Mr. WA-MUSAMIA (Kenya) T A

delete/supprimer/suprimir

M. FERREIRA MARTINS (Portugal) T

COMMITTEE ON SAFETY AND HEALTH IN AGRICULTURE
COMMISSION DE LA SÉCURITÉ ET SANTÉ DANS L'AGRICULTURE
COMISIÓN DE LA SEGURIDAD Y SALUD EN LA AGRICULTURA

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Governments - Gouvernements - Gobiernos

add/ajouter/añadir

JAMAHIRIYA ARABE LIBYENNE - T

Employers - Employeurs - Empleadores

changer/change/cambiar

M. KABORE (Burkina Faso) S Suppléant de M. NACOULMA
M. NACOULMA (Burkina Faso) T A

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   O: Observer member / membre observateur / miembro observador

6-1/92
Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. CALIJA (Slovenie) - A
Ms. LENOIR (Etats-Unis) - A
Sr. VEGA OJEDA (Colombie) - A

RESOLUTIONS COMMITTEE
COMMISSION DES RÉSOLUTIONS
COMISIÓN DE RESOLUCIONES

Previous status  Statut antérieur
New status 1  Nouveau statut
Calidad anterior  Nueva calidad

Governments - Gouvernements - Gobiernos

changer/change/cambiar

JAMAHIRIYA ARABE LIBYENNE A T

Employers - Employeurs - Empleadores

add/ajouter/añadir

M. ALI ABBAS (Tchad) - A
changer/change/cambiar

Mr. MOORHEAD (Etats-Unis) T A
Mr. NILES (Etats-Unis) S Suppléant de Mr. MOORHEAD
Mr. POTTER (Etats-Unis) S Suppléant de Mr. MOORHEAD
Ms. WALKER (Etats-Unis) S Suppléant de Mr. MOORHEAD

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. CHRISTOV (Bulgarie) - T
Mr. HAMZEIE (République islamique d'Iran) - A
M. SOW (Mauritanie) - A
M. TOURE (Guinée) - A

1 T: Regular member / membre Titulaire / miembro titular
A: Deputy member / membre adjoint / miembro adjunto
S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observador
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<tr>
<td>Mr. PASHEV (Bulgarie)</td>
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1 T: Regular member / membre Titulaire / miembro titular
A: Deputy member / membre adjoint / miembro adjunto
S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observador
SEVENTH SUPPLEMENTARY REPORT

By virtue of the authority delegated to them by the Conference and the Committee, the Officers of the Selection Committee have taken the following decisions with effect from 7 June 2000.

Changes in the composition of committees

The Officers of the Selection Committee have approved the attached changes in the composition of committees.

| Governments - Gouvernements - Gobiernos | | | | |
|---|---|---|---|
| add/ajouter/añadir | | | |
| OUGANDA | - | T | |
| changer/change/cambiar | | | |
| ANGOLA | T | A | |

| Employers - Employeurs - Empleadores | | | | |
|---|---|---|---|
| add/ajouter/añadir | | | |
| Sr. ARTHUR ERRAZURIZ (Chili) | - | | |
| Sr. MOYA MARTÍN (Chili) | - | | |
| M. MYROSHNYCHENKO (Ukraine) | - | A | |
| M. PONOMAREV (Ukraine) | - | Suppléant de M. MYROSHNYCHENKO | |
| Sr. RIESCO SALVO (Chili) | - | A | |
| changer/change/cambiar | | | |
| M. ABDELKADER BELARBI (Maroc) | T | A | |
| Mr. BIRYUKOV (Fédération de Russie) | S | Suppléant de Mr. EREMEEV | |
| Mr. DEE (Philippines) | S | Suppléant de Mr. VARELA | |
| Mr. EREMEEV (Fédération de Russie) | T | A | |
| M. KETTANI (Maroc) | S | Suppléant de M. ABDELKADER BELARBI | |
| Mr. VARELA (Philippines) | T | A | |
| Mr. VORONOV (Fédération de Russie) | S | Suppléant de Mr. EREMEEV | |

| Workers - Travailleurs - Trabajadores | | | | |
|---|---|---|---|
| add/ajouter/añadir | | | |
| Sra. MARADIAGO (Colombie) | - | A | |
| Ms. MIDDLETON (Nouvelle-Zélande) | - | A | |
| M. OULD BEYE (Mauritanie) | - | A | |
| Sr. PEDRAZA BECERRA (Colombie) | - | A | |

1 T: Regular member / membre Titulaire / miembro titular
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O: Observer member / membre observateur / miembro observador
### Governments - Gouvernements - Gobiernos

**MALAWI**

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### Employers - Employeurs - Empleadores

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### Workers - Travailleurs - Trabajadores

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1 T: Regular member / membre Titulaire / miembro titular
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6-1/98
### Employers - Employeurs - Empleadores

**add/ajouter/añadir**

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<tr>
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**delete/supprimer/suprimir**

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<td>Mr. MAIMANE (Afrique du Sud)</td>
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### Workers - Travailleurs - Trabajadores

**changer/change/cambiar**

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<td>Mr. ALI (Soudan)</td>
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<td>M. ATTIGBE (Bénin)</td>
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<td>Ms. BALSINE (Lituanie)</td>
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<tr>
<td>Mr. COLE (Etats-Unis)</td>
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<td>Sr. DE LA PUENTE PEÑA (Chili)</td>
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<td>M. DIALLO (Sénégal)</td>
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<td>Mr. NGUYEN (Viet Nam)</td>
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<td>M. NTONDE DIBOTI (Cameroon)</td>
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<td>Mr. OLSZEWSKI (Pologne)</td>
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<td>M. PIERMATTEI (Saint-Marin)</td>
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<td>M. PONTIKOS (Grèce)</td>
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<td>Ms. VALKONEN (Finlande)</td>
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1 T: Regular member / membre Titulaire / miembro titular
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### Employers - Employeurs - Empleadores

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<td>Sr. ARTHUR ERRAZURIZ (Chili)</td>
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<td>Sr. BRUNA VARGAS (Chili)</td>
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<tr>
<td>Mr. MUSSANHANE (Mozambique)</td>
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### Workers - Travailleurs - Trabajadores

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<td>Mr. COLE (Etats-Unis)</td>
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<td>Ms. PILAVAKI (Chypre)</td>
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<td>Sr. VELOSO (Argentine)</td>
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<td>Sr. SOSA ARREOLA (Mexique)</td>
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<td>Mr. CALIJA (Slovénie)</td>
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RESOLUTIONS COMMITTEE
COMmission des résolutions
COMisión de resoluciones

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Governments - Gouvernements - Gobiernos

delete/supprimer/suprimir

AUSTRALIE T

Employers - Employeurs - Empleadores

add/ajouter/añadir

M. AÏT-AHCENE (Algérie) - Suppléant de M. MEGATELI

change/change/cambiar

Mr. HUTTUNEN (Finlande) S Suppléant de Mr. RISKI
M. MEGATELI (Algérie) T A
M. NAÏT-ABDELAZIZ (Algérie) S Suppléant de M. MEGATELI
Mr. RISKI (Finlande) T A
Mr. TABANI (Pakistan) T A
M. YOUSFI (Algérie) S Suppléant de M. MEGATELI

Workers - Travailleurs - Trabajadores

change/change/cambiar

Ms. BUVERUD PEDERSEN (Norvège) A T
M. MONTEIRO (Bénin) A T
Sr. PARRA GAONA (Paraguay) T A
Ms. PEDERSEN (Norvège) T A
Sr. ROSALES (Argentine) T A
Sr. RUEDA (Argentine) A T

1 T: Regular member / membre Titulaire / miembro titular
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6-1/101
EIGHTH SUPPLEMENTARY REPORT

By virtue of the authority delegated to them by the Conference and the Committee, the Officers of the Selection Committee have taken the following decisions with effect from 8 June 2000.

Changes in the composition of committees

The Officers of the Selection Committee have approved the attached changes in the composition of committees.

# COMMITTEE ON THE APPLICATION OF STANDARDS

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## Governments - Gouvernements - Gobiernos

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## Workers - Travailleurs - Trabajadores

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## COMMITTEE ON MATERNITY PROTECTION

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## Governments - Gouvernements - Gobiernos

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## Employers - Employeurs - Empleadores

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1 T: Regular member / membre Titulaire / miembro titular
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**Workers - Travaillleurs - Trabajadores**

**add/ajouter/añadir**

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**changer/change/cambiar**

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**delete/supprimer/suprimir**

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<td>Mme GOERGEN (Luxembourg)</td>
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### Employers - Employeurs - Empleadores

**Add/ajouter/añadir**

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**Changer/change/cambiar**

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### Workers - Travailleurs - Trabajadores

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<tr>
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1. **T**: Regular member / membre Titulaire / miembro titular  
   **A**: Deputy member / membre adjoint / miembro adjunto  
   **S**: Substitute member / membre suppléant / miembro suplente  
   **O**: Observer member / membre observateur / miembro observadore
Mr. AL-HAJRI (Arabie saoudite) T A
M. ATTIGBE (Bénin) A T
Mr. BODIN (Suède) T A
Mr. EFREMENKO (Fédération de Russie) T A
Ms. HAWKES (Royaume-Uni) T A
Mr. IMRITH (Maurice) T A
M. MALAM SOFFO (Niger) T A
Mr. MOTOPELA (Lesotho) T A
Mr. OLSEN (Norvège) T A
M. TOURE (Guinée) T A
Sr. VELASCO PEREZ (Mexique) T A
Mr. VIND (Danemark) T A

COMMITTEE ON SAFETY AND HEALTH IN AGRICULTURE
COMMISSION DE LA SÉCURITÉ ET SANTÉ DANS L’AGRICULTURE
COMISIÓN DE LA SEGURIDAD Y SALUD EN LA AGRICULTURA

Governments - Gouvernements - Gobiernos

delete/supprimer/suprimir

GABON T

Employers - Employeurs - Empleadores

add/ajouter/añadir

Ms. CHILEKWA (Zambie) - Suppléant de Mr. MUSANA
Sr. RICCI MUADI (Guatemala) - Suppléant de Sr. PRETI JORQUIN

change/change/cambiar

Mr. AGARWAL (Inde) S Suppléant de Mr. KOHLLI
Mr. KOHLLI (Inde) T A

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. DAUDE (Indonésie) - A
M. PANAGOPoulos (Grèce) - A
M. PAVLIDAKIS (Grèce) - A

1 T: Regular member / membre Titulaire / miembro titular
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RESOLUTIONS COMMITTEE
COMMISSION DES RÉSOLUTIONS
COMISIÓN DE RESOLUCIONES

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Employers - Employeurs - Empleadores

add/ajouter/añadir

Mr. BARAK (Israël) - Suppléant de Mr. GATTEGNO

change/change/cambiar

Mr. BOISSON (France) T A
Mr. CHUPRIKOV (Fédération de Russie) S Suppléant de Mr. EREMEEV
Mr. DJILANI (Tunisie) T A
Mr. EREMEEV (Fédération de Russie) T A
Mr. HAUSER (France) S Suppléant de Mr. BOISSON
Mr. LAWSON (Canada) T A
M. MKAISSE (Tunisie) S Suppléant de Mr. DJILANI
Mme ROILAND (France) S Suppléant de Mr. BOISSON
Mr. TOMCHIN (Fédération de Russie) S Suppléant de Mr. EREMEEV
Mr. TURNER (Canada) S Suppléant de Mr. LAWSON

delete/supprimer/suprimir

Mr. HILB (Israël) S

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

M. MAVRIKOS (Grèce) - A
Mr. ZILONI (Israël) - A

change/change/cambiar

M. ALLINI (Gabon) T A
Mr. GYÖRGY (Hongrie) T A
M. NAJDAH (Liban) T A
Sr. ROSALES (Argentine) A T
Sr. RUEDA (Argentine) T A

1 T: Regular member / membre Titulaire / miembro titular
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Mr. ABDUL HUSSAIN ABDULLA (Bahrein)  T

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6-1/110
NINTH SUPPLEMENTARY REPORT

By virtue of the authority delegated to them by the Conference and the Committee, the Officers of the Selection Committee have taken the following decisions with effect from 9 June 2000.

Changes in the composition of committees

The Officers of the Selection Committee have approved the attached changes in the composition of committees.

Geneva, 8 June 2000.
### Employers - Employeurs - Empleadores

**add/ajouter/añadir**

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<tr>
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### Workers - Travailleurs - Trabajadores

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### Employers - Employeurs - Empleadores

**add/ajouter/añadir**
- Mr. AL-MOUTLAK (Bahreïn)
- Mr. SHARIF (Bahreïn)

**changer/change/cambiar**
- Mr. MUSANA (Zambie)  
  T  A  
- Ms. NONDE (Zambie)  
  S  Suppléant de Mr. MUSANA

### Workers - Travailleurs - Trabajadores

**add/ajouter/añadir**
- M. FOFANA (Guinée)  
  T
- Ms. MRKWICKA (Irlande)  
  A

**changer/change/cambiar**
- Ms. BIJLEVELD (Pays-Bas)  
  T  A
- Ms. JOUNG (République de Corée)  
  T  A
- Mme MONRIQUE (France)  
  A  T
- Mme ROBERT (France)  
  T  A

**delete/supprimer/suprimir**
- Mme CARMO CISA (Portugal)  
  A
- Mr. GRINNIK (Fédération de Russie)  
  T

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### Workers - Travailleurs - Trabajadores

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<td>Sr. DEL RIO (République dominicaine)</td>
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<td>Ms. ZETTERVALL-THAPPER (Suède)</td>
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1 T: Regular member / membre Titulaire / miembro titular
A: Deputy member / membre adjoint / miembro adjunto
S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observador
Workers - Travailleurs - Trabajadores

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<td>Mr. ZAINAL (Malaisie)</td>
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O: Observer member / membre observateur / miembro observador
TENTH SUPPLEMENTARY REPORT

By virtue of the authority delegated to them by the Conference and the Committee, the Officers of the Selection Committee have taken the following decisions with effect from 10 June 2000.

Changes in the composition of committees

The Officers of the Selection Committee have approved the attached changes in the composition of committees.

Committee on the Application of Standards
Commission de l'application des normes
Comisión de aplicación de normas

Previous status  | New status
Statut antérieur | Nouveau statut
Calidad anterior | Nueva calidad

Employers - Employeurs - Empleadores

add/ajouter/añadir

M. BALBOUL (Liban) - A

changer/change/cambiar

M. ABDELLAOUI (Algérie)  S Suppléant de M. MEGATELI
Mr. AGYIRI (Ghana)  S Suppléant de Mr. AMPIAH
Mr. AMOASI-ANDOH (Ghana)  S Suppléant de Mr. AMPIAH
Mr. AMPIAH (Ghana)  T A
M. BENDRIS (Algérie)  S Suppléant de M. MEGATELI
M. BSAT (Liban)  S Suppléant de M. BALBOUL
M. CATAPANO (Italie)  S Suppléant de Mme SASSO MAZZUFFERI
Sr. DE LA CAVADA (Espagne)  S Suppléant de Sr. FERRER DUFOL
Mr. EBURAJOLO (Nigéria)  S Suppléant de Mr. OSHINOWO
Sr. EL BORAI (Egypte)  S Suppléant de Mr. MAZHAR
Sr. ESPAÑA SMITH (Bolivie)  T A
M. FERRARA (Italie)  S Suppléant de Mme SASSO MAZZUFFERI
Sr. FERRER DUFOL (Espagne)  T A
Sr. GONZALEZ VARGAS (Costa Rica)  T A
Sr. LACASA ASO (Espagne)  S Suppléant de Sr. FERRER DUFOL
Mr. LAMPTEY (Ghana)  S Suppléant de Mr. AMPIAH
Mr. LAWSON (Canada)  T A
M. MACCIO' (Italie)  S Suppléant de Mme SASSO MAZZUFFERI
Mr. MAZHAR (Egypte)  S A
M. MEGATELI (Algérie)  T A
Sr. MONTOYA MONTEALEGRE (Costa Rica)  S Suppléant de Sr. GONZALEZ VARGAS
Mr. NOAKES (Australie)  T A
Ms. O'BRIEN (Canada)  S Suppléant de Mr. LAWSON
Mr. OSHINOWO (Nigéria)  T A
Sr. PRETI JORQUIN (Guatemala)  T A
Sr. RICCI MUADI (Guatemala)  S Suppléant de Sr. PRETI JORQUIN
Mme SASSO MAZZUFFERI (Italie)  S Suppléant de Mr. MAZHAR
Mr. SCHOEBI (Egypte)  S Suppléant de Mme SASSO MAZZUFFERI
M. SCIARRI (Italie)  S

1 T: Regular member/membre Titulaire/miembro
A: Deputy member/membre adjoint/miembro
O: Observer member/membre observateur/miembro
COMMITTEE ON MATERNITY PROTECTION
COMMISSION DE LA PROTECTION DE LA MATERNITE
COMISIÓN DE LA PROTECCIÓN DE LA MATERNIDAD

**Previous status** | **New status**
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Statut antérieur | Nouveau statut
Calidad anterior | Nueva calidad

**Employers - Employeurs - Empleadores**

**add/ajouter/añadir**
- M. BALBOUL (Liban)

**changer/change/cambiar**
- M. BOISSON (France)
- Mr. DREESEN (Danemark)
- Mme FAUCHOIS (France)
- Sr. FERRER DUFOL (Espagne)
- Mr. HOFF (Norvège)
- Mr. HUNTJENS (Pays-Bas)
- Mr. LAURENTS (Danemark)
- Mr. MAZHAR (Egypte)
- Ms. OKUNGU (Kenya)
- Mr. OWUOR (Kenya)
- Mr. OYDÉGARD (Norvège)
- Mme ROLLAND (France)
- Mr. RONNEST (Danemark)
- Mr. SCHILDER (Danemark)
- Mr. STEENHOLM (Danemark)
- Sr. SUÁREZ SANTOS (Espagne)
- Ms. VAN HOOGSTRATEN (Pays-Bas)

**delete/supprimer/suprimir**
- M. HAMADE (Liban)

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1 T: Regular member / membre Titulaire / miembro
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A: Deputy member / membre adjoint / miembro
O: Observer member / membre observateur / miembro
Workers - Travailleurs - Trabajadores

Mme BRINCHI (Italie) T
Ms. HOLLOWAY (Royaume-Uni) A
Ms. HOY (Danemark) A
Ms. KIM (République de Corée) A
Mme ROBERT (France) A
Mme VAN PEBORGH (Belgique) T
Ms. VODOPYANOVA (Fédération de A

COMMITTEE ON HUMAN RESOURCES TRAINING AND DEVELOPMENT
COMMISSION DE LA MISE EN VALEUR DES RESSOURCES HUMAINES
COMISIÓN DEL DESARROLLO DE RECURSOS HUMANOS

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Governments - Gouvernements - Gobiernos

add/ajouter/añadir

TCHAD - T

Employers - Employeurs - Empleadores

add/ajouter/añadir

M. ANDRIANTSITOHAINA (Madagascar) A
M. BALBOUL (Liban) A
Mr. BERTRANDS (Lettonie) A
M. FLÔR (Cap-Vert) Suppléant de M. LOPES
M. LOPES (Cap-Vert) A
Mr. MAZHAR (Egypte) A
M. NGUB'SIM MPEY-NKA (République démocratique du Congo) Suppléant de M. MATENDA KYELU

1 T: Regular member / membre Titulaire / miembro
   A: Deputy member / membre adjoint / miembro
   S: Substitute member / membre suppléant / miembro
   O: Observer member / membre observateur / miembro

6-1/123
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<td>Suppléant de Mr. DAHLAN</td>
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<tr>
<td>Mr. ANAND</td>
<td>Inde</td>
<td>Suppléant de Mr. KOHLI</td>
</tr>
<tr>
<td>Mme ANDRIEU</td>
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<tr>
<td>M. BOISSON</td>
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<tr>
<td>M. BSAT</td>
<td>Liban</td>
<td>Suppléant de M. BALBOUL</td>
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<tr>
<td>Mr. DAHLAN</td>
<td>Arabie Saoudite</td>
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<tr>
<td>M. DUMONT</td>
<td>France</td>
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<td>Mr. ERNST</td>
<td>République tchèque</td>
<td>Suppléant de Mr. PRIOR</td>
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<td>Mr. HAKEEM</td>
<td>Inde</td>
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<tr>
<td>Mr. KABYEMERA</td>
<td>République-Unie de Tanzanie</td>
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<td>M. NZISABIRA</td>
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**Workers - Travailleurs - Trabajadores**

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<td>Sr. ZAVAŁA COSTA</td>
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1 T: Regular member / membre Titulaire / miembro
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COMMITTEE ON SAFETY AND HEALTH IN AGRICULTURE
COMMISSION DE LA SÉCURITÉ ET SANTÉ DANS L’AGRICULTURE
COMISIÓN DE LA SEGURIDAD Y SALUD EN LA AGRICULTURA

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### Employers - Employeurs - Empleadores

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<td>Mr. MAZHAR (Egypte)</td>
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### Workers - Travailleurs - Trabajadores

**changer/change/cambiar**

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<td>Ms. HEIKURA (Finlande)</td>
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<td>Mr. NYAIN (Libéria)</td>
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<td>Mr. ORBÁN (Hongrie)</td>
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6-1/125
### Employers - Employeurs - Empleadores

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**Employers - Employeurs - Empleadores**

*add/ajouter/añadir*

- M. FLÓR (Cap-Vert) - Suppléant de M. LOPES
- M. LOPES (Cap-Vert) - A

*changer/change/cambiar*

- M. BALBOUL (Liban) S T
- Mr. EL BORAI (Egypte) S T Suppléant de Mr. MAZHAR
- Mr. MAZHAR (Egypte) S A

**Workers - Travailleurs - Trabajadores**

*add/ajouter/añadir*

- M. NAJDAH (Liban) - T

*changer/change/cambiar*

- Mme BRUNEL (France) A T
- Mr. CHRISTOV (Bulgari) T A
- Sr. ROSALES (Argentina) T A
- Sr. RUEDA (Argentina) A T
- M. VERONESE (France) T A

*delete/supprimer/suprimir*

- Sr. DIAZ VARGAS (Mexique) T
- Mr. MALLON (Canada) T
- M. MONTEIRO (Bénin) T
- Mr. NAILI (Jamahiriya arabe libyenne) T
- M. PIZZAFERRI (Luxembourg) T
- M. SEYDOU (Niger) T
- Mr. SUDOL (Pologne) T

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O: Observer member / membre observateur / miembro
ELEVENTH SUPPLEMENTARY REPORT

By virtue of the authority delegated to them by the Conference and the Committee, the Officers of the Selection Committee have taken the following decisions with effect from 13 June 2000.

Changes in the composition of committees

The Officers of the Selection Committee have approved the attached changes in the composition of committees.

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<td>Calidad anterior</td>
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Workers - Travailleurs - Trabajadores

Add/ajouter/añadir

Mr. SITOLE (Swaziland) - T

COMMITTEE ON SAFETY AND HEALTH IN AGRICULTURE
COMMISSION DE LA SÉCURITÉ ET SANTÉ DANS L'AGRICULTURE
COMISIÓN DE LA SEGURIDAD Y SALUD EN LA AGRICULTURA

Workers - Travailleurs - Trabajadores

Change/change/cambiar

Mr. ALAR (Philippines)  T A
Mr. CHARLES (Seychelles)  T A
M. CHIESA (Italie)  A T
Mr. HAKANSSON (Suède)  A T
Mr. HAMZEIE (République islamique d'Iran)  T A
Mr. LUTCHMUN ROY (Maurice)  T A
Mr. PAJOBO (Ouganda)  A T
Mme SAMBA (Sénégal)  T A
Mr. SCHEIBE (Allemagne)  A T
Ms. WALSH (Etats-Unis)  A T

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O: Observer member / membre observateur / miembro observador
Reports of the Selection Committee

Second report

Withdrawal of Conventions Nos. 31, 46, 51, 61 and 66

Following a recommendation by the Selection Committee, the Conference decided, at its second sitting on Tuesday, 30 May 2000, to refer to the Selection Committee for examination and report, the seventh item on the agenda of the Conference: Withdrawal of the Hours of Work (Coal Mines) Convention, 1931 (No. 31); the Hours of Work (Coal Mines) Convention (Revised), 1935 (No. 46); the Reduction of Hours of Work (Public Works) Convention, 1936 (No. 51); the Reduction of Hours of Work (Textiles) Convention, 1937 (No. 61); and the Migration for Employment Convention, 1939 (No. 66).

The Selection Committee examined this question at its second sitting.

The Committee had before it Reports VII (1) and VII (2) prepared by the Office on this item.

In his introductory statement, the Chairperson recalled that, following an amendment to its Standing Orders in June 1997, in particular the adoption of article 45bis, the Conference was enabled to withdraw obsolete international labour Conventions which are not in force and obsolete Recommendations. A Convention or Recommendation is considered obsolete “if [it] appears that it has lost its purpose or that it no longer makes a useful contribution to attaining the objectives of the Organization”. The withdrawal of such instruments is intended to contribute to the rationalization of the standard-setting system of the International Labour Organization. Following examination by the Working Party on Policy regarding the Revision of Standards of the Committee on Legal Issues and International Labour Standards of the Governing Body, and in accordance with a recommendation by that Committee, the Governing Body decided by consensus at its 265th Session (March 1996) that Conventions Nos. 31, 46, 51, 61 and 66 were obsolete. As a result, the Governing Body decided at its 271st Session (March 1998) to place the question of the withdrawal of these Conventions on the agenda of the present session of the Conference.

On behalf of his group, the Workers' Vice-Chairperson expressed his support for the proposed conclusions set out in Report VII (2). He noted that the question of withdrawal of these Conventions had been thoroughly discussed by the Working Party on Policy regarding the Revision of Standards and that constituents had had ample opportunity to express their views in responding to the questionnaire. He recalled, however, that four of the Conventions at issue concerned the question of hours of work. While it was entirely appropriate to withdraw these particular instruments, he underscored that there was a need to consider the question of hours of work in the present changed world of work and in the context of new and emerging patterns of work in a general discussion at the Conference. Such a discussion, which should be held in the not too distant future, should examine possible ILO action in this field in order to avoid or limit the negative effects of increasing flexibility, notably in this area.

On behalf of the Employers' group, the Employers' Vice-Chairperson expressed his full agreement with the proposals to withdraw the five obsolete Conventions.

The Government member of France noted with pleasure the strong endorsement of the efforts of the Organization to modernize its standard-setting system. The withdrawal of these Conventions would be a historic event, since it was the first recognition that international labour Conventions could cease to exist and that some instruments did not serve the purpose they were intended to fulfil. In this context he recalled the words of the French author Montesquieu that useless laws weaken necessary laws.

The Committee approved, by consensus, the proposed conclusions in Report VII (2) for the withdrawal of Conventions Nos. 31, 46, 51, 61 and 66.

The Committee accordingly recommends to the Conference that it take the preliminary decision, referred to in paragraph 3 of article 45bis of the Standing Orders of the Conference, for the withdrawal of each of the aforementioned Conventions, in the following terms:

1. **Withdrawal of the Hours of Work (Coal Mines) Convention, 1931 (No. 31)**

   The General Conference of the International Labour Organization,

   Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 88th Session on 30 May 2000, and

   Following consideration of the proposal for the withdrawal of several international labour Conventions, which is the seventh item on the agenda of this session;

   decides to withdraw the Hours of Work (Coal Mines) Convention, 1931 (No. 31).

   The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the instrument.

2. **Withdrawal of the Hours of Work (Coal Mines) Convention (Revised), 1935 (No. 46)**

   The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 88th Session on 30 May 2000, and

Following consideration of the proposal for the withdrawal of several international labour Conventions, which is the seventh item on the agenda of this session;

decides to withdraw the Hours of Work (Coal Mines) Convention (Revised), 1935 (No. 46).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the instrument.

3. **Withdrawal of the Reduction of Hours of Work (Public Works) Convention, 1936 (No. 51)**

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 88th Session on 30 May 2000, and

Following consideration of the proposal for the withdrawal of several international labour Conventions, which is the seventh item on the agenda of this session;

decides to withdraw the Reduction of Hours of Work (Public Works) Convention, 1936 (No. 51).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the instrument.

4. **Withdrawal of the Reduction of Hours of Work (Textiles) Convention, 1937 (No. 61)**

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 88th Session on 30 May 2000, and

Following consideration of the proposal for the withdrawal of several international labour Conventions, which is the seventh item on the agenda of this session;

decides to withdraw the Reduction of Hours of Work (Textiles) Convention, 1937 (No. 61).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the instrument.

5. **Withdrawal of the Migration for Employment Convention, 1939 (No. 66)**

The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 88th Session on 30 May 2000, and

Following consideration of the proposal for the withdrawal of several international labour Conventions, which is the seventh item on the agenda of this session;

decides to withdraw the Migration for Employment Convention, 1939 (No. 66).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the instrument.

WITHDRAWAL OF THE HOURS OF WORK (COAL MINES) CONVENTION, 1931 (No. 31)

RETRAIT DE LA CONVENTION (N° 31)
SUR LA DURÉE DU TRAVAIL (MINES DE CHARBON), 1931
WITHDRAWAL OF THE HOURS OF WORK
(COAL MINES) CONVENTION, 1931 (No. 31)

The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the
International Labour Office, and having met in its 88th Session on
30 May 2000, and
Following consideration of the proposal for the withdrawal of several
international labour Conventions, which is the seventh item on the
agenda of this session;
decides this fifteenth day of June of the year two thousand to withdraw the Hours
of Work (Coal Mines) Convention, 1931 (No. 31).

The Director-General of the International Labour Office shall notify all
Members of the International Labour Organization as well as the Secretary-
General of the United Nations of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally
authoritative.
RETRAIT DE LA CONVENTION (N° 31) 
SUR LA DURÉE DU TRAVAIL (MINES DE CHARBON), 1931

La Conférence générale de l'Organisation internationale du Travail,
Convoquée à Genève par le Conseil d'administration du Bureau 
international du Travail, et s'y étant réunie le 30 mai 2000, en sa 
quatre-vingt-huitième session,
Après avoir examiné une proposition de retrait de plusieurs conventions 
internationales du travail, question qui constitue le septième point à 
l'ordre du jour de la session,
décide, ce quinzième jour de juin deux mille, le retrait de la convention (n° 31) 
sur la durée du travail (mines de charbon), 1931.

Le Directeur général du Bureau international du Travail notifiera à tous les 
Membres de l'Organisation internationale du Travail ainsi qu'au Secrétaire 

Les versions française et anglaise du texte de la présente décision font 
également foi.
WITHDRAWAL OF THE HOURS OF WORK (COAL MINES) CONVENTION (REVISED), 1935 (No. 46)

RETRAIT DE LA CONVENTION (N° 46) (RÉVISÉE) SUR LA DURÉE DU TRAVAIL (MINES DE CHARBON), 1935
WITHDRAWAL OF THE HOURS OF WORK (COAL MINES) CONVENTION (REVISED), 1935 (No. 46)

The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 88th Session on 30 May 2000, and
Following consideration of the proposal for the withdrawal of several international labour Conventions, which is the seventh item on the agenda of this session;
declares this fifteenth day of June of the year two thousand to withdraw the Hours of Work (Coal Mines) Convention (Revised), 1935 (No. 46).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.
RETRAIT DE LA CONVENTION (N° 46) (RÉVISÉE) SUR LA DURÉE DU TRAVAIL (MINES DE CHARBON), 1935

La Conférence générale de l'Organisation internationale du Travail,
Convoquée à Genève par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 30 mai 2000, en sa quatre-vingt-huitième session,
Après avoir examiné une proposition de retrait de plusieurs conventions internationales du travail, question qui constitue le septième point à l'ordre du jour de la session,
décide, ce quinzième jour de juin deux mille, le retrait de la convention (n° 46) (révisée) sur la durée du travail (mines de charbon), 1935.


Les versions française et anglaise du texte de la présente décision font également foi.
WITHDRAWAL OF THE REDUCTION OF HOURS OF WORK
(PUBLIC WORKS) CONVENTION, 1936 (No. 51)

RETRAIT DE LA CONVENTION (N° 51) DE RÉDUCTION
DE LA DURÉE DU TRAVAIL (TRAVAUX PUBLICS), 1936
WITHDRAWAL OF THE REDUCTION OF HOURS OF WORK
(PUBLIC WORKS) CONVENTION, 1936 (No. 51)

The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the
International Labour Office, and having met in its 88th Session on
30 May 2000, and
Following consideration of the proposal for the withdrawal of several
international labour Conventions, which is the seventh item on the
agenda of this session;
decides this fifteenth day of June of the year two thousand to withdraw the
Reduction of Hours of Work (Public Works) Convention, 1936 (No. 51).

The Director-General of the International Labour Office shall notify all
Members of the International Labour Organization as well as the Secretary-
General of the United Nations of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally
authoritative.
RETRAIT DE LA CONVENTION (N° 51) DE LA RÉDUCTION DE LA DURÉE DU TRAVAIL (TRAVAUX PUBLICS), 1936

La Conférence générale de l’Organisation internationale du Travail,
Convoquée à Genève par le Conseil d’administration du Bureau international du Travail, et s’y étant réunie le 30 mai 2000, en sa quatre-vingt-huitième session,

Après avoir examiné une proposition de retrait de plusieurs conventions internationales du travail, question qui constitue le septième point à l’ordre du jour de la session,

décide, ce quinzième jour de juin deux mille, le retrait de la convention (n° 51) de réduction de la durée du travail (travaux publics), 1936.


Les versions française et anglaise du texte de la présente décision font également foi.
WITHDRAWAL OF THE REDUCTION OF HOURS OF WORK (TEXTILES) CONVENTION, 1937 (No. 61)

RETRAIT DE LA CONVENTION (№ 61) DE RÉDUCTION DE LA DURÉE DU TRAVAIL (TEXTILE), 1937
WITHDRAWAL OF THE REDUCTION OF HOURS OF WORK (TEXTILES) CONVENTION, 1937 (No. 61)

The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 88th Session on 30 May 2000, and
Following consideration of the proposal for the withdrawal of several international labour Conventions, which is the seventh item on the agenda of this session;
decides this fifteenth day of June of the year two thousand to withdraw the Reduction of Hours of Work (Textiles) Convention, 1937 (No. 61).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.
RETRAIT DE LA CONVENTION (N° 61) DE RÉDUCTION DE LA DURÉE DU TRAVAIL (TEXTILE), 1937

La Conférence générale de l’Organisation internationale du Travail,
Convoquée à Genève par le Conseil d’administration du Bureau international du Travail, et s’y étant réunie le 30 mai 2000, en sa quatre-vingt-huitième session,

Après avoir examiné une proposition de retrait de plusieurs conventions internationales du travail, question qui constitue le septième point à l’ordre du jour de la session,

décide, ce quinzième jour de juin deux mille, le retrait de la convention (n° 61) de réduction de la durée du travail (textile), 1937.


Les versions française et anglaise du texte de la présente décision font également foi.
WITHDRAWAL OF THE MIGRATION FOR EMPLOYMENT CONVENTION, 1939 (No. 66)

RETRAIT DE LA CONVENTION (N° 66)
SUR LES TRAVAILLEURS MIGRANTS, 1939
WITHDRAWAL OF THE MIGRATION FOR EMPLOYMENT
CONVENTION, 1939 (No. 66)

The General Conference of the International Labour Organization,
Having been convened in Geneva by the Governing Body of the
International Labour Office, and having met in its 88th Session on
30 May 2000, and
Following consideration of the proposal for the withdrawal of several
international labour Conventions, which is the seventh item on the
agenda of this session;

decides this fifteenth day of June of the year two thousand to withdraw the
Migration for Employment Convention, 1939 (No. 66).

The Director-General of the International Labour Office shall notify all
Members of the International Labour Organization as well as the Secretary-
General of the United Nations of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally
authoritative.
RETRAIT DE LA CONVENTION (N° 66)
SUR LES TRAVAILLEURS MIGRANTS, 1939

La Conférence générale de l'Organisation internationale du Travail,
Convoquée à Genève par le Conseil d'administration du Bureau
international du Travail, et s'y étant réunie le 30 mai 2000, en sa
quatre-vingt-huitième session,

Après avoir examiné une proposition de retrait de plusieurs conventions
internationales du travail, question qui constitue le septième point à
l'ordre du jour de la session,

décide, ce quinzième jour de juin deux mille, le retrait de la convention (n° 66)
sur les travailleurs migrants, 1939.

Le Directeur général du Bureau international du Travail notifiera à tous les
Membres de l'Organisation internationale du Travail ainsi qu'au Secrétaire

Les versions française et anglaise du texte de la présente décision font
également foi.
Reports of the Selection Committee

THIRD REPORT

Consideration of the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations with a view to formal confirmation by the ILO

Following a recommendation by the Selection Committee, the Conference decided, at its second sitting on Tuesday 30 May 2000, to refer to the Selection Committee for examination and report, the proposal by the Governing Body that the Conference consider the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations with a view to the deposit of an act of formal confirmation by the ILO.

The Selection Committee examined this question at its third sitting. The Committee had before it Provisional Record No. 5.

The Selection Committee recommends that the Conference adopt the following draft resolution, the text of which was proposed by the Governing Body at its 276th Session (November 1999):

The International Labour Conference,

Noting that the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, adopted under the aegis of the United Nations on 21 March 1986, was signed on behalf of the International Labour Organization on 31 March 1987 pursuant to Article 82(c) of that Convention,

Having considered and approved the provisions of that Convention;

Authorizes the Director-General to deposit, on behalf of the International Labour Organization, an act of formal confirmation of the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, pursuant to its Article 83.

The full text of the Convention may be found in Appendix II to Provisional Record No. 5.

Eighth item on the agenda: Measures recommended by the Governing Body under article 33 of the Constitution – Implementation of recommendations contained in the report of the Commission of Inquiry entitled *Forced Labour in Myanmar (Burma)*

Fourth report of the Selection Committee

1. In accordance with the decision of the Conference at its second sitting (30 May 2000, *Provisional Record* No. 6-1(Add.1)), the Selection Committee met on 7 June to decide how it would proceed in its examination of this item. It then met on 8 and 9 June to consider the item in detail. The Government of Myanmar took part in these meetings without the right to vote.

2. The Committee had before it (*Provisional Record* No. 4) a document describing the background to the Governing Body's decision at its 277th (March 2000) Session to include this item on the agenda of the present session of the Conference, including various points of information and in particular the resolution adopted on that occasion by the Governing Body. That resolution contains the measures recommended to this Conference.

3. The Committee also had before it (*Provisional Record* No. 8) the report of the ILO technical cooperation mission to Myanmar which took place from 23 to 27 May 2000, which included (Appendix 2) the text of a communication dated 27 May from the Minister of Labour of Myanmar to the Director-General of the ILO.

4. At its 7 June meeting, the Committee decided to invite members of the Committee to hand to the secretariat any written proposals they might wish to make in relation to this item. The 8 June meeting would then begin with a general discussion of the documents before the Committee, which might first lead to explanations or information from members concerning such proposals and presentation of them to the Committee, but without discussion of their substance. Any proposals received would then be discussed in a second phase of the Committee's proceedings.

General discussion

5. At the 8 June meeting, the Chairperson indicated that one proposal had been submitted the previous day and duly distributed to the Committee. An extract from the Governing Body resolution containing the measures it had proposed to the Conference had also been circulated. He reminded the Committee that no decisions would be taken during the current sitting, which was for a general discussion only.
6. Mr. Brett (Workers’ delegate, United Kingdom; Worker Vice-Chairperson of the Committee) said that there would be no value added in discussing the contents of Provisional Record No. 4, which contained all of the relevant background information, because its contents had been the subject of extensive previous discussion and were familiar to all. What must now be considered was the conclusions of the technical cooperation mission in Provisional Record No. 8, along with the response of the Burmese Government in the form of a letter to the Director-General of the ILO dated 27 May 2000.

7. He offered his congratulations to the mission for a scrupulously fair report. He raised two questions for which his group sought full and frank responses. What did the ILO mission seek? What, in turn, did it receive? The mission sought concrete, specific, tangible, precise, and credible measures to implement the recommendations of the Commission of Inquiry as set out in paragraph 539 of the report and reproduced in Provisional Record No. 4. These were clear words to remind the Burmese authorities of what is required of them to fulfil their now long-standing obligation to the Commission and its findings. The mission had received an absolute denial from all, including at the highest level, that forced labour even existed. The Colonel who was the Home Minister “denied there are any such practices”. Referring to forced labour, the Minister of Foreign Affairs “rejected the accusations of forced labour” and again at the highest level, when the ILO Mission met Secretary-1, he acknowledged that while forced labour might have been used in the past, it had ceased before the ILO report had been completed.

8. The only tangible result of the mission was the letter to the Director-General presented by the Burmese authorities to the ILO mission upon its departure, and reproduced in Provisional Record No. 8. Accordingly the Committee needed to test that letter against the recommendations of the Commission of Inquiry, and the Governing Body resolution before the Committee. Were there concrete, specific, tangible, precise and credible actions taken to implement the Commission of Inquiry’s recommendations? There were three points of substance in the letter of 27 May 2000. The first was that the Government of Burma expressed the hope that it had demonstrated its sincerity in the efforts to resolve the issue of “allegations” of forced labour. The Commission of Inquiry had established the truth of the previous allegations, which now ceased to be allegations and rather became confirmed facts.

9. The second substantive point was the claim that Burma “has taken and is taking the measures to ensure that there are no instances of forced labour in that country”. The Workers’ group considered that proof was non-existent. Burma had not taken the administrative and legal action required to satisfy the conclusions of the Commission of Inquiry. Finally, the letter from the Burmese Government said, “Allow me to say that Myanmar would take into consideration appropriate measures ...”. This could not be construed in any way as a binding commitment; rather, the words had the effect of underlining that such a consideration, placed in the future tense, could not be considered by any retrospective examination as being a binding commitment to the acceptance of any legal, executive or administrative course of action. The Government maintained that there was no problem in the first place. While they might wish to continue technical cooperation, they were still rejecting the Commission of Inquiry’s findings.

10. Mr. Brett reminded the Committee that the requirement of the mission was clear, “as the sole object of such a mission would be to provide direct assistance to implement immediately the recommendation of the Commission of Inquiry under the terms of the resolution adopted on this subject by the ILO as its 87th Session (1999)”. The judgement of the present Committee had to be that even now the Government remained in total dereliction of the obligations under Convention No. 29 and in defiance of the Commission of Inquiry, the ILO Governing Body and the resolution of the 1999 International Labour
Conference. The Workers’ group therefore called for the passing of the Governing Body resolution in toto, along with an explanatory resolution of the Conference, and asked the Conference to endorse all of the points therein.

11. Mr. Thüsing (Employers’ delegate, Germany, speaking on behalf of the Employers’ group) stated that the Employers had not submitted any form of resolution because they wanted to keep the deliberations open, in the hope that the final result could be supported by everyone. He believed that the task before the Committee was not and should not be a confrontational one, and that no form of antagonism should be displayed against any country, including the Government of Myanmar. The Workers’ Vice-Chairperson had already described the background to the discussion. Convention No. 29 had been ratified by Burma-Myanmar. There was a complaints procedure which had been followed. The Commission had filed a report containing recommendations. This was a regular procedure, and it was the duty of the Office and all concerned to do everything in their power to ensure that these recommendations were complied with – no less and no more.

12. The Governing Body had discussed the report of the Commission of Inquiry in November within the regular procedure. It had taken considerable trouble in March to produce a resolution addressed to the Conference, with recommendations based on article 33 of the Constitution. It was a very extensive decision, but one which the Governing Body had considered very carefully. The Committee must now discuss the resolution of the Governing Body, a task which was assigned by the International Labour Conference. The considerations which would motivate the Employers in their decision were fully consistent with the stance which the group had taken throughout the procedure, in particular in connection with the resolution adopted at the 1999 session of the Conference. The foremost principle which would guide the Employers was that the ILO must remain true to its objectives and be credible in going about attaining them. If the ILO failed in this, it would risk losing its raison d'être and its political significance.

13. The Employers supported the recommendations of the Governing Body at the time, but the decision was now whether to act on them, and the Conference must base itself on what is happening today. If the circumstances today were different, the recommendations of the Governing Body might not necessarily be correct. The report in Provisional Record No. 8 was very careful and serious and was worthy of serious consideration, as was the Government’s letter of 27 May. The latter showed some degree of change which necessitated a fresh look at the Governing Body’s recommendations. Though Mr. Brett thought the situation in Myanmar had not changed, there were different ways to evaluate the situation. The report should be read in the context in which it was generated: the Government had for the first time participated openly in the talks. In the past, the Government maintained there was no problem, or that there had once been a problem and steps had already been taken to solve it. The minister’s letter at least recognized that certain measures still need to be taken. This was a change on a point of principle. How significant was this change? In such a serious matter, the Employers wanted to recognize even slight change.

14. As for credibility, the past had been discouraging, and the reaction of the Government had not been conducive to building trust. Surely this was in contradiction to the spirit in which the ILO usually approaches problems. Aims could be achieved only through working together. The basis of all work here must be trust, perhaps giving the benefit of the doubt: only then would it be possible to arrive at truly constructive solutions and enjoy the support of all. One could be sceptical but test the trust later. There were good reasons to doubt the justification for developing such trust in the current context, but that should not prevent the building of constructive approaches, and the Employers must favour such a development.
15. The Employers' group did not favour deferring the matter until November 2000, as this would in effect defer the decision until June 2001, because the Governing Body cannot itself take decisions under article 33 of the Constitution. On the other hand, it would not be wise to adopt and implement all of the recommendations out of a sense of obligation. The Committee did not have enough trust for the first alternative, or enough distrust for the second. A solution must be found somewhere between the two poles. The Committee must investigate each measure and adopt only those with which it felt comfortable. A little more time could be allowed because, as stated by the Workers' group, everything did not have to be done immediately. A lot of the recommendations contained in the conclusions of the mission report in Provisional Record No. 8 could be fulfilled between now and November, with the support of the ILO and the full cooperation of the Government. If something were left undone for solid technical reasons, surely a framework could be created with Myanmar and the ILO for its successful completion. The Employers would like to follow the recommendations of the Governing Body and decide on one or several of the measures recommended, so that the Conference could adopt its own resolution. The Conference could decide that an implementation plan for the measures decided by the Conference would be decided in November. That would give the Governing Body in November the flexibility to assess the situation and on the basis of that assessment decide whether the measures must be implemented or not. If there were good reasons, it could defer a decision until after November. This would leave open the way towards a good faith solution.

16. The Chairperson noted that the representative of the Government of Myanmar should have the right to be heard on the present matter, although Myanmar was not a Member of the Committee.

17. The representative of the Government of Myanmar noted that the responsibilities of the Committee were onerous and the challenges before it daunting, since it had a task unprecedented in the history of the ILO. It was the first time in 80 years that article 33 might be invoked against a Member that had voluntarily, and in good faith, become a party to an important ILO Convention. Such course of action would be unfair and unjustified, particularly when Myanmar had demonstrated its willingness to cooperate with the Organization to resolve outstanding issues. The invocation of article 33 was unprecedented and would create a dangerous legal precedent. Its application to Myanmar would create a legal precedent without the support of legal authority or commentary.

18. In the view of the representative of the Government of Myanmar, legal analysis showed that the application of article 33 was a dangerous precedent not only for Myanmar but for all member States. First, article 33 could be interpreted to have wide-sweeping powers namely "the Governing Body may recommend to the Conference such action as it may deem wise and expedient to secure compliance therewith". One need only look at the recommendations that the Governing Body had made to the Conference to note how sweeping they were. No authority or commentary existed. This could lead to unfair and unjust measures and sanctions. If such measures and sanctions were applied, their application could form a precedent by itself and thus be a legal yardstick against other states. Second, drastic measures and sanctions were contrary to the spirit of the ILO Constitution as mentioned in its preamble and their legal competence was questionable: only the United Nations Security Council had the legal competence to adopt political and economic sanctions under the Law of International Institutions. Third, it would be a double penalty: the 87th Session of the Conference had already adopted a resolution for the cessation of ILO technical assistance to Myanmar and prohibiting any invitation to it to attend meetings, symposia and seminars organized by the ILO. This was the first penalty, and even in domestic law double penalties were not permissible. Fourth, the facts of the case showed that Myanmar had acted in absolute good faith. Its promulgation of Order No. 1/99 barred exercise of the offending provisions of the Village Act and Towns Act of
1907, putting domestic legalisation in line with Convention No. 29. In receiving the ILO Technical Cooperation Mission, Myanmar had proved its good faith wish to comply with the Convention in cooperation with the ILO. If domestic law could grant the benefit of the doubt, why could the ILO not give the benefit of good faith to a member State? Such good faith of Myanmar did not deserve the application of article 33.

19. The Government representative observed that some might contend that the Governing Body had made the recommendations and there was no turning back from applying article 33. But, the ILO and indeed this Committee were masters of their own house and they could accept, reject or defer the recommendations should circumstances warrant it. Others might say that the Selection Committee was composed of the members of the Governing Body and therefore should go along with its recommendations; but the Selection Committee was legally speaking a separate entity and its locus standi was different from that of the Governing Body. More importantly, events had overtaken the recommendations and measures envisaged against Myanmar under article 33 were not now justified, prudent or necessary.

20. The Government representative said the report of the technical cooperation mission underscored that the Myanmar Government authorities fully honoured their commitment to give the mission the necessary freedom of action to make contacts. The responsible officials of the Ministries of Labour, Home Affairs, Foreign Affairs and the Offices of the Attorney-General and the Supreme Court had explained the steps taken by Myanmar under its legal system to bring its domestic legislation in line with Convention No. 29 and had taken practical measures to comply with the recommendations of the Commission of Inquiry. The mission had met Secretary-1 of the State Peace and Development Council as well as the Ministers of Labour, Home and Foreign Affairs. That the mission was received by Myanmar’s leadership underscored the seriousness with which the Myanmar side viewed the importance of promoting cooperation and dialogue with the ILO. The mission had sought from the Government tangible proof of its intentions and before its departure from Yangon was given a letter from the Minister of Labour to the Director-General of the ILO in which he stressed the fact that Myanmar had taken and was taking necessary measures to ensure that there were no instances of forced labour in the country. The Director-General of the ILO was assured that Myanmar would take into consideration appropriate measures including, administrative, executive and legislative measures, to ensure the prevention of such occurrences in the future. The minister also requested the Director-General of ILO to continue the process of consultation and technical cooperation within the framework of the ILO’s recommendations. Myanmar had shown the political will to comply fully with Convention No. 29 in law and in practice, as shown by the mission report and the letter from the Minister of Labour. Myanmar wanted to cooperate with the ILO to ensure that there were no instances of forced labour in the future. As stated by the Minister of Labour, Myanmar would take into consideration appropriate measures – administrative, executive and legislative – to ensure the prevention of such occurrences in the future. The mission had provided the breakthrough that both the ILO and the Myanmar side desired. It provided Myanmar with a golden opportunity to choose the path of cooperation – a path that would see the full implementation of the Convention, both in law and in practice. Myanmar was resolute in its desire to promote the cause of labour, including the full implementation of the Convention. At the same time Myanmar, as a sovereign nation, was equally resolute to protect its national interest and the interests of its citizens. This cooperative approach was the main thrust of the draft resolution in the form of an amendment tabled by ASEAN States Members of the Selection Committee. Myanmar fully supported this draft resolution.
21. On a point of order, Mr. Brett noted that the only item under discussion was the text containing the Governing Body's recommendations. The Chairperson requested the Government representative to confine his remarks to that text.

22. The Government representative of Myanmar said cooperation was the approach and the main thrust of his presentation. He asked the Committee to walk away from the path of confrontation and set aside the weapons of sanction. They were neither justified nor necessary. He suggested that members choose instead the path of cooperation and assured the Committee that they would find in Myanmar a resolute partner in the common desire to promote the cause of labour. The text of the draft resolution did not reflect this spirit. This text invoking article 33 of the ILO Constitution to impose sanctions upon Myanmar was totally unacceptable.

23. The representative of the Government of the United States noted that the question before the Committee was clear: whether or not to proceed with the recommendations of the March Governing Body relating to seeking the implementation of the Commission of Inquiry's recommendations that would lead to a cessation of forced labour in Burma. Since the Commission of Inquiry in July 1998, every effort had been made to ensure the appropriateness of the path taken. In February, the Director-General had confirmed that forced labour had not ceased in Burma. The representative of the Government of the United States read two paragraphs of his statement contained in Provisional Record No. 4 and stated that the Government representative of Burma in the Governing Body had said that Burma had totally rejected the 1999 resolution and the Commission of Inquiry's report. Burma had rejected the findings of the Committee on the Application of Standards and the Committee on Freedom of Association since 1988. It refused to accept the findings of the Commission of Inquiry and dissociated itself from the activities and the effects derived therefrom. The Government of Burma said that this was not an extreme case, but this was belied by paragraph 535 and the final paragraph of the Commission of Inquiry's report. Since the Commission of Inquiry's recommendations, a last-minute invitation of unclear phrasing was sent to the ILO and the Director-General agreed to undertake a mission, no doubt with a view to exhausting all possible efforts. Four ministers of the Government – Labour, Interior, Foreign Affairs and Secretary 1 – had denied the existence of forced labour and only disagreed as to whether it might have ever existed. Mr. Brett had effectively proved that a last-minute letter was in substance nothing more that a softer version of previous Burmese failures to accept the findings and recommendations of the Commission of Inquiry. The issue was a difficult one but not one that allowed the Committee to look away. To believe that a letter constituted sufficient action to obviate the need to move forward on the recommendations of the Governing Body was not credible. No matter how difficult or how grave the matter, the Committee should proceed to put forward these recommendations to the Conference and ask for their adoption.

24. The representative of the Government of Portugal indicated he spoke on behalf of the member countries of the European Union and underlined that the EU considered that grave violations of human rights were systematically committed in Burma-Myanmar and the Government of Myanmar had taken no steps towards democracy or national reconciliation. In response, the EU had taken restrictive measures since 1996 and these had been recently enhanced. The EU had also taken several initiatives within the United Nations system to denounce these violations and persuade the Government to take concrete measures to end these violations of fundamental rights, particularly those relating to forced labour. The recent ILO technical cooperation mission produced a balanced and constructive report. Three matters were still in issue: first, the continuity of the practice of forced labour in Myanmar; second, the ways and means of solving the problem were and had always been in the hands of the Burmese authorities; and third, no significant progress had been made to implement the recommendations of the Commission of Inquiry. Therefore, the EU
believed that specific and clear measures under article 33 should be adopted by this Committee and by this Conference.

25. The representative of the Government of Japan noted that the issue of forced labour in Myanmar deserved the serious attention of the international community. His Government commended the attempts of the ILO to improve labour standards in that country, and urged the ILO to carry through its efforts in the spirit of dialogue and cooperation. It welcomed the positive response of the Government and the final dispatch of an ILO technical mission. The fact that the Government had received the mission for the first time was clear proof of its sincerity. The report of the mission showed that there were differences of views between the two parties but the mission provided the starting point from which the two parties could take the next step through technical cooperation. It would be counterproductive to adopt the ultimate measures immediately after the Government had demonstrated its sincerity. The burgeoning bud of possible dialogue must be seen in full bloom. A clear commitment of the Government to compliance with the recommendations was also indispensable. The Government should continue constructive dialogue with the ILO so that improvements could be seen without delay.

26. The representative of the Government of India emphasized that India was strongly opposed to the practice of forced labour, which was prohibited in her country. She advocated the path of dialogue and cooperation between the ILO and the Government of Myanmar. The report of the ILO technical cooperation mission showed the Government fully honoured its commitment to give the mission the necessary freedom of action to make contacts, and it had had meetings at the highest echelons of government. In his letter of 27 May, the Minister of Labour stated that Myanmar had taken and was taking the necessary measures to ensure that there were no instances of forced labour and would take into consideration appropriate measures, including administrative, executive and legislative measures to ensure the prevention of such occurrences in the future. The mission was assured that any forced labour practised would be dealt with and punishable in accordance with law and Myanmar had shown its openness to continue the process of consultation and cooperation to resolve the matter. Article 33 was an extreme provision and should be used with the utmost caution. Punitive measures could be counterproductive. The process of dialogue and cooperation initiated by the recent mission should be carried forward and consideration of the present matter deferred. Dialogue and cooperation between the ILO and the Government of Myanmar should continue.

27. The representative of the Government of New Zealand deplored the use of forced labour. There had been little cooperation from the Government of Myanmar to comply with the Commission. Considering the seriousness of the findings of the Commission of Inquiry, its recommendations should be given due consideration and prompt action. She thanked the technical cooperation mission for its excellent report: her Government supported the recommendation to adopt a comprehensive framework of legislative, executive and administrative measures to halt all practices of forced labour in Myanmar.

28. The representative of the Government of Switzerland supported the Governing Body resolution before the Conference and was in favour of a firm and consistent position. The ILO must apply its own rules, without which it would lose credibility. Only recourse to specific measures to ensure the execution of the recommendations of the Commission of Inquiry had provoked a reaction on the part of the Burmese authorities. The resolution was an adequate means of obtaining the Government's fulfilment of its obligations. In particular, recourse to article 33 was legitimate and not out of proportion.

29. The representative of the Government of Canada expressed satisfaction that Burma had agreed to the ILO mission, although it would have been preferable if it had taken place
earlier in the year. The report of the mission was very thorough, balanced and fair, in part because the mission was allowed freedom of action during the visit. Her Government was gravely concerned about the situation in Burma. As a Member of the ILO which had ratified specific Conventions, Burma had voluntarily undertaken a number of obligations, including not to use forced or compulsory labour. After years of discussion about allegations, the Commission of Inquiry made several recommendations which Burma had not taken any real and practical steps to implement. Article 33 was included in the ILO Constitution to deal with serious and extreme situations, and this was one of them.

30. The representative of the Government of Italy shared the view of the Government representative of Portugal, speaking on behalf of the EU members. The Italian Minister of Labour had already called for measures to be taken, and he did so after having considered the approach of the Commission of Inquiry. As the situation in Myanmar with respect to human rights, particular in respect to forced labour, was very serious, Italy considered that strict measures should be taken.

31. The representative of the Government of Malaysia, speaking on behalf of the Governments of Indonesia and the Philippines (and supported by the Governments of Cambodia, Laos, Singapore and Viet Nam, which were not members of the Committee) continued to remain preoccupied with the question of observance by Myanmar of Convention No. 29 which the Governing Body of the ILO has decided to place on the agenda of the 88th Session of the Conference. At the Fourteenth ASEAN Labour Ministers meeting held on 11 and 12 May 2000 in Manila, the Ministers had discussed this matter constructively, welcomed the invitation by the Government of Myanmar for the ILO technical cooperation mission to visit Yangon, and strongly urged on the ILO that this mission take place. On behalf of the above countries, he expressed sincere appreciation to the Director-General and the members of the technical team for their efforts. The visit and the report by the mission marked important progress in efforts to engage the Government in Myanmar in resolving the issue of forced labour in their country. The willingness and sincerity demonstrated by the Government of Myanmar to cooperate in resolving this issue was a good way forward and should be taken fully into account. The Government had gone out of its way to facilitate the technical teams meeting with as many personalities as possible both within and outside the Government, including the diplomatic community, to enable the team to have an objective view of the situation. The Committee should take into account this goodwill and openness in determining the way forward and finding an amicable resolution of the matter. More effective and pragmatic means could be found to resolve these issues through cooperation rather than resorting to drastic measures, which might have far-reaching ramifications, and therefore could seriously undermine all of the efforts taken thus far to resolve the matter. The Committee should build upon the important progress achieved by the technical mission, work with the Government of Myanmar on a comprehensive framework for the elimination of the practice of forced labour, and refrain from applying measures under article 33 of the ILO Constitution. He referred to the proposal by the Governments for which he spoke, which he strongly believed merited the serious attention of the Committee in view of the latest positive developments.

32. On a point of order, Mr. Brett indicated that the matters before the Committee were the Governing Body's recommendations and the report of the mission, including the Government's letter of 27 May. He was concerned that the procedure followed in relation to article 33 of the Constitution should be correct, and he therefore sought the Legal Adviser's opinion. The Legal Adviser stated that at the present time the only text before the Committee was that containing the Governing Body's recommendations; however, as the Chairperson had ruled, other proposals might be presented, but during the general discussion their substance could not be discussed and at this stage they would not be moved. Mr. Thüising emphasized that the present general discussion should be open to all
views being expressed in the Committee, so that more concrete steps could be considered at the following meeting of the Committee.

33. The Chairperson reaffirmed that the general discussion was now on the text of the Governing Body’s recommendations. Following the Committee’s initial invitation for proposals to be handed in, only one was received: this could be presented now but not debated formally, which might occur at the next stage of the Committee’s work.

34. The Government representative of Brazil underlined the indications of change and the Myanmar delegation’s evidence of willingness to engage in dialogue with the ILO. He stressed that the Conference was not obliged to adopt all the measures and could also adopt additional texts. It would be excessive to adopt all the measures proposed by the Governing Body. A consensus solution should be found. The Government’s letter in Appendix 2 of Provisional Record No. 8 was not perhaps sufficient to highlight this progress.

35. The representative of the Government of Pakistan said that her country had ratified Convention No. 29 and was opposed to forced labour anywhere in the world. Today Myanmar was willing to work with the ILO to take concrete measures to deal with the problem of forced labour, even though it had rejected earlier Governing Body recommendations. The mission report in Provisional Record No. 8 had been drafted in such a manner that it could be interpreted in different ways. For example, the last paragraph on page 8/6, “... the Minister stressed that the Government had already demonstrated its commitment and would endeavour to take the necessary action in the light of what the mission had requested”, could be read to be positive on the part of the Government. The Employers’ group said that we must ask ourselves if the situation in Myanmar had changed and if therefore the position of the Governing Body was still appropriate. In her view, the situation had changed: the Government recently accepted the visit by the technical cooperation mission and gave complete freedom of action to the technical team. She supported those speakers who had stated that invoking article 33 was an extreme position, but agreed with the Japanese Government that, now that Myanmar had welcomed the mission, it would not be appropriate for the Conference to adopt the Governing Body’s recommendations. Would it not be better through cooperation to help eliminate forced labour, rather than to bring punitive action? The path of “punitive action” was endorsed by those who recall that a “sanctions approach” worked in the case of apartheid. But, for apartheid, it took decades of sanctions to work and remove that scourge. Myanmar was willing to work with the international community today. The ILO should enable Myanmar to remove any remnants of forced labour now through cooperative action. The mission had provided an opening for technical assistance, as stated by the Government representative of Japan, and she strongly urged the Government to work with the ILO and the international community.

36. The representative of the Government of Denmark said that neither the report of the ILO technical cooperation mission, nor the letter from the Minister of Labour, nor even the explanation of the representative of the Government of Myanmar had convinced his Government that things in Myanmar had changed. Therefore, his Government continued to support the resolution put forward by the Governing Body.

37. The representative of the Government of Sudan said that the application of Conventions of the ILO was paramount. Through further technical cooperation the Government could draw up a legal framework with the assistance of the Office to enable Myanmar to carry out the recommendations of the mission. The Government had made explicit its intention to cooperate with the ILO. This technical cooperation should be pursued in accordance with the conclusions of the mission report in Provisional Record No. 8. A report on the
further technical assistance should be presented to the November 2000 meeting of the Governing Body. Article 33 was an extreme provision and if there were any other measures available for solving the problem they should be examined. This provision could be returned to if all other measures failed.

38. The representative of the Government of Cuba said that the principal aim of the ILO was to persuade the Government of Myanmar to respond positively to the recommendations of the Commission of Inquiry. The statements made by the representative of that Government should be taken into account. No importance should be given to coercive measures, and they would be unacceptable. The application of an ILO Convention was a matter within this Organization's competency, and the majority of Members had reiterated their rejection of any application of sanctions. One of the strategic objectives of the ILO was to strengthen social dialogue, and economic and political coercive measures ran counter to that fundamental objective. The ILO had to deal with labour standards within the framework of its own procedures, and involving other organizations was not part of its mandate – particularly when Members of the ILO had constitutionally accepted and assumed obligations relating to the ratification of an ILO Convention. The measures discussed in the Committee went beyond the Constitution and were therefore improper, since article 33 did not authorize the adoption of simply any measure without limitation. All Members should reflect on the dangers of creating a precedent when using coercive measures or other actions outside the procedures of the ILO. Moreover, the situation had changed since the adoption of the Governing Body's recommendations. There had been progress in Myanmar and this should be taken into account by the Committee.

39. The representative of the Government of the United Kingdom supported the statement of the representative of the Government of Portugal, which set out the political context of the debate, the measures taken by the EU and the EU countries' position. The United Kingdom minister had mentioned Burma in her statement in the plenary. Provisional Record No. 4 and Provisional Record No. 8 made it clear that the Government of Burma had not taken action to end forced labour. The supporters of Burma mentioned that the mission was granted freedom of movement and had met Burmese officials; however, the question was not whether the Government was prepared to talk to the ILO, but rather whether steps had been taken to implement the recommendations of the Commission of Inquiry. There was nothing in the mission report to suggest that they had: indeed, the Director-General's Report to the March Governing Body had made it clear that the Towns and Villages Acts were not amended; the possibility of forced labour was not excluded and it continued to be imposed; and there were no penal sanctions for its imposition. The technical cooperation mission had also made it clear that the tools were in the hands of the regime. He shared the Workers' analysis that the promises in the minister's letter to the Director-General of the ILO were not sufficient to justify postponing action. A promise for the future was not enough. Article 33 was an extreme measure, but the Organization had exhausted all other possible measures. This was a precedent, but a good precedent which showed that governments could not show contempt for the Organization as Burma had done. Other governments were unlikely to find themselves in the same position as Burma.

40. The representative of the Government of China took note of the progress in the application of Convention No. 29 achieved between the ILO and Myanmar. The technical cooperation mission had commenced a dialogue. Sanctions or punishment would not be good to settle the issue. In view of the cooperation between the ILO and Myanmar, and the progress achieved, the basis on which the Governing Body had made its recommendations had undergone some change and the extreme measures of article 33 were no longer appropriate.

41. The Committee closed its general discussion.
Consideration of written proposals

42. The representative of the Government of Malaysia, on behalf also of the representatives of the Governments of Indonesia and the Philippines (and announcing the support of the Governments of Cambodia, Laos, Singapore, Thailand and Viet Nam, which were not members of the Committee) proposed the replacement of the measures under article 33 of the ILO Constitution recommended by the Governing Body at its 277th Session by a recommendation to the Conference to adopt the following resolution:

Draft resolution

The International Labour Conference,

Reaffirming the purposes and principles of the Constitution of the International Labour Organization,

Reaffirming that all member States have an obligation to apply fully, in law and in practice, the Conventions that they voluntarily ratified,

Taking note of the recommendations of the Governing Body at its 277th Session,

Welcoming the visit and the report of the technical cooperation mission as contained in Provisional Record No. 8 dated 2 June 2000,

Taking note of the letter of the Minister of Labour of the Union of Myanmar dated 27 May 2000 affirming that the Government of Myanmar has taken and is taking necessary measures to ensure that there are no instances of forced labour in Myanmar and would take into consideration appropriate measures, including administrative, executive and legislative measures, to ensure the prevention of such occurrences in the future,

1. Decides to defer consideration of the measures under article 33 of the Constitution recommended to the Conference by the Governing Body at its 277th Session and requests the Governing Body to review the recommended measures at its next session in the light of new developments and any progress that has been achieved with respect to the observance by the Government of Myanmar of commitments to the ILO in compliance with Convention No. 29,

2. Invites the Director General of the ILO, with a view to assisting the Government of Myanmar in its effort to resolve the question, to send follow-up missions to Myanmar to work out, together with the Government of Myanmar, a comprehensive framework of legislative, executive and administrative measures including measures to ensure that there are no instances of forced labour in Myanmar in the future,

3. Invites the Government of Myanmar and the Director General of the ILO to continue their cooperation in this regard,

4. Decides to review the progress on the implementation of this resolution at the 89th Session of the International Labour Conference.

43. The Committee noted that this was the only text proposed in this part of its discussion.

44. Mr. Brett observed that the proposal before the Committee was to make a wholesale substitution.
45. The Committee considered the manner in which to proceed in the light of this proposal, the delicate nature of the matter and the need for reflection and consultation. The Chairperson in particular proposed to undertake consultations with members of the Committee, taking account of the positions of different groups and the desirability of achieving a consensus. Consultations should take in as wide-ranging opinions as possible within this context. He invited Committee members from the different groups or regional coordinators to meet him in the course of the next day so that the way forward might be made clearer.

Consideration of a draft resolution

46. When the Committee reconvened on 9 June, the Chairperson noted that the consultations had confirmed that there appeared to be three different positions among members of the Committee. One did not accept the recommendations of Governing Body. Another believed that the ELO must take a strong decision, because it was intolerable to let the situation in Myanmar continue unabated with people living the consequences of forced labour. A third thought that Myanmar should be allowed to correct the current state of affairs: although a decision under article 33 of the Constitution could be taken only by the Conference, implementation of that decision could be suspended for a time, so that Myanmar would understand that the forced labour problem must be decisively resolved. In this light, the Chairperson had prepared a draft resolution for the Committee’s consideration (see appendix to the present report). Fully recognizing that the text would not entirely reflect any one of the three positions, the Chairperson wished to submit it for discussion and possible approval by the Committee.

47. Following a short recess, Mr. Brett emphasized that the clear majority of the Committee was opposed to a delay in implementing the recommendations of the Governing Body, and other Committee members also wanted urgent action from the Government of Myanmar. The Employer members appeared to be looking for middle ground between opposite poles. The Workers did not share the optimism of others that a delay would bring significant improvement; nor did they view the measures proposed by the Governing Body as hasty, given that the problem of forced labour in Myanmar had been before the Conference since 1996. No action would be taken under the Chairperson’s draft resolution until 1 December 2000. This was a very important decision. The credibility of the ILO had reached a crisis point in its 80 year history because of those who refused to accept the findings of the Commission of Inquiry, change laws and end forced labour. The Workers wanted to proceed with the implementation of article 33. Some said that regardless of any measures taken, the Government of Myanmar would not change their actions; others said that failure to take action immediately would simply confirm that the ILO was not the proper place for such a discussion because the ILO was simply a talking shop and the matter should more properly be put before the World Trade Organization. He thanked the Chairperson for the suggested compromise text which had attempted to reconcile differing views. In this compromise text, the Committee would appease those who want to take action under article 33 but would also respond to the views of Government members who wanted to give Myanmar additional time. Accordingly, the Workers accepted the text, and although they might have several queries, they would offer no amendments. They hoped that other Members would not offer amendments either, otherwise this last chance might slip away. Therefore, the Workers would join a consensus on the Chairperson’s draft resolution and appealed to others to agree.

48. Mr. Thüsing thanked the Chairperson for his efforts in producing the proposal. He hoped that this text would contribute to the Committee’s efforts to find a positive solution supported by all. The Employers’ group joined all members of the Committee in their firm conviction that the recommendations of the Commission of Inquiry must be accepted and followed by the Government of Myanmar. He noted that there were not only different
approaches in the Committee on how best to accomplish this but there were even different views within the Employers’ group. His group recognized that the Chairperson’s text took a middle view among different, opposing views. It was important to have a full airing of all views. The Employers were convinced that it was important to produce a final text, even if it did not satisfy everyone’s views, otherwise the Conference would end without a solution and undermine the ILO’s international standing.

49. The representative of the Government of the Philippines stressed that members from the ASEAN group had submitted an alternative proposal in an attempt to reach a compromise solution. They had asked for open-ended consultations but those that had taken place resembled a one-way conversation rather than open consultations. He had been informed that other groups did not want to let their views be known. He had wanted transparent, open-ended discussions not only on the proposal submitted by the Chairperson but on all proposals submitted to the Committee. He again urged the Committee to hold open-ended consultations on all proposals, including the ASEAN proposal.

50. Mr. Thüising indicated that the Employers’ group could not accept the ASEAN members’ proposal. The Employers sought a middle way and had sympathy for the Chairperson’s attempts to find middle ground.

51. Mr. Brett considered that the majority of the Committee was not prepared to accept a delay in implementing the recommendations of the Governing Body and that the ASEAN members’ proposal was premised on total delay.

52. The representative of the Government of Malaysia recognized the views of both the Workers’ and Employers’ groups, but emphasized that the Committee must find a middle ground. The recommendations, on behalf of several ASEAN countries, submitted by his Government had been a good basis. The proposal from the Chairperson was far from the expectations of his Government and many members of the Committee, and consultations with the various groups and with capitals were needed. He agreed with the representative of the Government of the Philippines that open-ended consultations must now take place.

53. Mr. Brett stated that this was the ILO, not the UN General Assembly, and such consultations were not the practice here. Retarding the discussion cannot be appropriate in a Committee where half of the members – the Employers and Workers – were agreed to go ahead without delay.

54. The representative of the Government of Canada said that no compromise could ever be perfect, and her Government had serious reservations about parts of the Chairperson’s proposal. Canada wanted to take a very firm line and adopt the recommendations of the Governing Body. However, at this stage, and in a spirit of compromise, her Government accepted the text prepared by the Chairperson. She expressed hope that Burma would take positive advantage of the additional time given to them in implementing the recommendations of the Commission of Inquiry. It was understood that paragraph 3 of the text referred to the November 2000 Governing Body.

55. The representative of the Government of Portugal said that it would not be possible to satisfy all delegations with a consensus paper. There continued to be forced labour in Burma and it must be stopped. Burma had refused for five years, so the right solution would be to apply immediately article 33. On the other hand, he was aware of the efforts which had been made and the appeal by the Worker members. Perhaps one could wait until November 2000 to begin to apply this article. However, the Governing Body would then have to assess the situation, based on clear, specific and accurate data which should be made available in a report to be submitted to it.
56. The representative of the Government of Myanmar regretted that the text of the Chairperson’s draft resolution did not reflect the spirit of the Organization. Use of article 33 was totally unsuitable and would negate all the gains of the technical cooperation mission. A way forward could be achieved through continued technical cooperation between the ILO and Myanmar. The mission had opened the door to the resolution of issues, and it was to be hoped that the ILO would not now slam the door shut.

57. The representative of the Government of the United Kingdom agreed with the statement of the Government representative of Portugal. The preferred position of the United Kingdom would be the immediate implementation of article 33. This was the will of the Governing Body and it had very widespread support. In the interest of compromise, his Government was willing to support a text which covered the middle ground. There were aspects which gave him some difficulty, but, in the interest of consensus, he would not propose amendments. It was his understanding that the Director-General would have to produce a report to the November 2000 Governing Body, outlining whether or not the Burmese regime had met the targets identified in the technical cooperation mission’s report. In paragraph 3 of the consensus paper, there were actually two ideas. The first idea was that technical assistance should be provided to the Government of Burma between now and November to help them fulfil the recommendations of the mission indicated in the conclusion of its report: the same conditions should be guaranteed for such technical assistance as were assured to the first mission, e.g. full freedom of movement and access to all sections of Burmese society. Ideally, then, the second idea – a sustained ILO presence – should be in a separate paragraph, and could be dealt with after November. However, he was prepared to accept the present draft, which covered both points.

58. The representative of the Government of Japan stated that at this very important juncture the Committee should proceed with all due deliberation. During the March Governing Body the Japanese delegation raised its objections to the recommendations by the Governing Body and its position still remained. As a point of philosophy, the Government had long been aware that the issue of forced labour in Myanmar was a grave one. The aim was to eliminate forced labour in Myanmar and not to isolate the Government in international forums. Implementation of what is written in the text might actually shut Myanmar out of international forums and dialogue and not achieve the real target of eliminating forced labour. The easiest way to achieve this target would be to work through dialogue with the Government of Myanmar. While he much appreciated the efforts of the Chairperson, the contents of the draft were too harsh. His Government was not ready to approve in principle the items from (a) to (e) listed, some of which would be far too harsh and counterproductive to the goal of achieving the eradication of forced labour. He requested time to consult within the groups and with capitals.

59. The representative of the Government of the Russian Federation wished to have procedural and technical matters clarified. The United Kingdom Government representative had spoken of some “understandings” of the submitted text, thus starting to interpret it: those were the understandings of his own delegation and of certain other delegations, but not the unanimous opinion of the Committee. He asked whether the proposed text of the draft resolution had been already tabled for discussion: if so, his delegation was ready to propose certain amendments. He further stressed that, if the Committee was really moving towards a consensus, then the two previous interventions did not lead in the right direction.

60. The representative of the Government of India said that substantive comments on the Chairperson’s text must await consultations within the groups, as stated by other Governments, and instructions from capitals. He was at that stage only in a position to give preliminary views on the Chairperson’s text. The visit of the ILO technical mission to Myanmar had been a positive development. The desirability of punitive measures was
questionable. To take a few points, paragraph 1(b) seemed to impose certain decisions on
governments. He agreed with the Government representative of Japan that one must be
clear as to whether the aim was to end forced labour in Myanmar or to isolate the country.
His Government did not agree with punitive measures and was instead supportive of the
approach outlined by the delegate of Malaysia on behalf of a certain number of countries.
He emphasized the need for additional time for reflection and consulting the capitals and
also to explore the possibility of consensus.

61. The representative of the Government of Malaysia suggested that given the different points
of view, the Committee needed to reflect very carefully on the Chairperson’s text. A few
delergations had substantive difficulties with the text, and in particular with paragraphs 1(c)
and 1(d) and operative paragraph 2. In his delegation’s view, paragraphs 1(c) and
especially 1(d) were inappropriate. How could the matter be submitted to ECOSOC when
it was not clear what actions had to be taken by the Government of Myanmar as yet. It was
not clear how a measurement of Governing Body satisfaction could be found in this
context. A more pragmatic approach, cooperation with Myanmar, and a consensual
approach to find an acceptable text was the way forward. He asked the Chairperson for a
ruling on his earlier proposal that discussions be conducted in a more transparent fashion
and open-ended consultations be undertaken to resolve the matter.

62. The Chairperson indicated that consensus was not the same as unanimity. Contrary
opinions had been expressed, but a number of members were in favour of the text and
some had even suggested not introducing any amendments.

63. The representative of the Government of the United States thanked the Chairperson for
undertaking this difficult responsibility. He was frustrated that the Committee was not
proceeding directly on the Governing Body’s recommendations, but that a new proposal
had to be considered. Some delegates had expressed the view that the Chairperson’s
proposal is too harsh. In order to understand the true significance of the word “harsh”, he
referred again to the contents of the report of the Commission of Inquiry. The report of the
Commission of Inquiry and the facts in Burma were harsh, not the Chairperson’s proposal
before the Committee. Some delegates had also expressed the view that the Committee
should not be too hasty. The matter had been before the Conference since 1996 and the
Commission of Inquiry had found that gross violations of human rights had been occurring
in Burma particularly since 1988, to the extent that the only escape for some of the people
of Burma was fleeing the country. Consequently, the Chairperson’s proposal could not at
all be viewed as “hasty”. Some delegations might prefer to continue deliberating so that no
action was taken against Burma at the Conference. His delegation would not prevent the
taking of action, even if it was not fully satisfactory. He would not support delaying tactics
in any way. The Committee had been told by some delegations that dialogue was
preferable to the proposal before it. The report of the technical cooperation mission
reflected an exchange of views with generals, that were ministers, who said that there was
no forced labour in Burma; the officials only disagreed on whether forced labour had ever
existed before. In addition, the Committee had heard comments of the Burmese
representative and this was a vivid illustration of the kind of cooperation which could be
expected from that Government in the future. The Committee also heard some delegations
express concern that the Chairperson’s proposal had uncertainties about it. If the
Committee was uncertain, a very simple option was to vote on the original set of
Governing Body recommendations.

64. Mr. Thüising stressed that all Committee members agreed that a peaceful solution of the
situation in Myanmar was the principal objective. There were three main actors: the
Committee, the people of Myanmar who have the problem of forced labour, and the
Government of Myanmar. The Committee could propose that implementation of the
Governing Body’s recommendations could be delayed. In any event the recommendations of the Commission of Inquiry could only be implemented with the Government’s cooperation. If the Government of Myanmar harboured good will, it could not reject a decision of this Committee. As a procedural matter, he suggested that the Committee air views and then have a break for group consultations. If the Committee was to take a decision on the basis of the Chairperson’s paper, he joined the Workers’ group in suggesting that members limit amendments. Otherwise no headway would be made.

65. The representative of the Government of Pakistan thanked the Chairperson for undertaking consultations and producing a draft but expressed disappointment that her delegation’s views seemed not to have been taken into account. The Government of Myanmar had shown some movement in dealing with the issue. Since this cooperation had been forthcoming and circumstances had changed, the decision of the March Governing Body should be modified. Her Government could not support the adoption of punitive sanctions under article 33 of the ILO Constitution. She agreed with the Employers’ representative that the Committee should follow an agreed approach but this approach must be on the basis of middle ground; the middle ground should be sought between the immediate implementation of the Governing Body decision and the alternative view that Myanmar’s cooperation should be taken into account. The middle ground was not between immediate action and delayed action. Some argued that a Committee decision was not hasty because the matter had been before the Conference since 1996. This question should be set aside. The primordial question was whether the Committee’s decision would serve the people of Myanmar, those who were allegedly undergoing forced labour. It would not, because the cooperation of the Government of Myanmar was critical to fixing the problem. Her delegation strongly supported the suggestion of the representative of the Government of Malaysia that the Committee work with the Chairperson’s text to find a middle ground. Since she had just received a copy of the text, a decision could not be reached in half an hour, as capitals needed to be consulted. The issue was far too critical to take a decision during an evening session.

66. The representative of the Government of South Africa stated that she had the mandate of the African group, but since the new text had been presented she could not commit her group to any position at this stage. She had to consult them and she needed more time.

67. The representative of the Government of Malaysia emphasized the actions taken by the Government of Myanmar since the last Governing Body meeting. The Committee had to agree that indeed actions had been taken. There was a certain movement forward, and the Committee had received assurance from the Government that this would continue. The Committee must be objective and pragmatic in dealing with this issue. The good will shown by the Government would have to be recognized. More time must be given so that the members of the Committee could make a more objective analysis of the text and find the middle ground which all parties were seeking but which seemed elusive. He referred to the statement made by the representative of the Government of South Africa as an indication that more time was needed to consult.

68. The representative of the Government of New Zealand stressed that due to the seriousness of this issue the ILO must take prompt action. In the interest of trying to reach a consensus, her Government could accept the compromise proposal put forward by the Chairperson.

69. Mr. Brett wondered why the Government members were insisting on soundings within their groups or with their capitals. All of the information before the Committee had been available for a long time. The Committee had decided to take a break in order to carry on these consultations. This was an attempt to reach a consensus, not a fictional middle ground. The Government of Myanmar was to be given five months to do what they
promised. There were in fact no new elements in the Chairperson's proposals necessitating any new consultations. In the absence of consensus, the alternative was simply to revert to the Governing Body's recommendations, as the representative of the United States Government had suggested. Then the ground which Myanmar had gained in the compromise text would be lost.

70. The representative of the Government of Indonesia stated that the good will of all parties concerned was necessary to get past the main obstacles to a solution to forced labour in Myanmar. The ILO must give Myanmar the chance to address its problems. He disagreed with the argument that the credibility of the ILO would be at stake if immediate punitive measures were not put into place. The question for the future would be whether in fact punitive measures would definitely and effectively bring about the abolition of forced labour. Paragraph 1(b), (c) and (d) of the proposed text were unacceptable.

71. The representative of the Government of France stated that the situation was serious and, for the credibility of the Organization, the ILO must not abstain from action. Article 33 was precisely the tool required to put an end to the situation described by the Commission of Inquiry. She had listened to all of the arguments brought forward by the Government delegates, including the need for more time. France was ready to adopt the compromise text, and the new deadline of 30 November 2000 seemed sufficient for concerted action, given the good will of the Government of Myanmar.

72. The representative of the Government of Japan addressed the issue of credibility. The purpose of the ILO and its high standing needed to be promoted further. There seemed to be a comparison, whether intentional or not, between the WTO and the ILO. While the WTO had sanction measures which were being implemented all the time, the ILO, an international organization of high standing, did not have means equivalent to what exists in the framework of the WTO. When talking about punitive measures, comparison with the WTO was not really relevant because putting Myanmar into isolation would not necessarily bring an end to forced labour – whereas in the WTO, for example, sanctions to prevent dumping immediately addressed the cause of the problem. Sanctions in the ILO would bring an end to dialogue, which, however, must be the only way to know the situation inside the country and the only way of trying to persuade the Government to comply with Convention No. 29. While the WTO was gaining more momentum, partly because of its sanctional measures, the ILO should be more prudent about applying the same formula when trying to redress labour issues.

73. The representative of the Government of Sudan stated that the Committee must endeavour to implement the recommendations of the Commission of Inquiry, but at the same time to have a dialogue with Myanmar. This dialogue had now commenced with the mission which visited that country. The text before the Committee tried to reach a solution by continued technical cooperation with this country in order to carry out the recommendations of the Commission of Inquiry. However, this was not justified because it repeated the same recommendations as the Commission, while at the same time limiting technical cooperation by setting a deadline. This was not an adequate way of enabling a demonstration of good will. His Government would prefer a text that was more balanced and satisfactory to everyone.

74. Mr. Brett stated that it was not enough for the ILO to be an organization of high standing. The question was how long it could retain that status in the light of the matter before them. The Commission of Inquiry, which had cost US$1.2 million and comprised three highly respected international jurists, had not provoked any action from the Government by May 1999 as had been required, and one could take little comfort from the letter dated 27 May 2000. Myanmar must accept the recommendations of the Commission of Inquiry.
Provisional Record No. 4, Appendix 1, reproduced the Conference decision a year ago “that the attitude and behaviour of the Government of Myanmar are grossly incompatible with the conditions and principles governing membership of the Organization”. The Committee could nevertheless decide to offer another five months to the Government to live up to what it said it would do. This displayed greater credibility on the part of the ILO than Myanmar had displayed for its part. Dialogue was denied for the better part of five years. Failing this compromise, the high standing of the ILO would be damaged within the United Nations system and there would be greater pressure from those who said that the matter should be taken to the WTO instead. He asked for an immediate vote on the draft resolution of the Chairperson, or a vote on the original Governing Body proposal.

75. The Chairperson reminded the Committee that consensus did not mean unanimity. Mr. Thüsing had asked the Committee to adopt the Chairperson’s text for final discussion in the Conference. The Government of Malaysia had insisted on the text which it submitted the previous day. Since the draft resolution coming from the Chairperson was an attempt at conciliation, the Committee could decide either on consensus or by a vote whether to adopt it.

76. Mr. Thüsing preferred the Committee to reach a consensus on the Chairperson’s draft, even though not everyone agreed with the entire text, rather than having to bring the decision to a vote. He called for a recess to give the groups time to consider their positions.

77. The representative of the Government of Malaysia reminded the Committee that he had made a proposal on behalf of several countries. The Committee must also take into account the position of the Government representative of South Africa who had no means of contacting her group during this session. He could not agree with the implementation of punitive measures and thus he could not agree with the Chairperson’s draft resolution.

78. Mr. Brett considered that the Government member of Malaysia represented a minority view. It was not shared by the Employers or the Workers and therefore there could be no consensus around the text proposed by Malaysia. He supported the Employers’ proposal that the Committee take a break. If the Workers and Employers and a large number of Governments agreed, then the Chairperson’s text could be adopted by consensus. Mr. Thüsing reminded the Committee that the Selection Committee is not made up of groups in the usual sense of the word. Each member of the Selection Committee is appointed as an individual and can therefore express himself or herself and vote as an individual. This would be another reason why group consultations were unnecessary. Mr. Brett agreed, but noted that it was also important to have a consensus in the regional groupings of the Conference.

79. After a recess for further consultations, Mr. Thüsing expressed the Employers’ view that the Committee must propose a draft to the Conference. Although there were difficulties in the Chairperson’s text, they would not propose amendments and would support it as a whole. Mr. Brett was grateful to the Employers. His group too was divided, as some thought the Chairperson’s draft too weak; but they agreed to proceed with that text, by consensus if possible and without any amendments. He hoped that the Governments – and that of Burma in particular – would see the next five months as an opportunity to fulfil the ardent desire expressed by Burma in its letter of 27 May 2000 to end forced labour in that country.

80. The representative of the Government of India counselled against precipitate action in this matter. Even 12 hours would be insufficient for consultations with capitals, and the matter should be postponed to the following Monday (12 June).
81. The representative of the Government of the Philippines supported this view, as the matter was sensitive and involved extreme punitive measures. The Government of Myanmar had shown a commitment to comply with Convention No. 29 and the Governing Body’s recommendations should not be adopted at this stage.

82. The representative of the Government of Portugal said that the EU member countries present on the Committee supported the Chairperson’s draft.

83. The representative of the Government of China supported the statement of the Government representative of India. It would be the first time that measures were applied under article 33 of the Constitution and it would be too hasty.

84. The representative of the Government of South Africa said that she could not make any commitment for the African group at this stage.

85. The representative of the Government of Canada supported the Chairperson’s text.

86. The representative of the Government of Cuba considered that the measures proposed went beyond the ILO’s mandate. She regarded the measures as punitive and excessive. The Organization should explore alternative measures based on dialogue.

87. The Chairperson suggested that, if there was a consensus, consideration of the draft could move ahead to the next stage. Mr. Brett and Mr. Thüising agreed that, though there was not unanimity in the Committee, there was a consensus. The discussion should be closed. The draft could be submitted to the Conference.

88. The representative of the Government of the Philippines, supported by the representative of the Government of Malaysia, expressed doubt whether a consensus existed and called for a vote on the draft resolution.

89. The Legal Adviser, responding to a point of order and a question as to procedure, confirmed that any member who was unable to join a consensus had the constitutional right to request a vote. On procedure, he indicated that the matter before the Committee was the draft proposed by the Chairperson. If this were not adopted, the Committee would return to the underlying text, which contained the Governing Body recommendations. No amendments had been made to them. The Government representatives of Indonesia, Malaysia and the Philippines had proposed to the Committee that measures should not be adopted. If those Government representatives maintained their proposal, the Committee would vote on that: if that proposal were adopted the measures recommended by the Governing Body would not be considered, and if that proposal were not adopted the Governing Body’s recommended measures would be left before the Committee for adoption.

90. Mr. Thüising observed that the various arguments raised in the Committee would be reflected in its report. He would have preferred to adopt the Chairperson’s text by consensus, as voting could be counterproductive.

91. The representative of the Government of the Philippines, supported by the representative of the Government of Malaysia, requested that a vote should first be taken on the proposal they had submitted to the Committee.

92. Concerning the order in which votes should be taken, the Legal Adviser indicated that article 63 of the Standing Orders, by virtue of article 55(2)(c), does not apply to the Selection Committee. This did not mean that the Committee could act arbitrarily: in this
case, after a general discussion of the Governing Body’s recommendations and the proposal of three Government members of the Committee, there was agreement in the form of consensus that the Chairperson would try to propose an intermediate solution, and it was on this proposal that the Committee was now to vote.

93. The Committee proceeded to a vote by show of hands on whether to adopt the resolution contained in the appendix to this report. The results of the vote were as follows: 33 in favour, 4 against, with 3 abstentions. The proposal was adopted.

94. Following a request for a record vote on the same question, the Legal Adviser explained that this would be possible under article 65(7) or (8) of the Standing Orders if the result of a vote by show of hands was the subject of a proper challenge, or if one-fifth of the members present immediately requested it.

95. The Chairperson noted that neither of these conditions had been fulfilled in this case. The Chairperson then declared the draft resolution adopted.

Final statements

96. As an exceptional measure, the representative of the Government of Myanmar was given the floor. He described the action taken by the Committee as unfair, unreasonable and unjust. His Government dissociated itself from the Selection Committee’s decision and its consequences. He regretted the resort to article 33 of the Constitution in order to put pressure on Myanmar through punitive measures, when it had taken positive steps. The Committee had ignored the positive steps taken by Myanmar. It penalized a member State which had voluntarily been cooperating with the ILO. For this reason, his delegation totally and categorically rejected the resolution of the Selection Committee and any activities and effects connected with it.

97. Mr. Brett noted that the Government representative was reading from a typed statement which had clearly been prepared before the decision had been reached and indeed before the meeting had commenced. He felt this accurately underlined the lack of sincerity displayed by the Government of Burma throughout the period.

Adoption of the report

98. The Committee met on 12 June for the adoption of this report.

(Signed) J.F. Alfaro Mijangos,  
Chairperson.
Appendix

Resolution submitted to the Conference

The International Labour Conference,

Meeting at its 88th Session in Geneva from 30 May to 15 June 2000,

Considering the proposals by the Governing Body which are before it, under the eighth item of its agenda (Provisional Record No. 4), with a view to the adoption, under article 33 of the ILO Constitution, of action to secure compliance with the recommendations of the Commission of Inquiry established to examine the observance by Myanmar of its obligations in respect of the Forced Labour Convention, 1930 (No. 29),

Having taken note of the additional information contained in the report of the ILO technical cooperation mission sent to Yangon from 23 to 27 May 2000 (Provisional Record No. 8) and, in particular, of the letter dated 27 May 2000 from the Minister of Labour to the Director-General, which resulted from the mission,

Considering that, while this letter contains aspects which seem to reflect a welcome intention on the part of the Myanmar authorities to take measures to give effect to the recommendations of the Commission of Inquiry, the factual situation on which the recommendations of the Governing Body were based has nevertheless remained unchanged to date,

Believing that the Conference cannot, without failing in its responsibilities to the workers subjected to various forms of forced or compulsory labour, abstain from the immediate application of the measures recommended by the Governing Body unless the Myanmar authorities promptly take concrete action to adopt the necessary framework for implementing the Commission of Inquiry's recommendations, thereby ensuring that the situation of the said workers will be remedied more expeditiously and under more satisfactory conditions for all concerned;

1. Approves in principle, subject to the conditions stated in paragraph 2 below, the actions recommended by the Governing Body, namely:

(a) to decide that the question of the implementation of the Commission of Inquiry's recommendations and of the application of Convention No. 29 by Myanmar should be discussed at future sessions of the International Labour Conference, at a sitting of the Committee on the Application of Standards specially set aside for the purpose, so long as this Member has not been shown to have fulfilled its obligations;

(b) to recommend to the Organization's constituents as a whole — governments, employers and workers — that they: (i) review, in the light of the conclusions of the Commission of Inquiry, the relations that they may have with the member State concerned and take appropriate measures to ensure that the said Member cannot take advantage of such relations to perpetuate or extend the system of forced or compulsory labour referred to by the Commission of Inquiry, and to contribute as far as possible to the implementation of its recommendations; and (ii) report back in due course and at appropriate intervals to the Governing Body;

(c) as regards international organizations, to invite the Director-General: (i) to inform the international organizations referred to in article 12, paragraph 1, of the Constitution of the Member's failure to comply; (ii) to call on the relevant bodies of these organizations to reconsider, within their terms of reference and in the light of the conclusions of the Commission of Inquiry, any cooperation they may be engaged in with the Member concerned and, if appropriate, to cease as soon as possible any activity that could have the effect of directly or indirectly abetting the practice of forced or compulsory labour;
(d) regarding the United Nations specifically, to invite the Director-General to request the Economic and Social Council (ECOSOC) to place an item on the agenda of its July 2001 session concerning the failure of Myanmar to implement the recommendations contained in the report of the Commission of Inquiry and seeking the adoption of recommendations directed by ECOSOC or by the General Assembly, or by both, to governments and to other specialized agencies and including requests similar to those proposed in paragraphs (b) and (c) above;

(e) to invite the Director-General to submit to the Governing Body, in the appropriate manner and at suitable intervals, a periodic report on the outcome of the measures set out in paragraphs (c) and (d) above, and to inform the international organizations concerned of any developments in the implementation by Myanmar of the recommendations of the Commission of Inquiry;

2. Decides that those measures will take effect on 30 November 2000 unless, before that date, the Governing Body is satisfied that the intentions expressed by the Minister of Labour of Myanmar in his letter dated 27 May have been translated into a framework of legislative, executive and administrative measures that are sufficiently concrete and detailed to demonstrate that the recommendations of the Commission of Inquiry have been fulfilled and therefore render the implementation of one or more of these measures inappropriate;

3. Authorizes the Director-General to respond positively to all requests by Myanmar that are made with the sole purpose of establishing, before the above deadline, the framework mentioned in the conclusions of the ILO technical cooperation mission (points (i), (ii) and (iii), page 8/11 of Provisional Record No. 8), supported by a sustained ILO presence on the spot if the Governing Body confirms that the conditions are met for such presence to be truly useful and effective.
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First sitting

Tuesday, 30 May 2000, 10.45 a.m.

Presidents: Mr. Elmiger, Chairperson of the Governing Body of the International Labour Office, and Mr. Flamarique

Opening of the session

Original French: Mr. ELMIGER (Chairperson of the Governing Body of the International Labour Office) – I should like to extend a warm welcome to all of you, ladies and gentlemen, assembled here in Geneva.

I also have the great pleasure of declaring the 88th Session of the International Labour Conference open.

I also have the pleasure of greeting in particular here today the representatives of the cantonal and municipal authorities and in welcoming Mr. Guy-Olivier Segond, President of the State Council of Geneva and Mr. Ducommun, President of the Grand Council of Geneva.

I should also like to extend a warm welcome to Mr. Petrovsky, Deputy Secretary-General of the United Nations, Permanent Representative of the United Nations in Geneva, Mrs. Lya Goubi-Ouahchi, representative of WHO, and Mr. Fortin, representative of UNCTAD. Our greetings also go to Mr. Kellenberger, President of the International Committee of the Red Cross, and Mr. McKinley, representative of the International Organization for Migration (IOM).

Election of the President of the Conference

Original French: Mr. ELMIGER (Chairperson of the Governing Body of the International Labour Office) – Our first task is the election of the President of the Conference so I would like to ask you whether you have any nominations for this office. I believe that Mr. Al-Namlah, Minister of Labour and Social Affairs of Saudi Arabia, Chairperson of the Government group, wishes to take the floor.

Original Arabic: Mr. AL-NAMLAH (Minister of Labour and Social Affairs, Saudi Arabia) – In the name of God, the Compassionate, the Merciful! Allow me also to welcome all those present and to propose the candidacy of His Excellency, the Minister of Labour of Argentina, Mr. Alberto Flamarique.
Mr. THÜSING (Employers' delegate, Germany) - On behalf of the Employers' group I would like naturally to support the nomination of Mr. Flamarique. As regards the election of the Vice-President, I take it that that will come up later.

Mr. BRETT (Workers' delegate, United Kingdom) - I can do no more than associate myself with the comments of my Employer colleague in supporting this nomination.

Mr. ELMIGER (Chairperson of the Governing Body of the International Labour Office) - The nomination of Mr. Alberto Flamarique, Minister of Labour of Argentina to preside over this session of the Conference has been duly proposed and seconded. I understand that there are no further nominations and in this case I declare Mr. Flamarique President of the 88th Session of the International Labour Conference. I should like to extend our warmest congratulations to him and invite him to take the President's Chair.

(Mr. Flamarique, Minister of Labour of Argentina, is elected President of the Conference and takes the President's Chair.)

Presidential address

The PRESIDENT - It is a great honour for me, for my country and for the Government of the Republic of Argentina led by President Fernando de la Rúa, to have been elected President of this 88th Session of the International Labour Conference. I should like to express my gratitude to the distinguished delegates of all the regional groups and to the employers' and workers' representatives for all the support and confidence they have placed in me. I should like to move a special vote of thanks to the countries of South America for having supported my candidacy.

I am proud to preside over the Conference of a specialized agency which celebrated its 80 years of existence in 1999 and which even in its most difficult moments has steadfastly maintained the principles and rights enshrined in its Constitution. It is particularly important for me, also, to be entrusted with this noble responsibility at the first session of the millennium. This fact compels and commits us all to initiate a new phase and to produce results which are as significant as the date we are celebrating.

In 1998 we celebrated the 50th anniversary of Convention No. 87 and in 1999 the 50th anniversary of the Convention on collective bargaining. These were very great occasions and now we need to reap the results of the seeds sown in the last century and to set new goals which will be as profitable in the future.

The agenda of this 88th Session includes items which constitute a considerable challenge for the Organization. I would like you to know that as President of this session I shall do everything in my power to ensure that the various items on the agenda are satisfactorily addressed.

The Report of the Director-General will enable us to see to what extent we have been able to implement the programme and activities of the Organization during the period 1998-99.

The Global Report, Your voice at work, for its part, provides the back-up we need for the proper follow-up by this Conference to the Declaration on Fundamental Principles and Rights at Work. The International Labour Organization has, through dialogue, set the scene for equity in the world of work on the basis of tripartite discussion. This implies a far-
reaching democratic commitment by the social partners to reconcile their common interests in the quest for collective ground on which consensus can be built, which in turn can be consolidated in the form of Conventions and Recommendations.

At this Conference, the International Labour Organization needs to clearly demonstrate, as it has done on a few other occasions, its capacity fully to assume its role of watchdog when it comes to the compliance of Conventions and of assisting member States in their full and proper implementation, particularly those contained in the 1998 Declaration.

Effective compliance with principles and rights at work constitutes one of the keystones of all social and democratic development. Other important items on the agenda also address this point. It is on the basis of fundamental rights flowing from dignity at work that stems the priority for the careful review of the Maternity Protection Convention. We will be looking at a number of disparities which heighten insecurity and lead to annoying and unacceptable inequalities in the sort of civilized and united society we are seeking to promote.

In this discussion, we will focus on various important aspects such as the child-parent relationship, the constitution of the family and the protection of children and working mothers. This Conference has the opportunity to advance these issues. I urge it to do just that.

I should also like to say that I endorse the very pertinent statement made by the Director-General to the effect that undeniable technological progress has led to a general deterioration in employment and to very adverse and disturbing effects on labour market relations. In this connection, women constitute a very vulnerable group – young working mothers in particular.

We need to encourage the free development of employers’ and workers’ organizations, without which bargaining suffers. Along with this, we have the quest for quality and constant innovation. Capacity in diversity, and stable and well-paid employment are the prerequisites for globalization really to provide opportunities to a society capable of generating well-being in an equitable fashion.

Globalization within this framework of equity and solidarity must protect the weak and root out the major inequalities and aberrant inequities that appear to belie the Declaration of Philadelphia. Insecurity, whatever form it takes, is the enemy of growth. We cannot develop without growing and without setting aside fear. We need modern legislation, conducive to productivity and competitiveness, which ensures the benefits of employment for all, and wages backed up by social and economic guarantees which banish uncertainties.

Globalization within this framework of understanding and solidarity should root out the inequalities and inequities it generates which run counter to the Declaration of Philadelphia.

We are moving into the twenty-first century in a climate of profound contradiction. Technological development and growing trade routes open up new prospects for humanity, but at the same time the lengthy and painful process of adjustment to the new world economy leads to uncertainty and, in many cases, heightens inequality. Unemployment, poverty and exclusion are still prevalent. To reverse this trend and to return to the path of social progress or, as the Director-General rightly said in his Report last year, to secure decent work with adequate social protection for people everywhere is the challenge facing
our generation. We can achieve it. We live in a time of irrefutable difficulties but also of great opportunities to achieve the changes to which society aspires.

We may see a deepening of inequalities as feared by the demonstrators in Seattle, Davos and Washington, but it is also possible to turn to account these changes to build a more just, equitable and united society. The economy of the twenty-first century has much greater potential to generate well-being than did the industrial society of the twentieth century because the technological base to increase productivity and hence to provide more good-quality employment is increasingly cheaper. The actual outcome of this situation essentially depends on how we face up to the problems emerging from the new global economy. The demand for equity has both an ethical and a political basis. A system of exclusion is incompatible with the democratic social contract, but it is also true that this demand cannot be separated from the quest for competitiveness which cannot be achieved through isolation.

The International Labour Organization is ideally placed to achieve the proposed objectives for three main reasons: (1) it constitutes the perfect environment for tripartite social accord; (2) it is the biggest global laboratory for research into and the circulation of new ideas in the world of work; and (3) it is the body that monitors compliance with the Conventions it generates. The governments of the member States are directly involved in the design and implementation of social and labour policies.

This responsibility is not restricted just to governments but to all the social partners. Quantity and quality in employment requires good public policies but more important still is the need to mobilize the energy of all members of society. It is a matter, no more and no less, of remembering that the ILO, with its tradition of Conventions and Recommendations, entered the world of labour relations to ensure that the provision of personal services to third parties constituted decent work.

I hope that in the new century we can all work together, the governments and the social partners, to make of the ILO an instrument of social cohesion that will root out injustice and put an end to all exclusion.

Election of the Vice-Presidents of the Conference

Original Spanish: The PRESIDENT – In accordance with the amendments adopted by the Conference at its 82nd Session, we shall proceed immediately to electing the Vice-Presidents of the Conference. The Clerk of the Conference will read out the nominations made by the respective groups.

Original Spanish: The CLERK OF THE CONFERENCE – The nominations for the posts of Vice-Presidents of the Conference are as follows:

Government group: Ms. Bauer (Slovakia)
Employers’ group: Mr. Moorhead (United States)
Workers’ group: Mr. Agyei (Ghana)
Original Spanish: The PRESIDENT – If there are no objections, I take it that these proposals are adopted.

(The proposals are adopted.)

Nomination of the Officers of the groups

Original Spanish: The PRESIDENT – We shall now proceed to the nominations of the Officers of the groups. The Clerk of the Conference will read out the names of the persons who have been nominated as Officers by the various groups.

Original Spanish: The CLERK OF THE CONFERENCE – The groups have selected their Officers as follows:

Government group:
Chairperson: Mr. Al-Namlah (Saudi Arabia)

Employers’ group:
Chairperson: Mr. Thüsing (Germany)
Vice-Chairpersons: Mr. Dahlan (Saudi Arabia)
Mr. M’Kaissi (Tunisia)
Mr. De Regil (Mexico)
Mr. Lawson (Canada)
Mr. Hoff (Norway)
Secretary: Mr. Peñalosa (International Organization of Employers)

Workers’ group:
Chairperson: Mr. Brett (United Kingdom)
Vice-Chairpersons: Mr. Adiko (Côte d’Ivoire)
Ms. Anderson Nevarez (Mexico)
Mr. Shmakov (Russian Federation)
Mr. Tan (Philippines)
Secretary: Mr. Cunniah (International Confederation of Free Trade Unions)

Other than the Chairpersons and Vice-Chairpersons, the Officers of the Working Group are: Mr. Adiko (Côte d’Ivoire), Mr. Agyei (Ghana), Mr. Ahmed (Pakistan), Ms. Anderson Nevarez (Mexico), Mr. Brett (United Kingdom), Mr. Diop (Senegal), Ms. Engelen-Kefer (Germany), Mr. Itoe (Japan), Mr. Munyao (Kenya), Ms. Pedersen (Norway), Mr. Ramírez León (Venezuela), Mr. Shmakov (Russian Federation), Mr. Tan (Philippines) and Mr. Zellhoefer (United States).

Original Spanish: The PRESIDENT – The Conference notes the nominations made by the groups.
Constitution and composition of the Conference committees

*Original Spanish:* The PRESIDENT — The next item on our agenda is the establishment of the various committees which will consider the matters submitted to the Conference.

The Conference may wish to set up the following committees: Selection Committee, Finance Committee, Committee on the Application of Standards, Committee on the Maternity Protection Convention and Recommendation, Committee on Human Resources, Training and Development, Committee on Safety and Health in Agriculture, Resolutions Committee.

The nominations made by the groups appear on a list which will be distributed. If there are no objections, I shall take it that these proposals are adopted.

(*The proposals are adopted.*)

Composition of the Credentials Committee

*Original Spanish:* The CLERK OF THE CONFERENCE — The Credentials Committee has nominated the following members: Government member and Chairperson, Mr. Oni (*Benin*), Employer member, Mr. Funes de Rioja (*Argentina*), Worker member, Mr. Edström (*Sweden*).

Suspension of certain provisions of the Standing Orders of the Conference

*Original Spanish:* The PRESIDENT — Our next item is the suspension of certain provisions of the Standing Orders of the Conference. The following item deals with the suspension of certain provisions of the Standing Orders of the Conference pursuant to the decisions adopted by the Governing Body at its 274th Session. These concern the time limit for speeches in the plenary, the approval of changes in the composition of committees and the discussion of the Global Report.

In order to implement these decisions, the President and the three Vice-Presidents unanimously recommend, in accordance with article 76 of the Standing Orders:

(a) that the time limit for speeches in plenary on the Director-General’s Report be set at five minutes, and that the Conference to that extent suspend article 14, paragraph 6, of the Standing Orders;

(b) that the Conference delegate to the Selection Committee — with authorization to sub-delegate to its Officers — authority to approve non-controversial changes in the composition of committees and non-controversial invitations to non-governmental international organizations to be represented in committees and that the Conference, to that extent, suspend articles 4, paragraph 2, 9(a) and 56, paragraph 9, of the Standing Orders;

(c) that the Conference decide that the discussion of the Global Report should not fall under the limitation concerning the number of statements by each speaker in plenary and to that extent suspend article 12, paragraph 3, of the Standing Orders and the discussion should not be governed by the provisions regarding time limits to speeches and, to that extent, suspend article 14, paragraph 6, of the Standing Orders.

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Pursuant to article 76 of the Standing Orders, these suspensions will take effect only after they have been approved by the Conference at its next plenary sitting which will take place this afternoon.

(The Conference adjourned at 11.20 a.m.)
Second sitting

Tuesday, 30 May 2000, 3.15 p.m.

President: Mr. Flamarique

Submission of the report of the Chairperson of the Governing Body to the Conference for the year 1999-2000

*Original Spanish:* The PRESIDENT – The first item on the agenda is the submission of the report of the Chairperson of the Governing Body. I give the floor to Mr. Elmiger, Chairperson of the Governing Body, to submit his report for the year 1999-2000, which is contained in *Provisional Record* No. 2.

*Original French:* Mr. ELMIGER (Chairperson of the Governing Body of the International Labour Office) – I have the honour to present to you the report on the work of the Governing Body during the past year which is to be found in *Provisional Record* No. 2.

The report focuses on the highlights of the past year and does not cover matters that are currently before the Conference. I will briefly touch on the main points.

The Governing Body pursued its work in the spirit of reform initiated by the Director-General in all the areas of activity and structures of the Office. For the first time in the Organization’s history it endorsed a budget based on major strategic guidelines. Furthermore, the Governing Body noted the progress made in the implementation of the human resources strategies and endorsed the approach proposed by the Director-General.

To facilitate the promotional implementation of the ILO Declaration on Fundamental Principles and Rights at Work the Governing Body has taken a number of decisions on the Standing Orders and on the organization of the annual review carried out by the Governing Body and of the Global Report to this Conference. In March it carried out the first annual review of the reports presented by countries which have not ratified one or more of the Conventions concerning the four categories of fundamental principles and rights.

The Governing Body recognized the success of the Working Party on the Social Dimensions of the Liberalization of International Trade, which is now deemed to be a useful forum for discussing the major issues raised by globalization. It is also recognized by all organizations as an international forum where the social dimensions of the liberalization of international trade and globalization can be discussed frankly and openly.

The Working Party therefore still exists, though now under the name of the Working Party on the Social Dimensions of Globalization. Proposals have been adopted on seven possible areas of research for the future.

The Governing Body has also examined the follow-up to the major world conferences, namely the Special Session of the General Assembly of the United Nations to Follow-up on the World Summit for Social Development of 1995, which will be held in Geneva immediately after this session of the Conference, and the Special Session of the General Assembly of the United Nations entitled Women 2000, which will take place in New York next week as a follow-up to the Fourth World Conference on Women of 1995.
The ILO has provided a substantial impact to both of these events in terms of policy aspects, the content of documentation and the analysis of the implementation of the Commitments and Programmes of Action adopted in Copenhagen and Beijing respectively in 1995.

Turning to international labour standards, the Governing Body has examined the improvements that might be made to standard-setting activities and has reviewed its procedure for the consideration of representations submitted under article 24 of the Constitution. Discussion on both of these issues will resume in November of this year.

The Governing Body has noted the continuing success of the Director-General’s campaign for the ratification and promotion of the ILO’s fundamental Conventions, which has so far resulted in 167 new ratifications of these seven Conventions.

In examining further action to be taken on the findings of the Commission of Inquiry that examined the complaint concerning the observance by Myanmar of the Forced Labour Convention, 1930 (No. 29), the Governing Body has included an item on the agenda of the present session of the Conference concerning various forms of action that it has recommended under article 33 of the Constitution in connection with the implementation of the Commission of Inquiry’s recommendations.

In the field of employment and social policy, the Governing Body examined ILO policy and activities on economic and financial crises and ILO strategy and activities on employment and social concerns in crisis situations. These discussions focused mainly on the informal sector and on the ILO’s Key Indicators of the Labour Market project, launched in response to a request by the Conference in 1996.

Relations with the Bretton Woods institutions were discussed in the light of recent developments in the policies and approaches of those organizations and the new role played by the ILO in relation to their activities.

Concerning technical cooperation, the Governing Body has approved a set of arrangements for two on-the-spot reviews of field activities in each year of the 2000-01 biennium. Reviews will be carried out in Europe and the Americas in 2000 and in Africa and Asia in 2001. The Governing Body also took note of an Implementation Plan prepared by the Office to address not only the specific issues raised by the Conference in its discussion last year but also the other measures required to take the technical cooperation programme in the direction set by the Conference.

Regarding the agenda of the International Labour Conference, the Governing Body has decided to place on the agenda of the Conference in 2002 an item relating to the withdrawal of various Recommendations, and has deferred all other decisions concerning the agenda of that session of the Conference until November 2000, when it will be able to discuss the report of the Meeting of Experts on Workers in Situations Needing Protection, held last month in accordance with the Conference resolution of 1998.

Finally, I should like to express my gratitude to my two fellow Officers – Mr. Thüsing, Employer Vice-Chairperson, and Lord Brett, Worker Vice-Chairperson of the Governing Body, for their valuable cooperation and hard work on a wide variety of difficult issues over the past year. I should also like to thank the Director-General and all the staff of the Office for their constant support and assistance.
Delegation of powers to the Officers of the Conference

Original Spanish: The PRESIDENT – The fact that the next plenary sitting will be held on Monday, 5 June, means that the Officers of the Conference will carry out the everyday task of organizing the Conference if the Conference wishes to confer on them the necessary powers to do so. For this purpose it is proposed that such powers be conferred on the Officers of the Conference until the next plenary sitting. As there are no objections, I submit to your approval the delegation of authority which the Clerk of the Conference will now read out.

Original Spanish: The CLERK OF THE CONFERENCE – 1. The General Conference of the International Labour Organization hereby delegates to its President and three Vice-Presidents authority to take any decisions or perform any functions within the power of the Conference with respect to any matters that need to be dealt with before the Conference resumes its plenary sittings, unless any of the aforementioned Officers consider that the Conference should hold a sitting to discuss such matters.

2. Decisions taken under this authority shall be announced in a special issue of the Provisional Record of the Conference.

3. This delegation of authority shall take effect on Wednesday, 31 May 2000, at 10 a.m. and shall terminate as soon as the Conference resumes its plenary sitting on 5 June.

Original Spanish: The PRESIDENT – If there are no objections, I take it that the delegation of authority is adopted.

(The delegation of authority is adopted.)

Suspension of certain provisions of the Standing Orders of the Conference (cont.)

Original Spanish: The PRESIDENT – The next item on the agenda concerns the suspension of certain provisions of the Standing Orders of the Conference, in accordance with the proposals that Officers of the Conference unanimously submitted to you at this morning’s sitting.

In accordance with article 76 of the Standing Orders, the Conference is called upon to adopt the following proposals:

(a) to set the time limit for speeches in plenary on the Director-General’s Report at five minutes and to that extent to suspend article 14, paragraph 6, of the Standing Orders;

(b) to delegate to the Selection Committee, and enable it to delegate to its Officers, the power to approve non-controversial changes in the composition of committees and non-controversial requests by non-governmental international organizations to be represented in the committees, and to that extent to suspend article 4, paragraph 2, article 9(a) and article 56, paragraph 9, of the Standing Orders;

(c) to decide that for the discussion of the Global Report the limitations concerning the number of statements by each speaker and the time limit for speeches shall not apply, and to that extent to suspend article 12, paragraph 3, and article 14, paragraph 6, of the Standing Orders.
If there are no objections, I will consider that these proposals have been adopted.

(The proposals are adopted.)

First report of the Selection Committee:
Submission and adoption

Original Spanish: The PRESIDENT – The fourth item on the agenda refers to the first report of the Selection Committee, which is published in Provisional Records Nos. 6-1 and 6-l(Add.1). I give the floor to Mr. Alfaro Mijangos, Government delegate of Guatemala and Chairperson of the Selection Committee, to submit the report.

Original Spanish: Mr. ALFARO MIJANGOS (Government delegate, Guatemala; Chairperson of the Selection Committee) – I have the honour to present to the Conference the first report of the Selection Committee and its addendum. This report is not complete. A supplement will be published tomorrow with the full lists of the members of the committees.

As regards the discussion of the report of the Chairperson of the Governing Body and the Report of the Director-General, the Selection Committee decided that this should start next Monday, 5 June, at 11 a.m. The Committee also decided that the list of speakers will be closed on Wednesday, 7 June, at 6 p.m., in accordance with the normal practice. The Selection Committee has approved the recommendations of the Governing Body concerning the discussion of the Global Report required under the ILO Declaration on Fundamental Principles and Rights at Work. It recommends also that this be done independently of the discussion of the report of the Chairperson of the Governing Body and the Report of the Director-General, in plenary sittings devoted entirely to that discussion to be held on Tuesday, 6 June, with a night session if necessary. The Committee has approved a general programme of work for the Conference committees which, although not binding, will enable the committees to organize their work in such a way as to meet the requirements of the Conference and take advantage of the opportunities it offers. This work programme is included in Appendix III of the present report.

I would like to draw the attention of the members of the Conference to the proposals contained in the report concerning the quorum, punctuality and discussions within the committees, all of which will contribute to the smooth running of the work of the Conference. In particular, the Committee recommends that the Conference urge the committee chairpersons to start the work punctually.

As regards the participation of members who have lost their voting rights in the Conference committees, the Selection Committee recommends that the Conference continue the practice of Government members over recent years, in other words, not to seek membership of the committees if they have no right to vote. The Selection Committee also recommends to the Conference that if this practice is not followed, the calculation of the weighting coefficients for voting in committees be based on the number of Government titular members with the right to vote. The electronic voting system already reflects this practice. Another recommendation of the Committee is that certain NGOs be invited to be represented in some of the committees. The Selection Committee has made proposals with regard to the appointment of the Credentials Committee and the Drafting Committee of the Conference. In its first sitting held this morning, the Conference had a proposal from its officers that an exception be made to the Standing Orders of the Conference to allow the Selection Committee to approve non-controversial changes in the composition of the committees, to approve non-controversial requests regarding NGO representation on the
committees, and to authorize the Selection Committee to delegate these powers to its officers.

Pending the adoption of this recommendation by the Conference during this session, the Selection Committee has delegated to its officers the powers to approve uncontroversial changes regarding the composition of the committees, as well as requests which are uncontroversial regarding representation of NGOs on Conference committees.

The agenda of the Selection Committee also included three points related to the following: (1) the procedure for the examination of the resolution submitted to the Conference by the Governing Body as regards provisions, including measures under article 33 of the Constitution of the ILO, to ensure observance by the Government of Myanmar of the recommendations of the Commission of Inquiry set up with a view to examining compliance with the Forced Labour Convention, 1930 (No. 29); (2) the procedure for the examination of the proposal to withdraw Conventions Nos. 31, 46, 51, 61 and 66; and (3) the procedure for the examination of the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations with a view to formal confirmation by ILO.

The recommendations of the Selection Committee on these three points are set out in the addendum to its first report in Provisional Records Nos. 6-1(Add.1). The Selection Committee recommends to the Conference that it refer these agenda items to the Selection Committee for examination and report.

The French version of this addendum contains a revised version of the working plan of the committees.

I commend this report and its addendum to the Conference for adoption.

Original Spanish: The PRESIDENT – May I take it that the report of the Selection Committee and its addendum are adopted?

(The report and the addendum are adopted.)

(The Conference adjourned at 3.30 p.m.)
Credentials

Brief report submitted on behalf of Mr. J.-J. Elmiger, Chairperson of the Governing Body of the International Labour Office, on the credentials of delegates and advisers to the 88th Session of the International Labour Conference (Geneva, 29 May 2000)

1. The Chairperson of the Governing Body of the International Labour Office has the honour to present the customary report prescribed by article 26 of the Standing Orders of the International Labour Conference.

2. The composition of each delegation and the method of appointment of delegates and advisers to the sessions of the International Labour Conference are governed by article 3 of the Constitution of the International Labour Organization.

3. In accordance with paragraphs 8 and 9 of this article, it is for the governments to communicate to the International Labour Office the nominations made. The Conference examines these nominations and decides, in the case of dispute, whether delegates and advisers have been nominated in accordance with article 3 of the Constitution.

4. The Conference exercises this power in accordance with the procedure laid down in articles 5 and 26 of its Standing Orders.

5. In particular, paragraph 2 of article 26 of the Standing Orders of the Conference provides that "A brief report upon these credentials, drawn up by the Chairperson of the Governing Body, shall, with the credentials, be open to inspection by the delegates on the day before the opening of the session of the Conference and shall be published as an appendix to the record of the first sitting."

6. The present report is submitted in compliance with this provision. The list given in the table below was closed on Monday, 29 May 2000 at 1 p.m. in order that it might be available for inspection by the members of the delegations that same day, that is, the day before the opening of the Conference.

7. In addition, the present report serves for fixing provisionally, in accordance with paragraph 1(2) of article 20 of the Standing Orders of the Conference, the quorum necessary to give validity to the votes taken.

8. The table below, based on the files containing the names of the delegates and advisers and the credentials with which they have been provided or the official communications transmitted to the International Labour Office, shows the numerical composition of the Conference. It is to be noted in this regard that persons who have been nominated both as substitute delegates and as advisers, in the letters communicating the nominations, have been included among the advisers.

9. To date, 153 States have notified the names of the members of the delegations. Seventy-one countries deposited the credentials within the 15-day deadline before the date fixed for the opening of the Conference, in compliance with paragraph 1 of article 26 of the Standing Orders of the Conference.
10. On the other hand, while the Conference and the Credentials Committee have already previously insisted on the obligation which article 3 of the Constitution imposes on governments requiring them to send complete delegations to the Conference, five countries (Afghanistan, Bosnia and Herzegovina, Ecuador, Guinea, Kiribati) had only nominated Government delegates, and three countries (Morocco, Rwanda, Tajikistan) had nominated a Workers’ delegate but not an Employers’ delegate.

11. It should be noted that in the letters or facsimiles communicating their nominations, a certain number of governments have not mentioned the employers’ and workers’ organizations which they have consulted and with which they have come to an agreement in appointing Employers’ and Workers’ delegates in accordance with paragraph 5 of article 3 of the Constitution of the Organization or have not confirmed that they were paying the travelling and subsistence expenses of their delegates and advisers in accordance with paragraph 2(a) of article 13 of the Constitution. In this regard, in order to ensure greater clarity in establishing the credentials, it would be advisable that governments use, for the nomination of delegates and advisers, the form enclosed with the letter of convocation and the Memorandum on the Conference which the Office addresses every year to member States.

12. Finally, I should like to urge delegates and advisers to register in person at the Information and Reception Desk, the quorum being calculated on the basis of the number of delegates registered.

Composition of the Conference and quorum

13. At present 304 Government delegates, 145 Employers’ delegates and 148 Workers’ delegates – a total of 597 delegates are accredited to the Conference.

14. There are, in addition, 807 Government advisers, 416 Employers’ advisers and 499 Workers’ advisers – a total of 1,722 advisers.

15. The total number of delegates and advisers who have been nominated in conformity with the provisions of the Constitution of the Organization to take part in the work of the Conference is 2,319.

16. Since 23 of the States now represented are in arrears in the payment of their contributions to the Organization, those Members, under the terms of paragraph 4 of article 13 of the Constitution, may not at present participate in the voting in the Conference or any of its committees (Afghanistan, Azerbaijan, Bosnia and Herzegovina, Central African Republic, Democratic Republic of the Congo, Djibouti, Ecuador, Georgia, Guinea, Guinea-Bissau, Iraq, Kazakhstan, Lao People’s Democratic Republic, Liberia, Libyan Arab Jamahiriya, Republic of Moldova, Paraguay, Senegal, Sierra Leone, Tajikistan, United Republic of Tanzania, Togo, Ukraine). Account is therefore not taken of 80 delegates in calculating the quorum. A further three votes are excluded due to the incomplete non-government delegations referred to above.
17. In conformity with article 17 of the Constitution of the Organization and with article 20 of the Standing Orders of the Conference, the necessary quorum to give a vote validity will provisionally be 257.¹

Observers

18. On the invitation of the Governing Body of the International Labour Office, the Holy See has appointed an observer delegation to the Conference.

Organizations and liberation movement invited

19. The Conference is also being attended by:

- representatives of the United Nations and some of its organs, invited by virtue of Article II, paragraph 1 – relating to reciprocal representation – of the Agreement between the United Nations and the International Labour Organization, which came into effect on 14 December 1946;

- representatives of specialized agencies and other official international organizations, invited in conformity with article 2, paragraph 3(b), of the Standing Orders of the Conference;

- representatives of non-governmental international organizations with which consultative relations have been established, invited in conformity with article 2, paragraph 3(j), of the Standing Orders of the Conference;

- representatives of other non-governmental international organizations also invited in conformity with article 2, paragraph 3(j), of the Standing Orders of the Conference;

- representatives of a liberation movement invited in conformity with article 2, paragraph 3(k), of the Standing Orders of the Conference.

20. A list of these representatives is appended to the list of delegations published as a supplement to the Provisional Record of the Conference.

(Signed)  Mr. J.-J. Elmiger,  
Chairperson of the Governing Body.

¹ That is, half the total number of accredited delegates (597), after subtraction of the number not entitled to vote on account of arrears (80) and the number of incomplete non-governmental delegations (3).
Credentials

First report of the Credentials Committee

1. The Credentials Committee of the 88th Session of the Conference is composed of Mr. Jules Medenou Oni, Government delegate, Benin, Chairperson; Mr. Daniel Funes de Rioja, Employers’ substitute delegate, Argentina; and Mr. Ulf Edström, Workers’ delegate, Sweden.

Composition of the Conference

2. Since the signing of the brief report made by the Chairperson of the Governing Body of the International Labour Office (Provisional Record No. 7), the following modifications have occurred in the composition of the Conference.

3. The number of member States of the International Labour Organization represented at the Conference is at present 157. To date 18 member States (Antigua and Barbuda, Armenia, Comoros, Dominica, Equatorial Guinea, Fiji, Gambia, Grenada, Kyrgyzstan, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Solomon Islands, Somalia, Turkmenistan, Uzbekistan, Yugoslavia) have not sent a delegation.

4. The Credentials Committee paid particular attention to one communication informing the Secretary-General of the composition of one delegation to the Conference. It emanated from the Permanent Mission in Geneva of the Federal Republic of Yugoslavia. In this respect, the Committee recalled the decision of the Governing Body at its 259th Session in 1994 that no action should be taken as regards the invitation of that country to sessions of the International Labour Conference or with regard to any credentials submitted on its behalf as long as that State was not recognized by the United Nations as the continuation of the former Socialist Federal Republic of Yugoslavia or had not been admitted to the International Labour Organization as a new Member. It also took note of UN General Assembly Resolution 396 (V), which recommends that the attitude adopted by the General Assembly in such a situation be taken into account by the specialized agencies. Based on the information available from the Secretariat of the United Nations, the Committee therefore concluded that no action should be taken on the credentials under consideration. Concerning the credentials of Afghanistan, the Committee confirmed, having regard to the situation in the General Assembly with respect to Afghanistan, that the representative accredited in the communication from the Permanent Mission of the Islamic State of Afghanistan to the United Nations in Geneva should be permitted to participate in the Conference pending a decision in the General Assembly on the entity which should be recognized as representing that country.

Accredited delegates and advisers

5. The total number of accredited delegates is 615, comprising 312 Government delegates, 151 Employers’ delegates and 152 Workers’ delegates.

6. There are 1,775 accredited advisers, comprising 834 Government advisers, 427 Employers’ advisers and 514 Workers’ advisers.

7. The total number of accredited delegates and advisers is therefore 2,390.
8. With regard to the resolution concerning the participation of women in ILO meetings, adopted by the Conference at its 67th Session in June 1981, there are 80 women among the 615 delegates accredited to the Conference and 434 among the 1,775 accredited advisers. The total number of women accredited to the Conference is therefore 514, i.e. 21.5 per cent of the total number of delegates and advisers as against 21.2 per cent last year.

Registered delegates and advisers

9. The following is the present situation concerning the registration of delegates, which (in accordance with practice, approved by this session of the Conference) is the basis for determining the quorum for voting.

10. At this time the number of registered delegates is 489, comprising 262 Government delegates, 113 Employers' delegates and 114 Workers' delegates.

11. In addition, the number of registered advisers is 1,287, comprising 662 Government advisers, 273 Employers' advisers and 352 Workers' advisers.

Quorum

12. Thirty-eight advisers, who are substitutes to delegates who have not registered, are taken into account in calculating the voting strength of the Conference.

13. Since 21 States represented at the Conference are in arrears in the payment of their financial contributions to the Organization so as to come within the terms of paragraph 4 of article 13 of the Constitution, these States may not at present participate in the voting in the Conference or in its committees (Afghanistan, Azerbaijan, Bosnia and Herzegovina, Central African Republic, Democratic Republic of the Congo, Djibouti, Georgia, Guinea, Guinea-Bissau, Iraq, Kazakhstan, Lao People's Democratic Republic, Liberia, Libyan Arab Jamahiriya, Republic of Moldova, Paraguay, Senegal, Sierra Leone, Tajikistan, Togo, Ukraine). For this reason, in fixing the quorum, 48 registered delegates are not taken into consideration. The Committee also noted that Ecuador and the United Republic of Tanzania have recovered the right to vote since the signature of the Brief Report on Credentials (Provisional Record No. 7).

14. At the present time the quorum required to give a vote validity is 240. This number represents 489 registered delegates (see paragraph 10), plus 38 substitute delegates (paragraph 12) minus 48 registered delegates not entitled to vote (see paragraph 13), the total divided by two. The Committee appeals to delegates present at the Conference to register as soon as they arrive so that the quorum will be as nearly exact as possible and that their presence can be taken into account in its calculation.

15. The Committee regretted that so many member States are in arrears of their contributions thereby depriving the tripartite delegations from being able to exercise their right to vote.

Incomplete delegations

16. The Committee notes that, at the present time, the accredited delegations of five countries (Afghanistan, Bosnia and Herzegovina, Ecuador, Haiti, Kiribati) are exclusively governmental. One country, Rwanda, has a Workers' delegate but not an Employers' delegate. The Committee wishes to affirm once again the necessity for governments to comply with the requirement of article 3 of the Constitution that a complete tripartite delegation be sent to the Conference. The Committee recalls that pursuant to a decision of
the Governing Body, the Director-General each year requests the governments of all member States which did not send complete tripartite delegations to the Conference to indicate the reasons for their failure to do so, and that the information received in reply to that request is duly communicated to the Governing Body.

17. The Committee also notes that there is some imbalance between the number of advisers to the delegates of each group and also between the number of Employers' and Workers' advisers. It once again urges governments to take greater account, when nominating delegations, of the proportions in the composition of the Conference envisaged by paragraphs 1 and 2 of article 3 of the Constitution. The Committee further recalls the request contained in the resolution concerning the strengthening of tripartism in the overall activities of the International Labour Organization, adopted by the Conference in 1971, and expresses the hope that governments will accord equal treatment to each of the groups when appointing advisers to their country's delegation to the International Labour Conference. The Committee recalls in this connection the obligation of Members under article 13, paragraph 2(a), of the Constitution, to pay the travelling and subsistence expenses of their delegates and advisers and trusts that this obligation will be respected for the whole duration of the Conference.

Observers, organizations and liberation movement invited

18. The Conference is also being attended by:

- representatives of one observer delegation (the Holy See), invited in conformity with article 2, paragraph 3(e), of the Standing Orders of the Conference;
- representatives of the United Nations and some of its organs invited by virtue of Article II, paragraph (1) – relating to reciprocal representation of the Agreement between the United Nations and the International Labour Organization, which came into effect on 14 December 1946;
- representatives of specialized agencies and other official international organizations, invited in conformity with article 2, paragraph 3(b), of the Standing Orders of the Conference;
- representatives of non-governmental international organizations with which consultative relations have been established, invited in conformity with article 2, paragraph 3(j), of the Standing Orders of the Conference;
- representatives of other non-governmental international organizations also invited in conformity with article 2, paragraph 3(j), of the Standing Orders of the Conference;
- representatives of a liberation movement invited in conformity with article 2, paragraph 3(k), of the Standing Orders of the Conference.

19. A list of these representatives is appended to the list of delegations published as a supplement to the Provisional Record of the Conference.

Objections and complaints

20. To date, the Committee has before it several objections, communications or complaints concerning the credentials of certain delegates and advisers. It has forthwith commenced its examination. The Committee considers that its work has been facilitated by the fact that a substantial number of credentials had reached the Office by the beginning of the
Conference. It is also important that governments utilize the suggested form for credentials of delegates, enclosed with the letter of convocation and the Memorandum communicated to governments every year prior to the session of the Conference. In order to comply with article 3, paragraph 5 of the Constitution, it would be necessary that governments provide exact information on the employers' and workers' organizations consulted in nominating Employers' and Workers' delegates and advisers as well as on the organizations which have agreed to such nominations.

21. The Credentials Committee submits the present report to the Conference in order that the Conference may take note of it.


(Signed) Mr. Jules Medenou Oni, 
Chairperson, 
Mr. Daniel Funes de Rioja, 
Mr. Ulf Edström.
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Election of the Vice-Presidents of the Conference

Nomination of the Officers of the groups

Constitution and composition of the Conference committees

Composition of the Credentials Committee

Suspension of certain provisions of the Standing Orders of the Conference

Second sitting:

Submission of the report of the Chairperson of the Governing Body to the Conference for the year 1999-2000

Delegation of powers to the Officers of the Conference

Suspension of certain provisions of the Standing Orders of the Conference (cont.)

First report of the Selection Committee: Submission and adoption

Speaker: Mr. Alfaro Mijangos (Chairperson of the Committee)

Credentials:

Brief report by Mr. Elmiger, Chairperson of the Governing Body of the International Labour Office, on the credentials of delegates and advisers to the 88th Session of the International Labour Conference (Geneva, 29 May 2000)

First report of the Credentials Committee
Eighth item on the agenda

Report of the ILO technical cooperation mission to Myanmar

Origin and progress of the mission

The exchange of letters reproduced in Annex II of document CRP4 between the Government of Myanmar and the Director-General from 14 October 1999 onwards explains the origin and the purpose of the mission. As a result of this exchange, the Director-General agreed to send the mission only after obtaining the agreement of the Myanmar authorities that the sole object of such a mission would be to provide direct assistance to implement immediately the recommendations of the Commission of Inquiry under the terms of the resolution adopted on this subject by the International Labour Conference at its 87th Session (1999). In addition, in a letter dated 10 May 2000 the Director-General insisted that the members of the mission team should have the necessary facilities (in particular the freedom of action to make all contacts that they considered useful) and the immunities needed to carry out their task. It was not until Saturday, 20 May 2000, that the Director-General received confirmation, in terms that he regarded as sufficiently precise, that this would be the case.

The mission departed for Yangon on Monday, 22 May. Its members were as follows: Mr. Francis Maupain, Special Adviser to the Director-General; Mr. Max Kern, Chief, Freedom of Workers Section; Labour Branch; Mr. Carmelo Noriel, an official from the Regional Office for Asia and the Pacific.

The mission was accompanied by Mr. Rueben Winston Dudley, Deputy-Director, ILO Regional Office for Asia and the Pacific, and Mr. Richard Horsey, Adviser, ILO.

The mission was received in Yangon on the evening of Tuesday, 23 May. It left Yangon on the afternoon of Saturday, 27 May, so as to be able to report to the International Labour Conference in good time. With only three full days available to it, the mission was obliged to fit into a very short space of time a programme of intensive discussions with senior officials from the various ministry departments concerned, talks with the Ministers of Labour, Home Affairs and Foreign Affairs and, at the last moment, with Secretary-1 of the SPDC, as well as meetings and talks with representatives of the National League for Democracy (NLD), ambassadors and diplomats based in Yangon, and representatives of several international organizations.

The mission wishes to acknowledge that the government authorities fully honoured their commitment to give the mission the necessary freedom of action to make contacts and agreed to adjust the programme of meetings with government representatives in order to allow other talks to take place.
Appendix 3 contains the detailed programme of meetings and talks held by the mission, as well as a list of individuals involved in those meetings.

Technical discussions with the Government

The provisional programme proposed by the Government’s Coordination Committee envisaged a series of separate meetings with the various ministerial departments concerned (the Ministries of Labour, Home Affairs and Foreign Affairs), and with representatives of the Attorney-General’s Office and of the Supreme Court.

The mission proposed to the organizing committee that, given the limited time available and the need to achieve tangible results within that time, it would be preferable to begin with a joint session in which all the ministry departments concerned could be briefed on the overall context within which the mission was taking place and on the objectives which it believed it could set itself.

A joint meeting accordingly took place on Wednesday morning. During that meeting (in the light of certain articles that had appeared in the press), the mission observed that the ILO’s image was not necessarily a friendly one in certain quarters but that, even if it could not make the image more friendly, it could at least endeavour to make it more accurate. To that end, it was essential to be as frank and open as possible in order to establish a basis of trust. Contrary to allegations that were often made, the ILO’s intention was not in any way to encroach on national sovereignty. The ILO’s philosophy was based on the principle of voluntarism and dialogue. According to the first of these principles, any country was free to become a Member of the ILO and to ratify its Conventions. However, once a country freely agreed to ratify a given Convention, it was bound to honour the commitments it had freely accepted. The mission also emphasized that, under the terms of the Declaration on Fundamental Principles and Rights at Work, the obligation to eliminate forced labour was now regarded as being inherent in ILO membership, whether or not a country had accepted the specific obligations arising from Convention No. 29.

With regard to the second pillar of the ILO’s philosophy, that of dialogue, the mission recalled that the issues which constituted the object of the visit were certainly not new. They had for many years been the subject of observations made by the Committee of Experts with a view to eliminating the discrepancies that had been noted between national laws and the obligations arising from the Conventions. However, the Constitution of the ILO imposed certain limits on the possibility of dialogue. Those limits had been reached with the decision of the Governing Body to place on the agenda the question of the application by Myanmar of article 33 of the Constitution, in the light of its failings in the implementation of the recommendations made by the Commission of Inquiry. The mission briefly recalled the three categories of measures which would be before the Conference at the proposal of the Governing Body, and gave some information regarding the procedures which would be used to examine them.

Apart from those proposals, the Conference would also have before it the mission’s report, which it intended should be full and objective. It would be for the Conference in its wisdom to draw the appropriate conclusions from the report and from the findings of the mission.

However, the mission also wished to emphasize that, in order to convince the Conference, the results would have to be concrete and precise and involve a commitment by the authorities at the highest level. There was a need to overcome the credibility gap which had arisen over the years as a result of promises that had not been kept, and which had to a certain extent been exacerbated by the attitude towards the Commission of Inquiry
and its recommendations and by recent attempts to excuse deficient action to amend the legislation. If, as had often been stated, forced labour did not exist or was gradually disappearing, it should be all the easier to remove the discrepancies in the Towns and Village Acts inherited from the colonial era. In this regard, Order No. 1/99 left considerable gaps in terms of scope and content.

Amending the legislation should not only be relatively easy; it was also clearly in the country's own interests. It would give the international community and other organizations a very strong signal regarding its willingness to change. It would also allow the ILO to provide assistance for a possible follow-up, in the form of technical cooperation.

The representatives of the various ministerial departments said that they appreciated the frankness of the mission's explanation of the context and objectives of its visit. Subsequent meetings were devoted to discussions on more specific legal aspects of the task of bringing national legislation into conformity and of a possible follow-up.

**Technical discussions on the implementation of the recommendations of the Commission of Inquiry**

In accordance with the terms of reference of the mission, which related to the implementation of the recommendations of the Commission of Inquiry, an extensive exchange of views took place between the mission and Government representatives from the Ministries of Labour, Foreign Affairs and Home Affairs, the Attorney-General's Office and the Supreme Court. These exchanges touched upon the following points.

**A. Amendment of legislation**

The Government representatives expressed the view that Order No. 1/99 issued by the Ministry of Home Affairs on 14 May 1999 (an Order directing not to exercise powers under certain provisions of the Towns Act, 1907, and the Village Act, 1907) had given effect to the first recommendation of the Commission of Inquiry by amending the offending legislation. Under the legal system of Myanmar, the Government had the power to change legislation by an amending order but observed that, as had been noted by the Committee of Experts on the Application of Conventions and Recommendations in its most recent report, the Village and Towns Acts had not been amended; the difference between amending the Acts themselves and merely directing certain authorities not to exercise powers under the Acts had implications, inter alia, for the rights and obligations of others, including citizens who may be called up for service or labour under the Acts. Moreover, as noted by the Committee of Experts, Order No. 1/99 had reserved the exercise of powers under the relevant provisions of the Village Act and the Towns Act in several ways incompatible

1 Reproduced in Appendix 1.

2 The text of Order No. 1/99 is reproduced in GB.276/6, Appendix I. [Sub-] Appendix III.


4 ibid., paras. 8-14.
with the Convention; only the exception for emergencies as defined in section 5(a) of the
Order was in conformity with the Convention and could be retained in amending the Acts
themselves. Beyond this, specific drafting suggestions were offered.

B. Measures to stop the exaction in practice
of forced or compulsory labour

The mission noted that the Government had not challenged the report and conclusions
of the Commission of Inquiry before the International Court of Justice under the relevant
provisions of the Constitution. The Government representatives indicated that, following
the issuance of Order No. 1/99 and its wide circulation and publication, the exaction of
forced or compulsory labour had stopped in practice, and offered reports by various
agencies under the Ministry of Home Affairs on their implementation of the Order. They
also repeated earlier indications that no complaints of forced or compulsory labour had
come to the notice of the law enforcement bodies since the issuance of Order No. 1/99.
The mission recalled that its own terms of reference did not include fact-finding, and noted
that the continued imposition of forced labour in practice, in particular by the military, had
been noted by the Committee of Experts.

In reply to the mission's observation that Order No. 1/99 concerned only the powers
of certain civilian authorities under the Village Act and Towns Act and did not touch upon
the powers of the military, who could still order the local authorities to provide assistance,
the Government representatives pointed out that the Order was circulated to all ministries,
including the Ministry of Defence, and that therefore the military had to take account of
the Order. The mission recalled that, according to the findings of the Commission of
Inquiry, orders from the military for the supply of labour or services never referred to the
Village or Towns Acts and that, according to the Committee of Experts, this practice
continued. To give effect to the second recommendation of the Commission of Inquiry, the
mission suggested replacing Order No. 1/99 with an order from the SPDC instructing state
authorities, and in particular military authorities, border security forces and their officers,
not to requisition persons to provide labour or services for any purpose, nor to order others
to requisition such labour or services, regardless of whether or not payment was made for
said labour or services, except in cases of emergency (as listed in Order No. 1/99). It was
suggested that it should be made clear in the Order that this prohibition included, but was
not limited to, the requisition of labour or services for a range of specifically listed
purposes. Finally, the prohibition was to be complemented by positive indications for state
authorities or officers requiring labour or services for any purpose to make prior budgetary
arrangements to obtain these by a public tender process or by providing market rates to
persons wishing to offer their labour or services.

There also was an exchange of views as to the scope of the exception provided for
under Article 2(2)(e) of the Convention for minor communal services. The

The Government representatives declined the mission's offer to present in writing
possible illustrations of the amendments required at this stage.

5 The list suggested was drawn from paras. 274 et seq. of the report of the Commission of Inquiry.
6 cf. paras. 213 and 484-502 of the report of the Commission of Inquiry.
C. Punishment of those imposing forced labour

With regard to the application to the military of section 374 of the Penal Code of Myanmar, which provides for the punishment of whoever compels any person to labour against the will of that person, the Government representatives indicated that the Penal Code applied to everybody, civilian or military, and that in case of violation of section 374 of the Penal Code military officers would be liable to punishment under both the Penal Code and section 72 of the Defence Services Act, 1959. Noting the further explanation given by the government authorities that the exaction of labour had to be "unlawful" to be punishable under section 374 of the Penal Code, the mission recalled that the provisions of the Village and Towns Acts allowing military officers to call on local authorities for the supply of labour or services might have to be amended in order to make the corresponding exaction of labour "unlawful" in national law and thus punishable under section 374 of the Penal Code.7

Assistance with implementation and follow-up

Bearing in mind the complexity of the context in which forced labour practices occurred, the mission raised the question of how the ILO might give its support to the implementation of legal provisions and practical measures aimed at implementing the recommendations of the Commission of Inquiry so that those provisions would be translated effectively into practice. The Government representatives objected to the notion of "monitoring" used during the discussions, noting that the concept went beyond the recommendations of the Commission of Inquiry and therefore also the mandate of the mission. The mission stated that, setting aside the term in question, the issue was the possibility of assisting Myanmar in putting into effect a credible plan of action of the kind mentioned in the Director-General's letter of 10 May. Once Myanmar had shown its determination to put into place the legislative, administrative and practical measures envisaged in the recommendations of the Commission of Inquiry, the Office might be able to provide in this regard various forms of assistance and support, which might include an ILO presence in the country.

Talks with the competent ministers

Talks with the Minister of Labour, Major General Tin Ngwe

The mission explained to the Minister the context and objectives of its visit as set out in the first paragraph of this report. It emphasized that, although it was obviously not realistic to expect new legislation and credible follow-up to be decided upon in the very short time available, the mission could at least offer the Government an opportunity to demonstrate concretely and precisely its desire to implement the Commission's recommendations.

The Minister outlined in detail the situation of the country and the position of the Government. The country was in a transition period. The Government was not an elected Government and must therefore be careful how it handled any changes to acts and regulations. That was why it issued directives and orders, and Order No. 1/99 had seemed to be the most appropriate measure. The Village and Towns Acts were just one of many

7 cf. para. 514 of the report of the Commission of Inquiry.
examples of an outdated set of laws that needed to be entirely and systematically reviewed. However, that would take a considerable time. Meanwhile, Order No. 1/99 would be applied and any violators punished. No complaint had so far been received by the authorities, however. The Minister was intrigued by the fact that the complaints (referred to by the ICFTU) had only appeared after 1990, whereas it was before that date that, in order to deal with widespread insurgency, the need for porters for military operations had been greatest. The mission recalled that it had no fact-finding mandate, but only one of seeing to the implementation of the Commission of Inquiry’s recommendations. It stressed the urgency of rapid action to that effect, since the Conference would be dealing with the matter the following week; even if it had not been elected, the Government could provide undertakings regarding the steps it intended to take. The mission again observed that an improvement in the situation could only make it easier to introduce the changes called for and that they would be altogether in the interests of the country and of the re-establishing of normal relations with the international community. The Minister replied that the Government had already evinced a commitment in spirit but that it had to follow the correct procedures. The mission welcomed that commitment while hoping that this commitment might be given more concrete form before the mission left the country.

**Talks with the Minister of Home Affairs, Colonel Tin Hlaing**

The mission again explained the origin and objectives of its visit and emphasized the need to overcome the credibility gap that had arisen as a result of earlier promises that had not been fulfilled, as well as the need for concrete and specific measures to be taken to bring about the necessary changes in the legislation and to put in place a credible mechanism for their follow-up. The mission explained that it had already discussed the technical and legal discussions on the problems with the Village and Towns Acts and the shortcomings of Order No. 1/99 in terms of both its scope and its content. It trusted that the Minister would do what he could to see that a precise and concrete undertaking was given that action would very soon be taken on the question of the legislation and its implementation.

The Minister assured the mission that any forced labour practices would be dealt with and punished in accordance with the law. However, he denied that there were any such practices at present. He emphasized the efforts that the Government had made to develop the country despite the absence of external assistance and affirmed that it was the Government’s intention to turn over the administration of the country to a democratically elected government as soon as sufficient political and military stability had been restored.

Responding to a remark by the Minister that the ICRC’s experience sufficed to disprove a number of allegations from abroad to the effect that the Government was concealing the real situation, the mission stressed that it was indeed interested in the ICRC’s experience and would have the opportunity to hear more about it. It observed, moreover, that not only did changes to the legislation appear to be possible, judging from the technical discussions that had already been held, but that such changes and the message they would send to the outside world were very clearly in the interests of the country. The mission emphasized that the ILO, for its part, would certainly be in a position to advise on where and how the legislation could be amended and on how its recommendations might be implemented. First, though, the Government had to demonstrate a genuine willingness to take action. While thanking the mission for its opinion, the Minister stressed that the Government had already demonstrated its commitment and would endeavour to take the necessary action in the light of what the mission had requested.
Talks with the Minister of Foreign Affairs, Mr. Win Aung

The mission again outlined the context and objectives of its visit. The Minister rejected the accusations of forced labour and pointed out that they related to an economic and military situation that no longer existed. Thanks to the progress that had been made in pacifying the country, the requisitioning of porters had ceased, as had the use of forced labour on infrastructural works. He said that the authorities could not be accused of harbouring any sentiment other than the greatest good will towards the people of Myanmar, whose human and spiritual qualities the mission could appreciate for itself. What was important was the willingness of the Government and not the long-obsolete provisions of the Village and Towns Acts. He hoped that the ILO’s mission would be followed by other missions and that the ILO would cooperate further with Myanmar. The mission observed that, though all its members would certainly be happy to return in a personal capacity to a country that they had unfortunately only been able to see very little of, the possibility of a mission returning would depend on the decisions that would be taken by the International Labour Conference in the light of the present mission’s results. At the same time, the mission felt that it must make it very clear that, although it was indeed the willingness of the Government that mattered, it was up to the Government to take the relevant actions and in particular ensure that texts dating back to colonial times – which it described as obsolete – would be amended in line with the Commission of Inquiry’s recommendations. Once the commitment to take such action was sufficiently clear, the ILO would certainly be in a position to provide assistance in bringing about changes in the legislation and in setting up a credible plan of action for their follow-up. An ILO presence could certainly be contemplated in such a context. The Minister expressed his good will and said he would do what he could to have the mission meet Secretary-1 of the SPDC, as the mission had requested.

Talks and meetings with various institutions, embassies and persons

Talks with the National League for Democracy (NLD)

The mission had the privilege of meeting Ms. Aung San Suu Kyi, General Secretary of the NLD, in the presence of Mr. Aung Shwe, Chairman of the NLD, and of other senior NLD members. It was thus able to explain the purpose of the mission, the advisability of which Ms. Suu Kyi had initially questioned. The mission emphasized that the Director-General had decided to send the mission only after receiving assurances that it would take place strictly within the framework of the June 1999 resolution of the International Labour Conference, i.e. that its purpose would be to secure the implementation of the recommendations of the Commission of Inquiry. The mission then proceeded to a fairly detailed exchange on certain rules governing the functioning of the International Labour Conference.

On the subject of forced labour specifically, Ms. Suu Kyi stated that the NLD was the only organization from within the country that was concerned with the matter and with following it up. She stressed the continuing gravity of forced labour, particularly in the light of its use by the military, and the extreme form that it could take with the enlistment of child soldiers. She also described in more general terms the extreme poverty and precarious situation of the entire workforce, which did not have access to any real social protection, including workers who were employed by foreign multinational corporations. The mission pointed out that its role was not to reopen the discussion on the facts of the situation but to secure the implementation of the Commission of Inquiry’s
recommendations by means of changes in the legislation and the establishment of a credible follow-up mechanism. Ms. Suu Kyi wished the mission success and urged it to be firm in its resolve.

Meetings with ambassadors resident in Yangon

The mission outlined the context and objectives of its visit and responded as far as possible to the interest that its presence had elicited from a number of embassies and diplomatic missions. The clarification provided was particularly appropriate as certain media reports seemed to have presented it as a fact-finding mission.

In conformity with the mission's mandate, the purpose of its meetings with ambassadors was not to collect information on the facts of the situation, although certain ambassadors and diplomatic representatives it had met had spontaneously voiced their views on the subject. Rather the purpose of these meetings was to explain the relevance of the mission to the steps that the International Labour Conference would be called upon to take the following week, and in which the delegates of all the countries concerned would be involved. The object of the meetings was also to hear the views of the diplomats concerned as to how the ILO could contribute to helping Myanmar realistically and effectively to implement the changes that had been called for. The mission heard a broad range of views on all these questions – which, for obvious reasons, will not be discussed further in this report.

Meeting/discussion with the United Nations Country Team and specialized agencies in Yangon

Prior to its departure, the mission had contacted the UNDP in Yangon. The Resident Coordinator of the United Nations in Yangon, Mr. Patrice Coeur-Bizot, organized a meeting with representatives of the United Nations organizations and specialized agencies (UNICEF, FAO, UNHCR, WFP, UNAIDS). The mission was thus able both to respond to the interest and curiosity of its United Nations colleagues regarding an unprecedented development in the cooperation between the United Nations and Myanmar, and to learn about and compare their respective experiences in so far as they might be of interest and relevance to the follow-up to any changes in legislation and practice in Myanmar. The representatives of the various agencies spoke very freely and the information they contributed complemented very usefully that which the mission had obtained elsewhere, especially from the embassies.

Meeting with the ICRC delegate in Yangon

The mission was privileged to have a fairly long meeting with Mr. Léon de Riedmatten, delegate of the ICRC. He shared with it his experiences in visiting the prisons and camps, where he had been allowed to talk both to common-law prisoners and to political prisoners. The ICRC's experience seemed to be very much worthy of interest from several points of view. In the first place, Mr. de Riedmatten was generally thought to be the foreigner with the most extensive knowledge of the real situation in Myanmar, thanks to his many visits to prisons and camps throughout the country. Secondly, the ICRC's experience in its cooperation with the authorities would appear to be particularly significant. In 1995 the ICRC had left the country because of the impossibility of obtaining acceptable conditions to carry out its work. Its return in 1999 had initially given rise to a certain number of reservations, especially on the part of the opposition and of the NLD.
Yet today its presence was unanimously appreciated. The delegate of the ICRC was thus able to explain how he had won the confidence of all the parties concerned.

Visit to the Venerable Myatha Sayadaw

Shortly before its departure, the mission had the opportunity of meeting a senior representative of the Buddhist clergy. Although the meeting was very brief given the limited time remaining, and despite the fact that the issue of labour provided upon a requisition order could only be approached from the standpoint of doctrine and on no account from the standpoint of facts and practice, the mission was nevertheless able to obtain enlightening information. In particular, it was pointed out to the mission that where voluntary labour was meritorious, an individual could acquire merit only if he or she was carrying out this work of his or her own free will.

Conclusions of the technical discussions and visits to Secretary-1 of the SPDC, Lieutenant-General Khin Nyunt

The mission held a meeting on Saturday morning with representatives of the various ministries and organizations to wrap up its work.

Both parties realized however that the detailed discussions of a technical and legal nature that had taken place during the previous meetings could only find a satisfactory solution – or at least result in specific progress – if there was intervention at the highest political level. According to the institutional structure of Myanmar at present, this level is represented by the SPDC (State Peace and Development Council) – previously known as the State Law and Order Restoration Council – which represents the highest authority, holds the legislative power in the absence of an elected parliament and exercises control over the executive represented by the various ministers. Just a few hours before the mission returned to Geneva (Lieutenant-General Khin Nyunt had been absent from Yangon on the previous days), Secretary-1 of the SPDC agreed, despite his very full programme, to meet for talks. The Minister of Foreign Affairs and the Minister of Labour also attended the meeting.

Secretary-1 stressed that Myanmar wished to have cordial relations with the ILO. He gave a detailed account of the very rapid changes that were occurring in Myanmar and which, sometimes, caused certain difficulties. Myanmar differed from other countries in many respects. It still had far to go to catch up with its neighbours. But Myanmar did not wish to remain an “island” among the other States. It wanted to develop relations with its neighbours, the international community and the international organizations. Discussions such as those that were taking place might make it possible to create the basis of trust necessary for this purpose.

The mission thanked Secretary-1 for giving it the opportunity to meet him. It expressed its appreciation for the practical arrangements made by the authorities and for the freedom that it had been granted to fulfill its mandate. The mission had been able to put forward its views with complete frankness during the talks and that in itself constituted a certain success. This same frank approach was giving the mission a further opportunity, during this last talk, to stress at the highest state level that the major obstacle in Myanmar’s relations with that of the ILO was the existence of a credibility gap – due largely to the Government’s attitude towards the Commission of Inquiry. To a certain extent, this credibility gap was being widened by the arguments put forward to justify the absence of progress at the legislative level. If forced labour no longer existed or was in the process of
disappearing, as had often been stated, amendments to legislation that had become obsolete as well as other relevant actions should no longer present an insurmountable problem. The in-depth talks the mission had had on technical and legal matters had made it possible to pinpoint what needed to be done. If appropriate measures were taken on these specific points and applied effectively, this would send a very strong message to the international community so that it would understand, as Secretary-1 had said, that Myanmar did not want to remain an island. However, it was up to the Government itself to draw, in full freedom, the logical conclusions of its wish to open up to the outside world. The mission’s role was only to report on any specific and precise measures that the Government was willing to take to give effect to the recommendations of the Commission of Inquiry. The mission was providing Myanmar with an exceptional opportunity to make known its willingness to take a certain number of tangible and specific steps to implement the recommendations of the Commission.

Secretary-1 thanked the mission for the frankness with which it had expressed itself and said that he quite understood what it meant. He explained once again in detail the efforts made by the Government to ensure the development of the country and to re-establish unity through political, economic and social reforms. It had, to a great extent, succeeded in its peace efforts with the armed insurgencies. However, because it had been isolated for very many years, its infrastructure was extremely precarious and the improvements being made could only be gradual. The economic sanctions imposed on Myanmar only added to its other problems. Although he acknowledged that there might have been recourse to so-called forced labour when work was being carried out on the infrastructure, these practices had ceased before the ILO report had been completed.

The mission recalled that its mandate was not to discuss the situation de facto and de jure described in the Commission of Inquiry’s report which, in legal terms, now had the force of res judicata. The Government’s concern with providing for the economic and social development of its country was entirely in conformity with the constitutional objectives of the ILO; but this objective was, according to the ILO’s philosophy, subject to the respect of a certain number of basic principles and rights. Each worker should have the possibility of freely developing all of his or her human potential – and this freedom was also a prerequisite of true economic efficiency. Furthermore, it was clear that the economic development of the country could be boosted by international cooperation and investment. The mission was convinced that a clear and specific commitment on the part of the Government to guarantee the full application of the recommendations of the Commission could be decisive. If the Conference could be convinced by such concrete proof, assistance from the ILO – and, possibly its presence on the spot – might be envisaged.

Secretary-1 was confident that the mission would submit a balanced report to the Conference. The Government was fully aware that it could not remain isolated at this time of globalization. He hoped that the International Labour Conference would be guided by considerations of justice and not by political preoccupations. Human rights should not give rise to discrimination. The mission concluded with its assurances that the ILO’s procedures provided every guarantee that the matter would be dealt with in an objective way. It was, however, up to the Government to give tangible proof of its intentions. The mission expressed the hope that this might still happen before the work of the Conference began.

Following these talks, as it was taking leave of its hosts three hours later at the airport, the mission received a communication from the Minister of Labour, addressed to the Director-General. The full text of this communication is contained in Appendix 2.
The mission's conclusions

During its talks the mission stressed on several occasions that its role was to explain to the authorities of Myanmar what needed to be done to give credible effect to the recommendations of the Commission of Inquiry, and subsequently to report to the Conference on the measures that the Government intended to take this respect. The letter from the Minister of Labour to the Director-General constitutes, in a way, the results of the mission. Even if by its nature this report can only afford a somewhat kaleidoscopic view of the talks, it should help the Conference to place this response into perspective.

That said, it may however be useful to add two concluding remarks in the light of this report.

Firstly, the mission believes that the Commission of Inquiry's recommendations could be satisfied in a coherent and practical way if a comprehensive framework of legislative, executive, and administrative measures were adopted:

(i) rendering all practices constituting forced labour in the sense of Convention No. 29 illegal under national law, and ensuring that all legislative provisions in force that permit the imposition of forced labour are repealed or appropriately amended;

(ii) giving specific instructions to the state authorities, and notably to the responsible military authorities, regarding the consequences to be drawn from the above as regards the various forms of work mentioned in the Commission's report, and monitoring their application, so that in practice no forced or compulsory labour is imposed by any authority;

(iii) informing the entire population adequately and completely about the above measures as well as the penalties applicable pursuant to section 374 of the Penal Code to all those imposing forced labour; and taking concrete action to ensure that these penalties are strictly applied in practice.

Secondly, as the Myanmar authorities were told by the mission, the Office could certainly help formulate and implement such a framework if the Government's commitment to take expeditious action to this effect was made sufficiently clear in the eyes of the Conference.

As the report shows, the mission discussed the support that the Organization could provide for the effective and sustainable implementation of the said framework. It pointed out that the possibility of various forms of follow-up action, including an ILO presence on the spot, should be considered in the light of the credible plan of action mentioned by the Director-General in his letter of 10 May. Obviously, the Government is entirely free to request this assistance or not, just as it will be up to the competent bodies of the ILO to appraise whether the conditions are met for such assistance and presence to be envisaged.
The mission could not end its report without expressing its gratitude to the members of the Coordination Committee for the welcome it received, for the excellent arrangements they made and for their constant availability and efficiency. It would also like to thank the Resident Coordinator of the United Nations, Mr. Coeur-Bizot, and his assistant, Ms. Jeanne Lennkh, for their logistical and practical support in setting up as many meetings as possible in such limited time.
Appendix 1

Recommendations of the Commission of Inquiry

In paragraph 539 of its report, the Commission of Inquiry urged the Government to take the necessary steps to ensure:

(a) that the relevant legislative texts, in particular the Village Act and the Towns Act, be brought into line with the Forced Labour Convention, 1930 (No. 29) as already requested by the Committee of Experts on the Application of Conventions and Recommendations and promised by the Government for over 30 years, and again announced in the Government's observations on the complaint. This should be done without further delay and completed at the very latest by 1 May 1999;

(b) that in actual practice, no more forced or compulsory labour be imposed by the authorities, in particular the military. This is all the more important since the powers to impose compulsory labour appear to be taken for granted, without any reference to the Village Act or Towns Act. Thus, besides amending the legislation, concrete action needs to be taken for each and every of the many fields of forced labour examined in Chapters 12 and 13 [of the Commission's report] to stop the present practice. This must not be done by secret directives, which are against the rule of law and have been ineffective, but through public acts of the Executive promulgated and made known to all levels of the military and to the whole population. Also, action must not be limited to the issue of wage payment; it must ensure that nobody is compelled to work against his or her will. Nonetheless, the budgeting of adequate means to hire free wage labour for the public activities which are today based on forced and unpaid labour is also required;

(c) that the penalties which may be imposed under section 374 of the Penal Code for the exaction of forced or compulsory labour be strictly enforced, in conformity with Article 25 of the Convention. This requires thorough investigation, prosecution and adequate punishment of those found guilty. As pointed out in 1994 by the Governing Body committee set up to consider the representation made by the ICFTU under article 24 of the ILO Constitution, alleging non-observance by Myanmar of the Forced Labour Convention, 1930 (No. 29), the penal prosecution of those resorting to coercion appeared all the more important since the blurring of the borderline between compulsory and voluntary labour, recurrent throughout the Government's statements to the committee, was all the more likely to occur in actual recruitment by local or military officials. The power to impose compulsory labour will not cease to be taken for granted unless those used to exercising it are actually brought to face criminal responsibility.1

Appendix 2

Communication dated 27 May 2000 from the Government of Myanmar to the Director-General

Excellency,

I wish to express my appreciation to you for responding positively to our request to send a technical cooperation mission to Yangon.

I am pleased to inform you that the members of the technical cooperation mission and the senior officials from the Ministries of Labour, Home, and Foreign Affairs and Attorney-General’s Office were able to hold extensive discussions on Convention No. 29. I also had useful discussions with the members of the technical cooperation mission. Despite their brief stay, they also had the opportunity to call on the Minister for Foreign Affairs and the Minister for Home Affairs. Moreover, His Excellency Lt. General Khin Nyunt, Secretary-1 of the State Peace and Development Council, took time out of his very busy schedule to receive the members of the technical cooperation mission and acquainted them in a frank and open manner with the actual situation in the nation. These discussions had been very useful and clarified issues where there have been differences of perception.

The Government also provided every assistance to facilitate their work and allowed them freedom of action. Our only regret is that due to constraints of time, they were not able to visit outside Yangon so that they would have a better understanding of the situation in the country.

It is our hope that through the discussions and the cooperation the mission enjoyed during the sojourn in Myanmar, we have been able to show that Myanmar is sincere in its efforts to resolve the issue of the allegations of forced labour.

I would also like to take this opportunity to inform you that we have taken and are taking the necessary measures to ensure that there are no instances of forced labour in Myanmar. Allow me to say that Myanmar would take into consideration appropriate measures, including administrative, executive and legislative measures, to ensure the prevention of such occurrences in the future.

In this regard, the talks held between Myanmar and the ILO technical cooperation mission have been most useful in providing a better understanding of the issues involved and it is our ardent hope that this process of consultation and technical cooperation within the framework of the ILO recommendation will continue in working toward the resolution of the matter. On my part, I look forward to meeting you during the coming ILC.

Accept, Excellency, the assurances of my highest consideration.

(Signed) Major General Tin Ngwe,
Minister for Labour,
Union of Myanmar.
Appendix 3

List of meetings held

The mission held 27 meetings over five days. In Yangon it met with Lt. General Khin Nyunt, Secretary-1 of the SPDC, three Ministers (Labour, Home Affairs, Foreign Affairs) and senior officials of the same ministries and of the Office of Strategic Studies, the Directors-General of the Attorney-General’s Office and of the Supreme Court, NLD Chairman Aung Shwe, Aung San Suu Kyi and two other representatives of the NLD, representatives of 11 diplomatic missions, six United Nations agencies and the ICRC, and a representative of the Buddhist clergy. Before arriving in Yangon the mission received an extensive briefing from the ILO Regional Director, Asia and Pacific Region, at Bangkok Airport.

Tuesday, 23 May

2.00-4.00 p.m., Bangkok Airport

Mitsuko Horiuchi ILO Regional Director, Asia and Pacific Region

8.30-9.10 p.m., Traders Hotel

Thaung Tun Deputy Director-General, Ministry of Foreign Affairs
Kyaw Tint Swe Director-General, International Organizations and Economic Department, Ministry of Foreign Affairs
Tun Shin Director-General, Attorney-General’s Office

9.30-11.20 p.m., UNDP Office

Patrice Coeur-Bizot United Nations Resident Coordinator
Jeanne Lennkh Assistant to United Nations Resident Coordinator

Wednesday, 24 May

11.00-11.45 a.m., Traders Hotel

Htay Maung Director-General, Department of General Administration, Ministry of Home Affairs
Thaung Tun Deputy Director-General, Ministry of Foreign Affairs
Soe Nyunt Director-General, Department of Labour
Tin Kyaw Hlaing Retired Ambassador, Special Adviser to Department of Labour
Tin Aye Director-General, Supreme Court
Sein Myint Deputy Director-General, Department of Labour
Jeanne Lennkh Assistant to United Nations Resident Coordinator

12.30-12.55 p.m., Traders Hotel

Aung Min Police Lieutenant-General
Htay Maung Director, Department of General Administration, Ministry of Home Affairs
Thaung Tun Deputy Director-General, Ministry of Foreign Affairs
Kyaw Tint Swe Director-General, International Organizations and Economic Department, Ministry of Foreign Affairs
Soe Nyunt Director-General, Department of Labour
Tun Shin Director-General, Attorney-General’s Office
<table>
<thead>
<tr>
<th>Name</th>
<th>Title and Position</th>
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<tbody>
<tr>
<td>Tin Kyaw Hlaing</td>
<td>Retired Ambassador, Special Adviser to Department of Labour</td>
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<tr>
<td>Tin Aye</td>
<td>Director-General, Supreme Court</td>
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<td>Sein Myint</td>
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<tr>
<td>Kyaw Win</td>
<td>Director, Department of Labour</td>
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<tr>
<td>Jeanne Lennkh</td>
<td>Assistant to United Nations Resident Coordinator</td>
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<tr>
<td>Aung Min</td>
<td>Police Lieutenant-General</td>
</tr>
<tr>
<td>Htay Maung</td>
<td>Director, Department of General Administration, Ministry of Home Affairs</td>
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<tr>
<td>Thaung Tun</td>
<td>Deputy Director-General, Ministry of Foreign Affairs</td>
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<tr>
<td>Soe Nyunt</td>
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<td>Deputy Director-General, Department of Labour</td>
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<tr>
<td>Kyaw Win</td>
<td>Director, Department of Labour</td>
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<tr>
<td>Members of the Attorney-General’s Office</td>
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</tr>
<tr>
<td>Jeanne Lennkh</td>
<td>Assistant to United Nations Resident Coordinator</td>
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2.20-3.45 p.m., Traders Hotel

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<thead>
<tr>
<th>Name</th>
<th>Title and Position</th>
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<tbody>
<tr>
<td>Maj.-Gen. Tin Ngwe</td>
<td>Minister of Labour</td>
</tr>
<tr>
<td>Thaung Tun</td>
<td>Deputy Director-General, Ministry of Foreign Affairs</td>
</tr>
<tr>
<td>Kyaw Win</td>
<td>Director, Department of Labour</td>
</tr>
<tr>
<td>Jeanne Lennkh</td>
<td>Assistant to United Nations Resident Coordinator</td>
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</table>

4.00-4.50 p.m., Ministry of Labour

<table>
<thead>
<tr>
<th>Name</th>
<th>Title and Position</th>
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<tbody>
<tr>
<td>Maj.-Gen. Tin Ngwe</td>
<td>Minister of Labour</td>
</tr>
<tr>
<td>Thaung Tun</td>
<td>Deputy Director-General, Ministry of Foreign Affairs</td>
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<td>Kyaw Win</td>
<td>Director, Department of Labour</td>
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<tr>
<td>Jeanne Lennkh</td>
<td>Assistant to United Nations Resident Coordinator</td>
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5.10-5.50 p.m., Ministry of Home Affairs

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<thead>
<tr>
<th>Name</th>
<th>Title and Position</th>
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<tbody>
<tr>
<td>Col. Tin Hlaing</td>
<td>Minister of Home Affairs [with interpreter]</td>
</tr>
<tr>
<td>Director-General of Prisons</td>
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<tr>
<td>Director-General of Police</td>
<td></td>
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<tr>
<td>Director-General of the Department of General Administration</td>
<td></td>
</tr>
<tr>
<td>Jeanne Lennkh</td>
<td>Assistant to United Nations Resident Coordinator</td>
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</table>

6.10-6.45 p.m., Thai Embassy

<table>
<thead>
<tr>
<th>Name</th>
<th>Title and Position</th>
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<tbody>
<tr>
<td>Pensak Chalarak</td>
<td>Thai Ambassador</td>
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Evening, Traders Hotel

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<thead>
<tr>
<th>Name</th>
<th>Title and Position</th>
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<tbody>
<tr>
<td>Phoebe Gomez (Informal meeting)</td>
<td>Philippine Ambassador</td>
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Evening

<table>
<thead>
<tr>
<th>Name</th>
<th>Title and Position</th>
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<tbody>
<tr>
<td>Lt.-Col. Hla Min</td>
<td>Deputy Head, Department of International Affairs, Office of Strategic Studies</td>
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</table>

Thursday, 25 May

8.30 a.m., Malaysian Embassy

<table>
<thead>
<tr>
<th>Name</th>
<th>Title and Position</th>
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<tbody>
<tr>
<td>Dato’ Mohammad Bin Noh</td>
<td>Malaysian Ambassador</td>
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</table>
9.50 a.m.-12.00 p.m., Traders Hotel

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
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<tbody>
<tr>
<td>Hla Tun</td>
<td>Police Brigadier-General</td>
</tr>
<tr>
<td>Aung Thein</td>
<td>Director-General, Department of General Administration, Ministry of Home Affairs</td>
</tr>
<tr>
<td>Thaung Tun</td>
<td>Deputy Director-General, Ministry of Foreign Affairs</td>
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<tr>
<td>Soe Nyunt</td>
<td>Director-General, Department of Labour</td>
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<tr>
<td>Tun Shin</td>
<td>Director-General, Attorney-General's Office</td>
</tr>
<tr>
<td>Tin Kyaw Hlaing</td>
<td>Retired Ambassador, Special Adviser to Department of Labour</td>
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<tr>
<td>Tin Aye</td>
<td>Director-General, Supreme Court</td>
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<tr>
<td>Sein Myint</td>
<td>Deputy Director-General, Department of Labour</td>
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<tr>
<td>Kyaw Win</td>
<td>Director, Department of Labour</td>
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1.00-2.20 p.m., UNDP Office

Members of the United Nations Country Team:

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
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</thead>
<tbody>
<tr>
<td>Patrice Coeur-Bizot</td>
<td>United Nations Resident Coordinator</td>
</tr>
<tr>
<td>John Mendis</td>
<td>UNICEF representative</td>
</tr>
<tr>
<td>Francis Rinville</td>
<td>FAO representative</td>
</tr>
<tr>
<td>Canh Nguyen-Tang</td>
<td>UNHCR Chief of Mission</td>
</tr>
<tr>
<td>Bradley Guerrant</td>
<td>WFP representative</td>
</tr>
<tr>
<td>Jennifer Ashton</td>
<td>UNAIDS representative</td>
</tr>
<tr>
<td>Jeanne Lennkh</td>
<td>Assistant to United Nations Resident Coordinator</td>
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3.00-4.45 p.m. Aung San Suu Kyi’s residence

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
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<tbody>
<tr>
<td>Aung Shwe</td>
<td>Chairman, NLD</td>
</tr>
<tr>
<td>Aung San Suu Kyi</td>
<td>General Secretary, NLD</td>
</tr>
<tr>
<td>Than Tun</td>
<td>Labour Secretary, NLD</td>
</tr>
<tr>
<td>U Lwin</td>
<td>Legal Secretary, NLD</td>
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6.10 p.m., Ministry of Foreign Affairs

Win Aung               | Minister of Foreign Affairs        |
Khin Maung Win         | Deputy Minister of Foreign Affairs  |
Directors-General from the Ministry
Patrice Coeur-Bizot    | United Nations Resident Coordinator |

Friday, 26 May

9.00-9.50 a.m., Japanese Embassy

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
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<tbody>
<tr>
<td>Yoshihiko Kamo</td>
<td>Japanese Chargé d’Affaires</td>
</tr>
<tr>
<td>Yoshinori Yakabe</td>
<td>Japanese First Secretary</td>
</tr>
<tr>
<td>Naoki Ito</td>
<td>Counsellor</td>
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</tbody>
</table>

10.00-10.30 a.m., United States Embassy

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
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<tbody>
<tr>
<td>Priscilla Clapp</td>
<td>United States Chargé d’Affaires</td>
</tr>
<tr>
<td>Debbie Kingsland</td>
<td>United States First Secretary</td>
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10.30-11.30 a.m., United States Embassy

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<tr>
<th>Name</th>
<th>Position</th>
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<tbody>
<tr>
<td>Priscilla Clapp</td>
<td>United States Chargé d’Affaires</td>
</tr>
<tr>
<td>Debbie Kingsland</td>
<td>United States First Secretary</td>
</tr>
<tr>
<td>John Jenkins</td>
<td>British Ambassador</td>
</tr>
<tr>
<td>Victoria Billing</td>
<td>British Second Secretary</td>
</tr>
</tbody>
</table>
11.45 a.m.-12.35 p.m., French Embassy

Ambassadors of the EU countries:
- John Jenkins, British Ambassador
- Bernard du Chaffaut, French Ambassador
- Marius Haas, German Ambassador
- Cesare Capitani, Italian Ambassador

1.00-2.00 p.m.

Léon de Riedmatten, ICRC Head of Delegation

2.45-3.30 p.m., Traders Hotel

Hla Tun, Police Brigadier-General
Aung Thein, Director-General, Department of General Administration, Ministry of Home Affairs
Thaung Tun, Deputy Director-General, Ministry of Foreign Affairs
Kyaw Tint Swe, Director-General, International Organizations and Economic Department, Ministry of Foreign Affairs
Soe Nyunt, Director-General, Department of Labour
Tun Shin, Director-General, Attorney-General’s Office
Tin Kyaw Hlaing, Retired Ambassador, Special Adviser to Department of Labour
Tin Aye, Director-General, Supreme Court
Sein Myint, Deputy Director-General, Department of Labour
Kyaw Win, Director, Department of Labour

4.30-5.10 p.m., Chinese Embassy

Wang Zong Ying, Chief of Political Section and First Secretary, Chinese Embassy

Evening, Australian Club

Douglas Foskett, Chargé d’Affaires of Australian Embassy

(Informal meeting)

Saturday, 27 May

10.15-10.55 a.m., Traders Hotel

Aung Min, Police Lieutenant-General
Thaung Tun, Deputy Director-Department of General, Ministry of Foreign Affairs
Kyaw Tint Swe, Director-General, International Organizations and Economic Department, Ministry of Foreign Affairs
Soe Nyunt, Director-General, Department of Labour
Tun Shin, Director-General, Attorney-General’s Office
Tin Kyaw Hlaing, Retired Ambassador, Special Adviser to Department of Labour
Tin Aye, Director-General, Supreme Court
Sein Myint, Deputy Director-General, Department of Labour
Kyaw Win, Director, Department of Labour

Representative from the Department of General Administration

2.00-2.50 p.m., Government Guesthouse

Lt.-Gen. Khin Nyunt, Secretary-1, State Peace and Development Council
Win Aung, Minister of Foreign Affairs
Maj.-Gen. Tin Ngwe, Minister of Labour
Thaung Tun, Deputy Director-General, Ministry of Foreign Affairs [translator]
3.30-3.50 p.m., Meditation Centre

Venerable Myatha Sayadaw  Senior Abbot of Buddhist Meditation Centre
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</table>
Third (special) sitting
Monday, 5 June 2000, 10 a.m.

President: Mr. Flamarique

ADDRESS BY HIS EXCELLENCY,
MR. JORGE FERNANDO BRANCO DE SAMPAIO,
PRESIDENT OF THE PORTUGUESE REPUBLIC

Original Spanish: The PRESIDENT – It is an honour for me to open this special sitting of the 88th Session of the International Labour Conference which will be addressed by our Guest of Honour, His Excellency Mr. Jorge Fernando Branco de Sampaio, President of the Portuguese Republic.

I would like to welcome you, Mr. President, on behalf of all the participants of this session. We all know that ever since you embarked on your career as a lawyer, you have been a staunch defender of human rights. Your presence here today is of particular significance since at this session of the Conference a discussion will be held for the first time on the Global Report prepared under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work which deals with freedom of association and the effective recognition of the right to collective bargaining.

I shall now call on the Secretary-General of the Conference to introduce His Excellency Mr. Jorge Sampaio to the Conference.

Original Spanish: The SECRETARY-GENERAL – It is an honour for all of us to welcome you to this International Labour Conference, particularly for myself as representative of the three main groups of constituents of the ILO. You have distinguished yourself throughout your life by your great commitment to the cause of social justice, the defence of human rights and the struggle for democracy. These are the fundamental values of our Organization. From your youth, you took the path of social and political action to confront the dictatorship which at that time ruled your country. In the 1960s, a decade of idealism which still remains alive in our memories, you were elected you mayor on two consecutive occasions before becoming President of your country. There is an outstanding role at that festival of freedom which was the “Carnation Revolution”. This opened up the way for the inclusion once and for all of Portugal in a democratic Europe and the end of its colonial experience. After that you held most of your country’s important political posts, always with great concern for the fundamental human rights and the social aspects of development. You have been re-elected as a deputy on several occasions, served as Secretary of State for Cooperation, Member of the European Commission on Human Rights, and Member of the Council of State.

These are some of the milestones in your career before becoming President of your country. There is also something else that I would like to highlight because it gives a very good picture of your vocation for public service. In 1989, after holding such important national and international offices, you decided to run for the office which is perhaps closest to the interests of citizens, that of city mayor. The inhabitants of Lisbon elected you mayor on two consecutive occasions as testimony of their confidence in you. It was at that time that I had the honour of becoming acquainted with you personally and welcoming you to my home. You contributed to the successful participation by local authorities in the Social Summit of Copenhagen.

Today you are honouring us with your visit as President of the Republic. You have done an extraordinary amount to keep your country in step with the requirements of a modern and expanding Europe, together with the challenges of a globalizing and highly competitive economy. You have done this without losing sight of the interests of those who create enterprises and those who with their work make them prosper and help to generate wealth. Your country is a founder Member of our Organization. It is a Member of the Governing Body, it has ratified 74 Conventions, including most of those referred to in the ILO Declaration on Fundamental Principles and Rights at Work. We have major cooperation projects with your country which are of great significance to us. Your visit is also significant because Portugal occupies the presidency of the European Union which has given an impulse to renewing the European social model and the values on which it is based through the creation of jobs and the strengthening of social cohesion. The recent Lisbon Summit renewed a concept dear to the heart of the ILO: the need for full employment. These objectives are all completely consonant with our struggle for decent work for all which will guide the ILO’s action in future years.

Mr. President, I welcome you most warmly. We are very proud to have you with us and we are sure to be inspired by your words.

Original Spanish: The PRESIDENT – I thank the Secretary-General for his cordial words and it is now
my pleasure to give the floor to His Excellency Mr. Jorge Fernando Branco de Sampaio.

Original Portuguese: His Excellency Mr. JORGE FERNANDO BRANCO DE SAMPAIO (President of the Portuguese Republic) – I would like to begin by thanking the Secretary-General for his very kind and stimulating words, and pay tribute to the way in which he has undertaken his great task to lead the International Labour Organization. It is a very great honour for me to accept the invitation to address this eminent audience of so many distinguished personalities and representatives of organizations with great functions and great responsibilities for the present and the future of the dignity of the work of women and men throughout the world.

One of the main responsibilities of all those who have been voted into office is to guarantee the freedoms and to promote equalities among the societies in which we live and to contribute therefore actively to ensure that citizens’ rights are at the effective centre of the political decisions that determine the future of humankind.

As a Portuguese and European citizen, I am pleased and greatly honoured to be addressing this 88th Session of the Conference. Even more so, since it is only right to recognize immediately that both the model of social protection that prevails in Europe and the development of industrial relations in Portugal owe much to decades of serious research and technical cooperation with the International Labour Organization. I would also like to thank you for giving me the opportunity to address you in Portuguese, a language spoken in several continents by more than 200 million people of rich and varied cultures.

The second half of the 1990s saw the International Labour Organization develop its place within the United Nations system lucidly and determinedly. It has been consolidating new methods of action that may do much to enhance the international tripartite role in a forward-looking reinvention of the concepts of labour rights. Because I consider it essential for such efforts to be successful, I would like to contribute to the debate on the older and the newer forms of inequality caused by the economy, as well as the definition of the frontiers that separate decent and dignified work from mere work.

The world in which we live is, as we all know, very different from the one into which we were born. The systems of social values and aspirations of relations between citizens and nation States, between countries and regions, are conditioned nowadays by factors that did not exist when the International Labour Organization came into being.

Whilst not forgetting other determinant factors, I would like to highlight three of these: the globalization of financial flows, the transnationalization of business, and the development of information and communications technologies.

I am convinced that these factors have altered the premises of economic development worldwide, and have altered indeed the concept of social solidarity in the governing of contemporary societies, and the collective representations of time, space and, more importantly, of the power relationships of our times.

It is true that the globalization of the financial markets, the increased power of multinational corporations, and the revolution in information and communications technologies, while creating unprecedented opportunities for development, have also worsened the situation of inequality in which a large number of populations live.

These are even further removed than they were in the past from participating in world competition and from benefiting from ongoing changes. In my opinion we are in the presence of new risks and serious threats to the rules, systems and organizations which history has shown to have a decisive role to play in promoting and defending the values of human dignity and social solidarity.

I would like to reaffirm that I do not believe that the imperatives of business competitiveness condemn us to decide between mutually exclusive possibilities, i.e. between economic efficiency and social justice. I reject the idea that the intervention of governments and international organizations is so limited today that in many cases they would be incapable of ensuring civic and political rights; I reject also that social rights could become a mere luxury affordable only in wealthier regions, and even then only during times of prosperity.

As we all know, in the scientific community, the unions, business organizations, and political institutions, a growing number of arguments have been raised against the inevitability of so-called economic and technological determinism. It is becoming increasingly clear that the world in which we live, and the future we can build, are not confined by a time and a space where the biggest and the most powerful always prevail over the small and the vulnerable; where social ethics must be sacrificed to competitiveness, or even to the speculative logic of the financial markets.

As far as the latter aspect is concerned, I would like to state here that it seems to me necessary to develop within the international organizations, such as the International Labour Organization, a thorough ongoing debate on the ways to regulate international money markets in the face of conspicuously speculative movements of capital. We know that these have been responsible for shocks and disturbances in the economy and in employment with extremely serious repercussions in society. We also know that proposals have been made by renowned economists on the need to discipline these movements and to minimize their most harmful effects, whilst simultaneously creating those conditions which should consolidate more balanced forms of relationships between nations.

I do not think it is legitimate to ignore these contributions, nor put off for much longer a serious and coordinated effort within the international institutions to assess the accuracy and operability of such proposals. I am convinced that unless we move in this direction we will gradually lose all hope of being able to introduce any rationality in the international economic system. In my view we should and must do all we can for the economy to develop and to improve the well-being of humankind, and satisfy its legitimate aspirations. It is within the framework of a humanist social ethic that we must find the values that can organize societies and give them cohesiveness, just as it is up to the democratic political institutions to regulate relations between people, and between people and nature.

I would like now to turn to a few other subjects, which although relating to Europe, the economic social and cultural area to which my own country belongs, will nevertheless enable me to discuss the more general issues of work and employment.
In the last two decades the so-called European Welfare State has been under fire from those who consider that it is impossible to cope effectively with the triple challenge of economic competitiveness, of job promotion, and of limiting social inequalities at one and the same time.

In spite of the millions of poor and unemployed people in Europe, industrial relations systems, social protection systems and most instruments designed to promote social citizenship, have been, and in some cases still are being, criticized for allegedly being responsible for the loss of European competitiveness.

We all remember the simplistic recipes which stated that Europe had to reduce the levels and drastically limit the scope of the civic and social guarantees that distinguished it from the other countries of the world.

I include myself in the group of those who consider that the so-called European social model, with its own system of industrial relations, has been at the basis of decades of economic growth and social progress in the democratic European countries of the post-war era.

I also belong to the group of those who know that the success of this model was not at all the result of any automatic economic or technological process. On the contrary, it came about because of the continued efforts made by advanced democratic societies to restrict and reform through the appropriate institutional framework those inequalities which had been caused by market economies. I do not believe that the solution to the difficulties of competition which business has to deal with, or the problems of unemployment and employment experienced by European societies, can or should involve dismantling this common trait of our collective identity which is the close link between citizens' civic, social and political rights, even if it were to be done cautiously.

Before this particular audience I will not linger over listing or discussing the reasons that have led me to add my own voice to all those who, because of the crisis in the employment system, in the industrial relations system and in the models of European social protection, advocated reinvention, by which they mean readaptation of this system to the challenges that social equity and economic efficiency have to deal with these days. I know full well that this is one of the hardest, as well as one of the most important, tasks we have today in governing our societies.

Reinventing the conditions of full employment, adapting industrial relations systems to economic change and to the new social divisions, and improving the level and equality of social protection systems in terms precisely of existing or foreseeable changes are obviously important tasks. That requires no further emphasis from me. We also know that although these transformations are urgent they cannot be accomplished overnight, nor can they be achieved by the government of any Member State of the European Union acting alone, or indeed by any other European country, which may be a candidate to join the European Union.

The challenge facing Europe does not consist in defending at any price a model that requires reform.

We must find effective answers to the challenge of how to adapt our labour legislation, our institutions, and the practices of our social and collective bargaining to the requirements of economic competition where innovation and knowledge occupy an unprecedented place. This requires restructuring social protection systems to eradicate poverty; it requires facilitating social integration of the most vulnerable groups. In short, it requires restricting inequalities and promoting social equity and dignity in the world of work.

I believe firmly that the answer to this extremely complex challenge must involve a serious tripartite social consultation and it implies daring and willingness on all sides to make political commitments. If the institutional players of political and social life are not open to dialogue and to shared responsibilities, if they are unaware that the common good and the idea of public service must remain above the interests and strategies of private actions, then this will seriously reduce the probabilities of their being able to contribute to the building up of what I may call really inclusive societies. Political action, public administration, and, generally speaking, all the social institutions run the risk that they may no longer be seen as active instruments of participative democracy but increasingly as a merely superfluous factor in citizens' lives.

This we cannot allow. The World Summit for Social Development, held in Copenhagen in 1995, and the World Trade Organization Ministerial Conference, held in Singapore in 1996, traced out a path which was developed and made clear by the International Labour Organization Declaration on Fundamental Principles and Rights at Work and its Follow-up adopted here in 1998.

I wish here to reaffirm at this session of the Conference that Portugal adhered to these essential core values and I assure you that I am deeply convinced that human dignity and social progress of humankind have much to expect from the follow-up methods laid down in that Declaration.

Portugal has been a Member of the ILO since its inception and Portugal is proud to belong to that group of countries that have ratified eight Conventions concerning the ILO standards and that give tangible form and body to these four pillars of fundamental labour rights. It is a pleasure for me to say that we have just ratified the Worst Forms of Child Labour Convention, 1999 (No. 182).

After decades of dictatorship in which citizens' rights and the opportunities for economic and social development were restricted, my country knows full well the value of freedom of association, the effective recognition of the right to collective bargaining, the elimination of all forms of forced labour, the effective abolition of child labour and the elimination of discrimination in respect of employment and occupation.

Portugal is optimistic about the role of the Organization in the modern world and considers that it should contribute so that the ILO should always have the resources to accomplish its indispensable function as a forum for the social regulation of economic development and the progress of society.

Over the past few years Portugal has developed its cooperation with the ILO, both bilaterally and multilaterally. I would just like to highlight the programme for the development of social dialogue with Portuguese-speaking African countries and the pioneering project in developed countries of technical cooperation to eradicate child labour. In our country, in both cases, the results obtained have been very positive and this gives us an added reason to be enthusiastic about cooperation with the ILO, both for developed countries and for those countries where the levels of development still require progress. At a time when
the International Labour Conference is for the first time applying the methodology adopted in 1998 to assess the progress made in the first of the four pillars which structure fundamental labour rights – freedom of association and the effective recognition of the right to collective bargaining. I am extremely pleased to see here that the efforts being made to complement the instruments of tripartism are being consolidated.

This is why I would like to terminate these remarks by offering a suggestion and launching an appeal. My suggestion is that all the potential created by the new information and communications technologies should be used to inform public opinion throughout the world more quickly and more efficiently of labour problems in the world, and to inform you about what is being done to ensure that throughout the world an increasingly smaller number of children, women and men should be forced to work in abject conditions.

All those who fought for the dignity and the rights of the East Timorese people to self-determination know that public opinion can be a decisive factor in creating an atmosphere where freedom and citizenship can shift from being mere proclamations to tangible realities exercised and enjoyed every day by the citizens.

And therein lies also my appeal to the international community of intellectuals, writers, artists and reporters. From this prestigious rostrum I would ask you all to support the International Labour Organization in its worldwide campaign with the same generosity that you display in supporting the great causes of mankind. Using articles, pictures, dance, theatre, and all the old and new technologies in the media we should be able to raise awareness in international public opinion to the injustices, the inequalities and the exclusions that continue to prevent the world of work from fulfilling human beings’ extraordinary capacities for creation and progress.

Esthetics, technics and ethics do not have to stand alone in life. Why should we not bind them together in one splendid demonstration of solidarity. I will leave that appeal with you.

Original Spanish: The PRESIDENT – Speaking on behalf of all the participants and the Officers of the Conference, I would like to thank the President of the Portuguese Republic for having granted us the great honour and privilege of being able to listen to his speech, which has tackled issues of great importance and relevance. I would like to point out that his speech has shown a very high degree of harmony with the values and objectives of the International Labour Organization, and outlined the fundamental criteria that should be remembered when seeking fair solutions to the problems facing the globalized world.

The major task of the international community is to safeguard peace, which, as the Constitution of the ILO quite rightly points out, cannot be separated from social justice. This, in turn, should be harmonized with economic efficiency and is the most important ethical challenge raised by globalization.

I know that Mr. Somavia shares the view that the concept of decent work being promoted by the ILO, cannot be dissociated from these fundamental rights. The unprecedented acceleration being produced by technology and methods of communication is changing everyday life in every country in the world.

The international community, and in particular the ILO, should follow this process cautiously so that individualist and selfish trends that are starting to emerge do not undermine the bedrock of solidarity and the safety net which exists in many countries. This is extremely important in countries which are still not truly democratic and do not respect fundamental rights. Today, there are still serious cases of slavery, racial discrimination, of contempt and violence against women, millions of cases of child labour, of trade unions that depend on power or political parties and that do not play their true role, etc.

Globalization, since it is an international process affecting the whole world, urgently requires international rules at this level to tackle properly the problems that it raises. I agree with you that a humanist rationality and social ethics are the most appropriate instruments for ensuring that globalization has a truly human face and can overcome the growing social inequalities that are occurring.

The ILO should study in depth the consequences of these ethics in the present global context. It is also the responsibility of the most developed countries to increase the GDP earmarked for development assistance, and this should be one of the chapters of these ethical ideals. For their part, companies should understand that the profit motive is not the only criterion. The Berlin Summit has just stated that countries should live as a community and not only work in a market. Trade unions should understand that resistance to changing the old systems should give way to this rationality and to these ethics, and they should abandon pointless confrontational strategies and acquire the maturity demanded of them by society through a permanent ongoing dialogue in as far as the public authorities are prepared to give them a leading role.

The Right to Organise and Collective Bargaining Convention, 1949 (No. 98), of the ILO is more relevant than ever. I agree with you, Mr. President, that the ILO should have the necessary means to carry out its function as a forum for the social control of economic development and social progress.

I also support your idea concerning a world campaign for dignity at work. Here, I might venture to suggest that the ILO should periodically call the attention of world public opinion to the most intolerable labour and social problems that have been identified in the Global Report as part of the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, 1998, and the reports of the supervisory bodies of the ILO. These problems might be contained in an official document of the ILO which would alert world public opinion to the most intolerable social situations without the fear of mentioning specific countries.

Finally, on a personal note, it is a pleasure to highlight your work as a political leader dedicated to the respect of democratic principles and human rights. Since your student days, you have been one of the main leaders of the student movement in your country against the dictatorship and you have not ceased your efforts to guarantee a democratic regime in Portugal. Those of us who come from countries where we have suffered attacks against the democratic order, attach great value to people like yourself who have offered their time and their work trying to establish the respect of fundamental rights. We are sure that the work in your country will continue to reflect the direction that your life has taken so far.

Before closing this sitting, I would like to thank you once again for having honoured us with your presence
at this session of the Conference. I sincerely hope that you are successful in your future activities and that Portugal is prosperous. If only, when trying to achieve the objectives that you have mentioned, we could be in a position to adopt the attitude referred to by a great Portuguese poet when he wrote: "Why wait, we only have to dream".

Before closing this special sitting, once again I would like to thank His Excellency for his words and wish him every success in his work for the future.

(The Conference adjourned at 10.45 a.m.)
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Presidents: Mr. Flamarique and Mr. Moorhead

STATEMENT BY MR. SOMAVIA,
SECRETARY-GENERAL OF THE CONFERENCE

Original Spanish: The PRESIDENT – It is now my pleasure to give the floor to the Secretary-General of the Conference to present his Report.

The SECRETARY-GENERAL – Let me say that I cannot imagine a better inauguration of our plenary than the very deep and profound words that we have just heard from President Branco de Sampaio. You know well that I believe that, in the end, it is people that make a difference – and we have just heard a political leader who risked security, who risked much in his country for the things in which he believed in; and I think that this is what the ILO is about. It is about being able to address the real problems of today and to call them by their real name and at the same time to be able to work together so that we can find solutions; I am therefore very happy that he has given us this framework for the beginning of our talks.

Last year, as you all remember, we adopted a new vision for the ILO: Decent Work. This vision, built around four strategic objectives – fundamental rights and principles at work; employment; social protection and social dialogue – guides our progress and the way we organize ourselves. Well, I have to report back to you. It has been an exciting year, a year with a lot of work, a lot of changes. We have been putting in place new programmes and structures in partnership with the Governing Body. In a management retreat we held some days ago, someone described our workload as changing the wheels while the car is moving, and I find that it is not a bad description. We have programmes that are going on and yet we want to change many of those things. It is not easy.

It is a big challenge and I think that we are delivering. Many are perceiving that a more relevant, tripartite ILO is emerging. I see a more cohesive ILO. We do not hide our differences but there is a greater sense of common purpose. All of this is reflected in the Director-General’s Report, Activities of the ILO 1998-1999 and particularly the update we have provided in Provisional Record No. 3.

I will not therefore talk about what we have done, but rather I would like to dialogue with you these days about where we are going and some of the challenges before us.

Decent work expresses the overall goal of the ILO in ordinary, everyday language. It is a way of integrating the ILO’s value-based agenda built around rights at work and social protection on the one hand, and a sustainable development agenda based on the growth of employment and enterprise on the other hand. We need both engines operating at full efficiency to stay on course with social dialogue fuelling the flight.

Decent work is an ambitious goal. It is what people aspire to. People have a right to be ambitious about themselves and their families: our job is to help them get there. To get it right, we have to see these things through the eyes of people – to understand the loss of dignity and personal insecurity that unemployment and poverty brings to families.

Some time ago I saw a Belgian film – maybe some of you have seen it – called Rosetta. Rosetta is a story of a 19-year-old woman who is looking for work and continuously gets different forms of dehumanizing work. We are talking about a developed country here. And the leitmotif throughout the whole film is her cry “I want normal work, please give me normal work”. And in looking at the film I said to myself – but this is what the decent work notion is all about. It is about giving people this incredible aspiration of having work that gives them dignity and that gives them opportunities. And I realized that we did not invent anything when I produced a Report called Decent work.

The persistence of this need through our time came to my mind when, in the Department of Labor of the United States, I saw an exhibition of the 1930s – the middle of the crisis, the Depression-showing workers who were unemployed bearing a placard that said: “Wanted, decent jobs”: This was in 1930, during the American Depression.

So this search for decency in work is an historical search and we have been able to synthesize it in our four strategic objectives; and I think that that will lead us into being able to connect with people, which is the essence of an institution like the ILO, to be able to connect with people in the way we talk and not to disconnect with people in the way the international organizations talk. And I can assure you after living for nine years in the United Nations in New York that you take a resolution approval at the General Assembly and you are trying to hand it to somebody, a normal person, and they will understand very little of it. We, at the ILO with our tripartite structure, should not fall into that trap.

So, decent work starts with people. It speaks to real life situations; it captures the diversity. It is not a straitjacket, a one-size-fits-all solution. On the contrary, it is a way of treating, in a coherent and dynamic way, the diverse aspirations and goals of different individuals, different cultures, different societies.

The response that I have found to this way of looking at things has been overwhelmingly positive. The question is how to make it real. We all understand that the possibilities for decent work evolve with social
and economic progress and the goals can and should rise over time.

When I talk to people and we discuss what it is we are trying to do at ILO, I ask: “What is decent work? How do you see it in your own life and in the life of your family?” And when the answer is: “It is work which allows me to educate my children, I have a stable family life in health and in security and at which my rights at work are recognized – and if I play according to the rules I will have some pension at the end of my working years” – and when I hear that, I say to myself: “Is that a very revolutionary demand? Is it something that should make us wonder if we can possibly aspire to it?”

Now I find that it is a normal human reaction of anybody who would like to form a family in the world. And yet why is it so difficult? And not only “Why is it so difficult?” Some people have said to me: “You know, the bar is too high. We need work first, any type of work. Let us worry about how decent it is later.”

That is what we have been doing for the last 30 years, with the result that informal and precarious work has grown worldwide. That approach is not working.

I believe, on the contrary, that we have to build the wider aspirations of people into their work right from the start. If you do not, you end up with child labour, with discrimination, with highly dangerous jobs, with intolerable practices of all sorts and outright exploitation. I believe that we cannot tell people: “Sorry, the aspiration, to decent work is just for some people in the world. You happen to have lived or been born in a situation in which that aspiration is not possible.” I do not believe that ILO can take that stand, and I believe that we have to be able to transmit the hope that decent work is possible, although we know that it will take time to achieve from the present situation in which many people find themselves.

Achieving decent work for everyone will take time, it will take effort, but we need to set the process in motion and keep it on track. It has to be the responsibility of society as a whole, enterprises, workers, organizations, governments, political and social leaders and citizens’ groups.

The “decent work” vision is the compass that will guide us all. This is not just about how workers and employers work it out within an enterprise sector or even nationally. It is about a society as a whole setting a goal, an objective, and organizing itself to reach it. And we must determine what we are trying to do collectively through the four strategic objectives.

Our next challenge on the decent work agenda is to make it operational at the national level. We plan to work with tripartite constituencies of interested countries, to analyse together how the vision can be put into practice in different national situations.

Let me address some key issues that are relevant to our Conference.

We already have agreement in the national community about basic rights at work. That is the floor of the global economy, and decent work builds on it.

Freedom of association is a key enabling right. Women and men have the opportunity to organize, to act collectively, to promote and defend their rights. It is a precondition for all the rest. It is as true for employers as for workers. Freedom of association is relevant in every facet of human life. It is the expression of the freedom of the spirit.

Tomorrow we have a chance to debate this issue in depth when we look at the first Global Report under the Follow-up to the ILO Declaration. We have called it Your voice at work. The picture is not good. We expect a full day of lively and interactive debate. Your voices will guide the Governing Body this November to set priorities for technical cooperation and plans of action. For example, to exercise their rights, people need to know what they are. Could we not post the message of the Declaration in every workplace of the world. It would be a very simple practical step to make it known.

Last year the adoption of the Worst Forms of Child Labour Convention was one of the highlights of the Conference. At that time I said that we should make this a global cause, and in the course of this year the Office has mounted an intensive campaign to do just that. The result is unprecedented numbers of ratifications in the first year – in fact, the highest in the history of the ILO. We can expect more than 30 by the time the Conference is over and many more are in the pipeline. On Wednesday there will be a special event to recognize these impressive efforts made by those countries which have already ratified.

But beyond ratification my message today is that it is indispensable and possible to confront the worst forms of child labour, now and fast. It is a moral obligation. We need resources, people and energy, but we can do it. Ten days ago, in a seminar in Washington, I listened to people who have been making it happen at the local level in projects big and small all over the world. Our job is to support them and help their actions multiply. Again, our next step is to work with countries that want to fix time bound policies to eliminate the worst forms of child labour. Among them already, in talks with the Office, are El Salvador, Nepal and the United Republic of Tanzania.

In a few hours time, in New York today, the Special Session of the United Nations General Assembly “Women 2000” will start. It is entitled “Gender Equality, Development and Peace for the 21st Century.”

We have a substantial ILO delegation at that Conference, where we will be underlining how gender equality has to be built into rights and representation, into social protection and employment. Equality is the issue – the chance for both men and women to find fulfilling roles as producers, caregivers, citizens. We still have a long way to go, but there is a new atmosphere and clear decisions on this issue within the ILO itself.

To be credible, I feel that it is critical for this Organization to lead by example. I want your help to develop creative new strategies to achieve gender balance at all levels in the Organization. Let us analyse together what we might do to create this gender balance, not only in the Secretariat but in national delegations of the Conference and in the Governing Body.

In our Conference we have an issue on the agenda which is a perfect example of how gender equality is at the heart of decent work: maternity protection.

I want to go to the core of this debate – the human being concerned, the woman who would like to be able to bear a child safely and to nurture her child for some time after its birth without fear of losing her job, her income or her career.

It is not an unreasonable demand. This is part of the whole contemporary debate on work and family life and the stability of the family.

The response cannot be just a business or a market decision. It is too important. It is a societal decision. It is about the values we want to express as the ILO. It is
how much we value the right of working mothers to bear children. It is about how welcome or unwelcome that girl or boy is going to be. It is about family stability and family values and, beyond that, about the difficulties of single parent households. And once we decide on that, once we decide on the values that we want to put in place, then it is about how we share responsibilities and costs. And of course these responsibilities and costs have to be well balanced in society and should not fall on any particular actor specifically.

As you all know, the approach to the revision of this Convention has raised legitimate concerns that the final results might be to lower the standards set half a century ago. It appears odd that after 50 years we might need to lower standards, but this is a real preoccupation that has emerged. The worry, then, is that the final result may be to lower the standards set half a century ago which many countries have since gone beyond, rather than modernize them. Of course, 50 years down the road you need an element of modernization, but we should not confuse one thing with the other. We should not confuse the values we want to put in place with the instruments which the ILO has adopted, and how the cost is going to be distributed in society once we put in place the systems that we believe are the correct or just ones.

At the end of these negotiations, I trust that we can all say that this has not happened, and that the standards have not been lowered.

I firmly hope that the instruments you adopt will be as strong as necessary to provide effective maternity protection in the reality of today's societies as a key component of decent work.

Developing our capacity to help countries formulate a national policy agenda for decent work is central to our future activities. But it also depends very heavily on what happens in the new global economy. It is time to re-examine the rules and policies that underlie globalization. The criterion for success is not only growth or financial returns but whether the global economy has been meeting people's needs.

I believe it has not — clearly, not sufficiently. As I have often said, the hard reality is that the benefits of globalization are not reaching enough people. We know that the global economy is not creating enough jobs, and especially not enough jobs or sustainable livelihoods that meet people's aspirations for a decent life. Perceptions of uncertainty and insecurity are spreading across societies.

Unless we tackle the growing disenchantment with the present form of globalization, the backlash will continue — the visible and vocal backlash on the streets and the silent backlash in the home, round the dinner tables of our homes. If questions of unfairness and inequality are not addressed by the international community, the policies promoting globalization, with all its potential to generate economic growth, development and wealth, will be rejected by increasing numbers of people and countries. I believe that imagination and creativity will be needed to make work for everybody. It is becoming a precondition for social legitimacy.

We often hear that globalization cannot be changed and is irreversible. This is only partially true, and let me say why.

I believe that the information, communication, technological revolution that we are living through is irreversible — it is one of those jumps in technology that history systematically produces. This one is a new one; it is going to stay. We are in the infancy of the process, and we need to be able to adapt to it and to assume it as a reality. But there is nothing irreversible about the policies that have accompanied globalization — the macroeconomic policies, the trade policies, the financial policies, the social policies, the development policies, the debt policies. If these policies are not delivering the goods for people, are not generating a reaction where people say: “Hey, this is really good for me and my family”, then we have to fine-tune them, we have to modify them, we have to change them, if necessary. So let us not get confused about the inevitability of globalization. “Yes”, on the technological front, not on the policy side. And that is the space in which the ILO needs to be aware and to be active.

The global economy needs a framework of rules so that it meets everyone's needs. In the Governing Body, the Working Party on the Social Dimensions of Globalization gives us a forum where we can take these questions further, first in a discussion between ourselves as a tripartite structure of the ILO and then with other international organizations which may want to discuss this issue with us.

As I have said, today the shape of globalization is bound up with the new knowledge economy. I believe it is full of potential.

Global information networks foreshadow the end of closed societies. That is a major change in front of us and the implications for networking, for information, for participation are enormous.

Better communications are leading to new networks and new services. Telecentres and telecottages are creating employment from Senegal to the Dominican Republic. Conditions are favourable for gender equality, as shown for instance in the use of mobile phones by women to provide new services in rural Bangladesh.

There are better opportunities for education and training, particularly distance learning.

Education should prepare young people for the new realities of the enterprise and develop their capacity to be creative in an increasingly sophisticated workplace.

New economic opportunities are multiplying, and not only in the North. In Brazil and India software companies are mushrooming with a capacity for global competition, and the list is long. I believe that this opens up new potential for everyone.

But there is a real risk of a digital divide, a chasm that could swallow up all this potential and create new dimensions of exclusion. We need to look at where jobs are being destroyed and where they are created and build bridges between them, especially by widening access to skills and competencies. The next World Employment Report will come out early next year and will tackle all of these issues in depth.

The spread of the new technologies is accelerating and there is the opportunity for individuals and nations to leapfrog. It comes down to empowering people and giving them voice. The potential is enormous.

But — and this is an important but — investments in infrastructure are needed if we want to expand its use, and access to opportunity is needed if we want to take full advantage of the knowledge economy. Walter Reuther, the American labour leader, said it in a different context. He said: “You cannot build an automobile economy on bicycle wages.” Well, in my view, you cannot build a knowledge economy ignoring
workers' rights and social protection. They have to go hand in hand. Ninety per cent of working-age people do not have formal protection in the world today.

Unfortunately, we are dealing with an information revolution when we have not yet overcome the problems of the industrial revolution. Poverty was not invented by globalization but, as World Bank figures show, neither has globalization reduced poverty and exclusion.

Tinkering with existing approaches, I think, will not take us very far. We need to find radically new solutions to the global problems of intense poverty and the working poor. All the creativity of workers, employers and government will be needed to develop a new paradigm. It is an extraordinary challenge for us at the ILO.

In looking for creative solutions we must stop thinking of markets as forces of nature but rather as social mechanisms which are imperfect and which can be enhanced to serve human needs better.

I believe that all of us really need to develop a questioning attitude, rethink our policies, come up with new alternatives. Old habits are comfortable, we all know that, but if we continue as we have always done, open markets and open societies will be at risk.

Can we not work in partnership to increase the options, the freedom of choice, the purchasing power of the 3 billion poor who subsist on less than $2 a day in the world? Can we not increase and improve self and wage employment opportunities for these women and men?

This is a fundamental way of linking the rights and protection agenda with the development agenda. Nearly everyone would have a stake in this challenge - business, workers, their organizations, governments would all benefit. If we are successful, the positive economic and social impact would be dramatic, the effect on global growth enormous.

I ask myself: Is this a dream, the idea of taking 3 billion people with less than $2 a day and incorporating them into the mainstream of their own societies and the global economy? I believe that it is not. It will happen if we decide to make it happen, but it won't happen on its own. And I ask myself: Where can we find the energy, the thought, the experience to begin thinking in very practical terms. As you know, I believe that the value systems of the commitments that I hold very dear to me are clear. Unless you make things happen in practical terms then you are just making speeches. So, when I think in terms of how to do these things in practice, I think about all of you.

You know that for some time now I have been in the international system, but also in national politics, and in civil society organization and in business. I have had a rather varied life before getting here.

Let me tell you one thing, there is no single institution in the world that has the potential of being able to solve this problem other than the ILO. Now, we can choose to use the potential or not; we can choose to say "Well, but it's not our responsibility, it's not really in our mandate", etc. There are a thousand things that we always find when we do not want to do things.

What I want to tell you is that, if we are going to find a solution to this problem, it is the experience of the enterprise, it is the experience of work, it is the experience of the employers' associations, it is the experience of governments working together, thinking together that links us to reality, because what we have sitting in this room today is the real world. We are talking about the world of work, about the world of the economy, about the places where employers and workers get together and where governments set some sort of a basic overall regulation for their work. So what I want to tell you is that the challenge is enormous. The potential is there; it will just depend on whether we want to do it or not.

What I would like to say, and with this I will end, is that I believe that we should be at the forefront of forging a global coalition for decent work. To do so we need a new spirit of entrepreneurship. I believe profoundly in entrepreneurship as a creative phenomena, but I think that we all have entrepreneurship in ourselves. The capacity to combine resources means ideas to make something happen, to make a new product emerge. Everybody has that potential in himself. We have to unleash it; we have to decide to use it and to make it happen in practice. So we need a new spirit of entrepreneurship, to invent new enterprises, new cooperatives, new initiatives, new international agreements, new global networks that respond to unmet human needs.

We must start from a firm commitment to cohesive tripartism, with each group bringing to the task its own indispensable contribution. And we must make sure that the ILO's work itself forms part of a renewed effort by the multilateral system to get to grips with the social challenges of globalization in a way that it has not managed to do so far. This is the basic flaw of the present global economy; it has a great economic structure, but it has a weak social structure, and consequently it is not standing straight and people are reacting to it.

Enterprises are the place where economy and society come together. Without them we can go nowhere, because it is there that the jobs are created that offer the way forward from poverty. The ILO has to work with the Employers' group to create the enabling environment in which these enterprises can prosper and become what I would call nurseries of decent work.

Today, we see creative enterprises across the world working in partnership with trade unions, investing in their workforces, functioning as part of the community. They are efficient, they are dynamic, they are the future. They are competitive in the world market and yet they are socially relevant and have good industrial relations.

While large enterprises play a dominant role in the global economy, the jobs are mostly created in micro, small and medium enterprises. We need to help all the smaller enterprises to move forward on the high road.

We need trade unions, trade unions faithful to their historical mission which combines ethics and practicality in recognizing that their task is not to defend islands of decent work against a rising tide of inequality and injustice at work. The challenge to them, and I would like it to be a challenge to the ILO as a whole, is to close the representational gap which the Global Report highlights. The answer is always to organize and for us to help eliminate obstacles to organization when confronting complex situations. But how do you organize the knowledge worker? How do you organize the work in the informal economy? These are major difficulties, great questions with which trade unions will have to cope in the future. We should be able to be relevant in our thinking with them. And how do we do that because we all know that organization is better for everybody.
In addition to the organization of small enterprises in the informal sector – which do not exist practically – we shall have to face the enormous challenge of linking ourselves to the real world, where production is actually happening.

Our social partners need to be able to work with governments which make the cause of decent work their own, governments which are ready to integrate decent work into their national policy programmes. By prioritizing the task of making decent work operational at the country level, we would be committing the ILO to working with such countries in the concerted effort required to take decent work out of the conference halls of Geneva to the fields and factories and offices of your countries.

The challenge I propose to all of you is that we should work with those countries. We have to think together how to do it. We have to think in a tripartite way. But why don’t we try? Why don’t we see how these notions and this effort at integrating the four dimensions operate and it would seem that we are all in a room behavign like independent actors. I use the word “actors” because you sometimes look at the way institutions operate and it would seem that we are all in a team representing our own institutions. And say to myself: What? All these problems are interlinked and interconnected; how can we pretend to solve many of the issues that we have seen just by looking at them with a financial eye, or a trade eye, or a social eye, or a development eye? They are interlinked, they are interconnected, and in that sense I believe the multilateral system is underperforming.

We have been trying to push it towards operating much more with a common vision of how we solve the problems. We have been building bridges with our sister organizations in the system. We have, for example, agreed to work with the World Bank at a country level to bring the decent work agenda of the ILO together with the Bank's Comprehensive Development Framework.

One week after the close of this session of the International Labour Conference the Special Session of the United Nations Assembly dedicated to the follow-up to the World Summit for Social Development will open here in Geneva. It represents a major opportunity to establish integrated action as the leitmotif of the international system as it tackles the social dimensions of globalization. Another will come with the United Nations Millennium Assembly in September. You would expect us to be at the centre of this action, and we are. We are following it and we are very active. In the documents of the World Summit for Social Development we are receiving enormous support for what the ILO is doing, for our projects and our programme. If we all, I think, be a very important discussion of all this.

As the champion of decent work the ILO is also called upon to be a thought leader at the service of the international community in this field. We must be prepared to continue to invest in finding solutions true to our values that are relevant to the modern world and to the common interests of our constituencies.

Let me say something which I think is important. We talk a lot about the changes under way and the need to deal with them, and I have just mentioned the need to look at them in an integrated way. I think that we have reached the limits of sectoral analyses of integrated phenomena and, consequently, of sectoral solutions to integrated problems.

What all this means is that the knowledge base with which we have been working up to now does not necessarily contain the essential ingredients for the new phenomena that we are dealing with. This is extremely difficult to deal with because, when you say “Look, maybe the policy that one is expert in may not be the policy that solves the problem”, first of all you have an individual reaction of “Oh my God! I am going to have to defend this policy because this is what I know how to do.” This is a very, very complex problem, and we may need new knowledge that is not necessarily the knowledge that is there at present in terms of the policies that we have been pursing in the past.

We have the obligation to say to ourselves: “Well, let’s check! The values are there. We are not going to change them, but the instruments and the way we make it happen may have to be different.” Some knowledge development may be necessary in the work of the ILO.

What this amounts to is an appeal to all of you in this hall, and to all of those that you represent, to unite your efforts behind decent work. We have been privileged to hear President Sampaio’s stirring call to the international community to work with us for the dignification of work. Let me echo that call and urge you all forward as the key actors in a global coalition for decent work.

As I have said throughout this speech, the opportunities that we have, the opportunities that you have, the challenge that is there, the capacity to take the challenge and to run forward – all this is extremely difficult and complex. But this institution is better placed than any other institution in the world to do it if we want to.

What I want to propose to you is that you should want to do it. If you want to do it, you will have the Office behind you.
paragraphs 54-58 of its report and reproduced in the Memorandum of the 88th Session of the International Labour Conference, a copy of which you should all now have.

It is incumbent upon the Officers of the Conference to draw the attention of all delegates to the contents of paragraph 58 which reads as follows: “In periods of acute political tension the ILO has a twofold responsibility to uphold the values of human freedom and dignity enshrined in its Constitution, and to circumscribe rather than extend the area of international tension by ensuring the fullest possible degree of continued cooperation in pursuit of the objectives of the ILO”.

Every delegate to the International Labour Conference therefore has an obligation to the Conference to keep these considerations constantly in mind and the President has an obligation to ensure that the Conference does not lose sight of them.

In the discharge of my duty, I draw the Conference’s attention to these principles, with the full agreement of the other Officers and on behalf of them, I urge all delegates to collaborate with us in applying these principles. In particular, we hope that every delegate will recognize that the Officers of the Conference are responsible for ensuring that these principles are observed, and this my colleagues and I are determined to do.

Freedom of expression is a vital feature of the International Labour Organization. However, in order to exercise this right in the spirit of mutual respect we all have to accept a certain amount of discipline if we want our work to be carried on in an appropriate way and be crowned with success. It is the duty of the President of the sitting to ensure that these principles are respected and the Officers of the Conference will not hesitate to intervene where necessary. In particular, any offensive or insulting remarks about any Heads of State or Government, or personal insults directed at any other delegate will result in immediate intervention by the President.

In addition, all delegates should use parliamentary language, respect the accepted procedure, refer only to the items under discussion and avoid raising any extraneous questions. Delegates who wish to reply to a statement should refrain from raising a point of order. Instead they should inform the President of the sitting, before that sitting finishes, that they wish to exercise their right to reply. A request for a right of reply should be addressed to the Officers during the sitting in which the government or delegation considers that it should exercise its right to reply. These requests should be transmitted to the President through the Secretary, not by asking for the floor during the sitting.

I would also like to set out some clear guidelines with regard to the exercise of the right to reply. The reply should refer only to the point under discussion. It should be brief, not exceeding two minutes in length, and should not give rise to any further remarks. It should also be couched in correct parliamentary language. I should also emphasize that, in order to avoid endless debates, it has been the practice in the past for Presidents not to allow replies to a reply.

I also wish to draw your attention to the recommendation submitted by the Selection Committee concerning the reduction of the time limit for speeches of delegates participating in the discussion of the Director-General’s Report. This recommendation to reduce the duration of speeches by half, limiting them to five minutes only, was formally submitted to the Conference again this year for decision following consultation with the Vice-Presidents. I therefore invite all delegates to focus their remarks on this Report alone. The time available to the Conference for the examination of its agenda is very short, and it is imperative that these provisions be respected. All delegates and ministers attending the Conference will no doubt wish to take this limit of five minutes into account in preparing their remarks, so that the President will not be obliged to withdraw the right to speak from speakers before they have finished their statements.

Of course, in accordance with the usual practice, an exception to this rule will be made in the case of the guest of honour and special guests of the Conference.

I would remind you that, in accordance with established practice, the Officers and President bear sole responsibility for organizing the general discussion. In particular, it is up to the President to ensure respect for the principles and provisions of the Standing Orders to which I have just referred.

For the first time the Director-General has submitted a Global Report under the follow-up to the Declaration on Fundamental Principles and Rights at Work. The subject this year is freedom of association and the effective recognition of the right to collective bargaining. This report will be discussed in plenary separately from the Director-General’s Report on ILO activities.

In accordance with the decision of the Selection Committee, this Report will be discussed in plenary all day tomorrow, 6 June, with the possibility of an extended sitting. The discussion will take place in three phases. In the first phase, the Employer and Worker spokespersons and, if appropriate, other delegates will make opening statements. During the second phase, statements will be made by individual delegates. Finally, in the third phase, the spokespersons of the groups and other delegates will be able to make concluding statements.

Subject to the adjustments which may be decided by the Officers of the Conference, the maximum duration of speeches will be ten minutes for speeches of the group spokespersons and five minutes for delegates’ speeches. In order to make this discussion as interactive as possible there will be no formal list of speakers. Delegates wishing to take the floor will be requested to fill in forms which will be available in the room during the first sitting tomorrow morning.

With your help and collaboration we shall fully discharge all the responsibilities conferred upon us with a view to ensuring the proper conduct and success of the Conference. We thank you in advance for your understanding.

Mr. FOULKES (Minister of Labour and Maritime Affairs, Bahamas) – The Government of the Commonwealth of the Bahamas would like to congratulate the President and the Vice-Presidents on their election. We pray the Almighty’s guidance upon them while steering us through our deliberations.

These are exciting times for the Bahamas, especially for labour as the Government is in the process of enacting revolutionary pieces of labour legislation. This initiative by the Government to update legislation is to deal with the rapid changes in the evolving marketplace.

The bills in the package that were tabled in our Parliament on 22 May this year, include the following –
present legislation. The main objective is to have a bill before Parliament seeks to establish a provision, establishment of five days' sick leave per employee and Occupation) Convention, 1958 (No. 182).

We hope the passage of this piece of legislation will ensure not only decent work but also decent pay. The Government had initiated very intense discussions involving a large cross section so as to be advised and assisted to enable it to pass an Act that all the social partners can live with.

Some of the new features of the Minimum Standards and Conditions of Employment Bill are extended maternity leave benefits, equal pay for equal work provisions, establishment of five days' sick leave per year with a doctor's certificate, introduction of unfair dismissal in our law for the first time and schedules to calculate compensation for unfair dismissal and redundancy.

The Industrial Tribunal and Trade Disputes Act will be very revolutionary when it is enacted. One such provision is that all disputes will be filed with the industrial tribunal and then passed on to conciliation while the paperwork is being completed by the tribunal, to assist them in fixing a date for hearing.

Another plank is that the tribunal can enforce its own awards that include costs for contempt. It is envisioned that the application of this bill will have the greatest impact on engendering a stable and amicable work environment. In other words, decent work and decent pay.

Mr. HAMAL (Minister of State for Labour and Transport Management, Nepal) – At the outset, let me, on behalf of the Nepalese delegation and on my own behalf, extend our warmest congratulations to the President on his unanimous election to preside over this session of the Conference. My delegation is fully confident that under his able leadership and guidance, the Conference will generate fruitful results.

Nepal is one of the least developed, land-locked countries of the world. Since the restoration of a multi-party parliamentary democratic form of government in 1990, Nepal has all along followed a proactive policy in matters of accelerating the pace of development and achieving sustainable growth.

We are making sincere efforts to alleviate poverty through the generation of productive employment opportunities, the establishment of peace, investment in education and human capital formation, and the promotion and protection of human rights. We have now come up with a national labour policy and fixed new minimum wages for workers, including agricultural workers. We have also updated labour-related legislation to keep pace with changing situations. Our Parliament has recently endorsed a bill concerning the prohibition and regulation of child labour. We have also developed a time-bound national programme to eliminate the worst forms of child labour by the end of 2005.

My delegation attaches great importance to the reports of the Governing Body and of the Director-General. These reports give a comprehensive and lucid account of the immediate priorities of the ILO and a vision for the future. We would like to record our deep appreciation of the Director-General of the ILO and of his associates for preparing such inspiring reports.

Nepal has been reaffirming its strong support for the ILO’s Conventions and Recommendations. To date, Nepal has ratified seven international labour conventions, including four human rights-related core Conventions, namely Conventions Nos. 98, 100, 111 and 138. We are now in the final stage of ratification of four more Conventions, namely Nos. 29, 87, 105 and 182. We are hopeful that Conventions Nos. 29 and 182 will be ratified in this current budget session, and the two remaining Conventions, Nos. 87 and 105 will be ratified in the upcoming winter session of the Parliament.
Regarding the revision of the Maternity Protection Convention, (Revised), 1952 (No. 103), my delegation believes that women are central to human development. Hence the issue of the protection of women workers' health and employment during maternity assumes great importance, as women play catalytic roles in enhancing the socio-economic and political development process. His Majesty's Government of Nepal has exerted special efforts to safeguard the health of women and to remove gender disparities and injustice.

As human resources are an indispensable means of utilizing other resources for the benefit of mankind, we attach significant importance to the topic of human resources development and vocational guidance and training. Our Ninth Plan has given topmost priority to promoting human resources development and vocational and skilled training to stimulate development.

Concerning the issue of safety and health in agriculture, my delegation feels that agriculture being the mainstay of our economy, priority should be given to ensuring safety and health of agricultural workers while at work. A tremendous increase in the use of various chemicals and pesticides in the agriculture sector calls for the need to devise safety and health measures to protect the lives of workers involved in this unorganized and vulnerable sector of the economy.

In view of the worldwide recession and decline in foreign assistance and investment, my delegation would like to re-emphasize that the least developed and landlocked countries need special assistance from developed countries and international agencies to stimulate their development activities and to achieve sustainable growth.

Original Arabic: Mrs. KOUDSI (Minister of Social Affairs and Labour, Syrian Arab Republic) – I should like to begin by extending to you on my own behalf and on behalf of the Syrian delegation our warm congratulations for the trust placed in you by this Conference which has elected you to the Chair of the 88th Session of the International Labour Conference. We wish you every success and hope to have a fruitful dialogue between the social partners culminating in the report of resolutions and Recommendations that will help to achieve the objectives of this Organization. We would also like to congratulate the Vice-President.

The Syrian Arab Republic is endeavouring to apply ILO Conventions and Recommendations in the interests of all the social partners concerned. As our President Hafez Al-Assad has declared, “We glorify work and workers; we fight against exploitation and those who perpetuate it. We are extending employment opportunities in order to put obstacles in the way of anyone who engages in exploitation”.

The Director-General’s Report covers the activities of the Organization from 1998 to 1999 in various regions of the world, including the Arab region. We are grateful for the ILO’s work in our region and support the efforts of the Arab Labour Organization to consider the Arab nation as a single geographical region for programme implementation without prejudicing regional bodies and frameworks. It is important to have effective coordination between ILO regional offices in the Arab world and to give extra material and human resources to the Beirut and Cairo Offices, including their multidisciplinary teams. We ask the ILO to step up its activities and programmes of work, including the technical cooperation programmes in order to assist the social partners throughout the Arab world, to continue to support the regional programme for administration of labour and to extend the use of the Arabic language with a view to making it an official language of the Organization. We would like to see more ILO documents and publications translated into Arabic.

We would like to thank the Director-General for his constant concern to send missions to the occupied Arab territories pursuant to the resolutions of this Conference of 1974 and 1980. We hope these efforts will be continued with a view to assessing the situation of workers and employers in the Occupied Arab Territories.

However, certain negative points in the Report should be highlighted. The Report should be sent to the interested countries, namely Palestine and the Syrian Arab Republic, in good time, so that the information and data therein can be verified. Unfortunately, we only received the Report when we arrived in Geneva. The Report is based on a resolution of 1980 concerning the impact of settlements, whereas also we should have used the resolution of 1974 as well. The mission omitted in its report to list the rules of international law applicable to the Occupied Territories and the Hague Convention of 1907 and the Fourth Geneva Convention of 1949, which are the legal reference as regards the military occupation which has continued since 1967. There are 22 references in the Report to the word “territories”, whereas no such term exists in international law to designate the occupied territories. It is stated that the situation in the Golan has not changed in recent years. There is reference to confiscation of land, the problem of water, settlements, dismissals and discrimination in recruitment and wages. According to paragraph 32, the authorities have repeated that there is no discrimination against the inhabitants of the region and that they are treated the same as those of other regions of Israel. However, the Report expressed no opinion with regard to those statements. The mission also again this year made an error by ignoring the harmful effects of settlements on Palestinian land and the Golan Heights, whereas this is at the very heart of its mandate.

Paragraph 13 refers to the number of Israeli settlers in the Occupied Territories. This has also been referred to by Palestinian workers’ associations, which have stressed the uncertainty surrounding applicable law in the settlements that continue to be built and to expand. Paragraph 39 also refers to the number of Israeli settlers in the occupied Palestinian territories. The best way of assuring follow-up to the two resolutions adopted by the Conference in 1974 and 1980 is to set up a special committee to examine this Report and submit recommendations to the Director-General.

The Syrian Arab Republic aspires to a just, comprehensive and lasting peace on the basis of international resolutions, the principles of the Madrid Conference and of land in exchange for peace.

The Syrian Arab Republic recently participated in negotiations in the United States and was promised that the other side would follow in the footsteps of Yitzhak Rabin for peace, by withdrawing beyond the line of 4 June 1967. The negotiations were supposed to define this line. However, the Israelis prevaricated as usual, and put the stress on security measures, the
establishment of embassies and so on. This is why negotiations failed. The Syrian Arab Republic has consistently adhered to its position that it will not give up a single grain of its sand. We have adopted peace as a strategic choice and would like our observations to be taken into account when the next report is prepared.

Original German: Mr. RIESTER (Federal Minister of Labour and Social Affairs, Germany) – I would like to congratulate the President on his election as President of the 88th Session of the International Labour Conference and I wish him every success in this onerous task.

The Report of the Director-General gives a comprehensive and instructive overview of the ILO’s activities of the last two years, and this is very welcome. In future, however, I hope that the Report will be submitted somewhat earlier (so that we can better prepare our statements).

Owing to time constraints I would like to confine myself to one aspect which I believe is particularly important.

In three weeks’ time to the day, a Special Session of the United Nations General Assembly will be opening here. It also bears the abbreviated name “Copenhagen + 5”. Its participants are supposed to reach agreement on the extent to which the objectives of the Copenhagen World Summit for Social Development of March 1995 have been implemented and on new initiatives that should be taken in order to incorporate the developments and experiences of recent years into the further implementation process.

The Secretary-General, Mr. Somavia, played a vital role when he presided over the Preparatory Committee and, subsequently, the Copenhagen Social Summit itself. Without him, this Summit would probably not have been held at all. One of the most important results of Copenhagen was the recognition by the Heads of State and Government gathered there that productive employment is only conceivable if fundamental workers’ rights are respected, rights that are contained in key Conventions of the ILO. At that time it took a long struggle to achieve this consensus, but it was achieved in the end. The ILO has understood the signals given by Copenhagen and, with its Declaration on Fundamental Principles and Rights at Work that was adopted here two years ago, it laid the groundwork for creating a global overview of the status of observance of fundamental workers’ rights. However, in the still ongoing negotiations on the final document for the Special Session, we note that, unfortunately, although the ILO Declaration of 1998 is acknowledged, many countries are still not taking the necessary step towards national implementation of the Declaration through a serious and binding commitment to fundamental workers’ rights. Almost every statement in this respect has to be bought with concessions.

We should bear the following points in mind: the ILO is breaking important new ground in order to do justice to the Copenhagen commitments, but as regards the matter of implementing the ILO Declaration the Special Session of the General Assembly is aiming only for a very loose and non-binding consensus. I cannot deny that this reticence about the ILO’s 1998 Declaration stems partly from fears that have to be taken seriously. In developing countries, especially, there is widespread concern that invoking minimum social standards could be abused in order to make it more difficult for their products to gain access to world markets. Nor can one deny that there is an imaginative form of selfishness which comes into play when it is a matter of preserving market share of international trade. But does not cooperation between the ILO and the World Trade Organization offer a guarantee that such abuses will be prevented? These fears are understandable, but we have to reject the assertion that international trade and social standards have nothing to do with one another. One cannot say that they should not be mentioned in the same breath. There cannot be any leeway for international trade if there is no social justice, and here one has to concentrate on the fundamental principles of the ILO. It is also essential that in structural adjustment programmes the ILO contribute its expertise on a regular basis. Economic and financial stability has to be durable.

This prompts me to appeal to government and Employers’ delegations, the whole of civil society with all its delegations, to use this Special Session to underline our commitment to the Copenhagen Summit and to the recognition of fundamental workers’ rights as enshrined in the solemn Declaration of 1998.

Please do not content yourselves with allowing the representatives of your governments at the Special Session in three weeks’ time to confine themselves simply to recognizing the ILO’s role and particularly its June 1998 Declaration. I urge you to commit yourselves to ensuring that in the final document of the Special Session your governments demonstrate their clear political will to implement the Declaration at the national level, and, if at all possible, to ratify the core Conventions mentioned there.

Mr. CASTILLO (Minister of Sugar Industry, Labour and Local Government, Belize) – I am indeed honoured, and it gives me great pleasure on behalf of the Government and people of Belize, to be afforded the privilege of addressing this august assembly. May I join the many other speakers in congratulating the President and Vice-Presidents on their election and wishing this assembly every success in its deliberations. Permit me also to congratulate the Director-General of the International Labour Organization on his excellent Report.

It is of vital importance, once again, to express my sincere thanks and gratitude to the International Labour Organization and its regional office for their continued assistance to Belize, particularly in the areas of advice, training and information technology. We look forward to their continued support in the future.

Foremost in Belize’s achievements is the ratification of ten ILO Conventions in 1999 and five ILO Conventions in 2000. Belize is the only country in the Caribbean and Central America that has ratified the eight internationally recognized core labour standards. Foremost on the agenda of my Ministry are: the Maternity Protection Convention (Revised), 1952 (No. 103); the Minimum Age Convention, 1973 (No. 1389); the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144); the Labour Administration Convention, 1978 (No. 150); and the Worst Forms of Child Labour Convention, 1999 (No. 182).

Belize is proud to announce that 42 ILO Conventions have been ratified over the last two decades. This empowers the different stakeholders in society
and improves the quality of life for all Belizians. A modern labour ministry with constant social dialogue promotes harmonization of industrial relations practices with human resource development strategies. Belize therefore pledges to adhere to the principles of decent work and the fundamental principles and rights at work as promoted by the International Labour Organization.

The Recognition and Status Bill for trade unions and employers’ organizations has been passed in the House of Representatives. Its eventual enactment in the year 2000 will further empower the different stakeholders in the social dialogue process. Setting standards through legislation will facilitate the economic performance of Belize and enable us to compete internationally. The stakeholders’ compliance with the legislation will promote binding collective agreements, minimum wage standards, cohesive inspection policies and enhanced social dialogue.

The Ministry of Labour will continue to build confidence with our social partners. We will face the challenges of globalization and the various economic and social trends which impact on Belize, the region and the world. This year Belize celebrated an historic, tripartite labour day celebration under the theme: “Labour day 2000 – Workers, employers and government creating a new social partnership”. We embraced the true spirit of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and the overall objectives of the ILO. The ongoing modernization process of labour ministries across the region, the strategic alliances and positioning, make Belize the only bridge between Central America and the Caribbean.

The Government of Belize gives full support to the efforts of the ILO to contribute to a better environment that is safe and equally secure for the social and financial well-being of all mankind. We look forward to a successful outcome of the tripartite deliberations of this 88th Session of the International Labour Conference for the benefit of all. May God bless us all.

Interpretation from Spanish: Mr. SAPPLA (Govern-ment delegate, Argentina) – May I at the outset express how satisfied and proud the Argentinian delegation is at having our Minister of Labour nominated as President of the first Conference session of this century.

This sovereign decision of yours commits my country still further to respecting the constitutional principles of the ILO and the international labour standards.

The Argentine Government has taken due note of the Director-General’s Report and is ready to continue making its contribution in the light of the observations and comments that it contains on the subject of decent work.

This annual occasion is especially important for Argentina because last December Mr. Fernando de la Rua began his four-year term as President of the Republic. Apart from its political importance, this reflects the continuity of the democratic process whereby the people express their will through the ballot box. My delegation therefore reiterates its attachment to the values of democracy and rejects any attempt to reverse the process.

Secondly, I should like to stress that the Parliament of Argentina has just passed Act No. 25.250 which is extremely important for the future of working relations and employment in my country. I can inform this forum that the said Act repeals section 14 of Act No. 25.013 which was severely questioned by the Committee of Experts in its report to this 88th Session of the Conference on the grounds that it violated Article 4 of Convention No. 98. The principle of free and voluntary collective bargaining referred to in the report has been fully enshrined in the new legislation. It has been left up to the negotiating parties to determine the level of collective bargaining, its occupational or geographical scope and its content.

The new Act, by giving precedence to lower-level collective agreements, gives a major incentive to grass-root trade unions in framing future standards for agreements. This is in line with the view of the Director-General who suggests a mechanism that links grass-root negotiations with higher-level bargaining. Our Government is convinced that this will revolve the process of collective bargaining and strengthen trade union organizations by affording them new ways of defending the occupational interests of the workers. The same is true of that part of the Act that provides for a legal mechanism for updating the 303 collective agreements reached since 1975.

The recent Act also contains provisions aimed at encouraging stable employment by reducing employer contributions to social security for employees whom they recruit on long-term contracts.

Finally, the new Act contains a chapter on reorganizing the labour inspectorate on the basis of cooperation between the nation and the provinces, the aim being to strengthen it and bring it into line with Convention No. 81. Similarly, the new Act has repealed the old rules on compulsory arbitration and the decree regulating the right to strike in essential services. The new legislation is thus being brought into line with the ILO’s principles on the subject.

It is with great satisfaction that I can inform the Conference that the Government of my country has sent a bill to Parliament to ratify the Worst Forms of Child Labour Convention, 1999 (No. 182). This has already been approved by the Chamber of Deputies and awaits only a vote in the national Senate.

With particular reference to Chapter 5 of the Director-General’s Report, where he mentions the ILO’s contribution to the regional integration process of MERCOSUR and its social dimension, I would like to stress that the Meeting of the Ministers of Labour of MERCOSUR and Chile and Bolivia, held in Buenos Aires on 22 May of this year, decided to engage in permanent cooperation to develop labour relations among the six countries. Finally, regarding the follow-up to the Social and Labour Declaration of MERCOSUR, I would like to highlight the agreements reached on joint labour inspection teams and on improving the working conditions and environment in international transport in border areas.

Original Arabic: Mr. AL-HOSNI (Minister of Social Affairs, Labour and Vocational Training, Oman) – In the name of God, the Merciful, the Compassionate!

Allow me at the outset to extend to you sincere greetings from His Excellency Sultan Qaboos Bin Sa’id, the Sultan of Oman, and his wishes, and the wishes of his Government for the success of your Conference.

Mr. President, we should like to congratulate you upon your election to the Chair of this Conference.
We should also like to congratulate your Vice-Presidents, wishing you all every success.

This is the first session of the Conference in the third millennium, a period of great change in the field of information and communications technologies, and of new challenges to the world order, represented by globalization and trade liberalization. From this perspective, our agenda contains many important and fundamental topics and the outcomes of discussions between the parties shall help to consolidate ILO's work in promoting more productive labour relations.

The protection of maternity at work reflects an increased awareness of the need to protect women and acknowledge the importance of their role in the social and family fabric. We are hopeful that the proposed Convention will help to diversify their participation in the labour market while taking account of the gradual transformation and development of labour market conditions in member States.

We believe that human resources training and development are fundamental pillars of social development. They help to improve skills, enhance capacities, develop human resources in the scientific, practical, technical, vocational and behavioural spheres, and create the conditions for the young to move easily from education to the world of work. Human resources development plays a pivotal role in Oman's development process. The Sultanate of Oman has made great progress in assuring qualitative and quantitative development at the basic and secondary levels of education, and in the vocational and technical training it offers. Its policy in this regard is based on equal opportunities, free education and training.

In the framework of ongoing activities for the upcoming United Nations General Assembly Special Session on follow-up on the decisions of the 1995 World Summit for Social Development and the Copenhagen Declaration, we deem it useful to benefit from the Director-General's Report on decent work, which was submitted in the previous session. We hope to realize the objectives of the Declaration in such a manner as to achieve social cohesion without neglecting the specificity of the social and economic environment of every member State. As for the Declaration on Fundamental Principles and Rights at Work, it is important to forbid the use of this Declaration for protectionist and commercial gains, and to pay due regard to the conditions of member States and the stages of social and economic development in every country. The follow-up to this Declaration must be the remit of ILO exclusively, it being the specialized agency for the setting, monitoring and implementation of international labour standards.

We are full of hope that peace and security will prevail in the world and that every human being in every part of the world will be able to live in peace and security, free from suffering, hunger, poverty and the scourge of war, so that we may all remain the faithful guardians of our planet and act to build rather than to destroy.

(Mr. Moorhead takes the Chair.)

Ms. BAUER (Government delegate, Slovakia) - Allow me to start by congratulating the President and the Vice-Presidents on their election. I would like to wish them, or us, much creative strength to help make the conference successful, and to help us turn today's dreams into tomorrow's reality.

The Government of the Slovak Republic welcomes the importance of developing labour and social relations, has renewed social dialogue with its social partners at a national level, on the principle of equality and respecting the position, rights, obligations and interests of social partners. This situation has been reflected in the legislation by the adoption of the Act on Economic and Social Partnership last year. This Act secures the participation of social partners in finding the solution to the main problems concerning economic and social development, and strengthens the social dialogue and its balance. In terms of institutions, it is implemented through the Council of Economic and Social Consultation of the Slovak Republic, in which representatives of the State and representatives of the social partners are represented on the parity basis. We consider it a success of the social dialogue at the national level, that the general agreement for the year 2000 has been signed, regulating the obligations of the contracting parties, which are the social partners when implementing the instruments and measures of economic and social policy.

Last year, the International Labour Conference adopted the Worst Forms of Child Labour Convention, 1999 (No. 182), concerning the prohibition and immediate action for the elimination of the worst forms of child labour, thus extending the collection of Conventions of the ILO in the area of fundamental rights and freedoms at work. The Slovak Government reacted to the campaign of the Director-General of ILO and secured a speedy ratification of the Convention by the Slovak Republic. Slovakia, together with Ireland, is the first member State of the ILO which has ratified all eight key conventions of the ILO in the area of fundamental rights and freedoms at work.

The Government of the Slovak Republic welcomes the endeavour of the ILO to revise international labour standards on maternity protection. The protection of women at work in Slovakia, in terms of pregnancy and motherhood, is at a reasonable level and is regulated in the Labour Code and subsequently in other legal regulations.

In order to increase the social protection of agricultural workers, the Slovak Government supports the adoption of new international labour standards for health and safety in agriculture. The Government of the Slovak Republic considers the role of the International Labour Organization to be important in technical cooperation as well, the proof of which being the Agreement on Cooperation between the ILO and the Slovak Republic concluded this February. The Agreement comprises three goals: the first, to support employment and provide more opportunities for men and women to find decent work; the second, to increase the efficiency of social protection for everyone; and the third, to support and strengthen social dialogue. These goals of the Agreement are implemented above all through close cooperation between the Ministry of Labour, Social Affairs and Family, social partners, and the Office and Multidisciplinary team for Central and Eastern Europe of ILO with its seat in Budapest.

Our Ministry of Labour, Social Affairs and Family, in accordance with European documents, prepared drafts of a new modern labour code with an act on civil service and an act on public service. A substantial step of reform is the reform of social insurance.

At this forum, I would like to express our gratitude to the multidisciplinary team of ILO in Budapest for
their assistance and cooperation with regard to the implementation of the current reform.

We hope that in the future, we can count on more assistance and cooperation in this field.

Finally, last year we adopted an amendment of the Labour Code and an Act on employment, through which a guarantee fund was established for satisfying the claims of employees in the case of insolvency of their employer. To strengthen protection and safety at work, the Act on labour inspection has been adopted. The ever-mentioned intentions and the adopted legislative measures create a good opportunity for a furtherdeepening of the traditionally good cooperation between the International Labour Office and the Slovak Republic, especially with regard to coming together to find the right answers to the challenges of the twenty-first century.

Mr. CHUPA (Minister of Labour and Vocational Training, Malawi) – Greetings from Malawi, the warm heart of Africa. It is my pleasure and a singular honour to address this International Labour Conference in this millennium and I warmly congratulate the President and the Officers of the Conference on their well-deserved elections to the highest positions of the International Labour Conference this year. I am convinced that they will ably steer the proceedings of this Conference to their logical conclusions.

I would also like to give special congratulations to the Director-General (a) for his very good report which he made this morning, and (b) for taking up the highest post in the International Labour Organization. Not only is he a distinguished son of the southern hemisphere, but he is also a brother and relative of Africa. In actual fact, we in Africa tend to believe that Mr. Somavia is quite simply “African” because of the volumes of personal commitment he has already shown in ensuring that the ILO gets closer to Africa’s efforts to try to solve its economic and social problems through labour activities.

We in Malawi are long-term beneficiaries of technical and financial cooperation from the ILO in various fields. As we are talking now, the ILO and the Government of Malawi are busy putting in place various action programmes in such contemporary issues as combating and eliminating child labour, making workplace interventions on HIV/AIDS, initiating labour reviews and many others. It is our hope that the ILO will continue to provide technical cooperation to Malawi in these fields.

We in Malawi consider child labour as a serious offence to human kind. In order to show the Malawi Government’s commitment to the elimination of child labour, upon taking over the Government under the UDF Party in May 1994, the primary school education in Malawi was immediately made free and requirements for school uniforms and other fees were immediately abolished. The consequences were that primary school enrolment leaped from 1.3 million to 3 million pupils. Of course, this leap in pupil enrolment created its own problems, but at least we managed to remove most of the school-age children from the work-related environment. Thus, immediately the Worst Forms of Child Labour Convention, 1999 (No. 182), was adopted by the 87th Session of the Conference in June 1999, Malawi considered it a matter of urgency to ratify this Convention. Apart from ratifying this Convention, Malawi has already made steps to implement it and this morning we had very fruitful discussions with the Director of the International Programme on the Elimination of Child Labour, Mr. Frans Roselaers. Fortunately for us, at the time of this Convention, the Employment Act was also simultaneously under intensive discussion by the three social partners of employers, workers and Government. The social partners therefore agreed to fix the minimum age admissible in employment at 14 years when one has at least completed basic primary school.

While on the review of the Employment Act, I would like to pay special tribute to the ILO for the technical assistance it rendered in producing the initial draft. The Bill was passed by the Malawi National Assembly in March early this year and the President has already assented to it. The Act actually has been praised as one of the most modern pieces of labour legislation in the country as it has, for the first time in the country’s history, introduced legal maternity protection for female employees.

There are, of course, other provisions in the new Employment Act, such as the anti-discrimination and better and simplified formulae for calculating severance allowance in the case of retrenchment, redundancies and termination of employment by mutual consent.

Our economies in the developing countries are suffering due to trade liberalization and globalization in general. In Malawi, in a bid to save jobs that could be lost if many of the small enterprises that employ a lot of people were to close, the Government is revising taxes and other trading laws to encourage investment by both local and foreign companies.

The Malawi Government will look at all issues that will make the workplace a dignified place for the worker and also a gainful place for the employer.

Mr. MANNAN (Minister of Labour and Employment, Bangladesh) – We congratulate the President most warmly upon his election. We also thank Mr. Mumuni for his excellent leadership during the previous session.

Global economic openness, deepening economic integration and technological advancement are rapidly changing the labour market and labour relations. The drive for integration through wider trade liberalization, increased investment flow and enhanced access to communications have added a host of economic and social problems to the development matrix of the developing countries. Growing economic inequalities and frequent market instabilities have exposed the limitations of the market-led development model. It is now widely acknowledged that the workers of the developing countries have tended to become victims of rapid economic transformation. The risks of massive unemployment and exclusion have demonstrated that the globalization programme is threatening their welfare. According to the 1999 report of the United Nations Development Programme, liberalizing globalization has had undesirable social consequences, namely increased inequality both within and between countries. We would once again like to propose the setting up of a special fund called the “Globalization Fund” within the ILO to finance programmes addressing the problems of workers and members of their families affected adversely by globalization.

Bangladesh welcomes the Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. It is our belief that the implementation of the Declaration through the pro-
motional follow-up mechanism would ensure equity and social justice within and between countries.

Under the dynamic leadership of our Prime Minister, Sheikh Hasina, our Government has continued to remain committed to the welfare of the working people. We have already freed our government sectors of child labour with the assistance of the ILO, the United Nations Children's Fund (UNICEF), and the Bangladesh Garment Manufacturers and Exporters Association (BGMEA). We have also identified new sectors for of similar action and have taken positive measures to that end. We hope that with this pragmatic approach it will be possible for us to create an enabling environment for the total elimination of child labour from Bangladesh. The recommendation regarding the Labour Code submitted earlier is in the final stages of review by a tripartite committee set up by our Government. Mr. Bangladesh fully respects international labour standards. We are dedicated to the implementation of the core labour standards. Out of eight core Conventions, Bangladesh has already ratified six, and although we have yet to ratify the Minimum Age Convention, 1973 (No. 138), our laws and practices substantially meet the requirements of that Convention. We have commenced work on ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), and hope to complete the process soon. The unprecedented flow of goods and services, technology and capital across borders on the one hand, and restricted labour mobility on the other have created asymmetries in the global economy. Ironically, while efforts are under way to create a more globalized capital market, policies are being adopted by some countries to block the orderly movement of labour. That is rendering the global economy dysfunctional, and generating inequality and instability. Therefore, the ILO's labour migration programmes should be further strengthened to address some of these problems. General equality in employment and equal pay for equal work are two of the most important components of economic development. Bangladesh has already ratified the Equal Remuneration Convention, 1951 (No. 100). We have invested in various training programmes especially designed to develop the skills of women workers, and launched awareness campaigns to promote gender equality. Bangladesh is a country fully dedicated to democratic values, and committed to protecting the democratic rights of all citizens, including workers. Our efforts to achieve social justice and economic development will be relentless. All our endeavours will be directed to those noble, yet achievable, ends.

Original Spanish: Mr. LEDEZMA VERGARA (Government delegate, Panama) - I would like to begin by transmitting the cordial best wishes of the people and Government of Panama, particularly the President of the Republic, Mrs. Mireya Moscoso and the Minister of Labour and Social Development, Mr. Joaquín José Vallarino, who for reasons beyond his control is unable to be here today.

Panama is a founding Member of the International Labour Organization and at present is among the ten countries to have ratified most Conventions - 72 in total. I am honoured to say that last week our Legislative Assembly approved the ratification of the Minimum Wage Convention, 1975 (No. 228) and the Worst Forms of Child Labour Convention, 1999 (No. 182). We will provide this communication in writing at a later date. It is important to highlight also that to date we have delivered all the reports required of us.

The new Government of the Republic of Panama is fully committed to change and has made great efforts through its social agenda for the poorest in the country. As regards vocational training and education, we are fully aware that the world in which we live is evolving constantly at a startling pace as a result of economic and technological changes, making it necessary to implement a strategy to promote the development of human resources and vocational training.

The Ministry of Labour is making efforts to modernize the employment and training system encompassing the whole of Panama. It is geared to all economic sectors and is based on two labour-related aspects - training for access to decent work and training for the development of entrepreneurial skills, either on an individual basis or in conjunction with other forms of association. To this end we have begun a successful programme targeting employment and entrepreneurial development in which the Ministry mediates between employers and jobseekers in a climate of cordiality, promoting job creation, rapid and effective placement and the establishment of micro and small enterprises.

With the ratification of Conventions Nos. 138 and 182, we told the world that although in Panama the worst forms of child labour as described in Article 3 of Convention No. 182 do not exist, we are against such practices and will work towards effectively eliminating from the world all forms of child labour which are to the detriment of the physical, psychological, socio-cultural and educational development of children - the future of humanity. We have taken decisive steps to set up the Committee for the Elimination of Child Labour which is chaired by the First Lady of the Republic, Mrs. Moscoso. Its secretariat comes under the Ministry of Labour and Social Development and it is responsible for plans to eliminate child labour from prohibited age groups, taking into consideration that in developing countries such as ours it is necessary to promote the cultural and economic development of the young. Similarly, Panama is preparing to celebrate the Ibero-American Summit of Heads of State and Government to be held this November in our country, the central theme of which is child labour.

In respect of social dialogue, the Government of Panama is convinced that social dialogue is the basis for peace. We have set up a tripartite minimum wage board in which the Government acts as a friendly conciliator seeking to promote understanding between employers and workers with a view to fixing the minimum wage in the country's various regions.

Freedom of association, collective bargaining and the right to organize are guaranteed in the country, as are the exercise of the freedom of speech and the right of reply, in a climate of democracy.

The Minister of Labour is seeking to encourage direct collective bargaining without the intervention of the ministry so as to strengthen dialogue between employers and workers. The Minister of Labour has taken it upon himself to modernize his ministry. He wishes to have a ministry of excellence, with high-quality staff, in keeping with the needs of a changing world.

Finally, we consider that in this globalized world where technological development is changing the face of trade, we need a more profound reevaluation of the division of the future and to take firm action towards creating viable mechanisms to guarantee respect for la
bour relations, as reality shows us that in many cases situations occur that do not incite government intervention and that fall outside the scope of ratified and prevailing Conventions.

Mr. GREENRIDGE (Minister of Labour, Sports and Public Sector Reform, Barbados) – I welcome this opportunity to address this assembly of distinguished delegates at this, the 88th Session of the International Labour Conference. At the 87th session I informed the Conference of my Government’s position regarding the issue of child labour and our support for the Worst Forms of Child Labour Convention, 1999 (No. 182).

The mechanics have now been put in place for the ratification of that Convention by the competent authority in Barbados, and the Governing Body will soon be notified of its ratification.

I wish, then, to take this opportunity to urge countries which have not yet started the process of ratification to do so, and to take whatever action is required to make this Convention a success.

This 88th Session also has a critical focus. In fact, it calls for a second discussion relating to the revision of the Maternity Protection Convention (Revised), 1952 (No. 103). There are elements within this Convention which certain member States find difficulty in ratifying. The aim of this second discussion is to develop a Convention which avails itself to ratification. This Convention seeks to ensure that all employed women are given protection where maternity is concerned. The Convention thus speaks of issues of maternity leave, leave in case of illness or complications, cash and medical benefits, employment protection, non-discrimination, nursing breaks and related types of leave.

Let me state that Barbados has an excellent record when it comes to providing benefits for women, maternity or otherwise. Indeed, Barbados is held in high esteem regionally and internationally simply because of the progressive and proactive policies it has pursued over time, and which benefit women. Though Barbados is not one of the 37 countries which has to date ratified the Convention No. 103, this Convention will for the most part be supported by Barbados. I say for the most part because there are a number of concerns which need to be addressed by this Conference before full support is given. For an economy such as ours, issues of affordability must arise, especially where infrastructures need to be put in place to accommodate some of the elements of the Convention. These, for us, will be costly endeavours. Moreover, the cost must be pitted against concerns of profitability and productivity on the part of the employer, whether government or private sector, in a global environment which places a high premium on competitiveness and productivity. In order for small states to survive it is clear that a happy medium must be reached to deal with this issue.

A lot of work has to be done in order to make this Convention fully ratifiable. Although the intent is excellent, the practicality of implementation could prove problematic for some countries. In my view, however, this Conference has the manpower and the brainpower to agree on fundamentals, work on areas of concern and provide the necessary elements within the Convention to make it ratifiable. Barbados looks forward to this.

Barbados also looks forward to the general discussion on human resource training and development, particularly as it relates to vocational guidance and training.

It is universal knowledge that globalization and trade liberalization are with us. For developing countries such as ours in the Caribbean, these twin phenomena will present enormous challenges relating to competitiveness and the ability of our countries to adapt to changes in an environment which calls for continuous innovative practices and higher productivity.

These challenges become even more enormous in countries with high levels of unemployment, especially in the face of the free movement of skills and labour. In this regard, training initiatives can have a dual impact in that they boost the quality of the workforce as well as make that workforce adaptable to production requirements. Investment and training can also strengthen the potential for increased productivity. There is therefore an emerging need for the formulation of labour and training policies for employment which include the design and putting into practice of mechanisms that allow workers to prepare themselves better for the world of continuous labour mobility and innovative practices.

This calls for new approaches to training, in fact a radical modification of the traditional concept and practice of training, with a distinct emphasis on the development and establishment of dual training systems capable of focusing on the enhancement of basic competencies and on skills to improve employability.

Caribbean countries are cognisant of the need to meet the changing labour market requirements and establish technical and vocational education institutions to deal with this issue.

The will is there in the Caribbean, but technical assistance will still be required to ensure that these countries are always in a position to cope with the ever-increasing demands of this technological environment.

It is imperative that the discussions which will ensue should embrace this area of technical assistance and cooperation for the Caribbean. I trust that the ILO will be amenable to the request arising as a consequence. I thank you for your attention.

(The Conference adjourned at 1 p.m.)
Fifth sitting
Monday, 5 June 2000, 3 p.m.

Presidents: Mr. Agyei, Ms. Bauer

REPORTS OF THE CHAIRPERSON
OF THE GOVERNING BODY
AND OF THE DIRECTOR-GENERAL: DISCUSSION (cont.)

The PRESIDENT (Mr. AGYEI) – We shall resume the discussion on the report of the Chairman of the Governing Body and the Report of the Director-General.

Original Spanish: Mr. FERREIRA FERNÁNDEZ (Minister of Justice and Labour, Paraguay) – My first words are to congratulate Mr. Flamarique, Minister of Labour, Employment and Training and Human Resources of the Argentine Republic, on his appointment as President of the 88th Session of the International Labour Conference. We are quite sure that, thanks to his sure guidance, this Conference will be yet another landmark in the history of the ILO. With its experience, the delegation of Paraguay, which it is my honour to head, will cooperate with dedication in achieving the objectives of this Conference.

I would also like especially to greet Mr. Juan Somavia, the first Director-General of the ILO from a developing country, whom I am sure will bring his wisdom and long experience to the institution, with a social vision that has been demonstrated so ably in the past. I congratulate him particularly on his Report entitled Your voice at work, which shows us how the ILO can be strengthened.

My country, Paraguay, is dedicated to consolidating democracy with full freedom and total respect of human rights, and these efforts are redoubled when democratic principles are challenged and voices are heard calling for a return to dictatorship. We are therefore very grateful for international solidarity, which breaks up the legitimate Government of Paraguay when threats of crisis arise that are motivated by base interests. Governments, employers, workers and international organizations have all shown us friendship and solidarity.

The present Government of the Republic, which emerged from a difficult situation last year, is a government of national unity, which is the best and most effective way of finding the sure path to economic and social progress that can offer all the inhabitants of Paraguay greater well-being based on solidarity, peace and justice.

We believe that it is impossible to separate economic development from social development. They have to go hand in hand. For this purpose, the Ministry of Justice and Labour, together with the employers' and workers' organizations, has set up a Tripartite Council for Social Dialogue to direct social policies and an economic development that is harmonious and well balanced. To achieve this, we are setting up a Tripartite Institute for Social Dialogue which will submit joint recommendations for the approval of the Government.

We realize that, as part of our social development policy, we have to respect the basic principles of labour laid down by the ILO, such as freedom of association, collective bargaining, non-discrimination at work and the total elimination of forced labour. We are now asking Parliament to approve the Worst Forms of Child Labour Convention, 1999 (No. 182).

We are living in a globalized world. This is a fact which could have favourable repercussions for developing countries if there is international solidarity. But it could also be very harmful if there is selfishness and lack of understanding, which would widen the gap between developed and developing countries still further. Globalization should go hand in hand with economic liberalization, so as to give equal access to markets, and with the abolition of subsidies, which undermine the competitiveness of the least developed countries and exclude from international markets those who do not have the resources to provide subsidies especially for agricultural products.

One of the worst evils of this globalized world for developing countries is that, in order to be more competitive, the stronger firms merge and cutback jobs. This poses terrible social problems for developing countries and that increases unemployment and underemployment.

Privatization policies should therefore try to achieve economic expansion by means of new investments that lead to job creation.

For this it is necessary to speed up the education and training of men and women so that they can adapt to new technologies that make them more competitive on world markets. The education and training of young people so that they can enter the job market under good conditions is a constant preoccupation of our Government. This can only come about through far-reaching social dialogue in which the three pillars of the ILO – government, employers and workers – can frame a social development strategy that is balanced and based on solidarity.

Paraguay has embarked upon an open-ended economic integration project with Argentina, Brazil, Uruguay, Bolivia and Chile which is designed to bring greater economic and social benefit to its people.

An intense effort is being made to ensure that the present member country and any others that might join can gain the maximum benefits from globalization and liberalization.

For this we need the cooperation and help of the international organizations, and especially the collab-
oration of the ILO which can be particularly valuable for the framing and implementation of our social policies.

To this end we in Paraguay are working on a project that is known by the Guaraní word “ohondivepa”, which means “all together we can do it”. That is what we wish for the development of our country.

Mr. SENEVIRATNE (Minister of Labour, Sri Lanka) – I am greatly honoured to extend to the President and the Officers of the 88th Session of the International Labour Conference my sincere congratulations. I am confident that under their able leadership this Conference will achieve success. May I take this opportunity to convey the congratulations of the people of Sri Lanka and the President Madam Chandrika Bandaranaike Kumaranthunge to all distinguished delegates present here today at this Conference.

The Report of the Director-General focuses on fundamental rights in a changing world, the impact of globalization and challenges to decent work in the twenty-first century.

Sri Lanka, being a member of the ILO for 52 years, has ratified 37 ILO Conventions including five core Conventions, and another ratification is awaiting registration. With these ratifications and ratification of the Tripartite Consultation (International Labour Administration) my sincere congratulations. I am confident that under their able leadership this Conference will achieve success. May I take this opportunity to convey the congratulations of the people of Sri Lanka and the President Madam Chandrika Bandaranaike Kumaranthunge to all distinguished delegates present here today at this Conference.

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Sri Lanka, being a member of the ILO for 52 years, has ratified 37 ILO Conventions including five core Conventions, and another ratification is awaiting registration. With these ratifications and ratification of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), Sri Lanka is committed to giving effect to the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up. Our basic law, the Constitution, enshrines the principles of fundamental rights of the people. Any breach of these rights can be remedied by an appeal to the Supreme Court.

Sri Lanka, as a developing country, has to compete with other countries in its efforts to export under conditions of globalization. It is no secret that less developed countries have to address problems of quality and productivity in order to succeed in the competitive globalized market place. The erosion of comparative advantages and imbalances in trade competition would undoubtedly be detrimental to the less developed countries. Such adverse effects would enlarge the pool of unemployed, which will ultimately be a critical socio-economic burden on the Government and the country. As pointed out in the comprehensive employment strategy submitted by the G-15 countries, this scenario prevails in many parts of the world and we need to address the problem globally.

As the Director-General has pointed out, the differential impact of globalization provokes social tensions, especially in the developing countries. Training for different skills, avenues of alternative employment, social assistance, safety net schemes, pension schemes and so forth, would be desirable elements to meet these pressing problems. Again, the developing countries will find it difficult to remedy these problems on their own.

In order to counter some of the adverse effects of globalization, my country is very much in favour of improving the schemes for skills development, training, safety nets and pensions. A safety net scheme is being formulated to give relief to workers who will be out of work as a result of downsizing resulting from modernization, closure of business, bankruptcies and other factors. Funding such schemes without taxing employers and workers has become difficult. Despite these severe constraints, the Government plans to formulate a safety net scheme to provide relief to workers in distress.

The Government has also given priority to the formulation of a pension scheme for private and corporation sector employees which does not exist at the moment. Given the salary structure of workers, the creation of a fund based on the average wage earner’s contribution is almost impossible. Added to this is the growth of the ageing population in Sri Lanka which is around 20 per cent, for which the Government needs to strengthen the existing social security schemes. The Government is endeavouring to formulate a pension scheme in the light of these constraints.

Sri Lanka is seeking solutions to the problem of unemployment by way of private sector development and employment networks of semi-skilled and skilled migrant workers abroad. Approximately 1.5 million Sri Lankans are working abroad, predominantly in the Middle East. They are accorded many facilities by the host countries. Nevertheless, their working conditions and the employer-employee relationship can be further improved.

Sri Lanka has developed arrangements for entering into bilateral agreements with the respective labour-receiving countries and also for employment agreements between workers and individual employers. It is my hope that the ILO will relax certain rigid provisions of the Migration for Employment Convention (Revised), 1949 (No. 97), to enable many labour exporting and receiving countries to ratify this Convention and create a migrant-friendly atmosphere.

Following levels of unionization appear to be a global scenario. However, we are convinced that a strong and responsible trade union at the workplace is pivotal to industrial peace and harmony. The Government is dedicated to promoting strong and responsible democratic trade unions in the country.

Finally, may I thank the Director-General, his able staff, the Regional Offices in Bangkok and New Delhi and the Area Office in Colombo, for their assistance and cooperation to Sri Lanka.

Mrs. DIAMANTOPOULOU (Commissioner responsible for Employment and Social Affairs, European Union) – We share a commitment to decency and quality as basic elements of competitive economies across the world. The Report of the Director-General shows this commitment clearly. The ILO has made a huge contribution to placing the social dimension at the heart of the debate on globalization.

Your concept of “decent work” underlines our shared task to combine competitiveness and cohesion in our economies and societies and to do so in a world increasingly marked both by new opportunities and by new, as well as old, insecurities.

There are parallels between decent work and the path the European Union is taking towards quality in work, quality in workplace relations and quality in the design of application of social policies. In the European Union we are focusing on getting the right mix of economic and social policies. The commitments the European Union governments made at the Lisbon Summit point the way for us.

Full employment, investment in human resources for the knowledge-based economy, modernization of social protection and an inclusive approach to economic and social progress. These are all part of a coherent package of European Union reform – a strategy strengthened by a focus on basic rights and
equality and, most recently, by an anti-discrimination directive.

There is a great scope for cooperation on these issues for the ILO and the European Commission. You already seek to link ILO efforts to the work of other international organizations. We need such synergy to tackle the changes facing the world economy.

Issues like the relationship between trade liberalization and respect for labour standards can only be addressed through collective efforts, through collaborative efforts.

The European Union has proposed a joint forum for regular dialogue on social development issues, to explore the relationship between trade, development, poverty and fundamental workers' rights. We believe the ILO should have a central role in such an initiative and that it should also involve other relevant international organizations and civil society representatives.

The ILO has continued to make progress in its essential role of setting and promoting the implementation of labour standards. The 1998 ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up established a global consensus of the need to respect and promote fundamental workers' rights.

You have the European Union's full support for your efforts to promote this consensus. For us, the Declaration has become an essential reference point for the rights of workers within Europe and for forming our relations with the world. In that context, I would like to underline our strong support for the ILO's efforts to obtain respect for the provisions of the ILO's Forced Labour Convention, 1930 (No. 29) in Myanmar. This is very much in line with the European Union's own efforts to combat the violation of human rights in Myanmar.

Let me also say that we are preparing a recommendation to the member States on child labour. It will urge them, where they have not yet done so, to ratify the ILO's Worst Forms of Child Labour Convention, 1999 (No. 182).

Tomorrow we will discuss the first Global Report. I would like to congratulate the Director-General and the staff on the excellence of this landmark report. The quality of the first set of annual reports last March and now the Global Report itself means the follow-up to the Declaration has made a good start.

In our own areas of responsibility and as partners, we need to help governments, companies, workers and citizens create the conditions for dynamic and successful economies and societies. That means that although the creation of wealth is important, the even distribution of this wealth is equally important, as are societies and economies that work for all their peoples and not only for their consumers. The analysis of globalization should not be oriented only on consumption but also on labour standards.

We in Europe believe that the European Union has a unique potential to help promote a global democracy – one that shows clearly the relationship between economic good health and the social rights and values that underpin Europe's economic performance. That is why we, with the ILO, and with our international partners, need to ensure that our aspirations for fundamental rights and for economic prosperity are fully understood and that they do not stop at the Union's borders or at the borders of the other developed countries of the world.

Original Arabic: Mr. MOUSSA (Minister of Labour, Lebanon) (speech read by Mr. NASR.) May I start my statement by congratulating you and the other officers on your election. I am quite sure that your knowledge and skills will allow you to successfully carry out the task given to you. We greatly appreciate the Director-General's Report, the fruit of the efforts of Mr. Somavia. We encourage the ILO to lay the foundations of social justice in the world and to continuously develop labour legislation with a view to maintaining and promoting complementarity between the social partners. The ILO should continue to pursue its main activities and engage in technical cooperation in order to foster social and economic development in our countries, exchanging technical and training expertise, and helping to create and modernize employment policies.

We would like to express our recognition to the ILO for the technical assistance it is providing to Lebanon, its organizing of seminars helping to promote dialogue between the social partners in Lebanon. We hope this assistance will continue in the areas of job creation, training, improvement of controls relating to child labour, safety and health at work and working conditions.

The Regional Office in Beirut should receive the support and assistance it requires to play an effective role for the benefit of all Arab States. We stress the importance of continuing support for the regional Arab programme for labour administration. The Organization should also attach importance to the Arab workers in Palestine and the other occupied territories. It should accord particular importance to the social partners in Lebanon in the context of reconstruction following the exhaustion of the Lebanese economy after the Israeli occupation.

Both the Government and those in Lebanon who believe in freedom, particularly freedom of association, are making efforts to modernize legislation so as to create a favourable environment for all social partners in the interests of all.

Lebanon is participating in this Conference fully confident in the future now that the occupation is over. Lebanon and its people have resisted and have been able to bring an end to the occupation thanks also to the support of its Arab brothers and its friends. Everyone knows the sufferings of the Lebanese people over 22 years. Israel not only occupied their land, but destroyed infrastructure, dislocated families and bombed factories. Farms were burned and terror was sown in the hearts of children, old people and women. These sufferings and other negative consequences of Israeli occupation have adversely affected all strata of Lebanese society, including its workforce.

ILO experts and officials have been the most sincere witnesses of Lebanon's sufferings under Israeli occupation. You just have to ask the mission how courageous it was when it carried out its mission under fire, conveying the message that the seeds of justice can only grow in an environment of peace.

Human dignity is vital. Those countries forcing their workers to produce more arms of mass destruction are not worthy of the respect of peace-loving peoples. We should all put ourselves in the hands of God so that this Conference helps us to achieve our ideals of freedom on behalf of humanity.

Original Portuguese: Mr. FERRO RODRIGUES (Minister of Labour and Solidarity, Portugal) – On
behalf of the Portuguese Government, I would like to congratulate you upon your election. We are certain that you shall be a most effective President of this 88th Session of the Conference. I would also like to congratulate the Director-General, Juan Somavia, for his Report and for the excellent activity of the Organization, with the objective of improving living and working conditions, with full respect of human dignity and freedom, so that we have solidarity, democracy, social justice and employment.

Ladies and gentlemen, participants, at a time when international economic competition and the movement of capital are vastly increasing, and whilst new technologies, information technology and communications are growing immensely, international institutions and new experiences of regional integration. The promotion of fundamental human rights in the workplace is one of the fundamental objectives of the ILO and all its member States, with the adoption of the ILO Declaration on Fundamental Principles and Rights at Work reaffirming this objective. The Declaration states that member States of the ILO must promote and respect the freedom of association and collective bargaining, the abolition of forced labour, the elimination of child labour and non-discrimination. This also applies to member States that have not yet ratified these Conventions. Furthermore, a monitoring mechanism has been set up to support the member States in order to promote fundamental rights. The Conference will examine the first Global Report presented by the Director-General which will clearly highlight the violation of trade union rights in many countries of various continents and will show that there is still a very long way to go before trade union rights will be respected throughout the world. However, we can not remain silent before the assassinations, physical aggressions and imprisonment of trade unionists, who had the courage to risk their own lives and their freedom. The discussion of the Report will, undoubtedly, lead to suggestions so that future reports can improve their role of presenting a global and dynamic image of all the categories of the fundamental principles and rights. This will enable the progress made to be assessed and the technical cooperation with all the countries requiring it, to be improved.

Within the framework of fundamental rights, it is important to underline the role that the Convention on the worst forms of child labour will play in order to fulfill the objective of eliminating child labour. This Convention, which was adopted unanimously in 1999, triggered in just a few months a vast number of ratifications, making it a great success within the framework of the ILO work. Portugal gives its support to making the elimination of child labour a global priority. As stated by President Jorge de Sampaio before this Conference, my country has already ratified the Convention on the worst forms of child labour so that immediate action can be taken.

Another strategic objective of ILO is that of giving access to employment to everyone. Dignified work and adequate remuneration are fundamental for social integration of the individual and for real social development. This objective is the responsibility of international institutions, as well as national authorities, social partners, companies and the workers. Portugal fully subscribes to this objective. At the recent European Council in Lisbon, a new strategic objective for the next decade was adopted with the aim of making the European Union the most dynamic and competitive economic area in the world, capable of guaranteeing sustainable economic growth with more and better jobs, and greater social cohesion. We understand, of course, that the social dimension is inseparable from economic growth and that full employment is needed within the European Union. It is essential to have the participation of social partners in order to attain this objective. We welcome the support and the work of the ILO to strengthen tripartism and social dialogue. We feel that economic development is only sustainable when it is accompanied by social progress and this cannot be achieved by means of deregulating the labour markets and reducing social protection. This goes against the constitutional logic of the ILO, which, to a large extent, depends on the effectiveness and universality of international labour standards, as well as the fine tuning of control mechanisms and greater flexibility. Withdrawing conventions that have not been ratified is a good way of systematizing international labour standards.

Now, the Convention concerning maternity protection is being discussed and new recommendations have been made. This is fundamental for the protection of working mothers and their children. Another important sector is that of agriculture, where there are so many inherent risks which require the adoption of specific regulations in order to protect the health of the workers.

On behalf of my Government, I would like to wish you a most successful Conference.

Original French: Mrs. ONKELINX (Minister of Employment, Belgium) - It is an honour and a pleasure for me to address the International Labour Conference for the first time. I am also proud to be perpetuating the interest and indeed faith, that Belgium has in an institution which places social progress at the heart of its mission and its values.

We are all wondering about the role and the cohesion of international institutions in the context of globalization. We are placing our hopes in the ILO that the social dimension will be defended at a time when globalization is accelerating as never before.

In this respect the lessons of the Seattle Conference are illuminating. It is undeniable that it helped to strengthen the conviction of several partners that it is not acceptable to continue to liberalize international trade without paying greater attention to its social implications. While everyone agrees that it would be unrealistic for the ILO not to consider the economic context, it is not more realistic for the World Trade Organization to ignore social developments. What is true for the WTO is also true of other international economic and social organizations which have to achieve greater consistency in respecting the essential link between economic progress and social progress. The Government of Belgium would sincerely like to see a structured and constructive dialogue on the
remit of each organization. This should be organized among international institutions and should be capable of going beyond ordinary informal consultations and lead to mutual recognition, or even joint actions, be it in terms of development of programmes or in terms of sanctions.

I would like to take advantage of this rostrum to make a dual appeal and to express a wish. First of all we appreciate the efforts of the ILO to ensure follow-up and promotion of the 1998 Declaration on Fundamental Principles and Rights at Work which Belgium will continue to support, while noting with concern the declining impact of those principles, particularly in the area of freedom of association and collective bargaining.

In this respect we would sincerely like the follow-up work, which resulted in the Global Report, Your voice at work, to be stepped up. If this is not done, the Declaration may remain no more than a decorative exhibit in certain government showcases. I certainly have no wish to give lessons, since we have to act in complementarity and Belgium is willing to make great efforts in this respect with the support and active partnership of the Belgian social partners.

At the same time, I would like to stress that we should not direct purely political attention on the fundamental Conventions of the ILO. Despite their capital importance, they do not cover all needs.

This brings me to my wish. Changes in the ILO and in the world of work, new technologies, the importance of the informal sector – all require new standards better able to meet contemporary needs. In all regions of the world we are witnessing poor coordination between economic advice to governments and employment objectives. This obviously affects the relevance of the policies to be implemented. At the level of the European Union we are beginning to establish more realistic and therefore more effective coordination thanks mainly to the actions of the two previous speakers, Mrs. Diamantopoulou and Mr. Ferro Rodrigues. In order to further enrich this process, contributions from the ILO would probably also be useful. I would appreciate it if the delegations of the fifteen could collect here in Geneva the views of the Office on proposals made in Brussels and I am willing to envisage other modes of cooperation with the ILO, particularly in the context of Belgium's forthcoming presidency of the European Union in the second half of next year. Such new modes of cooperation might act as a laboratory example for other regions of the world.

Finally, I would like to encourage the ILO to forge ahead in its work aimed at achieving progress on equality between men and women. I would also like to invite it to develop the concept of quality of work. What I mean here is the work environment, safety at work, working-time arrangements and the tremendous aspiration of workers for a better balance between family and working life and in general for greater physical and mental well-being. I hope to maintain a fruitful and practical dialogue in this respect and I wish the Conference every success in its work.

Mr. JORDAN (representative of the International Confederation of Free Trade Unions) – I should like to congratulate the Vice-President on his election and to commend the Director-General for his detailed Report on the activities of the ILO in 1998 and 1999 and for the leadership and direction he is giving to the ILO. The Director-General reported that during this period the ILO needed to adapt itself to changed circumstances.

That is a timely warning as we contemplate the accelerating speed of change being powered by the process of globalization. Today, the balance of power has shifted significantly in favour of capital. Labour and social groups are not only seeing their bargaining power eroded, but seeing their labour protection being threatened. Venezuela is treading this dangerous path. The result is more social and economic fragmentation within society. Globalization which has the power to create wealth and jobs is seriously out of balance, with vast wealth in the hands of a few and a growing number of people trapped in unemployment and social exclusion at the same time as social protection is under attack. Today, two-thirds of the world's workforce has no social protection. The recent demonstration against the World Trade Organization (WTO) in Seattle was a final warning that unless the Bretton Woods institutions and the WTO find a way of building a strong social dimension into trade liberalization, a wider, more damaging backlash will severely set back the process. The ILO should give a lead by taking up the social challenges presented by the new global economy in the twenty-first century. The reinvigorated Working Party on the Social Dimension of Globalization provides a useful instrument to advance the Organization's strategic objectives. This should be supplemented by the organization of an annual social forum to be attended by ministers of labour as well as ministers responsible for social protection and social security. Academics and social thinkers and the representatives of workers and employers all should be there. This, I believe, would help the development of a culture within the ILO, where its most talented people are given the freedom and resources necessary to think outside the constraints of history and to promote and develop their best ideas.

This Conference provides an opportunity for the ILO to enhance its reputation as an organization determined to pursue social justice and to protect workers, the reason for which it was created. Indeed, the Conference is doing just that as it examines the adoption of a Convention on maternity protection, a fundamental right for women workers. A discussion has also been started on the elaboration of a Convention to protect the health and safety of workers in agriculture. But there are sterner tests for the ILO which it must not fail. First, this Conference is being asked to take appropriate measures under article 33 of the ILO Constitution against Myanmar, a Government which is collaborating in the widespread use of forced labour. This article in the Constitution is being invoked for the first time in the history of this Organization, which in itself testifies to the gravity of the situation in that country. Second, and of equal importance, is the decision that the Governing Body will be called upon to take immediately after the Conference. That decision is whether or not to set up a commission of inquiry into the situation in Colombia, where a further 125 trade unionists have been killed since June 1998, when the Workers' group put in a complaint under article 26 of the ILO Constitution. The ICFTU strongly supports the decision of the Workers' group to press for this commission of inquiry. Governments and employers here must ask themselves who needs...
their support, the ministers from those two unhappy countries with their repetitive reassurances, or the men, women and children in chains in Myanmar, and the two thousand murdered trade unionists in Colombia.

Tomorrow there will be a special sitting for the discussion of the Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. The Report concurs with what the ICFTU has been saying for a long time, i.e. that respect for the fundamental rights of freedom of association and collective bargaining is essential in the context of global economic integration and the promotion of democracy worldwide. Their universal observance by all member States is indispensable to securing decent work for women and men everywhere. This is why the WTO and the ILO should work together to ensure that countries do not extract a competitive advantage from the gross and persistent abuse of workers' rights.

The issue is not whether there is a relationship between trade and labour standards, but rather how we build a new, stronger, fairer system that avoids protectionism. The social dimension will be at the centre of the debate on the follow-up to the World Summit for Social Development which will take place a few days after the end of this Conference. The ICFTU will press for the endorsement of the ILO Declaration on Fundamental Principles and Rights at Work by the United Nations General Assembly Special Session.

A consensus is emerging on the need for an integrated policy approach involving the ILO, the Bretton Woods institutions and the WTO to face up to the challenges posed by globalization. The Declaration can provide a basis to launch such cooperation. We appeal to all governments and employers to join this consensus in the traditional spirit of tripartism which characterizes the work of this Organization. For its part, the ICFTU will fully support the ILO in its endeavour to continue to promote economic growth based on social justice and the observance of core labour standards in the global economy.

Original Portuguese: Mr. GOMÉZ PROENÇA
(Workers' delegate, Portugal) - On behalf of the Portuguese workers 1 should like to congratulate the President and Vice-Presidents on their elections, and wish this Conference every success.

We should like to congratulate the Director-General, Mr. Juan Somavia, for his excellent work. The report which he presented last year on Decent work clearly shows the work done by the ILO in order to defend employment, its quality and its dignity. The right to work is fundamental for the development of all human beings, and thus it is fundamental for social and economic progress. It is important to stress here the fact that full employment was one of the points agreed upon by the EU countries at the Summit in Lisbon as being at the heart of the economic policies of all governments.

The report presented to this Conference on the ILO Declaration on Fundamental Principles and Rights at Work shows the importance given by this Organization to the right to work, freedom of association and collective bargaining. In a world that is undergoing profound changes and faced with globalization and accelerating technological development, it is essential to introduce more social regulation and to combat excessive liberalization and unbridled compe-

tition. This means dialogue and negotiation in representative structures. This Organization has the main responsibility in the promotion of trade union associations and of full respect of the Conventions and Recommendations of the ILO that guide their action.

The role played by the ILO's Conventions and Recommendations is of growing importance in this world of globalization. Observance of the fundamental Conventions must be a precondition for access to the world's markets. Only then can we ensure more balanced economic and social development and combat the growing inequalities within and between countries.

Political democracy, i.e. the participation of workers' and employers' organizations in this tripartite dialogue and negotiation, must be the basis of the ILO's action throughout the world.

We congratulate the ILO especially on its work in the field of training, cooperation and development assistance, which it carries out in close association with governments and the social partners.

President Sampaio brought us today an important message on the role of the ILO, but also on the role of each one of us in the face of the new challenges facing us in terms of social justice and the struggle against poverty, exclusion and discrimination. We cannot simply ignore these inequalities. We must resist the temptation to do nothing, as well as the kind of changes that are only in the interest of the few. Let us assume our responsibilities and use the proper means to further our efforts.

Every country ought to ratify the worst forms of child labour Convention that the Conference adopted last year.

We must pursue the systematic analysis of ratifications and so ensure respect for the Conventions and Recommendations. We cannot get away from the fact that many of them are still not ratified in practice. We need to discuss new texts. Let us hope that at this session we shall be able to make progress in the promotion of equality in work and employment for men and women by concluding the revision of the Maternity Protection Convention.

In this twenty-first century everyone has to pull together to take up the challenges posed by our changing environment. We are convinced that the ILO will continue to be the essential vehicle for defending tripartism, solidarity and a more just world.

Looking ahead to an ILO rendered stronger by the future membership of East Timor, let us salute their people whose heroic struggle has finally gained for them the right to independence.

Mr. TABANI (representative of the International Organization of Employers) - Allow me, on behalf of all employers from all the five continents, to congratulate the President on his election. We should also like to congratulate the three Vice-Presidents on their unanimous nomination.

Last year we left the Conference on a high note. We had unanimously adopted the Convention on child labour, welcomed the Director-General's Report on Decent work and adopted the strategic budget for 2000-01. We felt we had set the ILO on a new course and adopted the Recommendations. We cannot get away from the fact that many of them are still not ratified in practice. We need to discuss new texts. Let us hope that at this session we shall be able to make progress in the promotion of equality in work and employment for men and women by concluding the revision of the Maternity Protection Convention.

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The Report of the Director-General to this year's Conference on the activities of the ILO in 1998-99 was
received rather late by the constituents, but nevertheless outlines the considerable progress which has been made. Firstly, the new spirit of dialogue which is opening up between the ILO and its constituents, which the Employers welcome, the will enable the tripartite partners to move forward on the basis of a common awareness of each other's point of view. Such dialogue is all the more important in a period of rapid restructuring, when lapses of communication can sometimes lead to misunderstandings. We therefore look forward to intensified dialogue over the coming years.

Second, the ongoing moves to modernize the ILO and make it relevant to the world of work which is changing all the time, which we fully support, are necessary if the ILO is to assert its role in the multilateral system as the only international organization which deals with the world of work. While we are pleased that work has begun, we recognize that much still remains to be done, and I will come back to this in a moment. One strand of the strategy to move the Organization forward has to be a management policy which delivers a high level of motivation, competence and flexibility. We look forward to the new human resources strategy, which needs to be built on the delivery of concrete results.

The outgoing year was the first year of operational activities on the ILO Declaration on Fundamental Principles and Rights at Work. This is an important step forward for the ILO and its constituents. We are looking forward to tomorrow's discussion of the Global Report on the principles and rights contained in the Declaration. We regard the Declaration as an important new tool for determining priorities for technical assistance, so that countries are able to translate the principles and rights embodied in the Declaration into practice. It is absolutely necessary, therefore, for the discussion of the Global Report to focus on these needs. We believe that it is vitally important for the Declaration and its follow-up to be a success; the alternative is not something any of us should wish to contemplate.

The Employers are also looking forward to the forthcoming debate in the Governing Body, in November this year, on the standard-setting activities of the ILO. We agree wholeheartedly with the statement contained in the Director-General's Report of 1999 on Decent work, in which he states "if the ILO is to reassert the usefulness of international standards, it will need to reinvigorate its efforts and experiment with new approaches". Employers are ready to join the Director-General in this endeavour and, so that things are clear, I wish to place on record the fact that our approach to this debate is not to achieve a world without international labour standards but, in fact, a world where international labour standards are seen as relevant and meaningful in order to make a useful contribution to improving the world of work. We need to move forward together as constituents, but I must stress that, if our deliberations in the Governing Body do not succeed, there is a very real danger that the ILO as an institution will lose its credibility in the wider world. If this were to happen, the ground lost will not only be irretrievable but might be assumed by others.

We would like to congratulate the Office on its renewed enthusiasm in promoting the ILO to a wider world. These efforts are welcome as the ILO does not operate in a vacuum here in Geneva; its message must be heard worldwide. It is, therefore, right and proper that other organizations be associated with the ILO and its work. However, I have to point out that we have seen a number of disturbing developments during the past year which have created serious concern among employers. In its outreach to the wider world, the ILO must not forget or, indeed, weaken the basic tripartite structure which underpins its Constitution. We urge the Organization to reaffirm and respect its policy on relations with representatives of civil society, as adopted in the social dialogue chapter of the Programme and Budget for 2000-01. The ILO needs to work with its constituents in moving ahead.

While we believe that the Organization has embarked on the right track, we do realize that change is not always easy; the temptation is sometimes not to take difficult decisions. However, we would like to stress that we are behind the Director-General in his search for innovative solutions for the innumerable issues that face the world of work.

Mr. President, I thank you for this opportunity to address this august house, and conclude by expressing my sincere wish that you will guide this Conference to a successful conclusion.

Original Spanish: Mr. APARICIO PÉREZ (Minister of Labour and Social Affairs, Spain) – First of all, may I condemn the terrorist attack that was perpetrated yesterday in the Basque country and cost the life of a democratic representative and member of the trade union ELA/STV. I condemn outright those who do not respect the most fundamental right of workers, that is, the right to life.

I would like to start by congratulating our President, Mr. Flamarique on his appointment to direct the work of the 81st Session of the International Labour Conference. I am sure that, thanks to his skill and his effective management, all the objectives that the Director-General and the constituents have set themselves will be achieved. It is a particular honour for the countries of the Ibero-American community that one of their representatives has won the confidence of all of us in discharging such a high responsibility.

Regarding the issues on the agenda of this session of the Conference, I think it is proper to refer, first of all, to the Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work which, with its title Your Voice at Work, highlights the importance of freedom of association, the right to organize and the effective recognition of collective bargaining in achieving the objective of decent work in a globalizing economy. This is a view that we share fully, as we have said in previous years, and which we are trying to achieve every day in labour relations in Spain. This is clear from the many collective agreements that have been concluded, especially in recent years. These are the result of social dialogue and the necessary consequence of the fundamental rights to which I referred. Some of them are tripartite agreements, and others joint agreements, that have been subsequently endorsed by the Government and converted into legislation which regulates far-reaching aspects of working and employment conditions, labour relations and social protection. These agreements, to judge by labour statistics, have led to considerable improvements in the living and working conditions of workers and, at the same time, have enabled us to improve economic performance of our companies, within the context of sustained economic growth, by making compatible the two linchpins of
our Government's economic programme – competitiveness and solidarity.

I would especially like to touch on something mentioned in the Director-General's Report – gender equality – and express the support of the Spanish Government for the ILO's work in this area in laying the foundations for the incorporation in its programmes of gender perspectives and equality between the sexes. This support is expressed in Act No. 39/1999 of 5 November to promote the reconciliation of the family and working life of women workers, which regulates on social security contributions under temporary contracts for unemployed people who replace workers during periods of maternity, adoption and fostering leave.

Still on the subject of safety and health at work, I would like to say that the Spanish Government fully shares the ILO's position as enshrined in its InFocus programme. We have undertaken a plan of action for accidents at work, which was introduced on 29 October 1998. The aim is to create a true culture of prevention, with initiatives to promote and support preventive action, training, incentives for preventive action, investigation and monitoring the application of safety and health regulations.

I would like to refer to an anniversary which we will be celebrating in Spain this year and which has a bearing on the InFocus programmes. This is the centenary of the first social insurance and industrial accidents insurance scheme. The scheme was established in 1900 and led to the comprehensive social security system which we now have in Spain and which follows the basic guidelines of the most important ILO Conventions. This is the result of the social and political dialogue which took shape in the so-called Pact of Toledo, signed 6 April 1995. All of the Pact's 15 recommendations on crucial aspects such as the separation of sources, the strengthening of solidarity, and the principle of paying contributions, remain in force.

It was also influenced by the agreement on the consolidation and rationalization of the social security system signed on 9 October 1996 between the Government and the most representative trade unions, the Trade Union Confederation of Workers' Committees and the General Union of Workers, the UGT, which is valid until 2000, and which has led to the increase in the number of affiliates to the system to the current figures of 15 million. The principle of solidarity has been reinforced, and there has been a financial improvement in the system which has made it possible to set up a large reserve fund, which guarantees the sustainability of the system and the ability of the Government to meet all its future commitments. We fully support the strategy of the ILO in technical cooperation.

Proof of this is the Government's support for this important facet of the Organization's activity. The Kingdom of Spain, besides actively contributing to the finances of the ILO through its regular contributions (we are the eighth largest contributor) also plays an outstanding role in extra-budgetary contributions provided through technical cooperation. As you can see from our active cooperation with the IPEC programme and in so many other technical cooperation programmes developed in Ibero-America and the Maghreb, a large number of Spanish experts are working with the ILO both at headquarters and in Turin.

In conclusion we repeat that Spain is committed to working with the ILO to achieve the full and universal application of these fundamental rights.
The number of Palestinian workers in Israel is estimated today at about 120,000. We initiated many actions to ensure their continued employment. We also promote cooperation with the Palestinian Authority in professional areas such as occupational safety and vocational training. The goal of this policy is to promote good neighbourly relations with the Palestinians.

Within the context of regional cooperation I worked on behalf of the Government of Israel to develop a joint project in the field of employment with the Government of Jordan, which is about to be implemented in the near future. I hope that the day will not be too far off when we shall sign similar agreements with other countries in our region.

Our slogan says that the entire world is based on three pillars: the Torah (The Five Books of Moses), work and good deeds. These translate into supreme values that must be rooted in every society.

In order to materialize these values, governments must take responsibility for maintaining a macroeconomic policy that encourages growth, creates jobs and ensures the protection of workers' rights and social solidarity. The partnership of the labour unions and employers in these processes is essential to create a proper integration between economic, social and moral well-being.

In conclusion, I appeal to all governments in the Middle East region to reach out and cooperate in these professional areas in order to advance the welfare of all the peoples of the region, and in this way give a concrete expression to our mutual wish for peace. We shall all hope and pray that He who makes peace in heaven will bestow peace on us.

Original German: Mr. NORDMANN (Secretary of State; Director for Labour, Secretariat of State for Economic Affairs SECO, Switzerland) - First of all I would like to congratulate the President on his election to preside over this year's session of the International Labour Conference.

The Director-General's Report, Activities of the ILO 1998-99, shows in detail what the world outside is increasingly noting. The ILO is reforming itself, the ILO is making a comeback and is ready to take up the challenges of the new millennium.

Last year, the ILO started - at first hesitantly and then more and more decisively - to break new ground. A first important step was the Director-General's Report to the 1999 session of the Conference; in this mission statement an objective was defined - decent work. Just as important was a second internal step - building a corporate identity by means of a modern performance-oriented personnel policy. These steps have prompted high expectations in all stakeholders and our praise for the steps that have been taken should at the same time serve as an incentive to institute further reforms and in particular vigorously to implement the reforms that have already been initiated at all levels. In this regard there are two areas of particular importance. First of all, Switzerland supports a reform of the standard-setting machinery; standards are central to achieving the ILO's objectives. In order to maintain their role they must meet the requirements of technological progress and rapidly evolving production mechanisms. They must ensure occupational safety and health for all without hindering the creation of jobs.

Last year a comprehensive discussion was proposed on the reform and strengthening of standard-setting policy. Switzerland supports such a discussion, which is why we have submitted a resolution along these lines. It should give all partners at the highest possible political level the necessary guarantees about the type and objective of the discussion and pave the way for a constructive exchange, in turn strengthening the ILO's standard-setting work.

Secondly, decent work requires a global employment strategy. Unemployment and underemployment are undermining social, economic and possibly even political stability. It is part and parcel of the ILO's core mandate to deal with this problem. To do so will require an integrated approach focusing on the labour market. In conjunction with other areas such as migration, technology, education and training, and competition as well as related policies. In order to fulfill this task it is necessary to expand the ILO's economic capacity; with first-class economists, and perhaps even a chief economist, the ILO will be able to resist international competition over ideas. And the competition is tough: Geneva 2000, the follow-on Conference to the World Social Summit, will call for an employment strategy, and next year the World Employment Forum will take place. Then the world will expect a blueprint of the ILO's employment strategy, the practical implementation of decent work.

All these reforms come under one key motto - making out of the ILO a strong and lean institution, a respected, independent and sought-after partner. Switzerland is convinced that the ILO can and will grow into this role. This is why, supported by other countries and on the basis of a proposal by the Director-General of the ILO, we have called for a multilateral initiative in the context of Geneva 2000 to discuss the social dimension of globalization, together with trade, development and labour issues. This discussion must take place in an institutional framework that does not tolerate any protectionism at all. This is where the ILO has an absolute advantage. The Worlding Party on the Social Dimension of Globalization and the symposia that are to be organized are the only functioning platform in this respect worldwide and thus the natural choice for the multilateral initiative.

Here we have shown that a serious scientific discussion of the topic of globalization, trade and decent work is possible. This climate of partnership-based discussion should replace the climate of truncheons that predominated in Seattle and Washington with hard-hitting catchwords.

Switzerland calls on all stakeholders to support the multilateral initiative at Geneva 2000, enabling the community of States to use Geneva 2000 as a window of opportunity.

Original Spanish: Mr. FERRER DUFOL (Employers' delegate, Spain) - Allow me first of all on behalf of the Spanish employers to endorse the expression by our Government's representative of absolute revulsion after the attack committed yesterday in our country which cost the life of one person, a Spanish citizen, and to express solidarity with his family.

Over a year ago, the Director-General took up his new post at the Office with the intention of giving new momentum to this Organization. It is for us to adapt it to a more globalized and constantly changing context. As he said, we must create institutions which are at the same time strong and flexible.

Our experience with social dialogue in Spain speaks for itself, as changes in society and attitudes
have allowed us to adopt labour relations measures which would have been unthinkable in the past. That has ensured a new flexibility which creates jobs and which facilitates constant adaptation through a process of reform.

The most important results of the development of the Spanish labour market in the past four years have included a drop of 8 per cent in unemployment, the creation of 1,800,000 new jobs over a period of four years, new records for participation in the social security system and for the collection of contributions, and the conclusion of over 2 million open-ended contracts in the past two years, with 84 per cent of new jobs being open-ended, and with very few labour disputes.

However, despite the economic recovery and the modernization of the labour market, various serious and urgent problems have emerged for society on the whole, for enterprises and for workers.

As was stated at the recent summit in Lisbon, there are other problems above and beyond unemployment, social exclusion and imbalances in the social security system. The challenges of globalization, technological change and the ageing of the population in the developed countries call for a new competitiveness and the renewal of the social model.

This of course means new opportunities, but also new risks for both employers and workers; for employers because their competitiveness could be affected if they cannot count on human and technological resources, and if they do not have appropriate production costs. For workers, the risk is that they will not have the necessary levels of qualifications and skills, constantly brought up to date. In concrete terms, the need for skilled workers demands a permanent culture of learning to make it possible to adapt to constantly changing technologies.

In the context of globalization and restructuring, the demand for new skills and attitudes is quite clear. The discussion at this Conference of human resource development may be instrumental in showing the way to meet these new requirements in the future.

Collective bargaining can and must play an important role in adapting the legal framework to the specific circumstances of each sector or enterprise. In the new context, it is important to strengthen the independence of the social partners so their activity may be commensurate with the demands and needs of the market.

On the other hand, it is not possible to meet the present and future challenges without taking into account the effect social security systems have on all entrepreneurial activity.

Their cost in many countries has a serious negative effect on employment. That, compounded with demographic change in most industrialized countries, calls for a careful look at future prospects, where employment and economic growth play a fundamental role.

Immigration will be very important to the future of our labour markets. My country, which used to be a country of emigration, has now been receiving a growing number of foreign workers.

It is necessary for the developed countries to look at this new phenomenon together, with coordination and planning. Only thus will we be able to ensure integration, with medium- and long-term social stability, economic development and personal well-being.

Two years ago the ILO adopted the Declaration on Fundamental Principles and Rights at Work, and tomorrow the efforts and progress made will be assessed. There is no doubt that the Declaration has consolidated and strengthened the foundation on which this Organization was built.

However, we must be more ambitious still. This noble basis must serve to adapt and renew the old structures which must function in a radically different world. The Organization's message, activities and tools must not ring hollow at a time when it could be left in the lurch. It is more than ever necessary for the ILO to be an open forum, and above all a rejuvenated one, which may truly offer a new project for the future of the labour market.

Original French: Mr. THYS (representative of the World Confederation of Labour) - We would like to take this opportunity to congratulate the Director-General for his commitment to make the ILO's voice heard and to gain recognition for the ILO on the international scene. The Organization is becoming increasingly visible, which we, as an international trade union organization, find gratifying, having worked in this direction for many years. The ILO is also succeeding in making the international financial institutions understand the necessity of including in their programmes not only the social aspect but also the recognition of the fundamental labour principles and rights contained in the Declaration and relating to freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour, and the elimination of discrimination in respect of employment and occupation.

At a time when the ILO is increasingly making its voice heard, unfortunately we are witnessing a head-on attack by employers on international labour standards. This is particularly true these days in all the committees of the International Labour Conference, including the Committee of Experts on the Application of Conventions and Recommendations. The employers and some governments would like standards to become increasingly flexible, or even inconsistent, in order to allow generalized exploitation of workers.

Furthermore, the fierce opposition put up by the employers and by a number of governments to the despatch of a Committee of Enquiry to Colombia, where violations of freedom of association and collective bargaining are continuing without surcease, is a source of concern for the workers of that country and their organizations and for the World Confederation of Labour because in this way the ILO is being deprived of some of its means of action which is making it lose some of its credibility. To assert, as the employers are doing, that the weak ratification of a number of Conventions is preventing the ILO from achieving its objectives and is damaging its credibility is untrue. Indeed, not all the Conventions are applicable to all the member States, such as the case, for example, of the Maritime Conventions, or those relating to plantations or to indigenous populations.

We recognize that some Conventions deserve to be more widely ratified. That is why we urge the ILO to take all the necessary measures to list in each country, as has been the case for the fundamental Conventions, the obstacles to ratification of the Conventions.

We are certain that in a very large number of cases these obstacles are minor and can easily be overcome, with the help of the ILO's cooperation. To do so, it is absolutely essential that the International Labour
The World Confederation of Labour, which is one of the ILO's partners, is playing its part in this work of Conventions' ratification. Indeed, last December, it launched an extensive campaign to get ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182) and undertook training work among its organizations. Information packs relating to this campaign are available in the hall behind this assembly room.

The attitude of the employers, and of certain governments, forms part of the World Trade Organization's logic. That Organization is attempting to impose its commercial standards over and above other standards which have been drawn up at the international level, thereby reducing development to international trade. We would like to recall here the first point of the Declaration of Philadelphia viz. "labour is not a commodity" and we recommend all employers and indeed governments to reread point III of that Declaration. The promotion and application of international standards are extremely important to the World Confederation of Labour, and that is why we urge that the ILO should be actively involved in the follow-up and commitments made at the World Summit for Social Development in Copenhagen.

We would like to close our statement by paying tribute to Emilio Maspero, Vice-President of the World Confederation of Labour (WCL) and General Secretary of the Latin American Central of Workers' (CLAT), who died last week in Caracas, Venezuela, a country which is experiencing a great deal of difficulty at the moment with freedom of association. Emilio Maspero devoted his life to the defence of the genuine interests, hopes and values of the working class in Latin America and the world. The dedication and commitment that he showed in his life, and the visionary nature of his thinking, have contributed memorable pages in the history of our organizations and of the international trade union movement. We pay tribute to him and thank this giant of the world at the moment with freedom of association.

(Ms. Bauer takes the chair.)

Ms. WILSON (Minister of Labour, New Zealand) - My delegation congratulates the President on his election and wishes him well for a successful 88th Session of the Conference.

At this first International Labour Conference of the new millennium, I am pleased to be able to state my Government's strong support for the way in which the ILO is attempting to address the challenges of the globalization of work. As the Director-General notes in his Report to the Conference, the ILO and its message of peace and progress through social justice remain as relevant as when the Organization was established in 1919.

The New Zealand Government looks forward to further progress and, as a member of the Governing Body, is committed to providing the Director-General with guidance and support for his reform process. We particularly look forward to progress being made by the Organization in debating issues relating to standards activities.

As the Director-General noted in his Report to last year's session of the Conference, there is a need to reinvigorate international labour standards so that they continue to be useful and relevant in the modern world. Exploring new methods and accelerating the revision of outdated instruments to build on progress already made will be key steps to achieve that goal.

We therefore urge the Director-General and the Office to listen to the concerns of ILO constituents on these issues, and offer some innovative ideas when the Governing Body next discusses the issues in November this year.

The effects of globalization on labour markets is a key concern for my country. As the Director-General notes in his Report to this session of the Conference, the world of the new millennium presents major challenges and the emergence of globalization has dramatically affected labour markets, employment patterns and industrial relations.

As with many countries, recent decades have seen economic and social difficulties in New Zealand. We are a small and distant nation of travellers and traders, dependent on the wider world to purchase what we produce, and for many goods and services. Our challenge is how we can help our economy grow, retain skilled workers and attract new workers to our shores if rewards are so much greater elsewhere and our borders are relatively open.

Regulation of the labour market has been an area that successive governments in New Zealand have used to try and improve our circumstances.

The previous Government thought a flexible and "efficient" labour market concept based on freedom of contract with few restraints on the contracting process would assist our economy generally, and labour market performance in particular. However, my Government believes that the previous Government's notion of an efficient labour market promoted the principle of labour as a commodity. That notion, we believe, promotes division within our society. It treated workers as capital and not as people and ignores the reality of employment as a human relationship. It promotes the attitude that cutting costs is a primary objective of the industrial relationship. The consequences of this approach led to inequalities and poor productivity, issues that needed addressing by the new Government.

We are therefore introducing a new approach to industrial relations through a return to the value of tripartism and by introducing a more cooperative approach to the employment relationship based on the values of mutual trust and confidence, and fair dealing, through the promotion of collective bargaining.

The Government has introduced in Parliament the Employment Relations Bill incorporating this new approach. The central purpose of the Bill is to increase fairness in workplaces, by giving workers a real opportunity to have an equal voice in setting the parameters and nature of their working relationships. This, in turn, we believe will lead to increased trust and cooperation on both sides, thereby increasing productivity, improving job security and working con-
ditions. The Bill also seeks to promote observance of the principles of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

Finally, the economic goal of improving general welfare can only be achieved when society ensures that basic human rights are enjoyed by all. These rights include the rights of women and children. I would like to reaffirm New Zealand's support for efforts by the ILO to revise the Maternity Protection Convention (Revised), 1952 (No. 103) and for its efforts to eliminate exploitative and harmful child labour. My Government has made the decision to ratify the Worst Forms of Child Labour Convention, 1999 (No. 182) and is currently enacting legislation to formalize ratification.

Mr. LALL (Government delegate, India) – Let me begin by congratulating the President on behalf of the Government of India and the Indian delegation on his election to preside over the 88th Session of the International Labour Conference. Let me also congratulate the Vice-Presidents on their election.

At the outset, I would like to thank the Director-General for his detailed Report presented to the Conference. Being a founding Member of the ILO, India has a long tradition of cooperation and collaboration with the ILO on issues of vital interest to labour.

India has actively participated in the standard-setting activity of the ILO. We are also proud of the fact that we have taken a very constructive approach to promoting and implementing ILO Conventions by ratifying them. India has so far ratified 39 ILO Conventions, the last being the Abolition of Forced Labour Convention, 1957 (No. 105).

The Government has completed the consultation process in respect of the Worst Forms of Child Labour Convention, 1999 (No. 182) with a view to ratifying it very soon. We are also drafting legislation fixing a minimum age of 14 years for admission to employment and work with a view to ratifying the Minimum Age Convention, 1973 (No. 138).

This year the ILO has commenced the promotion of the ILO Declaration on Fundamental Principles and Rights at Work. The first Global Report on freedom of association and collective bargaining will be discussed tomorrow in a special sitting. India subscribes to the ILO Declaration and the promotional nature of its Follow-up. Though the Global Report has many positive elements for the promotion of fundamental principles, it has some elements of an adversarial nature. These observations in some cases are based on incorrect information.

We are also not in agreement with the suggestion encouraging government to government pressure and preference for cross-conditionality. We believe that this is a violation of the spirit of the Declaration and its Follow-up. By introducing the ambiguous concepts of global governance of the labour market and new international architecture we should not encourage the linkage of labour standards with other issues and organizations. I look forward to the deliberations tomorrow which should clear up these ambiguities and make a positive contribution.

Over the period of time the Conference has adopted 182 Conventions and 190 Recommendations on issues of vital interest to labour. Employer-employee relationships, working conditions, industrial relations and the nature of organization of workers and employers are undergoing many changes currently. These developments have far-reaching implications for national governments as well as for the social partners. They also necessitate a fresh look at various ILO standards in the emerging scenario with reference to their relevance and application. We also believe that the process of review and revision should apply to all ILO standards.

We have been demanding a comprehensive reform of the ILO's standard-setting and supervisory mechanism. The demand has already been noted by the Organization and it is scheduled to be discussed at the forthcoming session of the ILO Governing Body. We believe that supervisory mechanisms should not only be fair and transparent, but they should also be seen as fair and transparent.

We also believe that regional conferences and meetings should play a meaningful role in standard-setting activities as economic, employment and social situations vary from region to region. If there is a pressing need to modify the existing procedures in standard setting and its promotion, necessary changes should be effected through constitutional amendments wherever required.

My delegation looks forward to the discussion currently taking place in the Conference Committee on Human Resources Training and Development. The globalization process has not responded positively towards achieving the goals set by the World Summit for Social Development for full, productive and freely chosen employment for all. In fact, the situation has worsened in most parts of the world and women and youth have been the worst affected. Employment is the core issue now at the national level. There are serious repercussions due to the growing menace of unemployment and underemployment. Therefore, the creation of employment and the reduction of unemployment should be at the centre of the policies and programmes for every member State. The key to greater employment generation should be sustained, employment-friendly economic growth. The ILO, with its rich experience in this field, should be able to help the member States in this direction.

Labour policy is always interlinked with economic and social policies. The eradication of poverty and the generation of productive employment are crucial components of economic and social policies. Therefore, at the national level greater importance has been attached to the role of labour ministries in the process of formulating and implementing economic and social policies. Similarly, tripartism is an important and integral component of labour policy in all democratic systems, including India. National governments are also trying to adjust their labour laws in tune with the globalization process. Many of these developments are, in fact, irreversible. Of course, it is also obligatory for governments to minimize the social costs of these changes and labour ministries at the national level have to play a leading role in guiding governments to pursue the right policies with a view to promoting growth with social justice and economic equality at all levels and in all spheres. However, in the recent past the social partners in many countries have been concerned about the declining role of ministries of labour in the formulation of government economic policies. Their apprehensions have been unfounded and it is now the time of the sessions of the International Labour Con-
ference on the role of ministries of labour in formulating and implementing national economic, employment and social policies would be a welcome step at this juncture.

Original French: Mr. CORTEBEECK (Workers’ delegate, Belgium) – We read with interest the reports of the Director-General and the Chairperson of the Governing Body. In general terms, we can but support the new dynamics which are being established and which are illustrated by the very high quality of the report. First of all, I should like to refer to the first chapter in the report and express our ongoing concern about the rights of workers and the standard-setting activities of the ILO – for us the essential aspect of ILO action. I have four points to make.

We do not wish to repeat here the exhaustive analyses made in various quarters, including by the Office, which have revealed the new social challenges facing workers throughout the world. The ILO must face these challenges and consolidate its standard-setting activities by elaborating new instruments. This is the first point I wish to make: there is an urgent need to study the possibility of establishing new standards to meet the challenges of the world of work in the new millennium.

My second point concerns the application of standards and the supervisory system. The ILO was able to restore universal social consensus concerning fundamental principles and rights at work by means of the Declaration and its follow-up and also through the ratification campaign which was launched by the Office. We welcome this fact. However, it now appears to us to be extremely important also to promote the priority and technical Conventions. We noted in the Committee on the Application of Standards the crucial importance of these Conventions for the effective application of the fundamental Conventions. We wish in this second point, therefore, to advise the constituencies and the Office not to neglect, in their enthusiasm for the Declaration, the other rooms in our common social house. The Declaration has enabled us to reinforce its foundations, but we must not forget the other storeys of our standard-setting edifice.

My third point is that we are very concerned about the transition situation which the International Labour Standards Department has been experiencing for a long time now. Signals coming from the budgets, plans of action and vacancy notices in the department lead us to doubt the effective priority of standard-setting work. We hope that very soon we will have some clarification of the budget implications of this essential political priority.

My fourth point is that we note that the neo-liberal wave has led a growing number of governments to question the autonomy of workers’ and employers’ organizations. Recently in Belgium we were the victims of a campaign of slander which extended even to governmental circles, and which concerned trade union assets and in particular strike funds. Consequently, parliamentary initiatives on the financial arrangements of employers’ and workers’ organizations were recently launched in our country. In our view, these parliamentary initiatives are in direct conflict with the instruments and principles of the ILO. We will transmit these draft bills to the Office so that they can be examined by its competent authorities.

Finally, I have two further points to make which are linked to the Report of the Director-General. The first of these is that we note that once again the Report denies that the reality of the trade union world is a plural and pluralistic one. The concealment in the documents and practices of the Office of certain trade union activities which, with meagre resources and insufficient support from the ILO but with a great deal of conviction and zeal, are also militating to defend the rights of workers and to promote decent work for women and men in our world, as is the case for the World Confederation of Labour and its affiliated organizations, has virtually become, as we have stated in the Committee on the Application of Standards, a case of continuing default.

My last point concerns the technical cooperation programmes entitled STEP and PRODIAF. Our country is firmly committed to the establishment and development of these programmes. We are happy to note their total success and their very real impact both as regards the establishment of an infrastructure of social development initiatives as well as the development of social dialogue and social democracy in the countries concerned. We hope that the Belgian Government will continue to be committed in this area and that with the synergy generated by the Office this will further strengthen these model experiences in technical cooperation.

In conclusion, I should like to remind you that in our view the ILO is called upon more than ever before to play a leadership role in what I would call social globalization. For us, the ILO’s standard-setting system should not only be the heart of this social globalization but also the backbone which ensures its sustainable development.

Original French: Mr. DE (Minister of Public Service, Labour and Employment, Senegal) – It is a pleasure for me and the delegation of Senegal which I am heading at this, 88th Session of the International Labour Conference, to add our voice to the previous congratulations which have congratulated the President on his brilliant election. Naturally, I would also like to include the other Officers in these congratulations.

The 88th Session of the International Labour Conference is the last one of the twentieth century, a century which has seen our Organization’s birth and development, but it is also ushering in the twenty-first century. It is thus an important link, the results of which should help us to better cope with the challenges of the new millennium.

The end of the twentieth century has been marked by, among other things, the emergence of a concept – the very notion of globalization. Globalization is characterized, as the Report of the Director-General points out, by three major facts: the opening up and unification of markets; technological innovation; and last but not least political reforms. Just as globalization offers tremendous opportunities, it also involves forbidding challenges. Public opinion would not understand if liberalization continued without incorporating the new dimensions of international trade and in particular those relating to workers’ fundamental rights. Tripartism is thus one of the most suitable responses to liberalization, as it makes it possible to find a consensus beneficial to the interests of the main players – governments, employers and workers. The ILO is, as the social conscience of humanity, the single best framework for coming up with balanced responses to globalization.
I think it appropriate here to commend the Director-General for basing his work on four priorities – fundamental labour rights and principles, the promotion of employment, social protection and social dialogue.

I would also like to commend the decision of the 277th Session of the Governing Body to extend the terms of reference of the Working Party on the Social Dimensions of the Liberalization of International Trade, which has thus changed its name to become the Working Party on the Social Dimension of Globalization. These efforts, compounded with those undertaken at the regional and national levels, are allowing us to ensure that the economic progress generated by liberalization will also result in social progress.

Instead of being the negation of social progress, globalization must stimulate it.

Despite Africa's still relatively weak participation in international trade, it is nevertheless facing challenges as a result of globalization. The Ninth African Regional Meeting held in Abidjan in December 1999 was a major event in the consideration of the problems that we are now facing.

Poverty reduction through employment promotion, the realities of the informal economy, the spread of the HIV/AIDS virus and child labour are some of the genuine priorities for our continent.

By deciding to hold a special event on AIDS at the workplace, the Director-General demonstrated just how concerned he is about a serious problem. The African countries will take the opportunity that the programme offers to better combat the scourge of AIDS.

We are all aware of the Director-General's commitment to combating child labour. My country has just ratified the Worst Forms of Child Labour Convention, 1999 (No. 182) which was adopted by this assembly on 17 June 1999. By so doing, Senegal has become a party to the eight core Conventions of the ILO, which reflects the determination of the highest authorities of our land to spare no effort in making labour standards a constant concern with a single objective – decent work for all, while respecting human dignity. We are committed to ensuring that the economy should serve humankind and that work, instead of enslaving people should make them free.

Original Russian: Mr. ROGHKOV (First Deputy Minister of Labour and Social Development, Russian Federation) – Firstly, I should like to thank the Director-General of the ILO for the very useful and balanced report on ILO activities in 1998 and 1999. For the Organization and for Russia these were difficult years. We support the ongoing restructuring of the ILO's activities in the light of the four strategic objectives, namely implementing fundamental principles and rights at work, creating more favourable opportunities for women and men to obtain decent work, extending and improving social protection for all and consolidating tripartism and social dialogue. We are happy to note today that the Organization has achieved a great deal in these respects. Although many spheres of activity require further improvement and some innovative solutions cannot yet be evaluated, it can be said in general that the management initiatives undertaken in the period under review and the structural reforms have helped the ILO to develop in the right direction.

In 1998 and 1999, Russia continued its economic and social reforms. 1998 was marked by a serious financial crisis, the consequences of which still persist. In this connection, I should like to convey to the ILO the gratitude of the Russian social partners for ILO assistance in overcoming the consequences of the crisis. 1998 also saw the signing of the first comprehensive programme of cooperation between the Russian Federation and the International Labour Organization and it also saw the expansion of ILO representation in Russia.

In this connection, I should like to note that the Moscow office of the ILO was boosted and a multidisciplinary team of experts was assigned to it. The cooperation programme was successfully implemented. The ILO and its Moscow office have been providing us with a very high level of expert advisory and other services. We have conducted a great many activities with the participation of the ILO, but here I should like to mention just two very important projects, namely, assistance with translation into Russian of the ILO Encyclopaedia of Occupational Health and Safety and the Tripartite International Conference held in Moscow in October 1999 on "Social and Labour Issues: Overcoming Adverse Consequences of the Transition Period in the Russian Federation".

In conclusion, I should like to make three points about our cooperation with the ILO. In our Organization and throughout the world, there is growing concern about child labour. In Russia this topic is also important. However, the nature and extent of the problem has not been extensively studied and the effectiveness of activities in this area is open to question. In this context, close cooperation with the ILO on child labour and additional assistance from the Office in preparation for ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), is very important in the short term.

Secondly, during the period under review, we saw very clearly that the multidisciplinary team of the ILO in Moscow for the ten CIS countries does not have enough experts. When we discussed and supported the active partnership policy in the Organization, we never even imagined that the multidisciplinary team would have only two experts. This has nevertheless been the case for more than two years. We appeal urgently to the ILO to provide additional experts in all the fundamental ILO disciplines.

Finally, we repeat our request that Russia be included on the list of countries for which a national employment policy survey is to be conducted in the years 2000-01. Thank you.

Original French: Mrs. RAZAFINAKANGA (Minister of Public Service, Labour and Social Law, Madagascar) – To take the floor before this august assembly on the occasion of the 88th Session of the International Labour Conference is a pleasure, a privilege and an honour for me as Minister of Public Service, Labour and Social Law of Madagascar.

I and the delegation of Madagascar wish to join all those who spoke before us in conveying our sincere congratulations to Mr. Mario Alberto Flamarique on his election as President of the Conference and to the other Officers. We have had an opportunity today to appreciate the high quality and the thoroughness of the Report of the Director-General. The Report reflects the diverse achievements of the ILO in its efforts to bring about decent work and as such has our full support.
The themes of this session of the Conference are in tune with our own concerns that globalization, technical progress and new methods of organizing work should benefit workers and enterprises. With that aim in mind, the promotion of export processing enterprises has been seen from both its economic and social aspects - as both earners of foreign currency and generators of employment, especially for young women. The adoption of a Maternity Protection Convention during this session will also encourage our efforts to improve the conditions of employment of women.

Our Government wishes to express its gratitude to the ILO for the two missions that have come to Madagascar to help us with our national policy for employment, which is based on full use of human resources and adequate training.

Although we cannot at the moment join the Jobs for Africa programme, we hope to benefit from the experience of countries that are members. As in other countries in Africa, the population of Madagascar is mostly a farming population and still lacks social protection. A discussion on safety and health in agriculture is a very fundamental subject for us. We should like to thank the ILO for its support to our policy of extending social protection to farmers and the self-employed. One mission took place in October 1999 and a second is planned for October this year, and will be one step further towards achieving our objectives.

To conclude, I would like to inform this assembly that our Government has just ratified the Minimum Age Convention, 1973 (No. 138) and the Migration for Employment Convention (Revised), 1949 (No. 97). Ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182) is in progress, and an agreement was reached by the Government and the social partners on 9 May 1999 in order to strengthen and extend the policy on social dialogue. We are also participating in the PRODIAF programme, which will provide a valuable means of giving greater impetus to social dialogue in the Madagascar.

Mr. NGUTU (Minister for Labour, Kenya) - I would like to take this opportunity, on behalf of the Kenyan delegation, to congratulate the President, together with the other Officers of the Conference, on their well-deserved election to guide the deliberations of this 86th Session of the Conference.

We note with appreciation that the main theme of our discussions during this year's session of the Conference is the activities of the ILO during the period 1998-99. These activities focus primarily on key priority issues including promoting democracy and the fundamental workers' rights, promoting employment and combating poverty, protecting working people everywhere, training activities undertaken at the ILO Turin Centre and the International Institute for Labour Studies and the implementation of the active partnership policy in the member States, among others.

My delegation knows that one of the most important developments undertaken by the ILO during 1998 was the adoption of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up. This represented a new tool for the international community to fulfill the commitments made by the Heads of State and Government of the 1995 World Summit for Social Development.

This is also where the seven internationally recognized core labour standards were identified as the minimum social platform for the global economy.

My delegation is encouraged to note that the Declaration makes a provision for a follow-up mechanism through yearly reports entitled Your voice at work, which requires countries to report on the efforts and achievements they have realized.

As the Director-General clearly points out, the primary goal of the ILO today should be on how to promote opportunities for women and men to obtain decent work in conditions of freedom, equity, security and human dignity. In this respect, Kenya welcomes the fact that several activities were undertaken by the ILO during the period 1998-99 aimed at securing decent work for people everywhere through the implementation of the four strategic objectives on promoting basic workers' rights, employment, social protection and social dialogue.

The Kenyan delegation welcomes the recent reforms issued by the Director-General aimed at modernization in the ILO. In particular we support the recent initiative on strategic budgeting as a positive move towards fiscal transparency based on 39 major programmes to one centred on the four strategic objectives, with each objective contributing to the ultimate goal of decent work for all.

Kenya is also satisfied with the recent restructuring, priority setting and management reforms that were initiated to make the strategic objectives become the basis for the development of structural reforms and management initiatives.

As the Director-General points out, the new millennium presents measured challenges for the world today. In view of the ongoing liberalization and globalization of the world's economy, Kenya believes that it was urgent for the ILO to take the necessary measures aimed at protecting and securing the basic rights of all workers.

Kenya notes, with appreciation, the various ILO technical cooperation activities under the Active Partnership Policy, the primary aim of which was to bring the ILO closer to its constituents in order to respond better to their priorities and their needs, thus enhancing the Organization's relevance to its constituents. It is in this respect that Kenya welcomes the recent setting up by the Governing Body of a Working Party to evaluate the performance of the Active Partnership Policy, especially in helping the member States in preparing their country objectives.

The Kenyan Government is committed to the provisions of decent work for all workers in Kenya through active promotion of the ILO's labour standards. In this respect, Kenya has ratified and fully implemented a total of 46 ILO Conventions since 1964, including four of eight internationally recognized core labour standards. These are the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), and the Minimum Age Convention, 1973 (No. 138).

Finally, the Kenyan Government will always be prepared to give the ILO moral and material support within its limited resources, given the important role it plays in world affairs and the advancement of social justice in particular. My delegation would like to take this opportunity to call upon all member States to support this worthy Organization wholeheartedly in its
noble task of improving the quality of life for mankind.

Original Farsi: Mr. KAMALI (Minister of Labour and Social Affairs, Islamic Republic of Iran) – In the name of God, the Compassionate, the Merciful! I would like to congratulate the President and the Officers on their well-deserved election to the Chair of the first International Labour Conference of the new millennium.

Globalization has captured the attention of the international community today. Globalization is controversial, owing to its different effects on different countries. Indeed, current trends in the global economy suggest that states and communities do not equally benefit from globalization. The economic development of countries which are ill-prepared to cope with the phenomenon is jeopardized, and in some cases the obstacles they face are growing. Thus, global inequality is on the rise.

We are of the belief that if the concerns of different communities are not given serious consideration, the gap between North and South will widen. The social consequences of globalization are among our particular concerns. If such concerns are to be alleviated, serious attention has to be paid to the transfer of capital from rich to poor countries; the transfer of advanced, technical know-how from North to South; and the establishment of social protection and services for the groups and communities most affected by the globalization process, including through close cooperation between governments and the relevant international organizations. Efforts should be made to depoliticize issues in international economic cooperation. The groundwork should be laid to allow all countries to benefit fairly from the achievements of globalization, while assistance should be provided to developing countries seeking to develop their human resources so as to adapt to modern scientific and technical developments. Developing countries should receive help in creating job opportunities, taking account of their indigenous comparative advantage and their national and cultural characteristics. Assistance should also be given to under-developed and developing countries in order to help them to meet their needs in the areas concerned and provide them with social services through integrated global cooperation.

I would like to emphasize that we fully support the ILO's technical cooperation programmes and request the assistance of the Organization in further promoting effective implementation in the Islamic Republic of Iran of the Declaration of the Fundamental Principles and Rights at Work. We do believe that the Declaration reinforces the need for the ILO to help its developing member States meet their needs and to encourage the support of international organizations with which the Organization has established relations. The ILO will be able to take pride in the Declaration if and when, instead of focusing on increasing the number of ratifications, improvement of living standards in developing countries is assured. I call on the ILO to move ahead with a comprehensive review of its standard-setting and supervision related activities with a view to strengthening their effectiveness in addressing in an equitable manner the challenges which developing countries face today. In this regard we strongly urge the ILO to pay more attention in its programme and budget priorities to the promotional activities and needs of developing member States.

As you may be aware, the Islamic Republic of Iran has not enjoyed full access to the ILO's services during the last few years. The Asia and Pacific Regional Office in Bangkok and the South Asia Multi-disciplinary Team in India have recently taken positive steps to improve technical cooperation and consultation services. In welcoming these initiatives, we expect the ILO to expand its assistance further in order to optimize ILO technical cooperation. We emphasize that the drawing up of country objectives for the Islamic Republic of Iran is necessary for cooperation. In order to develop technical cooperation between the Islamic Republic of Iran and the ILO and to facilitate the effective implementation of ILO Conventions, I should like to emphasize, once again, the logical necessity of reopening ILO's office in the Islamic Republic of Iran.

In conclusion, I hope that the ILO will benefit from international opportunities to realize the message of social justice for all.

Original Arabic: Mr. ABOU RIZK (Workers' delegate, Lebanon) – Allow me at the outset to associate myself with those who have preceded me in congratulating the President and the Officers upon their election to this important post. I should also like to congratulate the Director-General and his staff for the excellent and rich content of the Report under review in this session.

Our discussion will concentrate on the extremely important Report entitled Your voice at work, submitted under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. Despite the fact that a special session has been assigned to it, this may not be sufficient, in view of the wealth of information which it contains, including references to violations which deserve some lengthier reflection.

If this Report criticized our country among others, we, as Lebanese nationals and unionists, are bound by the Constitution of the Organization and acknowledge the truthfulness of the Report's general direction on the incompatibility of government laws and practices with trade union rights and freedoms in Lebanon. These are cases about which we complained a few years ago. We also acknowledge that while Lebanon is a progressive country when it comes to the exercise of fundamental freedoms, it nonetheless continues to come up short in regard to labour laws. Ottoman laws and other laws inherited over the decades have opened the way for blatant intervention by the authorities in the internal affairs of the trade unions. The right to organize is still denied to a very large number of public sector employees, contrary to all norms and the substance of Convention No. 87, Lebanon has still not ratified that Convention and continues to drag its feet, for no good reason, both in regard to that instrument and to the collective bargaining Convention, the latter having been ratified but implementation remaining shaky.

We regret that the Report was very brief or passed over facts in other cases, presenting certain harsh realities without prescribing solutions, which is vitally important. For example, the Report did not mention the violations that take place in advanced countries, but focused rather, sometimes in a very hurtful way, on developing countries. It did not speak of practical remedies. The major problem in our Organization remains the follow-up mechanism. This is a mechanism that has to be revitalized and developed to serve com-

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mon goals rather than giving lip service. It usually acts too late or is limited in scope, performing activities that are either ineffective or routine.

This is something we have also noticed with regret in the Report of activities for the years 1998-99. We would almost say that with the passing of time this Report has lost its raison d'être. We, trade unionists, wonder to what extent the activities it mentions are necessary for the protection of basic labour principles especially in States in which, as the Report Your voice at work admits, there are widespread violations of these principles. A large number of these activities are always directed through and towards governments and trade unionist activities remain relatively circumscribed.

Once again, labour mechanisms and executive decision-making remain in need of revitalization and development. This could be an important task for the United Nations itself, which I would like to recall, failed to implement for 23 years a resolution adopted and reconfirmed by the Security Council. Lebanon, a small and vibrant country, a proud and generous country, implemented this resolution on its own. With the unity and solidarity of its sons, its heroic resistance and in coordination with its sister the Syrian Arab Republic it insisted on its rights. This led to the great victory in which the south of Lebanon was freed together with the Western Bekaa.

The heroic sons of the south deserve this victory. They gave their blood and sweat, suffering hardship through many years of heinous occupation. They suffered, but they have remained steadfast and paid dearly for it. They deserve our assistance and support for their steadfastness and defiance.

We do not abandon the United Nations, we do not denounce any of its principles, and we continue to believe in its legitimacy. However, we would like this Organization, and through its specialized agencies, to provide urgent long-term effective assistance to Lebanon to enable it to rebuild its economy and compensate for the enormous damages inflicted on it as a result of the occupation of its land. We urgently appeal to all the friends of Lebanon to come to our rescue and to set up a special fund to this end which will require Israel, the belligerent party, to pay the basic amount to the fund as necessary compensation for the damages inflicted upon Lebanon and the Lebanese people.

Such a step should be taken, together with a complete withdrawal from every inch of the occupied Lebanese territories, including Mazara 'Shaba'a and the occupied Syrian Golan up to the borders of 4 June 1967; the realization of the legitimate rights of the Palestinians; the solving of the refugee problem in Lebanon; the release of detainees; the cessation of aerial and sea attacks and of the stealing of Lebanese water, as well as payment for what has already been exploited. All these are vital matters and are decisive preconditions for a true, comprehensive and just peace, a peace which we believe in and strive for.

Lebanon has never in its history been anything but a generous country and lover of peace, freedom, democracy and justice. Helping Lebanon by standing by its workers and its people is part of the necessary struggle in defence of all these lofty principles and regional stability. Let us strive and work together for a brighter tomorrow.

Mr. KIMITTI (Minister for Labour and Youth Development, United Republic of Tanzania) – Let me join others who have spoken before me in congratulating the President and the other Officers on their election. This shows the confidence that the Conference has placed in them to lead us to fruitful deliberations and recommendations. May I also congratulate Mr. Juan Somavia, the Director-General, for his relentless efforts in trying to realize the four ILO strategic objectives aimed at securing decent work for all.

We have just started the new millennium, which has brought with it new challenges while the old ones remain. The United Republic of Tanzania therefore realizes that the task ahead of us is not an easy one, but as a Member of the ILO it reaffirms its commitment to continue working for the realization of the fundamental principles which the ILO stands for.

The Tanzanian delegation supports fully the objectives of the Declaration on Fundamental Principles and Rights at Work. To this end, I would like to inform the assembly that Tanzania has taken several initiatives towards their realization. Among other initiatives, Tanzania ratified the Collective Bargaining and Right to Organize Convention, 1949 No. 98 and has recently ratified the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87).

The traditional social partners are no longer in full control of the key factors of production, namely capital, technology and labour. Globalization has affected the demand for labour and created new forms of work organization. These changes adversely affect collective bargaining systems and processes. The impact of globalization challenges all of us as Members of the ILO to come up with innovative strategies which will ensure the continued realization of the principles we hold so dear in the new world of work.

The United Republic of Tanzania realizes that the success of the realization of these principles will be meaningful only if coupled with the reduction of poverty and unemployment, thus guaranteeing social justice and stability. In this respect the United Republic of Tanzania has embarked on a major review of the 1997 national employment policy, with specific strategies aimed at the creation of employment for all, the reduction of poverty and raising productivity by stressing skills training, and particularly vocational skills. To facilitate proper planning for employment creation, Tanzania with donor support and that of the ILO is now carrying out a country-wide integrated labour force survey that is gender disaggregated and covers child labour.

The United Republic of Tanzania for this reason appreciates having been included in the Jobs for Africa programme, from which it hopes to benefit in its employment and poverty reduction endeavours. It is also hoped that the implementation of legislation recently enacted by our Parliament, the Employment Services Promotion Act, will help to reduce poverty, particularly at the grass-roots level.

Last but not least I would like to assure this assembly that the United Republic of Tanzania believes in and practices tripartite consultations. The social partners are fully involved in policy formulation and labour law reform. Recently, the tripartite body, the Labour Advisory Board, discussed and recommended to the Government ratification of Conventions Nos. 100, 111 and 182.

Let me conclude by assuring the Director-General and the other Members that my country will cooperate with the ILO in implementing the Declaration on
Fundamental Principles and Rights at Work and in meeting the challenges of the twenty-first century. We are confident that with the involvement of the social partners and the cooperation of other key players in the global economy, we shall achieve our objectives and a better future for humanity.

Mr. KHAN (Federal Minister for Labour, Manpower and Overseas Pakistanis, Pakistan) – Madam President, Excellencies, ladies and gentlemen, I would like to congratulate Mr. Flamarique on his election as President of this Conference. I would also like to express the appreciation of the delegation of Pakistan to the Director-General for his comprehensive Report on the Activities of the ILO.

Pakistan’s commitment to the promotion and implementation of international labour standards is unwavering. We are fully engaged in formulating and implementing strategies and policies that seek to realize the full observance of core labour standards. Pakistan supports the promotion of human rights, human dignity and core labour standards. In many countries, the conditions of work can, and must, be improved. There is no disagreement that forced labour and exploitative child labour must be eliminated, but a rights-based approach should not overlook the social economic realities in developing countries. There has to be “work” so that countries can ensure “decent work” for workers. At times, measures advocated to achieve improved labour standards, if not accompanied with a supportive international environment, can create serious obstacles for developing countries endeavouring to improve the quality of life of their citizens, especially the poorest.

To quote one example from my own country, child labour in the football industry has been largely eliminated. Production in more than 1,000 stitching centres is being monitored, certifying the absence of child labour, but the social economic effects at best have been mixed. Pakistan’s share of the football market has declined, thus lowering family incomes. Buyers want certification of “adult-only workmanship”, but are unwilling to pay for it, and even if they pay, the multinational corporations involved in the marketing of footballs share only a miniscule part of their incomes with manufacturers and workers.

Improvement in labour standards is both an international obligation and a national goal, but it cannot be realized by national efforts alone. It is, therefore, necessary to find a lasting solution to an inequitable international economic environment which is the main cause of the existence of social injustice and poverty. It is clear that meaningful and sustained progress towards social justice and improved labour standards cannot be brought about without addressing the core issue of equity in international economic relations, such as, an unequal international trading system, the inadequacy and decline in development finance and the need to ensure democracy and participation in international, economic and financial decision-making.

We are making significant progress in preventing and eliminating the scourge of child labour from most of our economic sectors in the country. This is the result of efforts by all social partners, i.e. government, employers and trade unions, and civil society organizations.

We are grateful for the cooperation extended by IPEC and other donors in this endeavour. To make further progress, my Government has recently launched a “National Plan of Action”, which is aimed at the progressive elimination of child labour, universalization of primary education and rehabilitation of working children. In this context, the Government has established a special fund for education and rehabilitation of children working in hazardous occupations. Our immediate aim is to eliminate the worst forms of child labour. We are also taking steps that would enable us to ratify the ILO Convention on immediate action for the elimination of the worst forms of child labour. In addition to moving resolutely on the issue of child labour, the Government of Pakistan is acting decisively in other areas, especially in creating a healthy industrial relations environment. I am particularly happy to announce that the Government has decided to lift the ban on trade unions in WAPDA, which is the Water and Power Development Authority in Pakistan. We are confident that trade unions and employers’ organizations will work with the Government to progressively improve working conditions in all sectors of the national economy. We were honoured to organize, with the ILO’s support, a tripartite national conference on the promotion of employment, human resources development and industrial relations, which was inaugurated by our Chief Executive. The Conference’s recommendations were adopted by consensus. A social dialogue was held with trade union representatives by the Chief Executive of Pakistan as a follow-up to this conference. This resulted in the decision to lift the ban imposed by the previous Government on the WAPDA workers’ trade union’s rights. It also led to restoring May Day as a public holiday, recognizing the dignity of working men and women in Pakistan.

Instead of a “sanctions-based approach” to harmonizing labour standards, it is far more beneficial to engage with countries facing problems, with adhering to core labour standards and to work with all social partners to progressively achieve higher labour standards. The ILO should, therefore, follow an approach which would (i) take full account of the underlying causes of deprivation and the varying levels of economic and social development of member States; (ii) seek to eliminate inequalities in the international economic system by adopting an advocacy role on behalf of developing countries, and (iii) engage with all social partners with a view to establishing a balanced approach where issues of eradication, employment, human resources development and core labour standards are addressed simultaneously.

To conclude, we in Pakistan are working with all social partners to progressively transform our socio-economic structure, so that we can create opportunities for women and men to obtain productive work in conditions of freedom, equity and human dignity. We are grateful for the support of the ILO, and we look forward to its continued support in the challenging times before us.

Original French: Mrs. SASSO MAZZUFFERI (Employers’ delegate, Italy) – My warmest congratulations to the President, on her election which we all, and I in particular, welcome.

All the topics on the list for this session of the Conference are worthy of deep consideration, but time constraints force me to refer to only a few.

Let me talk about the General Survey concerning the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), ratified and
implemented by Italy. Our Government and the social partners do have experience in this area which goes back a long way, and which has given rise to satisfactory results. Regular meetings of the tripartite advisory committee, following the ratification of Convention No. 144 are very helpful in promoting dialogue on current problems, stemming from technological development and economic growth. I am confident that development can become the new name for peace, and that an open market which promotes growth should and must be considered as an instrument for social progress in all countries.

Many surveys show that globalization is a phenomenon which has enormous positive potential; it requires advanced forms of international cooperation if it is to be properly managed. The complexity of the world in which we operate has grown; strategies and structures need to be adapted to this new scenario. There is a need to strengthen regulators worldwide because, after all, they are designed to play an important part in globalization in so much as they generate new systems of rules.

I see the ILO as a regulator par excellence; an entity which creates international labour rules conducive to promoting the modernization of national legislation. It is to be hoped that the ILO rules, Conventions, Recommendations and practical guidelines, as well as the other instruments known as soft law will be able to provide pragmatic solutions to the problems that all countries face.

It is to be hoped, indeed, that they will put into practice another pillar underpinning this Conference: human resources training and development, to which the Turin Centre also devotes much attention and which we fully support.

There is in the world a growing need for professionalization, the lack of which is felt across the board. Training should be seen as an investment and should benefit from tax breaks that reward and support it. Cooperation between schools and the world of work is, today, an absolute must if we are to make specific use of the knowledge that our workers have.

There are a number of indisputable facts that I shall summarize: the new economy implies a new organization of labour which has to be flexible; there are rapid technological changes, harsher competition; the bulk of the new productive processes are happening in the service industry; and there are new remuneration models where a greater fraction of the remuneration is profits- and results-based.

The world of work today needs a modern welfare system that is not based, as is the case in Europe today, on pension schemes, but rather on training and retraining for all, so that people can be kept in work through retraining once their qualifications have become obsolete.

Economic growth rests on the capacity of innovation of individual countries: we cannot have sustainable development without far-reaching reforms; we cannot have innovation if we try and restrict it with old cultures which, above all, penalize workers, and particularly women and young people who are marginalized by the labour market.

The social partners are becoming increasingly aware of this fact, which is going to involve sacrifices that cannot be deferred much longer. Enterprises are finding it increasingly difficult to find highly qualified technicians and professionals on the current market.

Very briefly, I will conclude by saying that these facts mean that Italian employers in all areas are committed to promoting a corporate culture which is based on open-ended markets against a backdrop of free competition with a view to achieving gradual improvements in the competitiveness of the country, in the productive system as a whole, and in human resources, with a view to achieving what the ILO advocates – namely, decent jobs for all.

Original French: Mr. KAMARA (Minister of Employment and Public Service, Guinea) – First of all I would like to extend to the President, as well as to the other Officers, our congratulations on their brilliant election to the leadership of our Conference.

We hope that with their wise leadership our session will be successful. We would like to state that we consider highly pertinent the items on the agenda of our session and thank the Governing Body for its very substantive report on activities, which shows the vitality of our organization, and also to thank the Director-General for his report devoted to the activities of the International Labour Office during the 1998-99 biennium. My delegation has noted with interest the main ideas contained in these documents. I will not repeat them all here, merely because we are so short of time.

My Government approves the report of the Office and hopes that its conclusions will improve the action of member States in the various fields of competence of the International Labour Organization. On the subject of human resource development, the ILO once again has reaffirmed its standard-setting mission by inviting the States to show greater responsibility and more efficiency in the enhancement of their people's skills. We agree with the Director-General who stresses the need to adopt an integrated approach to the economic and social problems of globalization, and emphasizes the responsibility of the multilateral system to ensure that everyone may benefit from it.

We are particularly pleased that at the heart of the new programme there are international focus (InFocus) programmes which are priorities, but which are also clearly of great usefulness in order to make more visible and more effective the work of the ILO, and to optimize in this way the impact and the scope of the action it carries out.

Among these programmes, my country is particularly interested in the ones which make it possible to tackle the problems related to the four strategic objectives of the Organization: standards, principles and fundamental rights of workers; social protection; social dialogue; and lastly, employment, which is our priority, particularly for young people seeking to set up micro-enterprises. It is because of this priority that the employment promotion InFocus programme which involves the development of small enterprises, micro-enterprises and productive self-employment, is of particular interest to us.

This programme, is aimed at helping governments to create an environment favourable to the development of small- and micro-enterprises and the training of local entrepreneurs. We are here in order to establish a fruitful partnership with the ILO on this programme. We are pleased that the efforts made as part of this strategy have attracted financial partners, and that contributions to this programme have thus tripled its ordinary budgetary resources. At the end of this brief survey, we consider it certain that the action of our Organization, and particularly its standard-set-
Poverty has increased, there are problems because of faction, Tajikistan needs the help of the international community. During the years of independence, the legislative basis has been established and our Parliament will ratify the Worst Forms of Child Labour Convention, 1999 (No. 182). Over the years of independence, the legislative basis has been created to enforce labour standards. Our Government in October 1999 passed a law providing for special measures for the observance of its obligations arising from its membership of the ILO, including the payment of contributions.

On the basis of the above, we feel that our country should enjoy a more active ILO presence in our country, and assistance in implementing concrete programmes. In conditions of post-conflict reconstruction, Tajikistan needs the help of the international community and it needs investment.

One very acute problem that cannot be overlooked is unemployment. We have an excess of manpower and the situation on the labour market is worsening. Poverty has increased, there are problems because of the reintegration of former combatants in the civil war and migrants. The problems in the labour market require urgent attention.

In particular, measures are needed to boost the income of vulnerable groups, like women and young workers. Several concrete measures have been taken by our Government. We have a system of vocational training but it must be reformed through the adoption of a new concept, including elements of lifelong education, the introduction of modern technology, moral education, etc. We must quickly resolve the problem of exporting our labour resources abroad. For this we must join the general information network which would enable our Republic to set up links and sign bilateral agreements to resolve this problem.

Improving conditions, inspection, health and safety, labour statistics and the adoption of standards have been intensively discussed by our delegation with representatives of various ILO departments. We understand that many of these problems must be solved by ourselves with our own resources. We are trying to do this, but there are objective reasons which limit us, and we hope that many of these problems will be solved with the assistance of the ILO and through cooperation between our countries and the Organization. We made proposals to this effect in 1998 to the Governing Body, including proposals for certain pilot projects. This was not followed up. We hope that 2000 will be a year of cooperation between the ILO and Tajikistan, with the adoption of a suitable programme and the organization of individual pilot projects.

I would like to ask once again for the presence of an ILO permanent representative in our capital Dushanbe. This is fully justified, given our country's geographical situation. Cooperation between the ILO and the independent Republic of Tajikistan will be a big contribution to peace, democracy and stability in our country, to overcoming poverty, to raising the standard of living of our population.

Mr. LUTCHMUN ROY (Workers' delegate, Mauritius) - As President of the Mauritius Labour Congress, I avail myself of this opportunity to congratulate the Director-General on his bright and comprehensive first Report of the new millennium and I sincerely thank the Chairman for having given me the floor to express myself on behalf of the workers of Mauritius at this august assembly.

The trade unions throughout the world are rejoicing in the fact that the ILO major preoccupations at the beginning of the new millennium remain the safety, health and welfare of the workers. The protection of workers against sickness, disease and injury arising out of their employment is one of the preoccupations of the three social partners. The three social partners, government, employers and trade unions, recognize the fact that the improvement of working conditions and good working environment are essential elements in the promotion of social justice. Improved working conditions and environment are a positive contribution to national development and a measure of the success of economic and social policy. The reinforcement of tripartism is fundamental to the effectiveness of action for the improvement of working conditions and the environment.

Last year trade unions raised the case of several workers who are affected by long exposure of asbestos. One worker even died because he developed cancer. Consequently, due to pressure from trade unions,
the Government was forced to ban the importation of asbestos into the country.

I would also like to bring to your attention the problems related to heavy use of pesticides and herbicides in the agricultural sector. The over-utilization of these products is causing great harm, not only to the health of hundreds of workers but also to the environment and critically to our rivers. We believe that a lot has still to be done in the field of occupational health and safety and also in sensitizing workers in virtually all the sectors of the economy. In this context, the trade union movement has called upon the Government to review their existing legislation with a view to addressing the problems related to health and safety.

I would like to raise the issue of privatization in Mauritius, which is today a matter of direct concern to workers of my country. The Government is proceeding with privatization without any consultation with workers' representatives. The workers in the telecommunications sector are today feeling insecure with the privatization of Mauritius' telecommunications. The MLC condemns the Government for its policy which is being implemented behind the backs of workers. We request that this policy be discontinued and that workers' interests be protected before any decision is taken regarding Mauritius' telecommunications.

Regarding industrial legislation, the ILO has already handed over to the Government of Mauritius the draft of new legislation which is to replace the Industrial Relations Act. Recently it was announced that the Government would hand over the text to unions to allow them to give their views. We deplore the fact that up to now no follow-up has been given to the matter. We formally propose that the Government of Mauritius do what is necessary to update our industrial legislation and thus allow more room for manoeuvre for the social partners.

The unions in Mauritius have already made representations relating to the review of maternity facilities for workers. We believe that existing facilities, such as the number of days of maternity leave, have to be increased. Secondly, leave conditions before delivery need to be reviewed and paternity leave granted to fathers.

The MLC has organized several workshops and seminars on the sugar industry to educate and advise workers on occupational hazards. The Plantation Workers' Union, of which I am the President, has played a key role in carrying out field inspections with a view to identifying hazards, and has organized seminars on the use of toxic chemicals in agricultural activities. The PWU has also negotiated with management for the betterment of safety and health in the working environment.

The good exercise undertaken by the factory inspectorate and compiled by the Labour Information Centre gives a clear indication that there has been a sharp drop in industrial injuries in the agricultural, hunting and forestry sectors.

From a total of 8,020 industrial injuries in 1991, the figure dropped sharply to 2,487 in 1999, a decrease of about 70 per cent.

The law is being amended to manage better the use of chemicals in all sectors, to enable trade unions to play a more effective role in occupational health and safety, to ensure a more effective safety and health management system within enterprises, including the agricultural sector, and to upgrade the role of safety and health officers, among other things. I hope that this information will prove useful to all the workers of the world whom we represent at this august assembly.

The labour inspectorate division of the Ministry of Labour and Industrial Relations has always cooperated with the trade unions in carrying out inspections at the worksites.

According to the statistics made available to me, both the labour inspectors and the trade unions have carried together more than 250 field inspections in the sugar sector from 1997 to 1999.

To conclude, I would like to reiterate that the MLC will always collaborate with its social partners for the benefit of the workers and for the benefit of the nation.

Ms. PONCINI (representative of the International Federation of University Women) — Allow me on behalf of the International Federation of University Women and International Business and Professional Women, and as Convener of the NGO Working Group on Women's Employment and Economic Development representing over half a million individual members, to congratulate the President and the Officers on their election.

We thank the Director-General for hearing the voices of the millions of employed women by pledging his full support to advance gender equality and to lead efforts in promoting a strong consensus on this goal within the Organization. We commend him for recognizing the hidden value of the unpaid work of women as a “taken-for-granted economic contribution to society”. We note with satisfaction the implementation of his policy commitment to mainstreaming gender equality as a human right, social justice and smart business practice, visible in his report on ILO activities in technical cooperation and InFocus programmes. We are also gratified by the appointment of qualified women to newly created senior positions during his first-year term in office and await eagerly the fulfillment of the targeted 50/50 by the year 2010. We especially congratulate the Bureau for Gender Equality for its excellent publication A partnership of equals as the ILO's contribution to the United Nations Special Session for Beijing +5 and Copenhagen +5. We also commend the various technical sectors, notably the senior and other male staff, for their increasingly proactive and advocacy role in mainstreaming gender equality and calling attention at meetings and other forums to women-specific problems and gender-equality gaps which NGOs like ours have underscored. We look forward to a continuing relationship in this area.

We find, however, that what is still greatly missing is a conscious effort by the social partners to reach gender-balanced participation in the decision-making process and in the organs of the ILO. We ask that the Office pursue its endeavours towards the goal of equal representation of women in leadership roles. I call particular attention to page 12 of the Memorandum to this Conference regarding representation of women in national delegations and its relevance to paragraph 23 of the Global Report Your voice at work: "The impact of changes in the labour market on the exercise of freedom of association and collective bargaining rights has an inherent gender dimension. The majority of workers in subcontracted, temporary or casual work, part-time work and information occupations are women. Even in the formal export-oriented manufacturing sector, women tend to be concen-
trated in the lower occupational ranks with the least secure contract arrangements. More women than men are in unorganized and unprotected jobs which lack security of tenure. This perpetuates poverty of families.”

The agenda items of this Conference are of critical importance to women and to the pursuit of gender equality. On maternity protection standards, we need to bear in mind that maternity, a condition unique to women, requires protection for health reasons. It also needs protection to ensure that, by performing this unique social function, women do not suffer discrimination at work. The standards set should reconcile the interest of mother and child with the employers’ concerns. But flexibility must not be lower than the minimum, and it should be progressive and forward-looking. To enable a wide view of stakeholders informally, our NGO Working Group had organized a panel meeting last year which proved a great success; it was repeated this year. Twenty-eight government representatives were among the over 100 participants. I wish to express our heartfelt thanks to Mr. Somavia and his staff for facilitating the organization of this panel meeting.

The general discussion on human resources training and development should bear in mind that women are disproportionately vulnerable because of their concentration in lower-skilled jobs and because, in general, their education and skill training levels are lower than men’s. To close the gender gap, it is essential to address the constraints on women’s work and training arising from family and household responsibilities: access to childcare and lifelong training opportunities for women who move in and out of the labour force because of family responsibilities; special training to access key skills where women are under-represented, for example in information and communications technologies; enterprise development including electronic commerce; and better access to training in management and technical skills in order to break the glass ceiling experienced by women.

Finally, in line with the Enterprise Forum of 1999 highlighting corporate social responsibility, I wish to call attention to the yearly Global Economic Summit of Women which brings together hundreds of business, professional and entrepreneurial leaders worldwide to discuss models of success with women with economic power. It would be worth connecting with them to explore their comparative advantage in achieving decent work for women. The next meeting is in Johannesburg, South Africa, this year.

Mr. KEARNEY (representative of the International Textile, Garment and Leather Workers’ Federation) – Thousands of Uganda’s textile, garment and leather workers have been waiting nearly ten years for recognition of their union in spite of meeting all the legal requirements. They have no voice at work.

Members of Sitrakimih in Honduras succeeded after three years in establishing their union and secured recognition. Work was sub-contracted to other plants and their factory closed. These workers lost their livelihood for trying to make their voice heard at work.

Millions of garment workers in Bangladesh and in Pakistan’s free-trade zones suffer intimidation and dismissal if they even think about unionizing. They have no rights and no voice.

Such workers and millions of others are rightly unconvinced that “significant progress has been made in the acceptance and realization of the principles of freedom of association and the right to collective bargaining”.

Many governments are either complacent about workers’ rights or deliberately committed to their suppression.

Employers, too, cannot have it both ways. Support for the United Nations Social Compact does not sit well with harassment, intimidation and dismissal of workers attempting unionization within their own enterprises, contractors and subcontractors.

And organizations masquerading as trade unions while being the puppets of state machineries or political or employer interests should not, internationally, be granted the respect and recognition they are denied by workers in their own countries.

Fortunately, public attention is now focused on abuses of worker rights. People do not like what they hear and see. Growing repulsion on the part of consumers at gross exploitation in the production of garments and shoes is beginning to have an impact and is reflected in the increasing resort to multi-stakeholder-promoted corporate codes of conduct with the right to freedom of association and to collective bargaining at their heart.

The United Kingdom’s Ethical Trading Initiative is a good example. So, too, is SA8000, a social accountability code promoted by the CEPAA, firmly grounded in the key Conventions of the ILO, and now having more than 50 companies certified as upholding these standards worldwide.

The real impact of consumer pressure on businesses was highlighted by the recent revelation that the Chief Executive Officers of three top companies in the textile, clothing and footwear sectors – Levi Strauss, Philips-Van Heusen and Reebok – were pushing China to broaden union rights for the four million workers in its 44,000 garment factories.

Disquiet at the downside of globalization is based on real and deeply felt concern about workplace rights abuses. Witness the United States, where America’s youth – the next generation of consumers – has embarked on one of the biggest campus protests since the Vietnam war. The issue? Sweatshops in the US and abroad. No wonder leading companies in the industry are sitting up and taking notice.

The ILO Declaration on Fundamental Principles and Rights at Work needs more than promotion. It must be brought to life and implemented across the globe.

In sectors like garments and footwear, a handful of multinationals companies exert enormous influence as manufacturers, merchandisers and retailers. They have the power to radically improve respect for worker rights throughout the industry. The ILO should begin a programme of activity with such companies aimed at ensuring that respect for freedom of association and the right to bargain become an integral part of company culture and be imposed as a contractual obligation on all their trading partners.

The United Nations Global Compact and multi-stakeholder Codes of Conduct can complement the task of implementing the Declaration. The ILO should now take the lead in coordinating such initiatives, pioneering the development of methodology and standards for their implementation, monitoring
and independent verification and using its expertise in training to build capacity in this field.

Globalization is unaccompanied by global bargaining. This urgently needs remediing. The ILO's sectoral activities must address this issue by encouraging global framework agreements between multinational companies and trade unions.

Finally, the ILO must focus on how to overcome the special problems faced by informal sector workers when trying to organize and to bargain collectively. Ignore those who argue that fundamental rights are inappropriate for, or unwanted by these workers. Note the success of unions such as India's Self-Employed Women's Association.

Today, millions of workers are impatient to exercise their rights and enjoy decent work. Unfortunately, on their own they cannot find a voice. They were encouraged by the adoption of the ILO Declaration, seeing this as evidence of the ILO's new-found energy, confidence and resolve in support of its historic role of promoting freedom of association and collective bargaining.

The challenge now facing the ILO is to ensure that those rights are delivered everywhere. If it fails it will never again regain the respect of these workers, nor should it.

(The Conference adjourned at 6.30 p.m.)
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No. 10 – Tuesday, 6 June 2000

PRINTED IN SWITZERLAND
Sixth sitting
Tuesday, 6 June 2000, 10.15 a.m.

Presidents: Mr. Flamarique and Ms. Bauer

GLOBAL REPORT
UNDER THE FOLLOW-UP TO THE ILO DECLARATION
ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK:
PRESENTATION AND DISCUSSION

Original Spanish: The PRESIDENT — Good morning, ladies and gentlemen. Yesterday morning, when I had the honour of opening the discussion on the Reports of the Chairperson of the Governing Body and the Director-General, I reminded you of the principles that govern the procedure for the discussion. Today, I have the pleasure and honour of opening the first discussion on the Global Report submitted under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.

As you are aware, this is the first time that the Conference is considering a Global Report on one of the four categories of fundamental principles and rights defined in the Declaration. This year, the theme of this first Global Report is freedom of association and the effective recognition of the right to collective bargaining are being looked into. As is also indicated in the follow-up to the Declaration, the purpose of this discussion is to provide a basis for assessing the effectiveness of assistance provided by the ILO and to give the Governing Body a basis for determining priorities for the following four-year period in the form of action plans for technical cooperation. This will be carried out in accordance with the decision adopted by the Governing Body at its 276th Session in November 1999.

The discussion on the Global Report will be governed by certain special provisions. First of all, this is an interactive discussion, which will be more flexible and delegates will be able to reply to statements made by other delegates. This, of course, would not be possible if a formal list of speakers was drawn up.

Persons wishing to speak should raise their hand to ask for the floor, or they can fill in one of the forms that have been distributed this morning precisely for this purpose. Assistants present in the room will then give these forms to the Office of the Clerk of the Conference. The discussion will take place in two sittings with the possibility of extending the afternoon's sitting or holding a third sitting, which will be a night sitting, depending on the number of speakers.

The discussion will be divided into three phases. During the first phase, the Employer and Worker spokespersons and any other spokespersons wishing to speak, will take the floor. The second phase will be used for statements made by individual delegations. In the third phase, we will listen to concluding statements from the group spokespersons and from other delegates. The time limit will be very strict: ten minutes for group spokespersons and five minutes for delegates. Given the interest surrounding this discussion, I think there will be many speakers and, therefore, I urge all delegates to focus their contributions on the essential points. If necessary, the Vice-Presidents, or I myself, will be obliged to further reduce the maximum time for statements.

I would now like to give the floor to the Secretary-General of the Conference, who will make a brief introduction of the subject and present an eight-minute video on freedom of association and collective bargaining, entitled Your voice at work.

The SECRETARY-GENERAL — This marks another first for our Organization: the inaugural discussion of the Global Report foreseen by the promotional follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. The follow-up to the Declaration provides the ILO with a strengthened mandate to promote respect for these principles and rights at work in the context of a global strategy for economic and social development.

The follow-up consists of three stages: first, annual reports on the situation in countries that have not yet ratified the core Conventions; second, a Global Report like the one we are presenting today, portraying the picture in relation to a set of principles in all ILO member States; and third, conclusions to be drawn by the Governing Body of the ILO on priorities for technical cooperation and action plans. The Declaration and its follow-up are all about encouraging the positive efforts States are making to ensure broader and deeper respect for fundamental principles and rights at work, and improving how the ILO can support those efforts.

This debate thus builds on the review of annual reports by the Governing Body of this past March, and sets the stage for setting priorities, as I said before, for technical cooperation this coming November. The Global Report is to serve as the basis for setting those priorities and for assessing the effectiveness of ILO action in this field. Your debate today will guide that crucial next step. The follow-up gives us the chance to use the Declaration as an instrument for sound equitable development as a promotional instrument. The Declaration's follow-up encourages the efforts of countries displaying the will to improve their respect for freedom of association and collective bargaining and to eliminate forced labour, child labour and discrimination.

It is fitting that freedom of association and effective recognition of the right to collective bargaining are the topics of the first Global Report. When workers and employers are free to join together to defend
their interests, tremendous potential is unleashed to achieve social and economic goals. Your voice at work provides rich illustrations of how representational security is a vital component of sustainable global governance. It also points out the long distance yet to go in ensuring worldwide respect for these universal principles.

The ILO Declaration has received a tremendous reception from the international community, and wide support among our constituents. We need to capitalize on this by together honing this new tool to achieve the progress we are all seeking. I will be listening carefully to your ideas in this interactive debate. I truly want you to say what it is that you feel are the most important things for us to do together and for us to do at the Office as a result of these discussions.

You have the first Global Report before you. I feel that the best demonstration of the principles and rights at stake can be given by those who exercise them. For this reason I have also decided to innovate somewhat in my introduction to the Global Report discussions by showing a short video of people doing just that.

I wish you a fruitful and constructive debate on Your voice at work.

(Projection of video film follows.)

Mr. POTTER (Employers’ delegate, United States; Employer spokesperson) — On 19 June 1998 this Conference adopted without a dissenting vote the Declaration on Fundamental Principles and Rights at Work. It marks a solemn commitment of all ILO Members to respect, to promote and to realize the rights at stake can be given by those who exercise them. For this reason I have also decided to innovate somewhat in my introduction to the Global Report discussions by showing a short video of people doing just that.

First, the Declaration should embody the fundamental values and principles of the ILO that nations accept by virtue of their membership of the ILO. With social justice as the declared central tenet of the ILO’s Constitution, the Declaration should be a universal recognition of a basic level of human decency below which no civilized nation in the ILO should fall in this increasingly interconnected world. As a consequence, the Declaration should establish no legal obligation on ILO Members, but rather should reflect policy obligations which they incur by virtue of membership in the ILO.

The Declaration should not impose on member States the detailed obligations of Conventions which they have not freely ratified, nor should it impose on countries that have not ratified the fundamental Conventions the supervisory mechanisms that apply to ratified Conventions.

The principles of the Declaration should therefore only encompass the essential essence, the goals, the objectives and principles of the fundamental Conventions.

Thirdly, it follows that the application of the principles of the Declaration should not be concerned with technical legal matters or matters of legal detail. The Declaration should be concerned with making an overall policy assessment as to whether both ratifying and non-ratifying nations are achieving the fundamental goals and objectives of the ILO. As such, it should be concerned both with promoting fundamental labour standards and identifying persistent or pervasive failures of policy to achieve the goals and objectives of the Declaration where history and experience have shown that ILO technical assistance and moral persuasion are particularly well-suited and effective.

Fourthly, the Declaration should not lead to the setting up of new complaints-based bodies like the Committee on Freedom of Association.

We also said in the debate that the principles of concern under the Declaration were not the same as the detailed principles considered by the Freedom of Association Committee. That is, the Declaration’s principles are much broader. The legislative history of the Declaration confirms that this was the basis on which the Declaration was adopted in 1998.

As we begin our debate on the Global Report, we in the Employers’ group again reaffirm our commitment to the Declaration and, in particular, the principle of freedom of association and the effective recognition of collective bargaining.

What the Declaration seeks to promote is a policy environment that provides the opportunity for freedom of association and collective bargaining. If the policy environment exists, organizational results are up to worker and employer organizations.

The relative brevity of the Global Report, its very economy of words, presents a number of problems. In presenting a dynamic global picture, the Report presents a somewhat one-sided and negative view of the consequences of globalization. There is, for example, hardly a mention that globalization of the world economy contributes to economic growth, employment growth, a higher standard of living and improved working conditions that would not have occurred but for expanding an open trade and foreign direct investment. We find particularly troubling the view presented in this Report that organized workplaces are the best means of facilitating local responses in the
global economy and tend to be better at innovation or productivity. Individual workers increasingly are participating actively in workplace decision-making at the establishment level with impressive results. Such innovative human resources practices are “high road” best practices in the global economy.

The fundamental flaw of the Global Report is this failure to recognize the qualitative and substantive difference between the Declaration follow-up and existing supervisory procedures. The Report gives a strong impression, particularly in Chapter 2, that the categories and lists are drawn primarily from information from the existing supervisory mechanisms. Although they may be a source of data, because the Global Report is based on promotion and technical cooperation, the Report needs a more independent, fresh, factual presentation that provides descriptive information on circumstances relating to the Declaration that will enable this plenary sitting and the ILO to evaluate the effectiveness of current technical assistance and ILO priorities. This Report gives us no basis to do any of these things except in a general way.

Chapter 2 in our view sets the wrong direction and tone because of this overly legalistic orientation. It appears to us that Chapter 2 was written without regard to the purpose and legislative history of the Declaration. We are surprised because the Declaration represents a political track in the ILO and not a legal track. Indeed, the Legal Adviser in paragraph 72 of the Declaration Committee’s report stated that “the Declaration contemplated the implementation, not of specific provisions of Conventions, but rather the principles of Conventions”. He went on to stress in paragraph 74 that “fundamental rights did not mean the specific provisions of the Conventions concerned, but their principles”.

The principles of the Declaration are thus the policies underlying the Conventions, not the provisions of the Conventions themselves. The Declaration’s principles are concerned with the commitment of Members to achieving policy goals and objectives, that is, the fundamental principles of the core Conventions. Under the Declaration, we are looking at how, when and where ILO technical cooperation can address serious policy failures, rather than matters of legal detail arising from the Conventions themselves or interpretations of the Committee of Experts. Those matters are addressed in other supervisory bodies of the ILO.

The kinds of policy failures that the Declaration can address through technical cooperation are those that are fundamental to freedom of association and collective bargaining, such as denial of civil liberties, trade union monopoly, broad prohibitions on the formation of any type of organization and absence of laws prohibiting anti-union discrimination. On the other hand, the Declaration is not designed to address detailed legal questions derived from the relevant Conventions themselves such as essential services, the scope of bargaining, the delineation of the right to strike, and the oversight of the internal financial affairs of workers’ and employers’ organizations. In fact in many instances, the answers to these detailed legal questions are not found explicitly stated in any specific provision of Conventions Nos. 87 and 98, but in interpretations of the Committee of Experts. What needs to be done in an organized way is to determine the underlying policies encompassed under the principle of “freedom of association and the effective recognition of the right of collective bargaining”. For example, three policies relating to these policies might be as follows: (1) the right of workers and employers to establish and join organizations of their own choosing; (2) the right to manage internal affairs without interference from public authorities; (3) the right to be free from acts of interference from employers’ or workers’ organizations. The fundamental question we must consider is whether or not the country concerned has polices or practices in place that significantly impede the realization of these underlying policies. Unfortunately, this Global Report addresses numerous issues at the edges of these policies that are legal questions rather than fundamental matters.

In part because the Report mixes legal requirements and policy failures, it greatly complicates the task of this Conference in assessing the effectiveness of ILO technical assistance and determining ILO priorities for technical cooperation actions plans. In addition, except for the case studies in Chapter 3, we have very little information other than our own imperfect personal knowledge about the situations listed in the various categories and the actual ILO assistance provided. For example, in Chapter 2 we are presented with categories of problems and lists of countries that are drawn from a ten-year database. We know nothing about the facts, the ILO technical assistance already provided and the current situation. All of this information would be useful in targeting and prioritizing ILO technical cooperation. While presenting a global picture, the next Global Report needs to separate out those policy failures that come within the frame of reference of the Declaration and those that do not. Otherwise, the Declaration process will continue to be confused with the ILO’s regular supervisory machinery. Priority should be given to the more serious policy failures and to creating an environment conducive to the political will needed to remedy the situation. Experience shows that the ILO is particularly effective where there are serious breaches of policy.

Chapter 3 makes the important distinction between the ILO’s normative activities under the ILO’s supervisory machinery and its promotional mechanisms under the Declaration. There is no “one-size-fits-all” approach. Promotional mechanisms such as advocacy and awareness raising, advisory services, in-country contacts, training of employers’ and workers’ organizations and institution building should be tailored to the particular situation. The case studies in Chapter 3 testify to the fact that the ILO is the right lead organization to address fundamental rights at work in the global economy. And just as governments need political will, the ILO itself needs its own political will to make technical cooperation under the Declaration an ongoing organizational priority. On the other hand, because the principle of freedom of association and collective bargaining applies to the fundamental rights of employers’ and workers’ organizations, the Global Report’s recommendations to form partnerships with civil society is particularly inappropriate. We continue to be concerned with the increasing trend throughout this organization to open up the ILO’s tripartite processes to other non-governmental organizations, and we fear that tripartism — the distinguishing feature of this institution — may be undermined as a result. We also think that placing too much emphasis on the unregulated informal sector is ill-advised and has little prospect of achieving tangible
results because of the limited ability to create political will.

In conclusion, this first Global Report poses a number of problems. Its legalistical orientation, its lack of prioritization among policy categories and the lack of current factual presentation of countries’ situations inhibit our ability to carry out the main tasks of this global promotional follow-up on freedom of association and collective bargaining, namely: identification, assessment and setting priorities for technical cooperation. Consequently, if the Declaration is to be seen as effective on the principle of freedom of association and the effective recognition of the right of collective bargaining, there needs to be a basis for continuity and interim reporting and evaluation during the intervening years between this Report and the next Global Report on this principle.

Mr. BRETT (Workers’ delegate, United Kingdom; Worker Vice-Chairperson of the Governing Body) — The Employers have put some criticisms forward of the Report. It is the norm in the ILO when any report is produced by the Office to either congratulate the Office effusively or to criticize it vehemently. The Workers’ group will do neither on this occasion, but recognizing it as the first Report, recognizing that we are all on a learning curve, recognizing that some of the criticisms of my colleague Mr. Potter are indeed correct, I think there will be criticisms of this Report whoever had been the authors of it. And I think there is a mote in our own eye because I am not sure that we were as good as we should have been, as trade unions across the world, in sending observations, therefore we have perhaps played a part in any deficiency that there is in the Report. What I would say is that the Workers’ group will assess this Report against the reasons for the adoption of the ILO Declaration and ascertain how effectively it contributes to the achievement of the objectives set in the Declaration. I can say no more than we could almost rest our case on the video which graphically illustrated why we required a Declaration and why we need an effective follow-up.

What we want to seek at the end of this discussion — or perhaps more particularly what we want the Director-General to see when he responds to the Conference debate — is a basis for the development of a clear, coherent and meaningful plan of action for the provision of technical assistance to governments which have difficulty giving full effect to the principles and rights contained in the Declaration.

Mr. Potter at some length recalled how we had arrived at the Declaration and identified some of the deliberate limitations that had been placed upon it — its promotional nature, etc. I would like to remind ourselves as to why we thought we needed it, and I think the video does graphically provide pictures that echo these words.

Firstly, the ILO needed additional procedures for dealing with respect of core labour standards in countries that had not ratified the Conventions concerned in view of the grave problems of non-respect for fundamental workers’ rights in those and other countries. In our Workers’ group meeting this morning it was echoed that amongst those countries which have not, for whatever reason, ratified Conventions Nos. 87 and 98, were the most populous nation in the world, the most populous democracy in the world and the world’s first country in economic terms.

Secondly, it is clear that the globalization of the world economy seen in the 1990s was, in the minds of many workers, directly contributing to the violation of core labour standards since, increasingly, governments were entering into competition with one another on the basis of lower basic worker rights in order either to cut production costs or to attract foreign direct investment from multinational companies.

I heard Mr. Potter saying perhaps we had taken too negative a view of globalization and pointing out there were best practices of human resources management and the involvement of workers. That may be true. But it is rather more true of the developed world than the developing, and it is rather more true of the top 100 companies in the world that preserve their reputations somewhat guardedly, even though those same organizations have many multinational subsidiaries in other parts of the world which are certainly less jealous of high standards. And that is certainly true of the 27 million people employed in export processing zones. Therefore we feel that it is most important that there be an effective multilateral response to the violation of core labour standards and that is why for us the Declaration was important.

I suppose the third reason is that the phasing out of state-planned economies — which ended with the end of the cold war and, indeed, the movement away from one-party States in Asia and Africa and in the Americas — opened up economies to many more countries and many more countries to international competition and thus those countries had to undergo very painful reforms which resulted in massive losses of employment, social exclusion and employment insecurity. In the First World, deregulation, privatization and liberalization have become profane words in the minds of many workers because of the severe pressure they have put upon labour market institutions and the way they have eroded the rights of workers. And the absence of global rules was acutely felt in the globalizing economy, notwithstanding a minority who may have benefited and seen globalization in positive terms.

I think I could do no better than quote the first paragraph of the ILO’s introduction which begins by stating that the benefits of globalization as it is currently unfolding are not reaching enough people. It is security and the fear of either failing to rise on the social scale, or indeed sliding down it, which seem to me to most accurately reflect the position of globalization as viewed by the largest group of people, namely workers affected by it within the world in which we live.

We believe that the Report, thought it may be imperfect, provides a comprehensive picture in Part I of the degree of violations of core labour standards around the world. Our criticism would be that it does not sound the appropriate note of alarm concerning the worsening effect of globalization in respect of the global economy.

I will return now to the question of export processing zones. It is estimated today that outside China there are some 850 EPZs employing 27 million people. And I have to say many of those people are employed in appalling conditions because governments have, as a matter of self-will, excluded those zones from the rights that labour enjoys within those countries more generally. The 850 is a figure that compares with some 500 in 1996 which means that in five years...
we are approaching double the number of export processing zones.

It is our view that China's entry into the World Trade Organization stands to accelerate the violation of core labour standards worldwide as countries scramble to achieve competitive advantage and do so at the expense of workers.

As a fundamental, the Workers' group must insist on the absolute priority for the international community, facilitated by the ILO, to take strong measures to halt the violation of workers' rights which is resulting from globalization, and this is I believe where this Report and this debate play a most important part.

It is quite clear in our view that the right to organize, as has been said by the Director-General on the video, is the most important development right that individuals can have. Organizing can lead to an improvement in social and economic conditions yet, despite this, some governments continue to use social and economic objectives to justify the repression of the right of workers to organize — and again to us it is a fundamental that that kind of trade off is never justified.

The last few years have provided yet more proof that repression of trade unions, where it does take place, is a short-sighted action which, in the end, undermines rather than sustains development and it is frequently due to the empowerment — the self-empowerment — and the enrichment of authoritarian elites who have little regard for the future of their country or the people within it. I will give two examples, both now happily returned to democracy.

Firstly, in Nigeria, where we have seen for some 30 years a raping of that country's wealth, in embezzlement — generally by military leaders — and leading to the impoverishment of a working people who are multitalented, working hard and who deserved better from their leaders than they have received in the last three decades.

In Indonesia decades of military and one-party rule and control, with repression as its aid, has left that country with the fastest, steepest and most dramatic economic collapse ever seen: 18-20 million people losing their jobs in a single year.

Conversely, the evidence from other countries shows a positive link between freedom of association and better economic stability and productivity by improving the motivation of workers and by the role played by trade unions in the development process which leads to a sustainable distribution of income and wealth.

I remind all of those who have always seen some form of world minimum wage as the aspiration of trade unions that it is not, it never has been. We simply want to empower workers, with employers and governments, to be able to develop a distribution of wealth which is just and within the confines and context of the country's economic circumstances. No more, and no less.

As I have said in the case of Indonesia and Nigeria, recent democratic developments give us grounds for new hope. The message for all ILO Members everywhere is that trade union rights are at the centre of economic prosperity and they are violated at the peril of development.

The Report notes the high number of workers without trade unions, both in the informal sector and in the rural sectors of the world. We would say it is deficient in that it failed to make the strong point that trade unions are a potential tool for people to lift themselves out of poverty. Though it is true that many of the poorest are not yet organized, it is also true, if you look at the industrialized countries of today, that many workers are organized in trades and industries where poverty and exploitation were traditional even a few decades ago. There is nothing natural or inevitable that determines that certain jobs must condemn their holders to lives of desperation. Trade unions are the instrument that those workers can use to escape from poverty and live a life with dignity, and I was disappointed indeed at the contribution of Mr. Potter who has suggested we should give little attention to the informal sector as political will was not at a premium, and in a sense it was a task too great. It is a great task, but we owe it to the informal sector, to the people within it, not to ignore them but to seek to improve their lot. This requires government action to protect people's ability to exercise their civil rights, to organize and bargain collectively, and this is especially true of workers who are excluded from the protection of law and other social protections which are the responsibility of the State.

As with every other civil right, the right of workers to join a trade union and to bargain collectively with an employer requires protection in law if it is to be properly exercised. It is more difficult to take those rights to the informal sector; it is not impossible. Neither is it impossible to transform the informal sector to a more formalized part of the economy.

Freedom of association is also the key for hundreds of millions of workers in the rural sector. In many cases there are disguised or concealed employment relationships, with personnel who work on behalf of state boards or even multinational companies, as for example in the case of the Malawi tobacco sector, and governments must ensure that workers have the right to form trade unions when they bargain with those employers, be they agents of government or agents of multinational companies.

As for the genuinely self-employed, the ability to form cooperatives and other kinds of associations is one way freedom of association can help to bring about an end to poverty.

The video rightly emphasized the position of women and others oppressed by society. The right to create organizations to advance and defend their interests can and should make all the difference. Empowerment through self-organization and democracy is the most important policy for overcoming oppression. The right of women to organize into trade unions, to have their freedom of association respected, is essential. Governments must work actively to ensure that women, who are often in vulnerable employment situations where trade union organizing is particularly difficult, have the full rights to freedom of association. It is interesting that the Report covers a whole series of areas but, for those of us who are fans of the Sherlock Holmes series of detective books, we are always reminded of the story that was solved by the "dog that did not bark", and I refer to those parts of the world where, notwithstanding those governments being Members of the ILO, and having accepted the Declaration, trade unions are denied by law the right to exist. This is a fundamental point — the question of the government or the state not supporting workers' rights, but deliberately seeking, by law, to exclude them. We would like to express our deep concern that both the Global Report and the Survey on
Tripartite Consultation confirm that some member States still have not made any progress in respect of the basic elements contained in the Declaration. In particular, reports have identified that the United Arab Emirates, Saudi Arabia and Oman are counties where there is outright prohibition of any type of worker organization under their existing legislation and this, of course, rules out, by definition, the most elementary condition for tripartite consultation and cooperation, both at the national and international level, and indeed, of course, totally denies the freedom of association and the right to collective bargaining enshrined in the Declaration. We would urge the governments of the countries concerned to bring their law and practice into accordance with the basic principles contained in the Declaration without any delay whatsoever.

Finally, we need to look to the future of the Organization, and it is essential that this first discussion at the International Labour Conference should provide a clear tripartite demand to governments everywhere to ensure the full rights and respect to trade union rights everywhere. The Workers' group expects government and employers' organizations to demonstrate that they were serious in the undertaking they gave in 1998 by now making a strong contribution to ensuring the full respect of freedom of association and the right to collective bargaining. This is our opening statement which we hope will be an interactive debate. We have a number of colleagues, whose names we have submitted to the top table, who we believe can make that contribution during the course of the day, and we wish the debate well.

Mrs. PERLIN (spokesperson for the IMEC group of countries) — First of all, IMEC wishes to reaffirm its strong commitment to the Declaration on Fundamental Principles and Rights at Work and its Follow-up. To fully realize the promotional objectives of the Declaration a meaningful and effective follow-up mechanism is needed. We thank and congratulate the Director-General for this first Global Report. It provides a substantive overview of the current situation with regard to freedom of association and the right to collective bargaining, and serves to guide further efforts to improve adherence to these principles.

In keeping with the promotional nature of the Follow-up, the Global Report is designed, inter alia, to generate high-level political discussion, engage the interest of the international community and media, and identify more effective use of the ILO's means of action, in particular technical assistance. Our comments will be brief, touching on a few procedural and substantive remarks for consideration in preparing future reports. IMEC ministers and other delegates will also intervene on particular points of interest in this interactive debate.

First, further reflection on the format and purpose of the Global Report is required. The present arrangement, which combines technical interventions with political statements, is an indication of the ambiguity of this discussion and of the Report itself. The degree of ministerial and high-level participation in this discussion is a clear sign of the strong political interest in the Global Report. Indeed, some IMEC ministers who were unable to participate today will comment on the Global Report before the plenary. IMEC would like to reiterate its view that the debate on the Global Report should above all be a high-level, interactive political event. Every attempt should be made to ensure maximum participation by ministers. A separate technical discussion could be held in addition to the present high-level debate, but the two are quite different in nature.

Secondly, more information is required if we are to have an instrument that both presents a dynamic global picture and provides an overall assessment of country efforts and the effectiveness of the ILO's means of action. Case studies and country references are interesting but it is not clear whether they are selected to indicate emerging regional or global trends. Areas where additional data and analysis could contribute to a more informed technical and political dialogue could include, for example, available instruments for social dialogue in the informal and self-employment sectors; frequency of collective bargaining negotiations; the extent of coverage of workers in specific sectors; and the rights of both employers and workers in collective bargaining. Case studies to identify obstacles, opportunities and best practices in reducing the representational gap would also help to improve information on areas for further research and analysis, and determine the most effective way to assist governments and social partners in strengthening their representational mechanisms.

A close link between the annual report and the Global Report would generate raw data for use in interpreting country situations and global trends. Meaningful participation of social partners in this exercise is essential if a realistic and accurate picture of the country situation is to be drawn. IMEC would again encourage the Office to assist countries in tripartite preparation of annual reports, with priority given to those countries that have not yet completed the first questionnaire.

Finally, this Global Report sets out a number of areas requiring technical assistance. This will need to be developed further in the follow-up programme of action developed by the Office, drawing on the Global Report as well as the annual reports concerning specific country situations.

Benchmarks and indicators outlined in the programme and budget will help with evaluation of the effectiveness of ILO means of action in the next Global Report due out in four years' time. IMEC again thanks the Director-General and commends him for this stimulating and thought-provoking Report.

Ms. SARMIENTO (spokesperson for the Asian Pacific group) — The Asian Pacific group notes the Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. The Asian Pacific group appreciates the efforts taken by the Director-General in putting together this Report within the time constraints.

The Asian Pacific group welcomes the Director-General's assertion that the format for the Global Report is designed to fulfill the requirements laid down in the annex to the Declaration in the context of a follow-up that is to be promotional, meaningful and effective.

An issue of concern that has arisen for the Asian Pacific group is how official information is used. While the follow-up to the Declaration does provide that the Report will be drawn up on the basis of official information or information gathered and assessed in accordance with established procedures, it should
be distinct from the ILO supervisory mechanism and should be promotional in nature.

We believe, therefore, that such official information should be reflected in more accurate and current perspectives.

The Asian Pacific group considers the purpose of the Global Report is to provide a dynamic and global picture relating to each category of fundamental principles and rights and to serve as a basis for assessing the effectiveness of the assistance provided by the Organization and for determining priorities for the following period in the form of action plans for technical cooperation, designed in particular to mobilize the internal and external resources necessary to carry them out.

In view of the fact that the Report is intended to be action-oriented and that the follow-up is to be promotional, meaningful and effective, we believe that country-specific references would best be avoided.

The Asian Pacific group recalls that an important purpose of this Report is to determine priorities for the following period in the form of action plans for technical cooperation.

We wait to see, therefore, how the Governing Body will reconcile the global nature of the discussion with a concern for efficiency and avoid overlapping.

We likewise await the form and content of the Report on this subject to be presented to the Governing Body. This summary would need to determine the priorities identified in the course of the Conference debate and, in the light of those priorities, to see what resources might be available to translate them into technical cooperation projects or other promotional measures.

The Asian Pacific group believes that the modalities of the discussion of the Global Report should be reviewed in the November Governing Body. This first examination can perhaps be honed to result in a more fruitful discussion at the next session of the International Labour Conference.

Finally, serious concerns were expressed by some countries in the Asian Pacific group which will be elaborated on in the individual government statements.

Original Spanish: Mr. DE ICAZA (spokesperson for the Latin American Caribbean group) — On behalf of the Government delegations of Latin America and the Caribbean, my delegation would like to express its congratulations to the President, the Minister of Labour of Argentina, and to express to him the support of the Latin American and Caribbean countries throughout today’s work as we review the first Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.

Our group would also like to express its thanks to the Director-General of the International Labour Office, Ambassador Juan Somavia, for submitting this first Global Report, which recognizes the changes which have taken place in the world of work and the need for innovative approaches to extend freedom of association and collective bargaining so that all workers may benefit from them.

We appreciate the fact that the Report states that the unquestionable and fundamental aim of the follow-up to the Declaration is to support, through cooperation, the efforts made by member States to give effect to the fundamental principles and rights of workers. As all of us will recall, it was this objective which inspired, encouraged and facilitated the adoption of the Declaration and its follow-up mechanisms.

This first Global Report should serve as a basis for discussion by the Conference of the priorities to which we should direct the Organization’s plans of action for technical cooperation.

We would like to thank the Director-General for the guidance which he provides to us in the third part of his Report, suggesting priority indicators for action to be taken to raise awareness, promote research, increase and disseminate knowledge and guide the services provided by the Organization.

In the chapter of the Report evaluating the effectiveness of assistance given to the Organization’s constituents, the Director-General highlights political will as being very important to its success. We agree that such political will should be promoted, and where it is visible it should be encouraged. The Declaration, after all, is promotional in nature and its follow-up too should be promotional.

The technical cooperation provided by the Organization to its constituents in response to the needs which those constituents have expressed is, and we hope will continue to be, a valuable contribution to ensuring full and effective compliance with our international commitments on labor-related matters.

In paragraphs 167 and 168 of the Report, the Director-General suggests that information should be sought from sources other than formal reports so as to better and more accurately reflect problems and situations which cannot always be described in official reports or through other supervisory mechanisms.

My group considers that it would be more useful for the preparation of technical cooperation programmes to pay particular attention to information on the social, economic and institutional barriers which stand in the way of achieving the ILO’s objectives, as has already been recognized by the Expert-Advisers who have reviewed the annual reports.

The Latin American Caribbean group welcomes the suggestion made by the Expert-Advisers that modifications should be made to the annual report forms so as to make it possible to share positive and useful experiences.

Lastly, coordinated action should be taken by international organizations with mandates covering economic and social issues to avoid contradictions, duplication and/or overlapping and to ensure that social concerns are priority components of international development programmes.

Mr. KHAN (Federal Minister for Labour, manpower and Overseas Pakistanis, Pakistan) — I make this intervention on behalf of the delegations of Bangladesh, Bahrain, Cuba, China, Egypt, Ethiopia, Kuwait, Oman, Qatar, Saudi Arabia, Sri Lanka, Sudan, United Arab Emirates and my own delegation of Pakistan.

The Global Report has a number of positive elements. For instance, in paragraph 173 it acknowledges that “each national situation is unique, and that pre-fabricated or stereotyped action plans at the country level are unlikely to address adequately the specificities of each”. It has focused on the provision of technical cooperation and makes the point that technical cooperation and advisory services should support national actors and national decision-making processes.

In this context, we support the emphasis on national
ownership and on the fact that actions which are perceived to respond to external initiatives or pressures are less likely to succeed than those that are clearly seen as responding to domestic interests and concerns driven by national actors.

The Global Report also raises some concerns. The unique dimensional analysis of the multidimensional issue of freedom of association is partial. The Report should have adopted a much broader and multidimensional analytical framework. The limitations of the unique dimensional analytical approach are obvious when the Report attempts to address issues such as globalization and poverty. In the negotiations on the Declaration and on its follow-up there was consensus that the follow-up should be promotional, non-legally binding, non-country or case specific, non-punitive in nature, and should not be a substitute for the established supervisory mechanisms. Nor should it seek to create a monitoring system parallel to or duplicative of the standard regime of the ILO Conventions.

We would therefore like to place on record the following comments. While considering the implementation of standards on freedom of association and collective bargaining, the Report selectively focuses on some sectors of economic activity — that is agriculture, the informal sector and export processing zones. These sectors have been singled out for lack of adherence to standards while other sectors, such as migrant workers and the high technology sector, have been underplayed or totally ignored. The adverse impact of new economic phenomena, such as mergers and acquisitions, e-commerce and outsourcing, on the freedom of association and collective bargaining have not been adequately dealt with in the Report.

The Report has also ignored the concerns of developing countries with large numbers of foreign workers. The objective of the Global Report was to present trends and not to selectively identify areas of sectors. Such selectivity could have an inherent bias against developing countries and therefore could result in politically motivated targeting.

ILO standards on freedom of association and collective bargaining are an important issue to address, but difficulties could arise in compliance with these standards due to resource constraints, infrastructure weaknesses, technical handicaps, varying levels of development, the informal nature of certain sectors and reasons of overriding national compulsion.

The Report recognizes that political will cannot be imposed but that it emanates from within a country. It is thus disturbing to note that the Report suggests that the Office should have discretionary powers to provide or withhold technical assistance to any country which requests it on the basis of non-adherence to standards. This is contrary not only to the provision of the ILO supervisory mechanisms, where, following recommendations by a supervisory body, the Office provides technical assistance to a given country, but also to paragraph 3 of the Declaration, according to which the Organization should “assist its members in response to their established and expressed needs”.

The source of information and the data used in the Report should be accurate and objective. The purpose of the Global Report is to provide a dynamic global picture and general trends in the four categories of workers’ rights. Specific countries should not be mentioned in the Report yet unfortunately certain countries have been singled out. The Report does not allow for a comprehensive reference to the reasons why a country appears to be at a certain level of implementation of the standards relating to the four categories of rights. Moreover, references to these countries, in some cases, do not take into account the fact that the situation has changed, sometimes even in response to necessary changes introduced into the legislation of these countries.

Although the follow-up mechanism can only be promotional in nature, the advocacy as prescribed in the Report is not promotional. This is evident in the tone and contents of paragraphs 143 and 170, where political will is identified as a factor open to influence and persuasion.

The Report appears to duplicate ILO supervisory mechanisms or is moving towards the development of a new supervisory mechanism, since countries may find themselves compelled to respond to specific comments made in the Report or in the course of discussions during the ILC or in the Governing Body.

The encouragement of a government-to-government pressure suggested in the Report opens the door for political and economic conditionalities. This is despite the fact that follow-up mechanisms were to promote cooperation and not coercion.

The Declaration made it clear that labour standards should not be used for protectionist purposes and that nothing in this Declaration and its follow-up shall be invoked or otherwise used for such purposes.

The focus on advocacy with international, regional and financial institutions should under no condition lead to the association of financial conditionalities with the observance of labour standards.

The Report introduces unclear and ambiguous concepts such as global governors of the labour market, new international architecture, social legitimacy and representational security. There is clearly no consensus within the international community or the ILO on such concepts and, in the absence of an agreed definition, such concepts should be avoided in future reports.

The Report argues that in an increasingly globalized economy the effective realization of the right to collective bargaining requires that it be conducted at the international level. The proposal for collective bargaining at international level is not pragmatic and is somewhat incomprehensible.

The ILO should not try to introduce conditionalities for the provision of technical assistance or cross-conditionalities with other international agencies. Paragraph 3 of the Declaration clearly states that the ILO should assist Members by “encouraging other international organizations with which the ILO has established relations”.

The reference to the ILO’s advocacy with other ministries, including those of trade and finance, could be construed as an invitation to apply trade or other sanctions on the basis of labour standards. This clearly is contrary to the position of the ILO or the Declaration. Advocacy therefore should be limited to those agencies directly involved with the formulation of implementation of labour standards.

The Declaration refers, in paragraph 1A, to the specific circumstances of member States. Accordingly, the Report in paragraph 173 acknowledges that these national situations are “unique, and that prefabricated or stereotyped action plans at the country level are unlikely to address adequately the specificities of each”. We therefore do not support any
attempt to establish artificial baselines which could result in merely singling out countries rather than helping them to improve compliance.

To conclude, unless the implementation of this Declaration is undertaken in an objective, pragmatic and just purpose, the ILO standards, elaborated in line with the follow-up to the Declaration, which clearly laid down the parameters of the Report should be promotional and should not duplicate ILO supervisory mechanisms, nor should it attempt to develop a new supervisory mechanism.

Original Arabic: Mr. AL-NAMLAH (Minister of Labour and Social Affairs, Saudi Arabia, on behalf of the Gulf Cooperation Council) — In the name of God, the Merciful, the Compassionate! It is my honour to address you today as representative of my colleagues, the Ministers of Labour and Social Affairs of the countries of the Gulf Cooperation Council (GCC), a single regional group, which includes the United Arab Emirates, Bahrain, Saudi Arabia, Oman, Qatar and Kuwait. I thank them for having entrusted me with the task of representing them in submitting our views and opinions with regard to the follow-up of the ILO Declaration on the Fundamental Principles and Rights at Work.

Within the framework of the discussion of the Global Report submitted by the Director-General, which this year deals with freedom of association and the genuine enjoyment of the right to collective bargaining, the GCC countries would like to emphasize the following points.

First, that the principles and objectives which serve as the basis for the Declaration on Fundamental Principles and Rights at Work and its Follow-up in particular, and the ILO standards in general, are principles and objectives which are recognized and respected in these countries. They are applied in accordance with the Constitution of the ILO and the Declaration of Philadelphia, which states that the national labour force is limited in size, particularly with regard to the private sector. Statistics indicate that in some countries of the GCC foreign labour may account for up to 60-80 per cent of the total workforce.

Secondly, the proportion of immigrant workers and labourers in the GCC countries is quite high. The national labour force is limited in size, particularly with regard to the private sector. Statistics indicate that in some countries of the GCC foreign labour may account for up to 60-80 per cent of the total workforce. They benefit from various privileges and entitlements which are provided by the legislations of the GCC countries without discrimination based on race, faith or colour.

Labour relations in the GCC countries provide clear evidence that labour legislations of those countries are just, and are properly applied. They are on an equal footing with the labour legislations of many advanced countries.

The position of the GCC countries with regard to the first of the four basic principles of the Declaration, i.e. freedom of association and collective bargaining, is based on the following points.

The GCC countries respect the principle according to which workers' organizations should be able to achieve their objectives of organizing labour affairs, establishing proper labour practices and ensuring freedom of expression within their legal and legislative frameworks, in accordance with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). The establishment of labour unions in the GCC countries is also linked with the new productive activities in those countries.

All the GCC countries are seeking to adopt the necessary measures to establish mechanisms capable of developing and promoting the roles and contributions of employers' and workers' organizations, taking into account international developments. These countries have made great strides in this respect, taking into account the fact that there is a considerable proportion of imported labour within the GCC countries. All the GCC countries are encouraging representatives of workers and employers to participate actively in Arab and international conferences on the basis of the principle of tripartism, seeking to safeguard their independence and their close cooperation with organizations capable of promoting them and developing their skills and experience.

The GCC countries have ensured the participation of workers and employers in various organizations with a view to upholding the international labour standards set by the ILO.
and specialized institutions responsible for drawing up and implementing training and vocational rehabilitation policies and programmes.

The GCC countries believe that the ILO, in preparing the Global Report, should base its work on the views of the experts when assessing the conditions prevailing in the various countries. Such assessments must be based on valid, credible and factual reports.

With regard to the Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Your voice at work, I should like to congratulate the Director-General for the objectivity of this work, despite the fact that certain information was not accurate, as it was not based on reliable sources.

As part of its commitments under the Declaration on Fundamental Principles and Rights at Work and its Follow-up, the ILO must assist member States in their efforts to create an appropriate climate for economic and social development, and help them provide more opportunities for work so as to deal with the problem of unemployment. It should increase the technical and material assistance provided to the GCC countries so as to enable them to create the appropriate social and economic climate to contribute to the development of their labour force. There is a clear need to improve the image of the ILO and to step up its work and contribution in the field of standards. First, an in-depth analysis of the existing standards must be carried out to identify shortcomings and their effects on various groups. Secondly, the ILO's efforts to review the various instruments of the Organization which have become outdated deserve support. We must be responsible, and support calm and constructive dialogue in a spirit of brotherhood and good will.

Original Portuguese: Mr. MENDOÇA E MOURA (representative of the European Union) — Sir, I have the great honour of speaking on behalf of the European Union. The European Union would once again like to reiterate its commitment to the Declaration of the International Labour Organization on fundamental principles and rights at work. To this regard, we would like to congratulate the Secretary-General on this first Global Report, which represents one more step towards the application of a follow-up mechanism of the Declaration.

This Report respects and recognizes the right to collective bargaining and freedom of association. Freedom of association is the consequence of essential freedoms and is also a fundamental element of a democratic system and society. It is an instrument for promoting economic and social development. For this follow-up mechanism to fulfil its objectives of promoting fundamental rights, this Report must be of a highly political nature. For this reason, we regret that our ministers are not able to take part in this debate because the Council of Ministers of Social Affairs is meeting today in Brussels. However, our ministers will have the opportunity of discussing this subject during the plenary meetings of the Conference.

All workers and all employers should have freedom of association. Nevertheless, the Report highlights serious violations of trade union rights in many countries and continents, and we cannot accept such violations, which should be stopped as soon as possible. We think that this first Global Report still does not offer a sufficiently global and dynamic vision for us to be able to highlight national and regional trends regarding trade union rights and collective bargaining with the participation of social partners in this follow-up mechanism. We would like the reports following to provide more information on each of the fundamental rights affirmed in the Declaration, and for them to obligate all Members of the ILO. Therefore, we support the Director-General so that he can continue his efforts to achieve the universal application of these rights, and we urge governments to commit themselves to their application.

Original Japanese: Mr. ITOU (Government delegate, Japan) — In 1998 the International Labour Conference adopted the Declaration on Fundamental Principles and Rights at Work. We now have the first Global Report which forms a part of the follow-up, and it is an honour for me to participate in the discussion on that first Report. I would like to express my appreciation to the Director-General and the members of the secretariat who, since the adoption of the 1998 Declaration, have compiled the annual report discussed during the March meeting of the Governing Body and also compiled the Global Report.

I recall that, even while the Declaration was being prepared, there was much concern that it was going to be nothing more than one more layer placed on top of the existing supervisory mechanisms. I am sure much effort has been expended to dispel this notion. Looking at the Report, I am happy to say that the Report is very well written and contains examples of improvements taking place in different countries, and indications of the future direction of ILO's technical cooperation. It is proactive as well as addressing many of the requests made by the Government of Japan during the discussions on the previous annual report.

Some 50 years have elapsed since the adoption of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The Asian currency crisis showed us that the response to the crisis was more rapid in countries where tripartism was stronger. In other words, where there was a stable relationship between government, workers and employers, the response to the economic crisis was that much quicker. This shows the great importance tripartism still plays even in this modern world.

One should not forget that tripartism is predicated on the existence of the freedom of association and the right to collective bargaining. Although responding to changes in economic and social circumstances, the two principles remain just as important today as they were when the Conventions were first adopted. The Global Report suggests that the two principles are conducive to social stability and justice, even in the present world of ever-advancing economic globalization. I agree wholeheartedly with that view, and commend the Report for recognizing that fact.

In Japan it was not until after the Second World War that freedom of association and the protection of the right to collective bargaining were realized. In our country, most of the labour unions are company-based, and negotiations between companies and unions have led to the establishment of stable labour relations, improved productivity, and aggressive investment in human resources development by individual companies. They have become the bedrock upon which our country's strong social stability and economic growth have rested.
In other words, the two principles, freedom of association and the protection of collective bargaining, concern not only human rights and democracy but economic development as well.

The global trend which is also evident in Japan, is an increasing number of workers employed in the service sectors, white-collar workers, part-time workers, homeworkers and other new forms of work. Given this trend, there is a concern that the representativeness of labour unions may wane and that the development of healthy labour relations and tripartism may be thwarted. This calls for ways of making the labour unions more inclusive and representative and of heeding the voice of non-unionized workers.

Turning to the matter of ILO’s technical cooperation, I would point out once again that further cooperation between the government, the workers and employers will be necessary. As I mentioned earlier, the Asian currency crisis underscored the importance of freedom of association and the protection of the right to collective bargaining. As for Japan, it is our intention to contribute financially to the ILO’s multilateral and bilateral projects primarily in the Asia Pacific region to further the understanding of the importance of these rights among governments, employers and workers in that region.

Lastly, I express my hope that these discussions on the first Global Report will be fruitful and I hope that the March discussions of the annual report and the coming November meeting of the Governing Body will lead to the adoption of action programmes for future technical cooperation projects.

(Ms. Bauer takes the Chair.)

Original Arabic: Mr. ELAMAWY (Minister of Manpower and Emigration, Egypt) — Allow me first of all to assure you that Egypt is fully committed to applying labour standards and ratifying the seven fundamental standards. We are in the process of ratifying Convention No. 182 and very much appreciate the support of the ILO's Legal Adviser, concerning the purpose of the Declaration concerning fundamental rights.

The preliminary reports were the subject of controversy during the preparation of the Declaration, hugely because many delegations were afraid that these reports, when applied, would become a new kind of monitoring mechanism rather than achieving their original purpose which was to provide a dynamic global picture that would allow the Organization to devise plans of action for technical cooperation and help to mobilize the necessary internal and external resources for implementation of these plans. These fears were not about monitoring mechanisms per se. We fully cooperate with the Organization’s existing mechanisms. Rather we were afraid that the reports were not governed by such specific rules and regulations as ensure the objectivity and accuracy of monitoring mechanisms. In that regard, a statement was included in the text of the Declaration and annex thereto, as well as in the opinion provided by the ILO’s Legal Adviser, concerning the purpose of the Global Reports and the subjects which should not be included therein. These are matters confirmed in many parts of the Report before us.

The Minister of Labour of Pakistan, speaking on behalf of the governments of a number of developing countries, including my own, made a certain number of objective comments about the first Global Report. I do not want to repeat what he said but I would like to add a few general observations.

First of all, with regard to sources of information for the Global Report and the danger of quoting countries by name, one of the most important and most controversial issues that arose during the drafting of the Declaration was identification of sources of information on which the reports are based. A number of delegations were concerned to have maximum detail on such sources of information. There was also debate about the way in which the information would be dealt with, and the need to guarantee objectivity and non-selectivity in preparation of reports. It would be unacceptable to delegations to have to make statements and correct information concerning their country, turning the reports into a new monitoring mechanism. These delegations would find it very difficult to quietly accept any inaccurate or incorrect information about their countries or any references made without taking into account the specific circumstances in a particular country on the progress achieved in enactment of laws and in practices in that country.

Egypt is quoted on two occasions as part of a group of 50 countries for which indicators are provided. The paragraphs concerned treat all of these States as if they were one, without accounting for the specificities of each situation and without providing the detail required for each individual case. In the case of Egypt, no account has been taken of the positive new legislation it has enacted, as reported by the group of experts responsible for the follow-up to the implementation of Conventions and Recommendations in the Report submitted to the current session. This raises questions about the sources of information used in the Report and whether there was any serious attempt to provide a dynamic picture.

Obviously, my delegation will not fall into the trap of trying to correct such information at this stage. This is not appropriate or acceptable in this forum, but I am just trying to illustrate the serious mistake we would be making if we quote countries by name in this Report. This Report by its very nature cannot deal in a detailed and subjective manner with cases, while the observations it has made defeat the purpose of providing a dynamic picture of developments. I should like to reiterate what we have said many times before: no mention of names should be made in future reports.

Secondly, the Report stresses the importance of that application of standards within each society; particularly in light of the specificities of each society. This is an approach we can approve of, because it is in keeping with the spirit and letter of the Declaration, which is to offer additional technical assistance to countries who need it so that each society can better observe labour standards. Here I would like to say that collective bargaining takes place in each country within the context of the peculiar situation of that country. Collective bargaining cannot, of course, be carried out at a world level, and I found that there was an infelicitous reference to this at one stage in the Report.

I hope that this was unintentional, for we all know that our Organization is based on tripartism, and this also holds true for the application of standards. There can be absolutely no talk of international collective bargaining.

The Report's reference to placing pressure on governments is to be regretted. It is not conducive to
fruitful international cooperation and runs counter to the objectives of the Declaration. I would also like to say that the ultimate purpose of the Report is to come up with a programme for technical assistance for the benefit of the social partners, while making available the resources to achieve that end. We would have liked the Report to have drawn a clearer picture in that regard, so that our deliberations about the Report would be more specific and constructive. We hope that future reports will include this dimension.

We are all very much aware that the Declaration does not impose a legal obligation on countries but is a political statement whose value lies in its ability to encourage all the countries and peoples of the world to objectively and transparently follow the spirit and letter of the Declaration. The Declaration’s only purpose is to serve the social partners in every State and provide the technical cooperation that various member States need so that labour standards can be applied and that all States and people will be convinced that the follow-up to the Declaration only serves the purposes for which this Organization was created. We therefore have to be totally objective in respecting fundamental rights at work and defending the interests of peoples and application of labour standards. In this way the Declaration will take a special place in the international collective conscience as something to which we are all committed.

Original French: Mr. ZAFERA (Government delegate, Madagascar) — Mrs. Razafinakanga, Minister of Labour and Social Law, Madagascar, was unavoidably detained at the last moment. She has asked me to address the Conference and to apologize on her behalf for not being able to make the Madagascan contribution on the Global Report today in person.

To date Madagascar has ratified six of the eight Conventions concerning fundamental principles and rights at work. The six ratified Conventions include Conventions Nos. 87 and 98 which concern freedom of association and the effective recognition of the right to collective bargaining. The Declaration is essential as far as we are concerned and its follow-up is a major concern for our administration.

Promoting the participatory approach at all levels, in conjunction with freedom of association, is one of the ways of establishing a favourable social and economic environment for the development of the private sector and for combating poverty in Madagascar. The Follow-up to the application of the Declaration must be based on respect for tripartism and social dialogue. Certainly, social dialogue in Madagascar has gone through a period of great turbulence recently but the three parties concerned, aware of their role and responsibilities in the world of work, have signed a memorandum of understanding which lays down a participatory approach within a context of broader social dialogue.

Moreover, the Constitution of the Republic of Madagascar, the Labour Code and its subsequent texts have laid down provisions which promote freedom of association and the effective recognition of the right to collective bargaining. The existence of ten trade union confederations, eight national employers’ associations and 150 independent trade unions justifies the efforts which have been made by the State, helped by the social partners, for the promotion of this Convention on freedom of association and protection of the right to organize. Even before the ratification of Convention No. 98 our legislation had always made provision for collective agreements in enterprises employing 50 workers or more. An awareness campaign was conducted with the support of the International Labour Office in the six main provincial capitals in July 1998, that is to say after the ratification of Convention No. 98, in order to make the social partners aware of their obligation to negotiate collective agreements, to strengthen the negotiating capacity of the parties, to list factors hindering negotiations, to propose solutions to these problems and to define the actions to be immediately implemented.

At present we have 42 collective agreements prepared according to the standards advocated by the ILO in various branches of economic activity such as the food industry, commerce, energy, the mining industry, the leather industry, mechanical engineering and services. Faced with new requirements from the world of work, the State and the social partners have recognized the shortcomings in our current Labour Code and by common accord they have begun work on the total revision of the Code, the results of which will be presented to the National Assembly later this year.

As you can see, this is a sign that social dialogue is being restored in Madagascar. We would like to reiterate the will of our Government to further implement the Report of the Director-General of the ILO, and we hope that we will be assisted in this process which is a source of great hope for our country.

Original French: Mr. BLONDEL (Workers’ delegate, France) — The Global Report on Conventions Nos. 87 and 98 in the follow-up to the Declaration on Fundamental Principles and Rights at Work, in Your voice at work, has been of great interest to all of those who are concerned with the ILO’s standard-setting activities.

We naturally subscribe to the comments which were made by our colleague and spokesperson, Mr. Brett, and we are glad to see that the first part of the document gives a global and dynamic view of the international situation, as it appears notably in the light of globalization.

We agree that we are in the century of intelligent information which ought to benefit everybody, and we can also see that the reforms which have been made in this framework have given rise to the disappearance of forms of state-planned economy that were virtually a violation of freedom. This should not, however, lead to the systematic substitution of the individual for the collective, to a system of survival of the fittest, to unbridled deregulation.

The Global Report already mentions that the global movement of economic integration — which we can be proud of — has a social cost; employment is more volatile, inequalities have increased. These inequalities have to be analysed from two points of view, or even three: from the continental point of view, from the national point of view, and from the domestic point of view. That is why we too say that inequalities at the global level are increasing.

This is where the idea of a universal dimension of standards, especially the fundamental standards, takes all its meaning. Thus, multinational corporations which in their home country respect trade unionism and even collective bargaining, can be tempted to base themselves in countries where these practices are restricted — if they exist at all. In my
opinion we would do well to scrutinize the OECD's new approach to this matter.

Some countries are very proud of the non-existence of trade union rights so that they can attract foreign investors. In a way one can from ILO research see how free zones, for example, tend to legalise this kind of aberration. Hence the idea of collective bargaining at the international level to define equal trade union rights in every country where an enterprise operates; these rights would supplement Conventions Nos. 87 and 98 which we are concerned with here. Incidentally, the same question arises for international civil servants — and this is something of a paradox — in the United Nations, for example, where they do not have the rights that we are advocating.

We cannot look at the Global Report just from the angle of globalization, and the trend of society; we must also look at how political considerations and countries' individual behaviour affect democratic principles. Lack of representation is often due to government interference. I am happy with Chapter 2 of Part I of the Report. This was a difficult exercise, which had to avoid distorting the ILO's action and practice while affording a global picture and noting how the situation develops as a result of the adoption of our Declaration of Principles. The Workers naturally welcome improvements in civil liberties, on which freedoms of association often depend.

Allow me to emphasize certain points. There are too many countries still where state employees and civil servants are not allowed to join trade unions — which of course does not prevent the same States (in some African countries, for example) from interfering in the running of an organization. Cameroon is a case in point. Freedom of association implies autonomy and independence, and there is no room for pressure or threats from the public authorities. Thus, the banning of meetings and demonstrations, as happened in Djibouti, is unacceptable. As to the violation of trade union premises and assets, for example, the Central African Republic — where the Secretary General of the USTC was brutally attacked by state guards simply because the union supported the promotion of peace and development — has much to answer for.

Is it not astonishing that in practice the trade unions that have the greatest difficulty are usually the teachers' unions? I am amazed that in the Central African Republic, Cameroon and Djibouti, it is very often the teachers or their unions that encounter difficulties.

And what can I say about the lack of protection of trade union activists and of the discrimination which they suffer? The Committee on Freedom of Association made 50 per cent of its recommendations on this subject.

I would like to emphasize the necessary complementarity — not to say harmony — which must exist between the action taken in the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work and the traditional monitoring and supervisory machinery. It is not a question of one replacing the other, but rather of organizing and strengthening the one so as not to have to resort to the other.

Significantly enough, the complaint we lodged against Poland under article 26 in 1942 was followed in 1980 by a complaint to the Committee on Freedom of Association. Contact missions were first sent to assess the situation. Following the findings of a Commission of Inquiry, almost ten years were needed for trade union pluralism and democratic rule to prevail. This shows that the Global Report is the first in a whole series of reports on ILO action in promoting the ILO Declaration on Fundamental Principles and Rights at Work, which will oblige us to remain faithful to the tripartite commitments to which we subscribed in June 1998.

Original Chinese: Mr. LI DONGLIN (Government adviser, China) — The Chinese delegation endorses the statement of the Asia-Pacific Government group, and the fact that our discussions today on the Global Report Your voice at work are of important significance. The Chinese delegation has conscientiously studied the Report Your voice at work and we would like to state the following.

Firstly, freedom of association and effective collective bargaining as fundamental principles and rights at work have already been fully elaborated in the Declaration, and should be implemented in real earnest by the member States. We are living in a colourful world where historical and cultural pluralism and diversity reign, and where political systems vary according to the different countries and regions. Therefore, it is natural that there are also many different approaches to the implementation of those fundamental principles and rights. And, there is a constantly developing process to turn these principles into reality. As a matter of fact, no single country in today's world is perfect in implementing such fundamental principles as freedom of association. They all need to steadily improve their legal system and practices. The ILO should vigorously promote sincere dialogue and international exchanges in this regard.

Secondly, poverty elimination and promotion of full employment are the purposes of the ILO and the basis for implementing the freedom of association and collective bargaining principles. Any attempt at refusing ILO technical assistance to the developing countries on the pretext that implementation of labour standards is not advancing apace will only impede the development of the poor nations, delay their process of poverty alleviation, deprive their people of job opportunities and thus fundamentally undermine the freedom of association and other basic rights that their people otherwise enjoy. Therefore, ILO member States should be on high alert against any attempt at establishing a link between labour standards and international organizations' aid programmes.

Thirdly, the promotion of the fundamental rights should take place according to the spirit of the Declaration and its follow-up. All follow-up actions should be based solely on the actual needs of the tripartite constituency of the member States through cooperation and dialogue. If this is not the case, the intentions of the Declaration risk being undermined, which will also result in a double review, something which is inconsistent with the spirit of promotion.

It should be pointed out that there are some parts of this comprehensive Report that contravene the promotional principle. The Report irresponsibly criticizes the political systems of some ILO member States. This runs counter to the basic norm governing international relations: that all countries have the right freely to choose and develop their political, social, economic and cultural systems.

The Chinese delegation hopes that today's discussions will put the follow-up to the Declaration back on
track, with the focus on strengthening dialogue, ensuring better cooperation and encouraging implementation of the fundamental rights.

Original Spanish: Mr. FUNES DE RIOJA (Employers' delegate, Argentina) — For my country and many others in Latin America the issues addressed by this first Global Report are substantive. We agree with the Declaration and endorse its content. The challenge facing the developing countries is to achieve both political stability and economic development. Political stability logically depends on the maturity of our democratic institutions, respect for the rule of law and for fundamental freedoms. This is not only a moral obligation but also a fundamental feature of the job market to be brought into line with the requirements of competitiveness and of a sustainable economic and social development model. The present follow-up procedures give both workers' and employers' representatives, as well as governments, the right to express their efforts and achievements in realizing these rights in practice and to mobilize the much-needed financial resources to enable them to do so.

The dynamics of globalization, by intensifying competition and revolutionizing information technology have generated both opportunities and inequalities. To overcome the inequalities and access the markets and technology, fundamental rights at work are a necessary prerequisite, but they are not the only ones. In addition there must be a suitable institutional framework for social dialogue which allows the essential features of the job market to be brought into line with the requirements of competitiveness and of a sustainable economic and social development model which also provides the political system with credibility and viability. I have already said, and I will say once again, that for some countries social dialogue is a habit, the fruit of a political and economic culture, while for others, including those in my region, it is an absolute necessity which justifies changes, gives them rationality and direction: general well-being.

Political authoritarianism leads to the denial of freedoms. Where there are no autonomous trade unions or employers' organizations, without state interference in their constitution or organization, it is clear in reality, and in the Global Report, that we are faced with political systems which seek to interfere in the life and opinions of the social partners. This is a bad thing and is as dangerous as confusing the concept of civil society with that of NGOs and granting them a degree of representativeness which they obviously do not have in law. In this respect I refer to paragraph 79 which relates to our region and describes a case which remains topical.

Lastly, we must not mix up principles and rights with expansive interpretations by the supervisory bodies nor the Global Report with the supervisory mechanisms. This has to be very clear. Therefore, we welcome the first Global Report, but we also hope that the next one will cover all the concerns voiced today and include contributions from all. This is our firm hope because we have great faith in our Organization.

Mr. NGUTU (Minister for Labour, Kenya) — The Kenyan delegation welcomes this opportunity to take part in the discussion on this year's Global Report Your voice at work as part of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work. Indeed, the Kenyan delegation is fully aware that the adoption of the Declaration provides a new tool for the international community to fulfill the commitments already made by the Heads of State and Heads of Government at the 1995 World Summit for Social Development. At that Summit, seven international core labour standards were identified and adopted as the minimum social platform for the global economy.

All the member States of the ILO, even if they have not ratified the Conventions in question, have an obligation by virtue of their membership to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights of freedom of association and collective bargaining, and to work towards the elimination of forced labour, child labour and discrimination in occupation and employment, it being understood that there can be no respect for basic workers' rights without employment.

The Kenyan delegation is encouraged to note that the Declaration makes provision for a follow-up mechanism based on annual reports by countries on their efforts and achievements in realizing these rights in practice and identifying the problems which remain. We are also delighted to note that the follow-up process gives both workers' and employers' representatives, as well as governments, the right to express their views on how the Declaration is being implemented. Kenya is fully aware that the overall objective of the whole exercise is to identify problems and facilitate progress. The present follow-up procedures will also provide the opportunity for all ILO Members to analyse the diversity of national cultural and developmental situations, to stimulate countries to realize those rights in practice and to mobilize the much-needed financial resources to enable them to do so.

Since this is the first time that the Conference is discussing the Global Report as part of the follow-up to the Declaration, it is important that the following cardinal principles set out in the Declaration itself are respected; that the present follow-up should be purely promotional in nature and should not duplicate what is already being done by various other supervisory bodies of the ILO; that labour standards should not
be used for protectionist purposes; and that the comparative advantages of any country should not in any way be called into question by the Declaration.

This year's Global Report provides a dynamic global picture relating to the selected category of fundamental principles and rights at work, namely, freedom of association and collective bargaining. It also shows the worldwide trends in relation to this chosen category of principles and rights both for States that have ratified the relevant fundamental ILO Conventions and those that have not yet ratified them. It examines in detail the trends in relation to observance of freedom of association and collective bargaining rights as well as gross violations of those rights worldwide.

In this respect, the Kenyan Government totally endorses the ILO stance, that if freedom of association is not respected and promoted there can be no collective bargaining or meaningful social dialogue. Kenya believes that freedom of association gives a voice to workers and employers, a voice that needs to be heard much louder and more clearly in a globalized world. We also think that there is a fundamental difference between the situation of countries where this fundamental right is denied and those where it is not. I would like to take this opportunity to reaffirm that in Kenya the principle of freedom of association and the effective recognition of the right to collective bargaining is fully recognized and promoted by the Government. Our declared policy has always been to encourage the formation of strong, independent and financially viable employers' and workers' organizations. The Government is satisfied that both the Federation of Kenya Employers and the Central Organization of Trade Unions are sufficiently well organized and competent to enter into responsible and conclusive collective bargaining on terms and conditions of employment. These two umbrella organizations have fulfilled their obligations and their responsibilities in a very precise and praiseworthy manner.

The Kenyan delegation also agrees that the respect for freedom of association and effective recognition of the right to collective bargaining has a very crucial role to play in achieving decent work for all in a globalized world economy.

Our Government has, over the years, remained committed to the promotion of ILO labour standards as a sure way of enhancing the promotion and respect of basic workers' rights in Kenya. So far, Kenya has ratified and fully implemented a total of 46 of the ILO's labour standards, including four of the seven ILO core labour Conventions which includes the Right to Organize and Collective Bargaining Convention, 1949 (No. 98).

The Government of Kenya has also contacted the ILO with the aim of securing the necessary technical assistance in reviewing our present labour legislation and paving the way for further ratifications of core labour standards.

Finally, Kenya endorses the view that respect for these fundamental principles and rights at work is good for business, for labour, for governments and for civil society, both domestically and internationally.

Original Arabic: Ms. KOUÐSI (Minister of Social Affairs and Labour, Syrian Arab Republic) — First of all, I should like to say that the ILO Declaration on Fundamental Principles and Rights at Work adopted at the 1998 Conference was not agreed to by consensus. This was because its articles were not sufficiently clear to avert any possibility of erroneous interpretation vis-à-vis its application or to ensure that it would not be used as a pretext for discrimination. There were also fears that new conditions in international economic and trade relations might be imposed on the basis of the standards stipulated in the Declaration.

If the purpose of follow-up to the Declaration is to encourage member States to strengthen fundamental principles and rights at work included in the ILO Constitution and the Philadelphia Declaration, then two types of follow-up systems exist to guarantee the realization of that objective. Firstly, we have an annual appraisal of the efforts made by member States which have not ratified all or some of the fundamental Conventions relating to fundamental principles and rights at work including such rights as freedom of association, collective bargaining, negotiation and so on. We seek here to have a global picture that shows the situation in relation to certain principles and freedoms. At the same time, we need to assess and evaluate the efficiency of technical assistance provided by the ILO.

Anyone who reads this Global Report might come to the conclusion that the right to strike is illegal in the Syrian Arab Republic and that harsh penalties are imposed on anyone who takes industrial action. The Report is wrong about this because our labour laws recognize workers' rights and the right to strike is guaranteed unless a request has been submitted for suspension of a strike in a labour dispute.

There is no question of reprisals being taken against persons because of their membership of trade unions. Article 19 of Ordinance 49/1962, amending Ordinance 127/1980, concerning dismissal of workers, states that a worker cannot be dismissed simply because he or she is a member of a trade union or is a trade union activist of some sort, nor can such a worker be prevented from joining or resigning from a union or from following union regulations.

For some time, the Executive in my country has been considering an amendment of the Trade Union Law No. 84/1968 with a view to bringing it into line with International Labour Convention No. 87. We hope that this Law will be adopted very soon. Other draft laws and amendments are also being reviewed with regard to the Farmers' Act No. 21 of 1974, Law 20/1969 concerning occupational reorganization and Law 134/1957 concerning agricultural relations, with a view to bringing their provisions also into line with Convention No. 87. At the same time, the Syrian Arab Republic has drawn up a draft decree amending Labour Law 91/1959 or its amendments so as to bring it into line with the Conventions which the Syrian Arab Republic has signed, including Convention No. 138 dealing with the minimum age for employment. The Syrian Arab Republic has ratified six of the fundamental Conventions, namely, Conventions Nos. 29, 87, 98, 100, 105 and 111.

In addition to the above, a draft decree is currently being passed to repeal article 98 of Labour Law 91/1959 and the amendments thereto, in response to a request from the Committee of Experts and pursuant to ILO Recommendations since the relevant piece of legislation or article thereof is incompatible with Article 4 of the Convention on Freedom of Association.

Mr. AGYEI (Workers' delegate, Ghana) — I fully support the presentation that was made by our
The involvement of the social partners, and in the process developments. The unions have won their rights back, the concerns that the trade unions have expressed the process forward. It will be difficult to pinpoint countries where these violations are taking place, given the constraints of time, and also the objections that are being raised by certain governments that specific countries should not be mentioned. However, I wonder how we can discuss such an important report in purely abstract terms, particularly where we need to give examples of countries which may need technical assistance to be able to improve the situation there.

I am aware that in Equatorial Guinea, for instance, collective bargaining is not recognized. In Ethiopia, harassment of the Ethiopian Teachers’ Association (ETA) teachers’ union continues. Unpaid wages, one effect of the debt crisis, is still a growing problem, leading to strikes in Kenya, the Central African Republic, the Democratic Republic of the Congo, and Togo. In Ghana, Kenya, the United Republic of Tanzania and a few other places, trade unions can hardly embark on legal strike, and I am stressing the word legal. In these countries the conditions that trade unions should satisfy before embarking on legal strikes are almost impossible to meet. In Lesosoto, trade union rights are not enforced in the export processing zones.

The Bretton Woods institutions are partly, if not wholly, responsible for these trade union rights violations in the developing countries, particularly in Africa. Though these institutions are always trying to influence governments to reform their labour laws, and these reforms, according to them, are meant to introduce so-called flexibility into the labour market, in the process they only succeed in weakening the trade union rights which are enjoyed in these countries under their respective national laws.

On a more positive note, in some countries, while trade union rules are affected by the reform process, we have been able to moderate the harmful effects of these reforms. But there is a need to monitor these reforms to ensure that trade union rights which are being won at very great cost are not taken away. I would suggest that, in countries where labour law reforms have been undertaken, tripartite involvement in the process, with the ILO providing the needed technical cooperation, would be most helpful. Indeed, it would be the surest recipe for social and economic development — the ultimate goal of this Declaration.

Still on a positive note, I would say that in a country like Nigeria, where there were very serious violations of trade union rights, there are now very positive developments. The unions have won their rights back, and they and their social partners are working together to ensure that they are able to sustain and push the process forward.

In Ghana, there is a reform process with the involvement of the social partners, and in the process the concerns that the trade unions have expressed have also been addressed. I would seriously suggest that in the countries that I have mentioned, where there are difficulties and where there are serious problems with trade union rights, they should take a cue from these positive examples that I have cited and involve trade unions in the process of reforming their laws.

Original German: Mr. MELAS (Government delegate, Austria) — As far as Austria is concerned, there is no doubt that the International Labour Organization has a decisive role to play in the creation of a more just global society. Naturally, this is a long-term development, but I do think that, over the last few years, hand in hand with economic developments in many parts of the world, we have seen considerable progress in guaranteeing workers’ basic rights. The adoption of the Declaration on Fundamental Principles and Rights at Work was an important milestone in efforts by the international community to strengthen the role of international labour standards. I think we can say with some satisfaction today that the International Labour Organization has been a vehicle for progress and has helped societies to gradually approach the objectives we have set ourselves.

At the International Labour Conference this year we have before us the first Global Report concerning participation of workers in decision-making at the workplace based on collective bargaining and freedom of association. My Government is convinced not only that these fundamental rights must be guaranteed in order to make sure that workers are treated decently at their place of work, but also that this is a prerequisite for the smooth running of the economy as a whole. In other words, there is a feedback, a mutual dependency, between constitutional law and economic development, and the importance of this can hardly be overstated.

But although there is a mutual dependency, this is not in any way automatic, because continuous efforts are needed to maintain such standards. There is a need for constitutional legal structures and strong institutional mechanisms for taking into account workers’ interests. This does not happen on its own; it is the result of constant effort, which cannot take place without some conflict and friction.

The Global Report has drawn attention to a number of positive developments in certain countries over the last few years. Nevertheless, it does not gloss over the fact that there are still countries where there are violations of basic rights such as freedom of association. The Report, not surprisingly, concludes that in those countries which lack solid democratic and constitutional structures, workers’ rights are not guaranteed either. We should not overlook the fact that the International Labour Organization continues to observe serious violations throughout the world, one example being the use of forced labour in Myanmar. The ILO has endeavoured in the past to reach an agreement with the Government of that country to put an end to these violations. This has unfortunately not been successful, and Austria firmly supports the decisions taken by the Governing Body on this subject. Austria also welcomes the fact that the forthcoming meeting of ECOSOC will deal with the question of Myanmar.

To conclude, I would like to reaffirm that, in the view of Austria, technical assistance will continue to be a major element of the ILO’s role in promoting fundamental rights and principles.
Employers' organizations are also having difficulties due to the growing diversity of company interests, employing and underdeveloped countries, youth employment in the cities is over 30 per cent.

Unemployment in Latin America increased to 8.7 per cent in 1999. In Africa, the increase in unemployment has actually been less than the growth of the economically active population. In Asia, there is still more unemployment and poverty than in any other region of the world. The economic failure is obvious and has had a major impact on the world of work.

We believe that these are the main causes of the problems that workers and employers face at the moment.

It is difficult to believe that neo-liberals want to strengthen trade unions and employers' organizations and pay attention to the appeal made in the Report. We do not think so.

We believe that only in a society where social justice, fraternity and love for human beings prevail, can we really ensure that freedom of association is fully respected and enjoyed.

This right should not just be restricted to belonging to a trade union, but workers and their trade union organizations should have the opportunity to participate in economic, political and social decisions taken at their workplace, in their sector and throughout the country. This would be a true democracy.

This has existed in Cuba since the Revolution triumphed in January 1959. More than 98 per cent of our workers are members of a trade union organization which is democratic, and which does not discriminate against people for their religious or political beliefs, or their race or gender.

Our enemies have tried to defame and pour scorn on the situation, but the truth is that we have been fighting against imperialist governments since 1925, when the National Labour Confederation was established in Cuba. This process culminated, in January 1939, with the establishment of the current Confederation of Workers of Cuba. Power in Cuba is in the hands of the workers.

In the Report, in paragraph 67, page 31, we see that an attempt is made to distort the real situation. This will only lead to oppression perpetrated by the powerful.

This is not a problem of form, it is a problem of substance. There are countries with multi-party systems which still prevent freedom of association or ban trade unions. Cuba is, and will continue to be, a country of workers with a government that represents them, a country which defends all that it has fought to build during the last 41 years, despite the blockade against us, intelligently and making considerable sacrifices.

For six months, our people have been fighting a battle against the mafia in Miami and its allies, to ensure that the child, Elian, is returned to his country and his family and friends. We will continue to fight to defend his rights and the rights of all other workers and society as well.

Mr. HEINEMANN (Government adviser, Netherlands) — I am speaking on behalf of the Minister for Social Affairs and Employment of the Netherlands, Mr. Vermeend. Unfortunately, the Minister is unable to attend this debate on the Global Report, due to new obligations in Luxembourg.

My delegation fully associates itself with the interventions made on behalf of the IMEC group and of the European Union.

The Government of the Netherlands is firmly committed to the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up. The Declaration and its follow-up are, indeed, key instruments in the promotion of the eight fundamental labour Conventions of the ILO. Particularly, here in the ILO, I cannot emphasize enough that the fundamental labour Conventions should be observed worldwide.

Because of this, my Government welcomes this first Global Report and I hope that it will be the first of a long series of valuable documents which will provide a global picture on the observance of these fundamental Conventions.

I take this opportunity to congratulate the ILO on a job well done. In general, I feel that this first Global Report fulfils its aim, which is to provide a global picture relating to the observance of the right to freedom of association and the effective recognition of the right to collective bargaining.

Chapter 4 of this Global Report should provide the Governing Body, at its November session, with the basis for determining priorities for the ILO technical cooperation efforts, in order to build further support for freedom of association and the right to collective bargaining.

The Report shows that we still have a long way to go to attain universal acceptance of these fundamental rights.

The first responsibility for improvement in the observance of these rights lies, of course, within the countries themselves. Meaningful tripartism should form the basis therein.

In the Netherlands, we are true believers in the concept of tripartism. In fact, it is tripartism and social
dialogue that have been at the heart of the foundation of our modern society.

In the Global Report, I fully endorse the statement that the rights to freedom of association and to collective bargaining actually form the key to realization of the other three categories of fundamental principles and rights at work, which are: the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation.

I feel that in addition to this national responsibility there is also a need for support from this national community to those countries that have the will to solve their problems.

This is particularly so, since there are indications in the Global Report that globalization and internationalization of production can have a negative impact on the rights to freedom of association and collective bargaining.

In terms of the lessons learned from this very first experience, I would like to express some concern about the public information surrounding the launching of the Global Report. Throughout the Report it is highlighted how important the role of advocacy is in the promotion of freedom of association and collective bargaining.

In our view, widespread international public exposure of the Global Report, inter alia, through a well-designed media campaign, could certainly contribute to the further promotion of these rights.

Likewise, a timely distribution of the Global Report is of importance to allow for a meaningful, interactive debate with the full participation of the Members of the ILO.

I hope that these concerns will be taken into account in future years.

Mr. TABANI (Employers' delegate, Pakistan) —
Two years ago when the Declaration was brought before the Conference for adoption, the Employers, including the Asian Employers, fully supported the adoption of the Declaration mainly because it was a document which was promotional in nature, it identified areas where difficulties were to be remedied, and they were to be remedied with the assistance of member countries, using technical assistance. The document also guaranteed avoidance of double scrutiny. Asian employers concerned with sanction-related action were also satisfied. It was said that the Declaration was an answer to the question of the social clause, yet we have seen in the last two years there have been moves made to bring this matter before the WTO, as we can see from what happened in Seattle.

In this particular Global Report, issues examined by the Committee on Freedom of Association and the Conference Committee on the Application of Standards have also been raised, with the result that some States have been subjected to double scrutiny. It is in this respect that I would like to support the intervention and the opening statement made by the spokesperson of the Employers' group on the main features of this Global Report.

The Report analyses the effects of globalization. It has rightly portrayed a situation in which many economies are increasingly integrating into the global economy, but others are becoming marginalized and global inequalities are growing. This simultaneous inclusion and exclusion of people, regions and economic sectors is a significant characteristic of globalization, and presents some of its greatest challenges.

The answer is to assist those countries which are indeed marginalized to integrate into the global economy. Globalization, we all agree, is irreversible. We need to work from the bottom up to raise the level of the developing countries to play their rightful role in the global economy.

The Report also touches on the Global Compact as a challenge to the business community to embrace support and enact a set of main core values in the areas of human rights, labour standards and environmental practices. We have no objection to treating the idea of the Global Compact as an appeal for a joint definition of shared values in the globalized world of the twenty-first century. The agenda put forward by the United Nations Secretary-General is a welcome step towards achieving such objectives. However, we must remember that the objectives contained in the Global Compact can only be achieved if enterprises are able to operate in a conducive atmosphere. The principles contained in the Global Compact concentrate on the legal and the social obligations of enterprises, without mention of their rights. As we move forward, I have no doubt these shortcomings will be addressed.

At a recent meeting on the Global Compact and the developing world held in Geneva under the auspices of the International Organisation of Employers and the ILO, it was shown that the developing world is actively pursuing the goals of not only the Declaration, but also the wider aspirations of the Global Compact. What is really lacking is the visibility of their efforts. More needs to be done, and will be done, to show the critics in our society that the developing world is committed to finding its responses to those challenges in a sustainable and economically viable manner.

Before I conclude, I must reiterate my full support once again for the opening statement of the Employers' spokesperson, Mr. Potter in particular as regards the promotional nature of the Report, the four criteria applicable to this Global Report and the Employers' view on the compilation of the next Global Report.

(The Conference adjourned at 1.10 p.m.)
Seventh sitting
Tuesday, 6 June 2000, 3.15 p.m.

President: Mr Moorhead, Mr. Agyei

Global Report
under the Follow-up to the Declaration
on Fundamental Principles and Rights at Work:
Discussion (cont.)

The PRESIDENT (Mr MOORHEAD) — I am pleased to open the afternoon sitting of the discussion on the Global Report.

Original Spanish: Mr. RAMÍREZ LEÓN (Workers' delegate, Venezuela) — For Latin America the importance of this discussion on the Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work can be found in paragraphs 95-103, where the importance of social dialogue is emphasized and the reduced role of the fundamental protagonists in the area of social dialogue is acknowledged.

In this area we can point to the case of Colombia, to which the supervisory bodies of the ILO have directed their attention where there are constant violations of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). These Conventions represent fundamental rights for workers and are at the very core of the right to organize. Human rights violations, and we have virtually gone beyond countable figures in terms of murders of union leaders, workers and the population in general, are of paramount importance. This completely aberrant behaviour should stir the world's conscience because there is a constant violation of the rights of workers and of those of the people of Colombia in general.

The same applies to Argentina. The new Government has repeatedly violated the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Labour Relations (Public Service) Convention, 1978 (No. 151), and the Collective Bargaining Convention, 1981 (No. 154), and feels that it is appropriate to issue a decree of national emergency and thereby reduce salary levels. Workers have announced a demonstration to take place on 9 June. The same applies to Costa Rica and Peru and virtually all of the Latin American countries.

Finally, I must mention the case of Venezuela. Venezuela is also the focus of ILO attention, and facts previously stated from a legal and technical perspective within the ILO, prevented Venezuela from committing violations of the Right to Organise and

Collective Bargaining Convention, 1949 (No. 98), and Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). These provisions were enshrined in the new constitution of the Republic of Venezuela through formal requests from the constituent bodies before the higher courts of justice.

All of these facts represent a very disturbing perspective for Latin America. We have the sensation that we are reverting to the 1950s and the 1960s — years that were plagued by military dictatorships. There is a strong and very disturbing tendency in Latin America for democratic, for governments that call themselves democratic, but to apply practices that contravene the provisions of the Conventions of the ILO and human rights.

Mr. SCHLETTWEIN (Government delegate, Namibia) — Let me start by saying that we have enjoyed reading the Report. Inasmuch as it is a first attempt, it was extremely interesting reading and we feel that we can say it is a very good Report.

However, in a world that is more and more influenced by harsh and very competitive environments, it is very important for us to have an instrument and an institution in place that ensure the fundamental human rights at work and that they are not lost.

The ILO and the Declaration on Fundamental Principles and Rights at Work are indeed such instruments and institutions that we have to our disposal. We can acknowledge that the ILO has achieved considerable progress in furthering respect for freedom of association and the right to collective bargaining. However, we have also to be aware of some shortcomings that are still in existence and that we find very difficult to eradicate.

The ILO has the opportunity, through its tripartite structures, to marshal stronger political pressure to bring about positive changes in those areas where we are not very strong. We should make optimal use of these strengths, ensuring that there is tripartism and consensus when we are promoting our values. It is our opinion that the cautious approach by which the ILO was characterized over the last couple of centuries should give way to a more aggressive approach when we defend fundamental principles and rights at work.

We support and underwrite the three priorities as presented in the Report. We wish however to point out that in the developing world, typically the majority is very poor and unemployed.

Sadly, therefore, they hardly benefit from the noble objectives set out in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and in the Right to Organise and Collective
Bargaining Convention, 1949 (No. 98). They, the poor and unemployed, are the ones who have the smallest chance of benefiting from globalization and its potential wealth creation. We therefore feel that we have to find ways to achieve a more inclusive approach; we cannot proceed in a way that leaves out the majority of our people. The right to freedom of association and the right to bargain collectively are also fundamental rights for those poor and unemployed people.

In our efforts to promote these fundamental principles and rights, the unemployed and poor who currently fall outside the formal sector surely have to be included in a more meaningful manner. We therefore agree with the statement that a significant representational gap has arisen in the world of work in both the formal and the informal economies, but we feel that that gap is larger in the informal economy. Closing those gaps is what needs to be done and the Declaration on Fundamental Principles and Rights at Work has to be engaged also in addressing the needs of those who are not so privileged as to have work.

Original German: Mr. NORDMANN (Secretary of State; Director for Labour, Secretariat of State for Economic Affairs (SECO), Switzerland) — The Declaration on Fundamental Principles and Rights at Work is the most important instrument of the International Labour Organization during the last decade. We applaud and welcome the first Global Report that was produced in a very short time and focuses on freedom of association and collective bargaining. At the same time, they are the long-term basis for social, economic and political stability.

This Global Report identifies problems that are prevailing throughout the world. It also highlights the challenges to the social partners from globalization, new ways of organizing work and advances in technology. While globalization may enable us to create new jobs, we must consider how to safeguard workers' rights in a globalizing world.

The Report also identifies certain areas of progress resulting from the interaction between the social partners, economic development and the rule of law. This is crucial to the promotion of freedom of association and collective bargaining rights throughout the world.

Adam Smith in The Wealth of Nations referred to the importance of partnership, freedom of association and collective bargaining, while also championing other key production factors. A well-known Harvard economist has pointed out that countries which have mechanisms for settling disputes peacefully also have better long-term growth prospects. Social partnership is an excellent example of the peaceful reconciliation of interests needed to ensure sound economic development. This has been Switzerland's experience in the last 60 years we have found that peaceful but hard bargaining is the best solution. The ILO has also referred to the fact that social partnership and the relatively low number of strikes are Switzerland’s greatest competitive advantages and permit our country to guarantee high wages. Partnership is in the interests of the employers as well as the workers.

The State has to create the necessary framework for all this by, for example, creating concrete mechanisms for arbitration or by ratifying Convention No. 144. The crucial importance of concrete mechanisms is spelled out in the Report of the Director-General. Switzerland is very proud of its tradition of social partnership and has applied its experience in successful projects in South Africa, putting into practice the principles on which the Declaration is based.

Switzerland fully endorses the Declaration and its follow-up, and has ratified all the core Conventions. Given the short time available, the Report is very satisfactory. It should not only make the work of the ILO even more efficient, but should also enable us to support the efforts of other organizations, so that the Declaration can become a powerful tool for the defense of human rights and economic development.

Original French: Mrs. SASSO MAZZUFFERI (Employers' delegate, Italy) — The Director-General and his assistants are to be congratulated for issuing this Global Report, albeit with some delay, as this document brings us to reflect upon the vital aspects of the ILO’s commitment in the area of the observance and promotion of fundamental human rights, the rights of workers and the protection of associations established to defend those rights.

The ILO is the Organization that is most competent and vigilant in defending the employer's and workers' organizations which uphold the rights of people at work.

I would like to say first and foremost that I greatly admire what our Organization has done, sometimes in very difficult circumstances, to restore and promote freedom in some countries, and freedom of association in particular.

I agree with what the Report emphasizes in paragraph 57, i.e. that there is a critical relationship between workers' and employers' rights of association and civil liberties ... approximately one-third of all complaints submitted to the Committee on Freedom of Association still... relate directly to violations of civil liberties”. In paragraph 59, it is stated that the restoration of the control of the state authority and the consequent guarantees of legal protection are preconditions for the protection of the rights of employers and workers to organize.

Indeed, some very serious violations of freedom of association and freedom in general of employers have taken place over time; complaints are still being filed today, and the situation is far from satisfactory in such countries as Venezuela, Panama, Guatemala and especially in the countries of Eastern and Central Europe undergoing a transition. In many of these countries members of employers organizations have to pay taxes on their contributions, which penalizes their development.

The Global Report in paragraph 79 clearly states that the "development of strong and independent organizations is a necessary precondition for the consolidation of meaningful processes of social dialogue and collective bargaining”.

I concur, and can only express the hope for greater technical cooperation for the benefit of employers' organizations in these countries.

There has certainly been an improvement in many countries with respect to the attitude towards freedom of association, as is mentioned in paragraph 56 of the Report.

I would like to stress the fact that this is a lengthy and difficult process, especially in those countries where violations of civil rights and trade union rights are still frequent. One example is Colombia. The Government of this country and the most prominent figures in the economic, legal, academic and religious life of the country have committed themselves to pro-
moting a change ensuring greater respect for civil liberties and trade union freedoms.

I think that the supervisory bodies of the ILO should promote this very positive change wherever it is under way. We should certainly not check or break the very good intentions and will to cooperate of any government. I do not think there are any miracle solutions to the situations which the ILO itself defines as very complex and which are still unsatisfactory. But I think that, and I am sure of this, things will improve over time. I am convinced that without some understanding of the efforts that certain governments are trying to undertake, our joint commitment to improve situations, which are extremely alarming will bear precious little fruit, or worse still, will lead to counter-productive results.

The Global Report, with its objective vision of the ILO’s work to remedy problems using means that are not only legal in nature, offers a response which I think is commensurate with the concerns that many of us continue to express in the supervisory bodies of our Organization.

Mr. BUGGE (Deputy Minister of Local Government and Regional Development, Norway) — I am honoured to take the floor for the first time in the ILO. Norway strongly supports the ILO Declaration on Fundamental Principles and Rights at Work. We believe that the Declaration has brought new momentum to the ILO’s struggle for social justice and a better life for workers around the world.

Fundamental rights for workers are top priorities here for my Government. We will therefore continue our economic support to the ILO’s technical cooperation in this respect.

We congratulate the Director-General on the first Global Report, which will be an important instrument in promoting the principles of freedom of association and the right to collective bargaining.

My Government is particularly pleased that freedom of association and effective recognition of the right to collective bargaining was chosen as the first category of fundamental rights to be covered by the Global Report. Without free and independent workers’ and employers’ associations, the other objectives of the ILO cannot be attained. Freedom of association and the right to collective bargaining will always be the basis for the combat against forced labour, child labour and discrimination at the workplace. The Global Report, Your voice at work, underscores very well the crucial role of freedom of association and collective bargaining in achieving the important goal of decent work for all. The Report also underlines the fact that too many member States do not respect the workers’ right to organize and bargain collectively. On the contrary, some regimes do their best to undermine trade unions. The Report refers to a number of cases of gross violations of trade union rights which have been addressed by the Committee of Freedom of Association. These cases involve murder, physical assault, arrest and detention of trade union leaders. In other cases trade unionists have disappeared, maybe to be found dead later if they are ever found. In spite of all the good things we have achieved in the ILO during recent years, we cannot rest as long as such horrible violations still occur in member States.

One important purpose of the Global Report should be to serve as a basis for determining priorities in the form of action plans for technical cooperation, to support those countries that have not yet been able to ratify the fundamental Conventions of the ILO. It is of course an important aspect, but I would like to stress that the introduction of freedom of association and the right to collective bargaining in a country is more dependent on political will than on economic support. On the other side, we have to recognize that building up strong workers’ and employers’ organizations will cost money, both to establish the physical modalities and to train the people who should run them. Such activities deserve our support.

I think the first Global Report spells out clear challenges for all member States. For countries which have not recognized freedom of association and collective bargaining, the challenge is to introduce as soon as possible legislation that clearly recognizes these fundamental rights. Countries like my own, which have had these rights for a long time, must contribute with political and economical support to those who need it. We have already seen a substantial increase in the number of countries that have ratified Conventions Nos. 87 and 98. These Conventions have now attracted 127 and 145 ratifications, respectively. However, we have a long way to go before we have free trade unions all over the world. So there is no reason to rest.

Let us all take the opportunity to join forces in bringing the development of freedom of association and collective bargaining forward.

Ms. BRADSHAW (Minister of Labour, Canada) — I am pleased to participate in this important discussion. On behalf of the Government of Canada I would like to congratulate the Director-General on the preparation of this impressive Report. The first Global Report under the follow-up to the 1998 Declaration on Fundamental Principles and Rights at Work is a landmark document. It provides a global picture of the extent to which nations around the world respect freedom of association and the right to bargain collectively. It also underlines the complexities of implementing these principles in different country situations.

The Report provides us with concrete examples of progress in the implementation of the principles of freedom of association and collective bargaining. It also clearly identifies the areas where major improvements are needed. The Report serves to identify priorities for the ILO programmes and technical assistance activities aimed at encouraging respect for these principles.

(The speaker continues in French.)

Canada strongly supports the principle of freedom of association and the effective recognition of the right to collective bargaining. Freedom of association is a fundamental human right. In fact it was a Canadian, Mr. John Peters Humphrey, who drafted the United Nations Universal Declaration of Human Rights which recognizes the importance of this precious freedom.

Collective bargaining is the cornerstone of industrial relations and a key element for a free and just society. Together with freedom of association it is one of the two pillars on which a modern, prosperous society can be built. The Declaration and its follow-up clearly testify to the determination of the international
have reaffirmed the commitment we made to this more than 50 years ago.

It is not acceptable to deprive workers of their right to act together. We, the three constituents of the ILO, are obliged to reject any such arguments. The Copenhaghen Conference and our own Declaration of 1998 make my remarks on behalf of the workers' organizations of their freedom to act will not proliferate in the Nordic countries. The principles of freedom of association and collective bargaining is produced in four years' time. We must work towards ensuring that the next Report can demonstrate that there have been significant improvements. This will take concerted efforts by all ILO constituents, and by the Office, both in Geneva and in the field.

In conclusion, Canada looks forward to the plan of action, based on this Report, which the Director-General will present to the Governing Body meeting this November. Canada will continue to participate in this important promotional and review process, and we look forward to future reports dealing with forced labour, child labour and discrimination in employment.

Mr. EDSTRÖM (Workers' delegate, Sweden) — I make my remarks on behalf of the workers' organizations in the Nordic countries. The principles of freedom of association are universal, yet we are far from achieving universal respect for these rights. Unfortunately, the cases referred to in paragraph 58 of the Global Report are not just allegations about murders, disappearances and arrests, but rather actual situations verified by ILO's monitoring bodies. Coming myself from an industrialized country, I cannot but regret and condemn attacks against collective bargaining, including those made by the former New Zealand Government and the policies of the present Government in Australia.

In that regard, the Global Report advocates the economic virtues of freedom of association. We do agree that efforts to deprive trade unions or employers' organizations of their freedom to act will not promote sustainable development. Nevertheless, we believe that the Global Report has failed to stress sufficiently the crucial point that freedom of association is a fundamental human right in working life, a right which must be respected despite the hypothetical debate over the economic gains for certain parties. It is not acceptable to deprive workers of their right to act together. We, the three constituents of the ILO, are obliged to reject any such arguments. The Copenhaghen Conference and our own Declaration of 1998 have reaffirmed the commitment we made to this more than 50 years ago.

The Report correctly notes that freedom of association has gained less recognition than the other fundamental rights. This is a deplorable situation, since recognition of freedom of association is absolutely vital to securing full respect for the other fundamental rights. We give our full support to the proposals in the Report concerning the promotion of full respect for these same rights. We wholly agree that political will in the countries concerned is a key factor without which any technical assistance provided by the ILO will be unable to achieve any tangible results.

Perhaps we should reflect too on the experience gained from the signing of the memorandum of understandings in the IPEC programme. Some categories of workers are more frequently denied their rights. The pressing needs in the agriculture sector are the reason why this Conference has started to formulate health and safety standards for this very large sector. Yet the obvious question arises — with whom should governments and employers discuss the implementation of any standards adopted, if these workers are not allowed to form trade unions? Workers in the public sector are in a similarly precarious situation. The number of cases shows that violations occur in both developed and developing countries, and that these workers are often the first victims of a tight fiscal policy imposed as a result of circumstances for which they bear no responsibility.

The Report highlights the link between freedom of association and poverty reduction. We would like to stress the fundamental role that free trade unions have in creating greater social justice and equity within countries. This is more important than ever as we see the growing inequalities between rich and poor in most countries.

The Employers' spokesperson, Mr. Potter, stated that principles are not the same as provisions of Conventions. He then tried to narrow the definition of the principles of freedom of association. I find his proposal both surprising and unacceptable. I could have understood Mr. Potter better if his statement had been made in relation to the three forthcoming Global Reports, rather than on this specific item, which is an area where the ILO has recognized for nearly 50 years that the principles of freedom of association should be respected by all member States.

Mr. ANAND (Employers' delegate, India) — I would like to speak in support of our group spokesman and from the perspective of employers in developing nations who are concerned with human development. I shall make two main points and one shorter point on the Global Report. Before doing so, I should make it clear that one in my country decries or denies the rights enshrined in the two Conventions in question, as equivalent provisions are already contained in our Indian Constitution. In principle, therefore, I endorse what Lord Brett has said with regard to their foundational relevance, but I do so in the totality and not as a qualification to any technical cooperation under the Declaration follow-up.

My first point is that the Declaration preamble has six elements. The first three recognize and pinpoint the crucial essential nature of economic growth, seek to ensure that economic and social policies are mutually reinforcing components of sustainable development, and emphasize that the ILO should give special attention to promoting effective job creation policies. The subsequent three seek to maintain the link
between economic growth and social progress. To this end, the second paragraph declares four basic rights derived from work. I submit that these can be achieved only in enterprises and service units of work places which are solvent and thus capable of sustaining social, environmental, cultural and indeed financial help.

And again to this end the Report further recognizes the obligation of the ILO in helping its Members to rekindle the work culture so as to create a climate of twin-purpose economic and social development. The annex on the follow-up provided for the Global Report “to serve as a basis for assessing the effectiveness of the assistance provided by the Organization, and for determining priorities for the following period” and “to mobilize the internal and external resources necessary to carry them out”.

The Report must thus be an integrative instrument to interlink the two sides of the socio-economic progress “coin”, just as the Declaration itself is of dual character. Reporting and action were, thus to form a double-stranded garland. Seen in this light, the Report appears to us in India to be exclusively devoted to one strain of thought. It is admittedly based on information acquired through the Organization’s established procedures (paragraph 6) and the proceedings of the Committee on Freedom of Association (as indicated in paragraph 58). The bulk of the Report is in fact partial, in conformity with and not distinct from the usual procedures used within one sector only. I wonder therefore if this Report can make any contribution as a tool for promoting decent work in our regions. Decent work is the objective now and the Declaration is only one of the tools to attain this. I only hope that it is not inadvertently drawing us into the trap of the traditional ILO mindset of the “adversarial” period, to pinpoint a customary picture without any attempt to promote a unified third process for integrative social dialogue and resources allocation to job creation so essential for human development in our regions.

Not to be unfair to the Report, it does refer in paragraph 47 to poverty elimination, but only marginally. The Declaration regards economic growth as essential but not sufficient. I would also emphasize that core Conventions alone will not ensure equity, social progress and eradication of poverty. Decent work will not follow automatically from an exclusive emphasis on Conventions Nos. 87 and 98 but from the total effort to which the Director-General directs the ILO. The Report assumes that work is a tool for sustaining customary one-sided emphasis on core Conventions only, and does not accept the need for accelerated economic growth with due emphasis on social development.

My second point concerns the representational gap referred to in paragraph 54, which is said to be as “significant”. In paragraph 3, the Report acknowledges that employers are lending support to initiatives which cover the four categories of fundamental rights and principles at work; and yet the so-called gap is magnified to introduce into the ILO obligations a reliance on the “Global Compact”, which we otherwise support, in an attempt to extend the scope of obligations of the social partners and give a “populist” face to the global economy. Populist faces, Mr. President, have been known in your own country, and in the long run they do not prove to be either durable or humane. That is the world’s experience. Although the Report acknowledges the supporting role of the IOE, I perceive a hidden agenda to increase emphasis on involvement by NGOs as an emerging public force which, to paraphrase the Director-General’s own words, are “mushrooming” to fill up the assumed gap in the name of civil society. This will not do. The only effective response to this gap is to strengthen and broaden the internal activities of recognized social partners. Employers’ and workers’ organizations give the ILO a very distinctive status in the United Nations system. These organizations, despite imperfections in some respect, are natural ILO partners, being articulate and proven components of civil society. Their dilution through the indiscriminate introduction of planted NGOs is not only a reflection on the social partners’ capacity to embrace and grapple with issues and challenges facing the new world; it is also a threat to the foundational and distinctive character and feature of the ILO itself within the United Nations system. Collusive and coercive inundation of NGOs at the international level is obstructive to a balanced thought process and sustainable conclusions. Existing criteria contained in ILO instruments in this regard must be respected and strictly followed. This in my humble view is an issue outside the scope of the Report on the Declaration and must not be smuggled into future reports. Let this aspect be handled by the Director-General and the Governing Body in their wisdom and under normal obligations to business.

Finally, I come to my third point. As a self-respecting, but pragmatic Indian, I am dismayed at the am-teurish drafting which has resulted in my country being included among those noted for “murders and disappearances” and “breaches of freedom and assembly” in, paragraph 58. In my country which has a population of one billion, many trade unions have active and deep associations with political elements. The ILO authorities concerned with these issues are aware of the facts. A number of actors having multi-loyalties often don different caps at different times. An isolated instance of alleged murder which had been dealt under the law of the land, or a breach of freedom of assembly on a non-trade union issue organized under the influence of some political flag, may have been raised within the Freedom of Association Committee but such instances do not justify inclusion in the Report. Unless allegations are finally established, even though complaints are addressed to the Committee, no names of countries should have been mentioned. Indiscreet entries like this could have legal consequences which the ILO may not be able to defend successfully, or without strictures on its establishments.

Ms. WILSON (Minister of Labour, New Zealand) — New Zealand welcomes the first Global Report and congratulates the Director-General and the Office on their efforts in producing this report.

We in New Zealand particularly welcome the fact that the focus of the Report at this time is on the freedom of association and collective bargaining Conventions. As some delegates have already mentioned, the policy of the previous Government of New Zealand has not been to ratify Conventions Nos. 89 and 98. In fact the policy has been to ensure that collective bargaining is replaced by individual employment contracts. The new Government has recently introduced legislation, however, that has amongst its objectives the observance of the principles of ILO Conventions
Nos. 87 and 98. This legislation, which is currently being debated in my country, has been subjected to continuous attacks from employers and their representative organizations and has resulted in the legislation being delayed in its implementation.

It might be useful for delegates to reflect on the case study of New Zealand and the effects of what happens when there is no ratification of or reliance on or respect for the Conventions relating to freedom of association and collective bargaining. Without the Conventions as an international standard of good practice, it would have been extremely difficult for me and my Government to undertake the reintroduction into New Zealand of the right of workers to organize collectively and to bargain collectively.

New Zealand is a lesson for those who take for granted the right of individual workers to come together to pursue their own interests and who also take it for granted that there will always be a right to bargain collectively. We are a very good example of what happens when countries endeavour to address the consequences of globalization through a market-led approach to the employment relationship. As some may be aware, our Employment Contracts Act does not recognize unions and does not promote collective bargaining.

The evidence of this approach over the past decade has now become clear, not only to us, but to others. Statistics indicate that there is growing economic and social inequality throughout society. It also indicates that, while there may have been fewer strikes and lockouts, productivity has only increased less than 0.5 per cent each year that the regime has been in place.

The instruments that we are endeavouring now to use to redress these inequalities are those that are contained in the very values and principles of the International Labour Organization, and in particular in the Conventions relating to freedom of association and collective bargaining. We are endeavouring to introduce a more balanced, inclusive approach to the employment relationship, while at the same time acknowledging the reality of the globalized labour market and the fact that we now have to operate within that particular market. We have therefore endeavoured to recognize that the organization of work has also changed. While traditional definitions of workers are still relevant in some industries, they are not relevant in many others, so our legislation has endeavoured to give some protection and rights to those whom we categorize as dependent contractors. We note that this matter was also mentioned in the Report.

We have been much comforted by the Report at this particular time in our development because it gives us confirmation that we are pursuing principles and values that are consistent with international good practice. We also hope that, once our legislation has been enacted, we will be in a position to ratify Conventions Nos. 87 and 98 and thereby participate fully in the ILO.

I therefore thank the Director-General and the Office for the Report and look forward to participating in their efforts in the future.

Ms. HERMAN (Secretary of Labor, United States) — It is a particular honour to be with you today because this is an important moment for the International Labour Organization.

We are here to determine whether we will give meaning and credibility to our 1998 Declaration on Fundamental Principles and Rights at Work and its follow-up. We were near unanimous in 1998 that this Declaration was the most important political and moral reaffirmation of the ILO’s mission in more than half a century. We agreed that the continuing existence of violence against trade unionists, forced labour and slavery, discrimination against minorities and women and the commercial exploitation of our children compelled us to commit our Organization to do more to make the new global economy and the new century one of greater social justice. We were equally clear that the importance of our new Declaration would be measured not by words, but by our deeds with regard to its follow-up.

Now we have reached the first opportunity to reflect on our results and, while we have made progress, we have far to go before our goals are achieved. Since the adoption of the Declaration we have completed three important tasks.

First, we agreed on procedures for the follow-up. In so doing we demonstrated that the commitment embodied in the Declaration continues with regard to its implementation.

Second, we completed the first annual report for those countries that have not ratified all of the fundamental Conventions. Unfortunately, the United States is among them. I am, however, pleased that we were able to work in close consultation with our trade union movement and our employers, representing in our report the fact that, although neither side agreed with every word of the report that our Government filed, neither felt it necessary to place different comments on record.

I am also pleased that our report, which covered not only our laws but also issues of practice and implementation, were cited as positive examples by the independent experts.

Third, the Director-General and the secretariat met their responsibility to present us with the first Global Report for this 2000 session of the Conference, and we compliment them on this effort. This Report properly examines the essential duty that we all share, to be the global community’s voice for freedom of association and the right to organize and bargain collectively in the world’s workplaces.

The Report is a useful initial assessment of the status of freedom of association and the right of collective bargaining around the world and of the ILO’s past and future role in helping to implement those rights. I hope that you will agree with me that the Report’s findings both provide the basis for hope and are a cause for concern.

Positive developments are reported in such countries as Chile, Indonesia, Mozambique, Poland and South Africa, and we know that there are other countries in Latin America, Africa, Asia and Europe where democracy and basic rights of association have grown hand in hand. Yet the Report also makes clear that in too many countries of the world trade unions are banned and that in others unions are not free from governmental control. Moreover, the lives of trade unionists are at risk in many nations. Each time one is murdered, it is an attack on all of us and what we represent.

Clearly we are at the beginning of the process, not the end. Let me therefore suggest three steps that we might take to build upon what we have achieved.
First, we must increase our efforts to make the fundamental rights, including freedom of association and the right to organize and bargain collectively, not only our priority here in the ILO but that of other international organizations. We should, as the Director-General said yesterday, consider more practical ways to bring the Declaration into the world's workplaces. We must share our findings and our goals with other institutions, including the World Bank, the IMF and the WTO, and ask the Director-General to undertake further joint activities with them to advance these fundamental rights. The Director-General should tell us his plans at the November meeting of the Governing Body and report on his results at the 2001 session of the Conference.

Second, the Report itself should have more timely and focused information. Saying that certain civil liberties violations have occurred in certain countries over the last ten years does not make clear what our most pressing concern should be today. More detailed information on violations would guide us better as we determine our priorities for action.

Third, we must keep our efforts in focus. We must keep this year's Report under consideration when we consider next year's Global Report on forced labour. We must discuss in 2001 the priorities that emerge from this year's Report, lest we lose the momentum generated by the Global Report process.

In conclusion, we have made progress, yet we have far to go. The United States continues to support the Declaration effort, and I remain confident that, working together, we can achieve our goals of democracy, justice and dignity in the world's workplaces, today and in the future.

Original French: Ms. JOIN-LAMBERT (Government delegate, France) — France agrees with the favourable assessment and the comments made by the countries in the IMEC group and the European Union. I think there is a lot of work to be done to make sure that rights are effectively applied. Our comments will be made from the point of view of the next Report and they relate to two issues.

First of all, the decline of the representative nature of trade union and employers' organizations. Secondly, as regards the proposals, we think that there should be a greater role for legislation that leads toward negotiations.

With regard to the first issue, I believe that the Report in the future should distinguish the workforce who pay their contributions, especially during trade union elections. For members of the workforce paying contributions to workers’ and employers’ organizations, the Report is quite correct, although for trade unions these are individual contributions, whereas for employers’ organizations these are collective contributions.

The participation of workers in our countries is often greater during trade union elections than political elections, and trade unions are more representative. Unfortunately, the situation is somewhat different in small and medium-sized enterprises and in the informal sector. Whatever the case is, we hope that in the future the ILO refines its analysis on the decrease in representation by well defining these two levels. This is an important issue because it is the legitimacy of our debate and of the ILO itself that is, in fact, at stake.

From a broader point of view, a truly social democracy can only exist when the mediating bodies — which are trade unions and trade organizations — exist. This raises the issue of recognizing this role from the point of view of the financial and tax status of these organizations.

On the second issue, when reading the Report we see that freedom of association and collective bargaining is by no means accepted by everyone. Much progress has to be made, and this is essential. However, even in countries where freedom of association and collective bargaining are in fact recognized, they are insufficient for achieving the desired results. We hope that in the next Report there is an analysis of the resources that exist in various countries. First, we mean the specific legislation and policies that serve as an incentive to negotiations, especially in enterprises which receive assistance from the state and from the international community.

Secondly, we mean the obligations to negotiate rather than to complete the negotiations, whether they be on salaries, working conditions, or equality between men and women.

In conclusion, even though the situations are very different in various countries, the French delegation thinks that considerable efforts have to be undertaken in all countries to protect the fundamental right of freedom of association and collective bargaining.

Mr. SWEENEY (Worker's adviser, United States) — We can all take pride in the Report of the Director-General and the mutual effort that went into Your voice at work as an important first step in the Declaration follow-up process.

Working together over these last two years, we have developed a common vision and retooled the ILO with a new and powerful Declaration. It is a Declaration that can and must serve as a compass for the entire global community, employers as well as workers, lawmakers and NGOs, global corporations, and international organizations and institutions.

The Director-General has noted the historic nature of the Declaration on Fundamental Principles and Rights at Work, yet it is not nearly enough to agree on principles and talk about an agenda here in Geneva. We are but a few representatives in a world of billions of workers, and our challenge is to help all working men and women exercise their rights, from farm workers in California to garment workers in Cambodia, from workers in rich countries to those in the poorest of nations. We must work together, as never before, to make these principles real for working people all over the world. To make them tools to lift the lives of human beings, to bring about growth that is not only robust but also widely shared, to make real the goals of a civil society.

It is important that we not allow the voices heard in Seattle during the World Trade Organization Ministerial Conference or in Washington DC during the IMF and the World Bank Spring Meetings to be misunderstood or mischaracterized. They are diverse voices from different continents and cultures and from different realities, workers and students, environmentalists and people of faith, men and women, rich and poor.

The truth is that developing country trade ministers are as locked out of these institutions as are workers’ rights advocates. The undeniable truth is that the current system of global trade and investment rules has failed to deliver equitable democratic and sustainable growth. In fact, inequality among
and within nations has grown worse. This is both bad politics and bad economics. Now is the time for far-sighted leaders who understand that demands for a more just and fair global economy cannot and should not be contained.

Today, we are faced with a historic opportunity to act. We declare our principles: now we must deliver on them. What is needed is a programme of unprecedented solidarity, to reach out and advise workers in every workplace and every nation of their rights. A programme to marshal public opinion behind our call to hold corporations who violate workers’ rights and human rights accountable. A programme to insist that international financial institutions incorporate these fundamental rights into everything that they do, and a programme to compel governments to include enforcement of these rights routinely in trade and investment agreements.

This is not simply a challenge for poor countries. In my own country, arguably the wealthiest in the world, freedom of association is under attack as never before. Our employers stop short of murder, and we do not imprison workers for union organizing, but harassment, intimidations, firings and threats to move plants to other countries are commonly used weapons in a war being waged on men and women when organizing unions in their workplaces, and enforcement of our existing laws is seriously flawed.

At the AFL-CIO, we will make the distribution and posting of the Declaration a major part of our ongoing campaign to bring fairness to the global economy, and I hope we can do the same in every one of the 173 countries represented in this great organization. We will intensify our work with the ILO, with our union sisters and brothers abroad, with our own government and our employers, to broaden a development agenda that can generate growth and reduce unemployment, relieve unpayable debt burdens, increase aid and provide technical assistance as well as protect rights of workers. And I pledge to you that we will do everything we can to make core workers’ rights come alive in union halls, communities and homes across our country, as well as in the other countries represented here, and help working people all over the world share in the fruits of the global economy.

Together we can transform the insecurities and the fears and doubts clouding our future into empowerment and optimism by expanding prosperity for all. And together we can expand the rights of workers everywhere to freely associate, to form and join unions, and to bargain together for a better future for their families.

Original German: Mr. FENDRICH (Government delegate, Germany) — This is a first, as the Director-General, Mr. Juan Somavia, said this morning in his opening statement. Two years after the solemn adoption of the Declaration on Fundamental Principles and Rights at Work the Conference is examining the first Global Report under the follow-up to the Declaration.

As regards my Government’s evaluation, I should like to refer to the general statement made on behalf of the IMEC countries.

When evaluating something so new I believe one should not be too harsh. It should nevertheless be permitted, to raise the question of whether the Report is really in line with expectations and whether it really gives an overview of the latest developments in the field of freedom of association and collective bargaining throughout the world.

The Report only partly satisfies our expectations. This is due to the fact, that unfortunately only two-thirds of countries reported as requested. Also, we have the impression that the material available has not been evaluated as thoroughly as it could have been. The true objective of the evaluation has not really been achieved. I know that my pleading in favour of a stricter and more rigorous report runs entirely counter to what the majority of previous speakers have said, particularly those who spoke this morning.

The solemn Declaration is in fact being considered as a document involving no commitments. If this is the overriding impression, then the objective of the ILO Declaration on Fundamental Principles and Rights at Work is in jeopardy and the reputation of the International Labour Organization will suffer as a result.

It is excellent that the Director-General has described economic and social developments in this Global Report. In the context of guaranteeing freedom of association and the right to organize, the State must play its role in a changing world. We have heard some very eloquent statements in this respect, and I would like to quote from the Report: “Governments face the task of working out a policy framework that helps employers and workers achieve a balance between market pressures and the need for social stability”. This is precisely my Government’s intention.

In view of an unemployment rate of 4.5 million, my Government, immediately after it came to power, concluded a pact relating to vocational training and competitiveness. It took concrete measures to remedy unemployment through collaboration between the economy, the trade unions and the Government on the basis of mutual trust and give and take.

This is our approach to building a social partnership in Germany, I would in fact say that our Constitution makes provision for this type of social partnership. We have a social system outlined in the Constitution as well as rules relating to workers’ participation. It is perhaps premature to take stock of this system yet, but we can already say that the pact designed to combat unemployment is looking promising, at least this is what interim reports are showing.

I would like to add that in Germany, with our pact to promote vocational training and competitiveness, we consider only positive experiences and other European countries have had these positive experiences before us. This concerns not only the institutional framework, but also the very content. Within the framework of this pact an independent group of scientists has been instructed to find ways of solving problems, comparing what is done in other countries and assessing to what extent the measures adopted in other countries could be adapted to our own.

(Mr. Agyei takes the Chair.)

Mr. PAKPAHAN (Workers’ adviser, Indonesia) — It is my honour to address this august assembly on the first ILO Global Report devoted to freedom of association.

Before I start, I would like to first of all congratulate the Director-General and the Office for the work they did in publishing this inaugural Global Report.
We acknowledge the wealth of information in it and the effort that has been made to make it more accessible to the general public. We are confident that with time the Global Report will be the undisputed reference for ILO member States in respect of their commitment to the fundamental principles and rights at work.

As you are all aware, the founding fathers of this Organization always understood that freedom of association is an essential prerequisite for sustained social progress. Today, in the context of globalization, trade union rights are under constant attack and the climate of competition is leading to a downward spiral in respect for the right to organize and to bargain collectively. Today, more than ever before, trade liberalization and global market competition have become an end in themselves instead of instruments of social development. This has largely resulted in the undermining of the exercise of trade union rights throughout the world.

The Report gives a comprehensive overview of these violations. Among those cited, we have the outright prohibition of unions; widespread use of murder or death threats against trade union leaders exercising trade union activities; and the arrest, detention or forced exile of union leaders.

These violations are also sometimes targeted at different categories of workers. For instance, workers in export processing zones are often prohibited from organizing a union and are systematically dismissed or harassed if they dare to do so. Domestic workers and migrant workers, most of whom are women, face serious restrictions to their right to organize. Similarly, within the dominant culture of neo-liberalism, workers are facing daily restrictions or even prohibition of their right to strike.

Alas, these violations of trade union rights occur worldwide. However, one country has become undisputedly the most dangerous country for trade unionists: Colombia. Over the past decade, over 2,000 trade unionists have been assassinated in that country, which represents some 60 per cent of all trade unionists murdered in the world in the same period. If this is not a sufficient reason for a clear decision in favour of a commission of inquiry, what other reason could there be, in the light of the ongoing violations?

The Indonesian Welfare Trade Union (SBSI), together with all the affiliates of the World Confederation of Labour, contributed energetically to the adoption of the ILO Declaration on Fundamental Principles and Rights at Work. Today we see concretely one of the first fruits of its follow-up mechanism. We believe that this Declaration and its follow-up mechanisms will serve as an useful instrument in the promotion of social justice within the globalized world. Promotion is good, but ratification is better. This is why we call once again on all ILO member States who have not yet ratified the core ILO Conventions to do so. We in Indonesia have just ratified all the core ILO Conventions. We are proud of this, but at the same time the workers of Indonesia, and indeed the whole world, know that if ratification is better than promotion of the ILO Conventions, then the application of the Conventions by the ILO Members is better yet. We in Indonesia are still battling to make the ILO Conventions we have ratified, especially Conventions Nos. 87 and 98, a reality in both law and practice.

Globalization needs checks and balances in order to bear the fruit of social development for all. Like the founding father of the ILO who sought to pursue the same goal in his own era, we can still say with certainty that freedom of association is an essential means to sustained social progress and social justice in the twenty-first century.

Original Spanish: Mr. SAPPIA (Government delegate, Argentina) — On behalf of the delegation of Argentina, I should like to refer to the Director-General's Global Report on the ILO Declaration on Fundamental Principles and Rights at Work, entitled Your voice at work.

First of all, I should like to thank the Director-General for this Report which contributes to strengthening the ILO and enriching the discussion on the role of the ILO and its future action, as we can see from today's deliberations.

I should like to highlight the fact that the Report respects the promotional nature which was decided upon in the Declaration of 1998. The presentation and format of the Report as well as its easy access facilitates the discussion of the Report and offers a global and dynamic view of freedom of association and the right to organize and the effective recognition of the right to collective bargaining. In this way, it presents a vivid picture of the application of Conventions Nos. 87 and 98 in the world and the main difficulties encountered. It also offers a diagnosis of the trends and most important challenges in the exercise of these fundamental principles and rights at work.

I should like to repeat that the Government of my country fully and strongly supports the 1998 Declaration. Nevertheless, I wish to stress the need to avoid focusing exclusively on this text and thus losing sight of the other international labour standards that also have to be taken into account. It is important to state once again that the ILO must be the effective custodian of the application of the Conventions embodying the fundamental principles and rights at work.

Commenting on the first chapter of the Report, I should like to say that the Director-General's thoughts on the global debate on decentralization and collective bargaining are shared by my delegation. However, given the fact that this analysis advances certain ideas as to who is empowered to negotiate, we feel that it should be emphasised that the trade unions play an essential role in this connection. This does not conflict with but rather complements the views reflected in the Global Report regarding respect of freedom of association and the right to bargain collectively through an appropriate structure of representation.

In this connection, I should like to highlight, as I did yesterday in my statement before the plenary, that the recent law on collective bargaining in Argentina has been drafted along these lines and endorses the principle of free and voluntary negotiation.

I welcome the fact that every day shows us the positive role that the ILO plays in upholding respect for the fundamental principles and rights we are concerned with. However, this does not alter the fact that we need to redouble our efforts in order to make further headway.

Finally, I should like to point out that the Government of Argentina agrees with the Report's reference to the essential link between fundamental principles and rights at work and the full exercise of democracy and human rights.
Mr. OWUOR (Employers' delegate, Kenya) — The Global Report, being the first one of its kind, constitutes a major step in the effort by the Office to promote the fundamental principles and rights at work.

The purpose of the Report is threefold, namely to provide a dynamic global picture, in this case of principles underlying freedom of association and the effective recognition of the right to collective bargaining, to serve as a basis for technical cooperation and advisory services, and to mobilize resources for International Labour Organization assistance programmes in the promotion of the fundamental principles and rights at work.

It is not a substitute for the established supervisory machinery, although the manner in which some sections of the Report is rendered gives the impression that some of the countries mentioned as being in violation of some of the Conventions appear to be on the carpet and may be subject to double scrutiny, and that in addition to the existing International Labour Organization's supervisory machinery.

The Global Report should deal with the over-arching principles underlying the Convention and not with the detailed provisions of the Conventions. In this respect, I consider paragraphs 116-141 on some selected case studies and lessons learnt, as a useful guide on how the Report ought to be presented.

At the same time, I question the wisdom of the ILO extending partnerships to civil society in paragraph 158 by enlisting them to mobilize wider support for the realization of freedom of association and collective bargaining.

Instead, the ILO should mobilize more resources to strengthen the tripartite social partners who are parties to collective agreements. Since civil society organizations have no locus standi in the collective bargaining process, what constructive role will they play in this process and on whose behalf will they intervene in any collective bargaining process? I therefore consider the proposal to incorporate NGOs into the negotiating process as destructive to industrial peace, a danger to the spirit of tripartism at both national and international levels, and a move which the governments, employers and workers should unite in total solidarity to combat in all fora.

In paragraph 98, the Report also expresses misgivings about the growing trend towards individualization of employment contracts, especially in the information technology industries. In the process of contract determination, workers have a choice either to belong or not to belong to a trade union. And, indeed the level of unionization has been declining in most ILO member countries.

It would have therefore been useful for the Report to provide a table indicating unionization trends as a percentage of total employment by countries and by major industries.

In paragraph 90, the Office seems to take the view that workers should be encouraged to join trade unions whether they consider such membership to be to their advantage or not. Yet, as stated in paragraph 100 of the Report, the changing work environment is creating new work relationships which are better suited to individual contracts rather than to collective contracts, especially in the information technology industries, as well as for those workers engaged in home work.

In the developing countries, informalization of the production process created by the combined effects of the globalization process and the structural adjustment programmes have thrown a lot of workers into the informal sector, as formal industries close down. This move has reduced union membership considerably as informal industries are not unionized.

Yet, in paragraph 52, the Report suggests that trade unions should attempt to enrol informal sector workers so as to guarantee their job security. In the first instance, informal sector work is by definition transient, with about 50 per cent of the informal sector enterprises collapsing within the first two years of their start-ups.

Secondly, informal sector workers' earnings are not regular and therefore they cannot operate trade union check-offs. It is therefore unrealistic to expect them to enrol as union members.

Thirdly, trade unions have yet to cover most of the formal sector workers in developing countries and, until they succeed in recruiting these workers, they cannot expect to recruit the informal sector workers with any degree of success.

Fourthly, most of the informal sector operators are own-account self-employed people either as fruit sellers, hawkers or motor repairmen. Some of them are already organized into cooperatives and others have formed associations so as to protect their markets. As informal sector operators graduate to small-scale enterprises, they become regular employers in their own right and some of them associate with sectoral employers' associations and certainly not with trade unions. It is therefore important that the ILO should get its bearing right in the programmes of activities for this growing sector and consider its informal sector programme as a part of the enterprise development programme.

Mrs. ADLER (Government delegate, Denmark) — First of all, I would like to inform you that the Danish Minister of Labour unfortunately is not able to participate in the discussion today. We believe that this Global Report deserves discussion at the highest possible political level. The Danish Minister will, therefore, on Friday comment on the Report in the plenary session.

Let me begin by congratulating the Director-General and the Office for the outcome of the Global Report, Your voice at work, which gives a balanced picture of global trends and specific information on the countries of the world. The Report serves as an excellent basis for discussing the promotion of freedom of association and collective bargaining rights. Furthermore, it serves as a basis for discussing future priorities for the Organization, as well as priorities for technical cooperation. Though I will not at this point in time reflect in further detail upon the elements which have already been covered in our general Industrialized Market Economies (IMEC) and European Union (EU) statements, I would like to draw your attention to some issues that are important to the Danish Government.

From my perspective, there is no doubt that freedom of association and collective bargaining is the decisive factor for sound and peaceful labour markets and for social and economic development.

In my country, we have more than 100 years of experience in collective bargaining, and the Danish labour market is to a large extent solely regulated by collective agreements.

On the global level, we need more ratifications and the effective implementation of the Freedom of
Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

We do recognize though, the positive effect of the Declaration, as already demonstrated by the increase in ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), in 1998. At the same time there is an increase in sectors where no freedom of association and collective bargaining exists.

I am particularly thinking of the informal sector, which is growing fast. Today, the informal sector is the main source of employment for the majority of the poor and most vulnerable workers in many developing countries. Collective organization and bargaining could play an important role in protecting people working in this sector.

Other vulnerable groups are agricultural workers, domestic workers, migrant workers and workers in export processing zones, where special attention also is needed.

In addition, some new challenges are emerging, particularly due to changing work organization in intensified global competition. Although different in nature, special attention should also be given to the fast growing information technology sector. The last issue I would like to comment on is the gender dimension of freedom of association and collective bargaining.

It is clearly stated in the Report that more women than men are unorganized and working in unprotected jobs. The social dialogue plays a major role in the promotion of gender equality in society and at the workplace.

Efforts should therefore be made to promote balanced participation of women and men in positions of responsibility and ensure equal participation in decision-making bodies at all levels.

Furthermore, collective bargaining should address the issue of gender equality in areas of decent work concepts.

Finally, we look forward to the follow-up in four years. It is important to stress that we do need sufficient time to evaluate the possible impact. A summary of base practices would then be welcomed, together with information on action and lessons learned. In this context, it is my hope that benchmarks and indicators provided as a budget programme will assist in assessing the progress made.

Mr. DATO' ZAINOL ABIDIN (Government delegate, Malaysia) — The 86th Session of the International Labour Conference convened in 1998 represented a milestone with the adoption by an overwhelming majority of the Declaration on Fundamental Principles and Rights at Work. The Conference managed to garner the support of member States for the four underlying principles as enshrined in the Declaration.

This Report focuses on the principle of freedom of association and the right to collective bargaining. The Malaysian delegation welcomes the Report, whose primary objective is to determine the technical assistance required to further promote the implementation of those principles by member States. The Report highlights the challenges that are posed to implementation of these principles. Globalization is one such challenge, which is revolutionizing the business world. New production methods, changing partnerships, restructuring of organizations and marketing techniques all have profound effects on efforts of employees to organize themselves.

Paragraph 20 cites one view that collective bargaining should be conducted at the international level for the benefit of the workers. One cannot conceive how this would be possible. Production plants located at different locations across national boundaries operate under different social, political and economic conditions. The structure of production and marketing has changed through outsourcing. The advent of the Internet has enabled trade to take place using various resources spread throughout the globe. Therefore, it is inconceivable that such a proposal could be implemented. I do, however, support the view that collective bargaining, at the enterprise level, is an effective means of overcoming this problem. Enterprise-based unions tend to be small and capable of acquiring considerable negotiating power, since they know the situation best.

The Government of Malaysia attaches great importance to workers' participation at all levels, including from enterprise level to the highest law-making body, the Parliament. We have worker representatives in the highest policy-making bodies in Parliament, that is, the National Economic Recovery Council, which was set up as a result of the financial crisis of 1997, and the National Advisory Council. Indeed, the national workforce has contributed greatly to the success of the policies implemented to bring about Malaysia's economic recovery. Worker representatives have participated alongside employer representatives in various trade missions seeking foreign direct investment in Malaysia.

The Asia-Pacific group on several occasions preceding the adoption of the Declaration stated its position that the Report should not be country specific. However, we notice that no attention has been paid to this request. The group also requested a system based on non-conditionality that would focus on encouraging member States to promote the realization of the four basic principles. This Report is flawed because it imposes conditionality in several cases, including those relating to the set-up in a country. One example is in the last sentence of paragraph 67, which states and I quote: “The right to form and join organizations freely is not compatible with single-party rule.” The Malaysian delegation registers its concern over abuses such as this.

Finally, the Malaysian delegation associates itself with the Asia Pacific statement as delivered by the distinguished delegate of the Philippines.

Ms. COLETTI (Workers' adviser, Italy) — This discussion was introduced this morning by a video. The first images on that video refer to an example of organized and collective bargaining by the textile workers' union in South Africa. It reminded me of probably one of the best examples showing how trade unions can contribute to building democracy and social economic stability, by exercising the right to organize, even when such a right is not legally guaranteed, and under very difficult conditions.

This, as we have seen in recent years, is a condition for democracy, but it is also a condition for development. We would probably have no democratic South Africa today if the workers and their unions in difficult times had not exercised that right. And this is very important, as is clearly illustrated in a fundamental
statement on page 2 of the Report: "This category of principles and rights is the first to be considered because it often holds the key to the realization of fundamental principles and rights in the other three categories." This is a crucial statement, which rightly goes on to say: "Yet it is often considered to be the most contentious, and respect for these principles does not always have the same public commitment or identification as, for example, the struggle against child labour."

Workers know by experience that the right to organize is the precondition for enjoying all other rights. And this is particularly true for women workers because, as is recognized, they happen to be in a more vulnerable position on the labour market. In fact, how could we reasonably expect standards against the gender discrimination to be implemented in practise if women workers themselves do not have basic citizenship at work — in other words, if they cannot fully enjoy the right to organize and to collectively bargain.

Let us not forget that what I am saying refers to most developing and industrialized countries. As a workers' representative I cannot accept the idea of developing countries having prospects for job creation, decent jobs I mean, in the informal sector predominantly, if it is only with the implicit assumption that basic rights would be an unaffordable luxury there. In highly industrialized countries the changing organization of the economy brought about by globalization is developing towards a pattern of informalization, even of the most traditional productive sectors, and this is objectively eroding basic fundamental rights. In fact, if the right to organize and to bargain collectively and freely is not fully guaranteed to workers, in particular in non-traditional, atypical forms of employment, the values of the ILO and the impact of its action would be seriously undermined, because it would apply its action to a fast decreasing percentage of working men and women in the world. This is what I call a serious undermining of the very role of this Organization.

Unfortunately, examples of erosion or violation in practice of basic rights to organize and to bargain collectively are evident in many countries, even in countries as different from each other as, for instance, Belarus, Belgium and Bulgaria. Let me raise some examples, in particular, referring to these countries. Belarus is a country where in 1999 severe new registration rules for unions put serious limitations in practice to the fundamental right to organize. A decree was introduced which imposed limitations on the number of trade union founders, new minimum membership quotas complicated and expensive registration procedures, and which allowed wide discretion to the authorities to refuse registration. It allowed the authorities to revise the statutes of organizations and prohibited the activities of those organizations that failed to obtain registration within the specified period. Also, the widespread use of individual temporary contracts is seriously undermining the right to organize, since these contracts imply that these workers will no longer be protected by collective agreements.

Belgium is unfortunately a country where we have to register the fact that the right to strike continues to be undermined seriously and the courts side with the employers. This has been expressed in applications made to end strikes by calling into question acts committed in the course of strikes such as pickets. Unfortunately, there is another example which I have to mention. There have again been reports of increasing violations of trade union rights, particularly in small enterprises in the private sector. Temporary employment contracts which are exempt from the labour code have become increasingly widespread. Workers in the private as well as the state sector have been put under pressure, and employers were likely to refuse to renew their contracts if they demanded their rights. In many places workers were hired only on monthly or three month contracts.

These kinds of problems are where we want to see the follow-up to the Declaration become something concrete and really meeting the basic requirements of guaranteeing the right to organize and to collectively bargain.

Mr. RAMASHIA (Government delegate, South Africa) — My delegation wishes to commend the ILO Director-General for the excellent Report tabled. My delegation has always believed that the follow-up should be credible, meaningful, effective and promote the values and principles enshrined in the fundamental labour standards.

This follow-up provides us with the opportunity to review the progress made. I am proud of the fact that my country, South Africa, has been mentioned as a case study for lessons learned in this year's Global Report aptly entitled Your voice at work. Indeed it is always preferable that technical cooperation is a two-way process. South Africa gained considerably from the technical cooperation provided. We have a labour legislation dispensation that could be described as state-of-the-art, being able to draw on the best international experiences and the collective wisdom of labour law drafters, both here at the ILO and from within member States.

The ILO assisted, too, in the building and consolidation of labour market institutions that are responsible for the implementation of these laws, including the Commission for Conciliation, Mediation and Arbitration, the Labour Codes and the building of the capacity of the social partners and the labour administrative officials to oversee the implementation of changes that we have introduced.

Social dialogue has been institutionalized at the national level in the National Economic Development and Labour Council. From our own experience we can only but agree wholeheartedly with the approach taken and conclusions drawn in the Global Report. It is indeed heartening to feel that we are part of a global community sharing and implementing similar ideas. We completely agree with the conclusion in Chapter 1 of the Report that freedom of association and the right to organize and bargain collectively are fundamental human rights to be respected all over the world.

Respect for these principles and rights is good for business, labour, government and for civil society as a whole. Yet private business, public employers and public authorities do not always appreciate that these rights contribute to stable economic, social and political development. Indeed it is regrettable that we still have situations where these principles and rights are violated. We are, however, as alarmed as you are that a significant representational gap has arisen in the world of work in both the formal and informal economy. We support the priorities of the future and would like to stress the point that these should guide
the promotional work of the I.O. From our own experience, we have found that the big stick should be reserved for the worst offenders.

In the main, the Declaration will achieve its objectives through the advocacy and promotional work of the I.O. Member States, of course, could assist by showing political will and, in combination with targeting cooperation and social dialogue among the social partners, the fundamental principles and rights at work would be realized.

Mr. CHITAURO (Minister of the Public Service, Labour and Social Welfare, Zimbabwe) — Allow me to commence my intervention by thanking the Office for producing the first Global Report on the follow-up to the Declaration on Fundamental Principles and Rights at Work. This Report is very comprehensive and provides a basis for initiating improvements at the national level. The knowledge of how other systems operate helps to reorganize one's own system. The Office and indeed the Organization will use the Report in determining countries which need immediate assistance in the overall mission of promoting freedom of association and collective bargaining under the follow-up to the Declaration.

However, as spelled out in the Report the aspect of political will on the part of the concerned Member States is central if the assistance of the Organization is to make a meaningful impact.

Zimbabwe ratified the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), in 1998. Under the terms of the Labour Relations Act, collective bargaining takes place within the auspices of works councils and national employment councils at the workplace and at industrial levels, respectively. Our national employment council is a body formed by a registered trade union and a registered employers' organization for the prime purpose of collective bargaining. Following ratification of the said Convention, my ministry, in conjunction with the social partners, organized seminars for the national employment council, with the aim of reviewing the operations of the national employment councils under the new economic order, coordinating and redirecting national employment councils in line with ILO Convention No. 98, discussing ways and means to strengthen the institutional capacities of national employment councils, and discussing the role of national employment councils in the productivity enhancement movement. In the public sector, collective bargaining takes place under the auspices of the civil service and the joint negotiating council.

Freedom of association is guaranteed in the Constitution of Zimbabwe and is also spelled out in the Labour Relations Act. Currently, fragmented pieces of labour legislation are being harmonized through the Labour Amendment Bill which is before Parliament. After the passage of the Labour Act this year, Zimbabwe is going to ratify the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

Finally, Zimbabwe has so far ratified six of the core Conventions covered by the Declaration. Conventions Nos. 87 and 182 will be ratified before the last quarter of the year.

Mr. NOAKES (Employers' delegate, Australia) — I want firstly to place on the record my strong support for the statement made by Mr. Potter on behalf of the Employers' group. I also want to make some additional observations which are grounded in my personal involvement in the development of the Declaration as well as in the Committee on Freedom of Association. I shall try to do this without unnecessarily repeating Mr. Potter's remarks.

The support of the Employers for the Declaration was based clearly and firmly on the understanding that the Declaration would address broad principles rather than the detailed provisions of Conventions and that its application would be directed to systematic failures of policy concerning the implementation of those broad principles rather than to alleged failures to conform to detailed interpretations of Conventions, by the supervisory bodies. There should be no doubt about this. It was stated and restated many times.

The Global Report which we now have before us is a first effort and should be seen in that light, and I agree with Lord Brett's remarks to that extent. It should be improved, and undoubtedly it will be improved. My comments will, I hope, be reflected in future efforts by the Office.

In my view, the Report is disappointing in a number of respects and these matters require rectification. They include firstly, as already mentioned on behalf of the Employers' group, the concentration on legalisms rather than broad principles. This has led to a concentration on the provisions of Conventions and the interpretation of those provisions by the supervisory bodies.

Second, there is a tendentious, assertive and often controversial approach to the principles of freedom of association and the right to collective bargaining. There is no need to attempt to convince us that the application of these principles can rectify every social and economic problem in the world. In this respect the Report attempts to do too much. The principles have already been recognized as being fundamental, and to try to oversell their benefits in this way can only be counterproductive. I find many of the statements made in the first part of the Report to be unconvincing and unnecessary.

Third, there is in the Report a totally inappropriate mixture of past and present, of technical and fundamental, of progress and lack of progress. For example, it is not very useful to recall what happened in Poland and South Africa many years ago when the issues have long been resolved. Again, there is insufficient differentiation between countries like Indonesia and the Republic of Korea, where much progress has been made but more remains to be made, and countries where little has been done in line with the principles.

Fourth, the Report is worker-oriented and, although some obvious efforts have been made to achieve a balance, they are insufficient. For example, the section on the right to strike, which already strays too far from the intent of the Report, says nothing about the rights of the employer.

Fifth, nothing is said about the implied right not to associate and not to bargain collectively, and yet more and more workers are choosing not to exercise those rights. Trade union density levels are falling in many countries, even where there is clearly freedom of association. And, increasingly, individual workers are turning their backs on collective arrangements as a matter of choice. Whether or not we approve of these developments, they represent a reality which cannot be ignored.
My conclusion about this Report is that it approaches many of the issues surrounding the principles from the wrong direction and examines them using the wrong end of the telescope. It therefore misses the big picture, and it also misses the target at which it is aimed.

Finally, a few brief observations about the Committee on Freedom of Association, which is an important and significant part of the supervisory machinery but also significantly different from other parts of the machinery with which it should not be mixed as it has been in this Report. The Committee deals only with complaints and it examines them in the light of material placed before it and in the light of particular circumstances. It does not deal in absolutes or legal certainties. The Report makes the mistake of treating allegations put before the Committee as facts when the Committee often does not find allegations proven. Mr. Edström's remarks make my point without intending to do so. And while I am speaking about Mr. Edström, I should say that what he says about the Government of Australia, which is presumably based on paragraph 58 of the Report, is a perfect example of the dangers of naming individual countries in the Report without substantiating the assertions about them.

To return to the Committee on Freedom of Association, the Report makes the mistake of treating the findings and recommendations of the Committee in the same way as, for example, the observations of the Committee of Experts. To try to draw too much from the recommendations of this committee can only result in a lessening of its value, which rests upon its integrity and its capacity to evaluate particular situations without preoccupation with legalisms and technicalities. In short, its pragmatism is its strength, and it is therefore particularly disappointing to find the work of the Committee used in the inappropriate way in which it is used in this Report.

Original Arabic: Mr. DERBI (Government delegate, Libyan Arab Jamahiriya) — In the name of God, the Merciful, the Compassionate! Your voice at work is the first Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work since the Declaration was adopted in 1998. We should like to express our support for the Report, because we believe in the principles and rights contained therein. However, we would also like to point out some of its shortcomings in order to avoid repetition of these mistakes in the future.

This year's Report has concentrated on freedom of association and the rights to organize and bargain collectively. These are priority areas with regard to basic rights at work. The ILO's objectives cannot be achieved unless we give decent work to everybody and unless every employer and worker is able to express their opinions. Workers must be given the right to establish organizations to represent them and make their voice heard. Efforts to enhance and promote a respect for these rights will benefit employment and stability and help to improve production. This in turn will lead to economic growth, create employment and alleviate poverty by reducing unemployment.

We would like the follow-up report, to be a comprehensive report, providing an annual assessment particularly of countries that have not ratified the fundamental Conventions with a view, in keeping with the Declaration, to providing encouragement to member States which work hard to promote and endorse the basic and fundamental principles of the 1998 Declaration of Philadelphia.

The Global Report cannot be a substitute for the supervisory machinery nor, can it emulate its work. The Report should not be used in any way for this purpose. Monitoring activities fall within the remit of the Organization. The Report, which is in two parts, makes several statements about specific countries. Some of these statements are incorrect and vague. For example, the English text indicates that the Libyan Arab Jamahiriya has not ratified Conventions Nos. 87 and 98 on the freedom of association and right to organize, despite the fact that the Libyan Arab Jamahiriya did ratify them 1986. Convention No. 87 is actually before the competent authorities. There is also an incorrect comment on the situation of trade unions in the Libyan Arab Jamahiriya. Trade unions in the Libyan Arab Jamahiriya are governed by a new law, which gives every professional category the right to form its own unions. Workers, policemen, teachers and, every category of workers have the right to establish their own unions. Under this new law, unions are also allowed to define their own constitutions and rights without any intervention by the State. But there seems to be a confusion between occupational conferences, trade union meetings in the enterprises, and between the various trade unions themselves. We believe that all workers should belong to these unions — but trade unions have their own systems, their own rights, their own independence.

I do not have the time to give you full details on the specific situation of trade unions in the Libyan Arab Jamahiriya, but I should like to talk about foreign workers with special contracts in the Libyan Arab Jamahiriya. They have every right to work and no resolutions or decisions have been adopted to prevent them from working. They are registered workers who have the right to join trade unions, contrary to the claims made by the Report. As for the right to strike, the information in the Report is untrue. This right to strike is enshrined in our laws. However, there are specific conditions that must be met before taking industrial action.

In conclusion, we should like the comments that are made on specific countries to be very, very clear, and accurate, based on correct information and taking into consideration the social, economic, cultural conditions of every member State. So that the Report will benefit and promote the principles of the Declaration.

Original Arabic: Mr. TRABELSI (Workers' delegate, Tunisia) — On behalf of Arab workers' delegations and the International Confederation of Arab Trade Unions, I should like to thank the Director-General for this excellent Report, for the very valuable ideas contained therein, and for the overall viewpoint that it takes.

We believe that this Report gives us a dynamic futuristic vision of very fast-developing countries, which makes us look with great optimism to the role and status of ILO in the twenty-first century, despite attempts to marginalize its role and to find substitute institutions.

The Report states in paragraph 44 that workers "are concerned about security of employment and income" but that trade union rights provide them with the means "to address poverty and the distributional challenges that threaten social stability". We believe
that all member States of the ILO must pay attention to this paragraph and turn the values of trade unionism into a reality and not merely pay them lip service. Unfortunately, we find that many countries, and in particular some of the developing countries, member States of the ILO, who are participating in this meeting today with us, do not respect these principles fully. These do not pay heed to the philosophy and global objectives of the Organization, especially tripartism, or the right to join trade unions and bargain collectively. Many of those countries try to undermine market forces by weakening the workers' unions, depriving worker of their rights and even taking reprisals against trade unionists.

The Report unfortunately cites many examples of violations of the rights of workers, and this should encourage us as social partners to be more vigilant, to make more effort to put an end to such violations and to give assistance to the victims, bearing in mind that social peace is part and parcel of international peace. The ILO must determine the priorities for every stage and according to the specificities of every region, in order to develop a specific strategic plan to realize the objectives of the Declaration.

And as far as the Arab region is concerned, we believe that the ILO must deploy further efforts to strengthen the principle of tripartism, in order to give an impetus to the process of democracy and freedom of association. The ILO Office in Beirut must shoulder its responsibility and act in the region in a manner that is compatible with the organisation's objectives, particularly as far as freedom of association is concerned. We expect from the Organization, and especially from the Beirut Office, a specific and very clear examination of the Global Report should not be a negative sanction, but should rather be a collection of ideas with which to perfect cooperation mechanisms if this Declaration gave rise to punitive measures which could further worsen the poverty of certain countries, as if their poverty alone did not already constitute a real scourge. Nor should we pursue objectives other than those set in the Declaration, such as undermining competitive advantages or resorting to new forms of protectionism. The general perception of the follow-up mechanism must be positive. We have nothing to gain by duplicating the work of the already established supervisory machinery of the ILO. This mechanism is a joint exercise. We need to think about the entire exercise as a common reflection about how to advance labour for the benefit of all. That would be difficult to do if we weakened the global and promotional nature of the follow-up mechanism, the more time and openness towards which we should work. But we should at the same time acknowledge that the road to full implementation and realization will be a long and difficult one because of the constraints which are inherent to our own progress.

As Director-General Somavia stated, we feel that these objectives are a beacon. We feel that these rights and objectives should guide the course of democratic societies as a lighthouse would guide a boat, and should have a pedagogical effect on the democratic world.

The technical assistance of bodies such as the ILO should not be linked to the degree to which these provisions are implemented, but rather to the greater or lesser needs of countries, including the weakest and most fragile ones, which are precisely the ones that require it most. And we feel that international cooperation and technical assistance should be focused taking that into account.

We are now laying the foundations to promote the spirit of the Declaration. Our success will depend on the extent to which our work promotes trust between the Members of the Organization, a trust which can foster hard work and good faith and can strengthen the political will of all.

In the Report, the promotional nature of the document comes clearly to the fore. My country would like to express our unreserved support for the Declaration on Fundamental Principles and Rights at Work. As a country, as a State and as a democratic society, we see it as being universally valid, and a practical expression of the advance of fundamental principles of work. These fundamental rights - the right to freedom of association, the right to organize, the right to effective recognition of collective bargaining, and the elimination of forced labour and child labour and other forms of discrimination in employment lie at the heart and are the essence of democratic communities. This notwithstanding, and thanks to an analysis of our own situation, we would like to state that these objectives mark a process to which we should commit ourselves and towards which we should work. But we should at the same time acknowledge that the road to full

Original Spanish: Mr. VASQUEZ VILLAMOR (Minister of Labour and Micro Enterprise, Bolivia) — On behalf of my country, I would like to express once again our unreserved support for the Declaration on Fundamental Principles and Rights at Work. As a country, as a State and as a democratic society, we see it as being universally valid, and a practical expression of the advance of fundamental principles of work. These fundamental rights - the right to freedom of association, the right to organize, the right to effective recognition of collective bargaining, and the elimination of forced labour and child labour and other forms of discrimination in employment lie at the heart and are the essence of democratic communities. This notwithstanding, and thanks to an analysis of our own situation, we would like to state that these objectives mark a process to which we should commit ourselves and towards which we should work. But we should at the same time acknowledge that the road to full
My delegation recognizes that this is the first report and notes that it had been circulated rather late. It has, therefore, not been possible for my delegation to make a full and comprehensive assessment of the Report. Therefore, my preliminary observations relate to Chapter 2 of the Report, “The global picture”, and more particularly to paragraph 58 thereof, which singles out countries for alleged violation of rights of trade unions, rather than helping them to ensure compliance. Here, I share the concerns expressed by many delegations who have mentioned the dangers of naming countries. Indeed, Mr. President, it is regrettable to note that this paragraph has mentioned my country in respect of the violation of trade union rights. I would like to point out that the allegations concerning violations of freedom of association were discussed at the ILO Governing Body meeting of March 1998, which noted with satisfaction the decision of a legal authority not to prosecute the trade unionist mentioned in the allegation.

Additionally, we wish to reiterate that the allegation of physical assault, which had been mentioned in the Report, has, in fact, never been substantiated.

In view of the above, we are extremely disappointed at the manner in which my country has been portrayed in the Global Report, which could give rise to very dangerous misinterpretations.

To conclude, let me assure you that my Government will continue to fully collaborate with the ILO, with a view to upholding its long traditional tripartite social dialogue, which remain one of the pillars of our democracy and has, indeed, contributed towards our appreciation towards economic and social development.

Mr. SWASONO (Government delegate, Indonesia) — Your voice at work, which is the first Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, presents an overview of the status of the first categories of workers’ rights pertaining to freedom of association and collective bargaining. The document before us provides a global picture relating to the corresponding categories with the purpose of assessing the effectiveness of the assistance provided by the Organization and priorities for technical cooperation and future ILO action. In keeping with the main purpose of the Global Report, related reports and possible future ILO action should be directed towards enhancing the national capacity of the member States to find the best way of addressing the implementation of workers’ rights.

My delegation shares the opinion that lessons learned suggest the positive synergy between national political will and the provision of ILO technical expertise and support across a broad range of circumstances and economic parameters. Nevertheless, we are of the view that political will cannot be imposed but emanates from within a country. As a country which is experiencing the process of democratization and significant promotion and protection of human rights, including workers’ rights, Indonesia has the political will and commitment of the Government and has made considerable progress towards achieving the full implementation of the corresponding principles and rights.

On the other hand, we do not agree with suggestions that attempts by the ILO or third parties to marshal political pressure will bring about positive change.

My delegation wishes to stress the importance of technical cooperation in the future action of the Organization. It is in the spirit of the Declaration that the ILO should provide technical assistance to countries that request it.

Indonesia has been negotiating to make effective use of ILO assistance and cooperation in respect of the promotion of freedom of association and collective bargaining, which is considered as part of the national reform process. We realize that the actual situation is still far from excellent, but progress is being made towards achieving social justice for all working people in Indonesia.

The ratification of Conventions Nos. 87 and 98 by Indonesia in 1998, the release of union activists from detention, the registration of numerous new trade unions and tripartite involvement in the formulation of new labour law should be regarded as profound commitments by the Government. Conventions Nos. 105, 111 and 138 were subsequently ratified by the Government in June 1999. In March 2000 it also ratified the Worst Forms of Child Labour Convention, 1999 (No. 182).

Original Spanish: Mr. DE REGIL (Employers’ delegate, Mexico) — The Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work describes in detail the situation of work in the world as well as the impact that globalization of economies has had in some countries.

The Mexican Employers consider the Report praiseworthy and it is our hope that the next one will be even better. However, the analysis of these effects does not fully cover the positive result that this globalization has had in employment and the standard of living of workers, nor does it cover the trends that workers have demonstrated with respect to their hiring preferences.

In several parts of the Report mention is made of the freedom of association and the right to collective bargaining and in general the idea of favouring trade union participation in the world of work. Naturally, the protection of freedom of association is fundamental for the ILO, for workers and for employers, and it is for this reason that we congratulate ourselves in noting that many countries have improved their legislation and their approach so that this right may be assured. However, we also note in the Report a series of elements that we need to review.

In the cases of prohibition or restrictions on freedom of association for activities deemed to be essential services, the Report notes the diverse activities deemed to be essential in every country, but it should be understood that although there is an interpretation of the concept this is not applied in all countries. Although in the majority of countries the principle of the right to organize and freedom of association is admitted in virtually all activities, the limitations to the right to strike and collective bargaining are noteworthy.

It is for this reason that not only the experts, but also the delegates in the Committee on Freedom of Association and the Committee on the Application of Standards should review the content of the interpretations on essential services and the forms of collective bargaining. For example, in the Committee on
Freedom of Association there are thoughts expressed that are blatantly contrary to the reality of the countries. Such is the problem of air or maritime transport: in a country such as Mexico, with its 2 million square kilometres, the lack of air transport can have serious consequences; this is not the case in Malta or Jamaica, for example, but there a lack of maritime transport would surely cause harm to society.

In the same way, favouring collective bargaining and discouraging individual negotiation, as a fundamental principle of work, is a serious contradiction that, moreover, does not correspond to the realities of many countries in which the majority of workers do not belong to trade unions.

This leads us to recall that freedom of association is an individual right, not a group right. Human rights mean that an individual can decide to belong to a trade union, to stop belonging to a trade union, or not to belong to any trade union. This in turn prompts a close look at the question of pro-union discrimination. It seems to me that if anti-union activities and people belonging to a union are protected then people wishing to leave a union or not to join a union should equally benefit from such protection. In Mexico exclusion clauses mean that a union can prevent an employee continuing to work when that employee decides to leave the union.

Furthermore, claiming to strengthen trade unions over workers has given rise to the legal fiction of protecting the trade union organization, which has an almost monopolistic status.

These realities indicate that we need to review the forms of freedom of association of workers starting to arise throughout the world.

The informal sector and certain specific sectors, such as agriculture, have a different mechanism for freedom of association. Civil associations, professional societies and even solidarity groups are having an increasing influence in how work is carried out and the world economy. This situation needs to be acknowledged.

The questions we need to face are the following. Should the ILO ignore the reality of work and take refuge in the unions? Should employers close down when unions are not involved?

Mr. AHMED (Workers' delegate, Pakistan) — Brother Bill Brett, our spokesperson, ably presented our viewpoint, as did my distinguished colleague. But I think that for the last 20 years we have been subjected to discrimination in violation of our fundamental rights. The Government delegates have been allowed to speak at length, while we Workers have our speaking time shortened.

I am only concerned with some of the questions which have been raised by the Government and Employers' delegates. I submit that freedom of association is the very lifeblood of this Organization. If freedom of association is not there, then the result is virtually forced labour. Therefore we support these principles which are essential for decent work. And we stress that the rights recognized in Conventions Nos. 87 and 98 are universal, and do not relate only to developing countries.

I also submit that developing countries must ratify these Conventions and, once they are ratified, should implement them in letter and spirit.

The right to organize of women and of domestic and migrant workers in export processing zones and in the informal sector is a fundamental right which is denied in many parts of Asia. The ILO's cooperation is very important because the policies of the international financial institutions often work against the interests of developing countries. In order to have equitable international order, the role of the ILO must therefore be to safeguard the workers' interests. This is a social obligation. We would also stress that the resources accruing from equitable international trade should be available to developing countries.

The technical assistance should not only be confined to the ILO's standards. All the InFocus programmes dealing with employment, safe working conditions, social protection and fundamental rights should contribute to implementation of these Conventions, among other things by providing technical assistance to the workers' organizations.

To conclude, we congratulate the Director-General and his team on this very important Report.

Mr. MISHRA (Government delegate, India) — Since it is not possible to do full justice to the text before me, kindly permit me to read out a few portions and to hand over the full text to the secretariat for the record.

Your Voice at work is the voice of what Nobel laureate, Rabindranath Tagore called 50 years ago the dumb, frail and meek, the womaned and the forlorn, the pathbreaker who works in both sun and shower, breaking the boulders, collecting and loading the chips, and inhaling in the process the dust and fumes. Into their hearts and minds, as Rabindranath Tagore has put it, we have infused the language of the soul, the language of humanity.

We can do this only by mobilizing and bringing men and women together with a common point under a common programme and with a common objective and strategy. This will be possible only by means of freedom of association. It is freedom of association which will enable the hitherto stifled and suffocated to open up and articulate their concerns. It is freedom of action which will steer the course of development on a path which is just, fair and equitable.

Viewed in this sense, freedom of association is central to all other activities, including development in its totality. It is at the very root of democracy, the democratic apparatus and the democratic process. It gives voice to the dumb, mute, voiceless millions. It deepens the roots of democracy and revitalizes both the political and the economic process.

The right to form associations and the right to collective bargaining in this sense is the most market-compatible of all fundamental rights. No document can be foolproof, and for this the Global Report, which is the first of its kind, has to capture a dynamic global scenario of such complexity in a short time and in a credible manner.

It is but natural therefore that there are positive and encouraging elements in this otherwise very comprehensive Report which we greatly appreciate. There are also gaps, omissions and reservations about which we feel concerned. The positive elements are the strength and vibrancy of freedom of association, collective bargaining, --partism and re-
cooperation and advocacy services of the ILO offers to national actions and to the national decision-making processes.

Our reservations have to do with the power to withhold technical assistance on the basis of non-adherence to standards, the concept of global governments, the concept of collective bargaining at the global level, the encouragement of government-to-government pressure, the linkages with issues outside the mandate of the ILO, and the uni-dimensional manner in which some of the issues have been dealt with.

With these remarks, I should like to recommend a few specific measures for determining the central message behind the Declaration. The universal guarantee of workers' fundamental rights is an absolute prerequisite for workers to be able to share the benefits of globalization. The message should be driven home across the length and breadth of the globe, through both print and electronic media, as was done this morning. We should also drive home the central message that the principle of freedom of association is a prerequisite for the all the fundamental principles, like the abolition of forced labour, the abolition of child labour, and non-discrimination in matters of employment. The guarantees provided for in Conventions Nos. 87 and 98 should facilitate a meaningful social dialogue at the national level on such issues as worsening unemployment and underemployment, widening economic disparities, job and income insecurity and reduced social services.

The process has to go beyond the legal framework of standards. The ILO needs to take cognizance of various factors such as poverty, unemployment, lack of tripartism, lack of social dialogue, lack of political will and commitment, and institutional weaknesses. A vigorous follow-up to the Declaration should not deter or discourage countries from ratifying core Conventions. On the contrary, it should promote and encourage universal ratification.

Mr. MOLOPO (Minister of Employment and Labour, Lesotho) — On behalf of the Lesotho delegation, I would like to extend our gratitude to the Director-General and his team for this Global Report on the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up. This Report shows how dedicated the Director-General is towards the ILO, its possibilities and activities.

The Report reflects how important it is to establish partnership when pursuing labour policy objectives. Tripartism and social dialogue are embodied in the current Labour Code. The National Advisory Board on Labour, the National Advisory Board on Occupational Safety and Health, and the Minimum Wages Board are all fully operational. Parliament has just passed a bill amending the current Labour Code (to include provisions on the new Dispute Resolution Council.

We are presently consulting with the social partners to include other sections of the community like women, youth and disabled in the National Advisory Board on Labour and Occupational Safety and Health.

Original Spanish: Mr. MONTOYA MONTEALEGRE (Employers' adviser, Costa Rica) — We commend the effort of the Director-General to issue this first Global Report, which seeks to ensure respect for fundamental rights in all countries, whether or not they have ratified the respective Conventions.

We are concerned that the Report may give rise to a confused interpretation of labour relations in Costa Rica, especially in paragraph 90 under the heading "Employer interference and 'Solidarismo'." "Solidarismo" is a worker-employer movement similar to cooperatives. It seeks economic development of affiliates based on their status as workers in an enterprise. This signifies benefiting more from the status of the worker.

Since 1993, the solidarity movement has legally had the right to develop trade union activities, which would block employers from attempting to use them to the detriment of trade unionism or collective bargaining.

A recent law also authorized trade unions and enterprise cooperatives to use the same employers' contributions for unemployment assistance which only the solidarity associations could use up to now. Obviously, such contributions do not affect the independence and autonomy of organizations which receive them, nor do they seek to facilitate the interference of employers, despite the affirmation to the contrary in the Global Report.

The effort to amend the labour law confirms that Costa Rica is a country which traditionally seeks social peace. With all due respect, we are ready to provide the Office with the necessary documentation in order for it to have a better understanding of the realities in Costa Rica.

Original French: Mr. VANDAMME (Government delegate, Belgium) — The Belgian delegation would like to say that whilst taking part in this debate, we regret the absence of our Minister who is at the European Union.

We would simply like to refer to the excellent statement made by the European Union and we would like to recognize that the ILO certainly has a lot at stake in terms of the follow-up to its 1998 Declaration.

As far as this first experiment, which is this Global Report, is concerned I would like to recall three main criteria.

First of all, the Report should be a working mechanism and a mechanism for promotional dialogue. Therefore, I think that it should identify, to a greater extent, the efforts made in various regions.

Secondly, the Report really should be global, which means that it should fully reflect the situation as found all over the world, whilst taking into account the various contexts. It is still difficult in this current version to identify where remarkable progress has been achieved and where serious problems remain.

Thirdly, I think the Report should be of a greater political nature. It should not be too legalistic, too literary, or too schematic. It should chart the path for the ILO, firstly in terms of technical assistance, but also it should suggest what each group should do, the employers, workers and the governments. Also, as mentioned by one of the previous speakers, it should really chart a path for greater coordination among the international organizations.

To the future, we suggest that, for the future, Annex III of this Report should be given more substance so as to explain more clearly why, in the current version, Conventions were not ratified in certain regions, and where there are problems still to be resolved.
Until we deal with these problems, until there is a global picture, my Government fears that we will be too dependent on sources of information other than the ILO that will probably be more biased.

Ms. NZIMANDE (Workers' delegate, South Africa) — This discussion comes at an opportune time for us as workers throughout the world because at the present time we can say there is a lot of uncertainty for workers and we are finding that we have a lot to rue about the globalization concepts. For this we would like to thank the Director-General.

The Report points to some very disturbing evidence on the question of work capacity on the African continent as a whole. Firstly, we learn from the Report that trade unions are not organized on a large scale in most parts of Africa — I think with the very small exception of South Africa — which points to the fact that a lot of workers are therefore not heard if they do not have structures to represent them. Secondly, collective bargaining levels are very low in the context where they accept a formula for economic, social and political development in social dialogue. It comes as no surprise that Africa continues to experience economic social and political problems which come as a direct result of colonialism.

The Report also points out clearly the status of countries like Kenya and Zambia as far as levels of trade union density and collective bargaining levels are concerned. In South Africa also, when juxtaposed with its trade union density level, we find that the collective bargaining level is still a little bit low and we believe that it is in this area that the ILO can play a role in terms of offering technical cooperation for the entire continent.

The Report also points to gaps in terms of representation in the informal, the service, and the agricultural sectors. We note with concern that these are the sectors with the highest concentration of women and we do not believe that this point can ever be overemphasized. We believe that we still need to emphasize it in South Africa. We therefore urge that the ILO, in its endeavours, ensures that it broadens levels of participation and takes a very specific interest in the gender dimension of globalization.

On the question of freedom of association in our continent, we have noted with concern that in countries like Swaziland, and to a very small extent Kenya as well, we cannot talk about full respect for freedom of association.

The final point relates to our concern with the effects that globalization has on collective bargaining. We believe that the only possible intervention could occur at the international level, because developing countries, and to a certain extent even developed countries, are affected by international financial institutions' economic policies and we believe the ILO can play a role in this.

Mr. JONZON (Government delegate, Sweden) — I take the floor to explain some of the considerations and concerns of my delegation. As is the fact for most of you, our reaction to the Global Report is a function of our expectations and I want to be totally honest with all of you, I suppose that is a major deficiency I have. Perhaps our expectations were too high or rather our expectations simply were different. We expected the Global Report to have a strong analytical approach leading to at least tentative conclusions and suggestions for priorities. Rigorous analysis, we thought, would open up possibilities to identify trends and to draw some general conclusions for groups of countries and for groups of issues and interrelated problems which would make it possible to create the global picture which we have difficulties in finding and which would make it possible for the Governing Body to give guidance regarding further action.

Such an approach, we thought, would also make it possible to have a deeper discussion on a major recommendation made by the Expert-Advisers, namely that with regard to technical assistance, priority should be given to those Members which are genuinely committed to the Declaration. My delegation, of course, entirely supports that opinion. We do, however, fully understand the complexity and sensitivity of that matter, but as it is absolutely fundamental that there is a political will we expected it to be more thorough and to initiate a discussion on the various aspects involved in that issue.

We understand that the material available to the Office was not complete and comprehensive enough to fulfil our expectations and, as I said initially, perhaps our expectations were misplaced. We therefore want to underline that we associate ourselves fully with both the European Union and the IMEC statements made previously today.

This year's Report is the first ever and we will continue to support the Office in its work on future reports and of course we support the Director-General in his difficult tasks. We understand it will take some years before the Global Report has got its shape — I do not say its final shape because I take it for granted that there will always be changes. I would, however, like to add one thing given the initial micro-debate that occurred between Mr. Potter and Mr. Brett regarding the pros and cons of globalization and the impact of globalization on human rights in general and on labour rights in particular. My personal opinion is that the Global Report is not terribly helpful in that regard. I find the discussion on globalization in the Report slightly primitive or at least too light to bring this important question forward.

The impressive amount of literature on these matters, also including articles in the International Labour Review over the past four or five years could, if it had been reflected, have improved the Report and perhaps also clarified some of the issues which were raised today and which will obviously continue to be raised in the future.

Mr. ZAINAL (Workers' delegate, Malaysia) — The first Global Report we have before us today focuses on the following key areas which impact on the world of work: (1) the rapidly globalizing world economy; (2) the impact of international policy instruments such as the World Social Summit Declaration and the WTO Ministerial Declaration of 1996; (3) the value-added contribution of a worker participation and strong labour market institutions to increasing productivity; (4) improving social dialogue by recognizing freedom of association and the legitimacy of collective action; (5) helping to ensure positive change towards a globalized world by establishing the important core values such as tripartism.

As the Report rightly states, the implementation of the ILO Declaration is good for all the three dialogue
partners. Firstly, it is good for business because it has
to develop a sound human resources policy. Secondly,
it is good for governments because it brings about a
better quality of collective action which will help
economic growth through poverty alleviation and
education. Thirdly, it is good for workers because its
cornerstone is the representational security of free-
dom of association and collective bargaining. Indus-
trial relations in particular can contribute to economic
development and growth. There is plenty of evidence
to this effect, and the Report gives more assurances.
The Report also identifies a number of countries in
the Asia-Pacific region, such as Myanmar, Cambodia
and the Lao People's Democratic Republic where the principle of freedom of association is still under
attack.

I think I could also say that some countries are pro-
gressing, and perhaps even China could improve its
record on freedom of association in times to come. In
this context, the annual review of member States that
have not yet ratified the ILO core Conventions will
throw more light on labour standards prevailing in
member States. The review will also encourage them
to ratify and implement core Conventions.

While it is customary for many governments to
look to the ILO only for technical support, the ILO
should aim to do more to bring about ratification
and implementation of core labour standards in
these countries, which should understand that collec-
tive bargaining can provide efficient responses to the
challenges posed by globalization. This must be
based on recognition and respect on the part of gov-
ernments and employers for workers' freedom of
association.

Member States should promote foreign investment
from the standpoint of high productivity and good
industrial harmony through effective social dialogue.

Mr. CHUPA (Minister of Labour and Vocational
Training, Malawi) — Malawi salutes the Director-
General and his team for the Global Report under the
follow-up to the Declaration on Fundamental Prin-
ciples and Rights of Work. Having browsed through the
Report, the Malawi delegation agrees entirely that
the Declaration is a new and important promotional
tool for making the workplace what we all want it to
be in the new millennium.

Malawi is still recovering from 30 years of oppres-
sive rule which continued until 1994 when the new
democratic Government was elected. Upon its elec-
tion, all human rights that had been denied were im-
mediately reintroduced. These included freedom of
association, the right to fair and safe labour policies,
the right to fair remuneration, the right to form and
join trade unions and the right not to do so, the right
to freedom of expression and the right to withdraw
one's labour. As a nation, we believe all these rights
free the workers and the employers to speak and be
heard by the other party at the workplace.

We are proud that, for the last six years, despite its
past, Malawi has embraced democracy and respect for
human rights. The emergence of trade unions marked
the beginning of the reorganization of workers,
enshrining them to bargain collectively. Malawi thanks
the ILO, the labour organizations of Norway, the
ICFTU and other organizations that have cooperated
with the labour unions in our country. We are, how-
ever, concerned that the majority of our workers, such
as the tobacco firm workers referred to earlier by the
main Workers' spokesperson, are not yet organized in
such a way as to appreciate the gains that they would
have by belonging to trade unions. This is one reason
why more technical and financial assistance is needed
from the various international labour organizations
and the ILO itself, if trade unions in developing coun-
tries are to make the impact expected of them. I saw
that in paragraph 71 of the Report the Malawi Gov-
ernment refrains from getting involved in the internal
affairs of workers' and employers' organizations.

But as the right of these organizations to exist is
enshrined in the millennium Constitution, the Gov-
nernment ensures that their existence really does pro-
mote the dignity of the worker at the workplace.

Paragraph 58 of the Report is where Malawi is en-
deavouring not to belong to any more. For 30 years,
between 1964 and 1994, we featured highly on the list
of human rights abuse. We have now, in the new disp-
ensation, over 20 trade unions, as opposed to only
four government-controlled unions before. We have
over ten employers' organizations.

We are, as a Government, concerned that the re-
cent survey by the labour group in Norway found that
only 11 per cent of workers in workplaces where trade
unions are prevalent are paid-up union members.
Therefore, there is a need for these labour move-
ments to show leadership in promoting awareness of
their activities at the workplace.

Finally, we urge the International Labour Organi-
zation to intervene when workers and governments
fail to reach agreements with multinational employ-
ners who habitually use the threat of relocating their
operations when confronted with their abuses of
workers' rights. We in the developing countries are
aware that these same multinational companies pro-
vide better conditions for their workers in developed
countries than they do for our workers.

Malawi strongly believes that respect for the funda-
mental principles and rights is indeed directly linked
to economic and social development.

Original Arabic: Mr. MATAR (Employers' dele-
gate, United Arab Emirates) — The purpose of this
Report is to provide a global overview of the Declara-
tion on Fundamental Principles and Rights of Work
as a basis for providing assistance to member States
and determining priorities in programmes of action
and in order to mobilize external and internal re-
sources for our needs.

The most important information must be that pro-
vided by official bodies. In the case of countries that
have not ratified the fundamental Conventions, infor-
mation must be based on the conclusions of the annu-
al follow-up exercise, while the source for countries
that have ratified the Conventions must be the infor-
mation submitted to the Organization in accordance
with article 22 of the Constitution.

The follow-up to the Declaration should focus on
promotion as a means of encouraging countries to re-
spect the principles and rights enshrined in ILO's fun-
damental Conventions. Since this is the first Global
Report, the ILO should take note of the comments
that are made about it, using them as a basis for future
reports. Consideration should be given to the fact
that this is a global, comprehensive Report which should
make allowances for the specific conditions and dis-
parities between countries.

The Report must base itself as far as possible on
information given by member States regarding States
that have not ratified the Conventions or on unofficial information that is provided through the forum of the International Labour Organization. It should not draw on unofficial information gathered from other sources.

The Report should contain detailed information on assistance provided and existing systems and there should be collaboration and consultation between governments, chambers of commerce, and the committee of coordination with the occupational committee.

We were hoping that the Report of the Director-General would describe the situation as it is in the United Arab Emirates, but unfortunately it includes a paragraph that refers to the banning of any kind of trade union organization in the country. We believe that this information is incorrect and does not reflect the law and practice in the United Arab Emirates as far as rights of association, freedom of speech and collective bargaining are concerned.

We therefore encourage the Organization to rely on information provided by workers' and employers' organizations in the future. Information should be verified and assessed in an objective and scientific manner.

Efforts should be made to promote the principles in the Declaration at the level of government and of workers' and employers' organizations so as to raise their awareness of those principles. Surveys of development plans in various countries should also be conducted, while appraisals should be undertaken to assess the progress achieved by these plans, taking into consideration the stages of development in the countries concerned.

Mr. ISIK (Government delegate, Turkey) — My Government thanks the Director-General for his first Global Report.

Today we are expecting speakers to present proposals on how to improve the report in the coming years. Therefore, I would like to hear more on whether this is the type of report we want to have. If not, what should be changed? Let me be more clear.

The Minister of Pakistan, Mr. Khan, presented one of the best approaches in dealing with the Report, noting the positive elements, raising some concerns and, more importantly, suggesting some concrete proposals for follow-up.

Today's debate should provide us with constructive directions and leave the development of these to the Governing Body and the Office so that they might provide more effective technical assistance for the promotion of the fundamental principles and rights at work.

Violations of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), are rightly presented in the Report by listing the countries with the accompanying relevant data. This long list of member countries from South and North, and from developed and developing areas, confirms what Mary Robinson, High Commissioner of Human Rights, said during the celebration of the adoption of the International Labour Organization Declaration in the assembly hall here. She said “all countries have human rights problems” and the International Labour Organization Global Report at least confirms her statement.

Mr. PANDHE (Workers' adviser, India) — The Global Report points out that the benefits of globalization, as it is currently unfolding, are not reaching enough people. We would ask “how many people have benefited?” The answer is not given by the Report.

According to our experience in India, the benefits of globalization have been appropriated by the multinational companies and their collaborators, while the costs of globalization have fallen on the common people of all countries. This aspect should be borne in mind when we consider the application of standards in the developing world this year.

Through the actions of the World Bank, the International Monetary Fund and the WTO, trade union rights are under attack. In our country foreign ambassadors are openly stating that Indian labour laws do not encourage foreign capital to come to India. That is putting pressure on Indian labour laws which were adopted as a result of efforts made by trade unions and are now being undermined and altered because of that pressure.

Growing inequality is another threat to the application of the labour standards. Today the share of the developing countries in global trade is declining. The employers are also complaining about the difficulty of competing. Because of the new policies our markets are flooded with foreign goods, and Indian employers find it very difficult to compete. How will they be able to maintain proper labour standards? This is a point to be considered by the ILO. We agree that labour standards must have a certain flexibility. But the difficulties faced by the developing countries have to be properly understood.

A third aspect of our country today is the problem of growing unemployment. A large part of our workforce is unemployed, and before we talk about the workplace, workers must have jobs. If they have no work, what voice can they have in today's economy? The growing unemployment is a very serious problem in our economy and must be properly addressed by the ILO.

Another important issue is conditions of employment of women workers. These are very bad in the developing countries because women are still used as cheap labour and the equal pay Conventions are not properly implemented in various parts of the country.

Export processing zones pose another threat to the economies of the developing countries. Labour laws are not applicable to them, and indeed governments are making declarations that no labour law will be applicable to them. This creates very arduous conditions for workers, who effectively have no voice in these areas. This also needs more attention by the ILO. Although the Report mentioned it cursorily, I think it should have devoted more attention to this issue.

The last point I want to raise here is that the role of the national trade union centres in prevailing upon the Government of India to implement labour standards should be given higher priority rather than applying pressure from outside. I think that approach will be more effective in our country. All trade unions in India have come together unanimously to put pressure on the Government to accept all basic and core Conventions of the ILO. This aspect should also be emphasized by the Global Report, so that it will benefit the people more directly.
With respect to Part III of the Report, which states that the objective of the Report is to offer a global picture of each category of fundamental principles and rights, what is important for us is the dynamic picture which we think has not been taken into consideration because of the inaccuracy of the information on which the Report is based. The information from some countries is not accurate, and some of the information mentioned is outdated. In paragraph 67 of the Report, which refers to Sudan, the conditions described are typical of one-party States, but do not give a dynamic picture of the reality in Sudan. The single party system in Sudan has been abandoned and there have been constitutional developments with the new constitution that was adopted in 1998. There are new political parties in Sudan. The fact that there is only one trade union federation does not mean that it is imposed on workers, as is stated in the Report. This type of organization has been chosen by the workers themselves.

Furthermore, the nature of the Declaration is promotional, but this has not been taken into account in the Report. The references to specific countries in the Report contradicts the promotional nature of the Report. The Report does not mention the causes of the violations it cites, despite the fact that doing so would pave the way for technical assistance to these countries so that they can adopt and implement the Declaration.

As for the effectiveness of the technical cooperation provided by the Organization to member States — and this is a very important question — this assistance should be consistent with the needs of each country. Some countries have received such assistance, and we should draw the lessons from this experience. We would like to know how much assistance has been given to these countries and how it has affected their implementation of the Declaration. The multidisciplinary team should be strengthened so that the social partners are better able to implement the objectives of the Declaration. While on the subject of technical cooperation, we should also emphasize on mobilization of national resources.

Cooperation with the international organizations and financial institutions should allow for the fact that these organizations design programmes which have a social dimension that takes into account the negative repercussions of adjustment programmes and of globalization. This cooperation should not be contingent on the conditions imposed by these organizations, which is outside the competence of the International Labour Organization. Paragraph 5 of the Declaration, which stresses this, is particularly important.

Original Arabic: Mr. HAIDOUB (Government delegate, Sudan) — First of all, I would like to thank the Director-General for this highly important document, Your voice at work. It is a very good introduction to an analysis of the principles and rights of workers. The Minister of Pakistan has made a statement which we support, and I would like to reiterate some of his points and add some observations of my own.

Indeed, we need to preserve employment sources, we need to create more and better enterprises, we have to focus on competitiveness and productivity. Workers want to ensure better working conditions and more sources of labour. Governments should focus on the relationship between capital and work, on employment creation and developing their economies with a better balance.

For this reason, we feel that the ILO’s role is fundamental in modern labour relationships, with an institutionalized social dialogue, but one which produces results. What does this really mean?. It means that we can make agenda items viable and possible, such as, the participation of women in the world of work, as an employer or as a worker. There is also the social security aspect, the promotion of employment through the creation of small and medium-sized enterprises and training in the area of new technologies. We need to build upon existing common tendencies in order to get one step closer to what we wish to achieve — fairer, richer and more democratic societies.

Original Spanish: Ms. CASTRELLON (Employers’ adviser, Panama) — We are very pleased to welcome the Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, as this is a way of making ideals a reality at the workplace. We hope that this will enable us to measure the progress made and to pass from mere statements to fundamental changes in the life of workers and in labour relations. For this reason, we would like to speak about the increasing importance of partnership, and when we speak of partnership, we are referring to the increasing importance that we, as constituents, attach to our participation in the International Labour Organization. We consider one of the fundamental activities to be technical cooperation. It is for this reason that we want to stress the importance of strengthening the social protagonists, mainly because we too have duties with our own constituents.

Original French: Mr. KIKONGI DI MUNISA (Workers’ delegate, Democratic Republic of the Congo) — It is an honour for me to take the floor in this first debate on the Global Report, Your voice at work. The ILO Declaration on Fundamental Principles and Rights at Work, I think, has certainly achieved a fundamental consensus around a minimal social foundation. Thanks to this consensus the role of the ILO on the international scene has become a key factor in achieving sustainable development in the face of unbridled globalization that many of our workers suffer from, in the North and — even more so — in the South.

I would like to make three points. First of all, I can only partly share the Report’s views about the trade union movement in the world. True, trade unions are facing new challenges around the world and are losing members. But I think today’s trade unions provide much greater guarantees than trade unions in the past.

In Africa, as in Eastern Europe and newly democratized countries in Asia, we are very excited about the new forms of trade union organization. Trade union pluralism is developing and is offering workers a chance to join the organization of their choice.

Trade union unity is a powerful force, and the new organizations are playing a more and more important role in new sectors, especially in the informal sector in Africa.

We are right to be concerned about the decline in trade union membership, but we cannot ignore the development of this new type of trade unionism, which is more representative and, above all, more democratic. It would be unacceptable that countries that have not ratified the Conventions, benefit from
Mr. ALEMU (Government delegate, Ethiopia) — At the outset I would like to associate myself with the joint statement read by the Government delegation of Pakistan this morning.

Firstly, for the records of this meeting I would like to say that we reject the accusation by the distinguished Workers' delegate from Ghana that there is harassment against members of a workers' association. However, I do not consider it appropriate to refute the allegation in any detail because it would defeat the very purpose of the Declaration, i.e. promoting fundamental rights at work. But the oral allegation, read in conjunction with other allegations and references against Ethiopia in the Report, illustrate that this exercise is not being done totally in line with the Declaration. For instance, in paragraph 77, it is alleged that in Ethiopia, teachers do not have the right to organize. This is completely untrue. The Ethiopian Teachers Association has operated in the country since 1964. I raise this case to show that we are in fact re-examining cases being handled by established supervisory systems. On this same issue of teachers, for instance, delegates here with me responded to a number of questions in the Committee on the Application of Standards. Of course the Committee of Experts and the Committee on Freedom of Association are also considering the matter. This shows that the provisions of the Declaration to the effect that specific situations within the purview of established supervisory mechanisms shall not be examined within the framework of the follow-up are not being respected. We therefore urge that the Global Report should be used only for the purpose for which it was intended — to provide a global picture and of course to evaluate the effectiveness of ILO's assistance.

The first Global Report and today's discussion should be closely studied by the Governing Body with a view to guiding or giving further guidance to the Office. The arrangements for discussions, as we have seen today, should also be re-examined. We should find appropriate ways of having more interactive discussions.

Generally, the Report is readable and contains important information, but we would have preferred the Report to start from the global picture and go into related matters such as globalization of the economy. The full and effective observance of fundamental principles and rights at work is a goal in itself. As such, the Report should have started from this preliminary objective. It could then have followed that with a description of the implications for societies of poverty alleviation and eradication and the impact of globalization.

Finally, I would like to reiterate that the Government of Ethiopia fully supports the 1998 Declaration as it promotes universal recognition of the fundamental rights at work. Ethiopia has ratified six of the seven core Conventions, and recently we have submitted Conventions Nos. 29 and 182 for approval to our Parliament. We look forward to the next improved Global Report, and a better arrangement for its discussion.

Mr. SALMENPERÄ (Government delegate, Finland) — My Government associates itself with the statements made on behalf of the European Union and the IMEC.

Unlike my Swedish friend, I think that the Director-General and the Office, in producing the Global Report have succeeded at a difficult task. The Report illustrates, within the limits of the possibilities, the present universal trends concerning freedom of association. There have been positive developments, and my Government congratulates those countries that have been able to remove the obstacles from the right to organize and bargain collectively. Still, it has been clearly demonstrated in the Report that serious problems still prevail.

Social development and economic success cannot be achieved in a sustainable way without core labour
In the intervention by the representative of the Workers' group, he acknowledged the positive developments in my country. This shows the commitment of the Nigerian Government to the actualization of the concept and practice of freedom of association and the right to organize.

In Nigeria sanctions are imposed on employers for non-recognition of duly registered trade unions. Presently there are 73 registered employers' and workers' organizations, 29 industrial unions, 24 senior staff associations and 19 employers' associations. All these unions are fully democratized and are involved in collective bargaining for the improvement of the terms and conditions of work of their members. Furthermore, they are involved in tripartite consultation for the promotion of international labour standards and the revision of the existing labour laws. They are all members of the national labour advisory council which provides a regular forum for social dialogue, consultation and consensus building on matters relating to social and economic development, and especially those touching on labour administration. The members of the employers' and workers' organizations are members of both the national industrial court and the industrial arbitration board. This demonstrates the commitment of the Nigerian Government to honour and respect Conventions Nos. 87 and 98, which have been ratified by my country.

One distinguished delegate mentioned the problems that may be engendered by adopting the good ideas in this Report. Our advice is that the ILO should gear up its resources and goodwill to assist member States when they do have these problems of implementation. I say this without being defeatist in any way. The ILO should design programmes that will help implementation and monitoring.

Original Arabic: Mr. ABDEL-MAJID (Government delegate, Iraq) — In the name of God, the Merciful, the Compassionate:

I have the honour to address this session on the Global Report under the follow-up to the Declaration on Fundamental Principles and Rights at Work, especially regarding freedom of association and effective recognition of the right to collective bargaining. As far as my country is concerned, the information contained therein is inaccurate.

I should like to say that Iraq is going through a very difficult situation in view of the blockade that has been imposed on it for the last ten years. Iraq has virtually ceased fulfilling any of its obligations because of the anomalous circumstances in which it lives. Nevertheless, Iraq continues to develop its legislation in order to make it compatible with the provisions of the fundamental Conventions and to give effect to those provisions in our national legislation. We have ratified six of the core Conventions and the instrument relating to the worst forms of child labour is before Parliament. We hope to ratify it in the near future. I should also like to inform you that there was an amendment to the labour law concerning collective bargaining, a copy of which has been submitted to the ILO.

As everybody knows, the economic embargo against Iraq is a restriction on the freedom of the State, its people and the social partners as a whole, and the basic rights of the workers are the responsibility of the Government. Despite the sanctions, the Government continues to review legislation and to bring its laws into line with international Conventions. We believe that the commitment shown by Iraq deserves to be reciprocated by international donors and international institutions. This does not mean that we are trying to politicize the Organization's work. Rather, we reject the selectivity of the Report. I should like to reiterate that the Government of Iraq respects freedom of association and other trade union rights and provides a climate conducive to free trade union activity.

Original Spanish: Mr. RODRIGUEZ CEDEÑO (Government delegate, Venezuela) — I am going to speak on behalf of the Governments of Venezuela and Colombia, and first of all I would like to state that we are very pleased to be able to examine the first Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work of 1998, which refers specifically to freedom of association, and the right to organize, and the effective recognition of collective bargaining.

This first Global Report is the first step towards the examination of the situation of the fundamental principles and labour standards; a first step to identify the problems in promoting technical cooperation and, in particular, in connection with countries experiencing problems in observing and applying such fundamental principles and rights.

The Governments of Venezuela and Colombia fully support promotional work for the respect of the fundamental principles and rights at work, and the connection between the observance of such rights and democracy.

We have to recall that the adoption of the Declaration came after a lengthy negotiating process to promote the fundamental principles and labour rights. There is no doubt that this document is a very important political text, and a very useful one, but we cannot see it as a binding legal instrument establishing new supervisory mechanisms and sanctions within this Organization. The Declaration is strictly promotional, as is indicated in its own annex, and it is connected with cooperation and the assistance that
should be afforded by the Organization. We know that the objective of the Report is to facilitate a global image of the main principles and rights and to serve as a basis for the evaluation of the effectiveness of the assistance given by this Organization. The Governments of Venezuela and Colombia fully support the points raised by the representative of Mexico this morning, on behalf of the Latin American and Caribbean group, when he stated that instead of making major efforts to change situations, we should direct the bulk of our attention to the social and economic obstacles affecting countries.

We do not feel it appropriate to refer to situations in specific countries, since this is the subject of a discussion in other Committees and other bodies of the ILO. In this regard, the references made to Venezuela, and Colombia in particular, are not justified in this context. We should also highlight, in the case of Venezuela, that the process in our country must be widely understood by all sectors, because the changes occurring in Venezuela are promoting the rights of workers and the people who are most affected by the crisis experienced by the country in past years.

Original Chinese: Mr. ZHANG (Workers’ adviser, China) — The Chinese trade union delegation believes that the Report’s references to China’s trade unions are not consistent with the realities in China. As a matter of fact, the basic rights of Chinese workers are improving steadily and they are now in their best period in Chinese history; I think that Chinese workers are in a much better position to comment on the subject.

Secondly, Chinese workers and the Chinese trade unions, during their long period of struggle, have come to realize profoundly that the rights and interests of the workers cannot be achieved without the independence and development of the State. We, therefore, believe that many parts of the Global Report run counter to the promotional purpose of the ILO Declaration. Hence, it can do no good to the maintenance of the fundamental interests of the workers around the world. Those in the developing countries in particular aspire to economic development and globalization. The trade unions of the world are faced with various kinds of challenges and they should enhance their cooperation, dialogue and exchanges. The Chinese trade unions are ready to work together, to exchange views, experiences and measures with all the trade unions of the world on how to better safeguard the rights and interests of the workers.

Mr. BRETT (Chairperson of the Workers’ group) — I would like to acknowledge and apologize to all my colleagues including ministers, who have been restricted to three minutes, but I have to say I think that some of that responsibility lies with other government speakers earlier in the day who took rather longer than the allotted time. I express my sympathy for the Chairman and my colleagues on the top table who have had to try to make an interactive debate out of what has been a whole series of set speeches. Maybe next year we should abandon the interactive debate and simply have a list of speakers closing somewhat earlier than today’s list.

However, I think there have been a number of valuable contributions. I myself made this morning to what is a declaration a reference by the ILO Workers’ group on the question of trade union membership and trade union rights in the Gulf States. Rather than expand on that I will pass a copy of the Declaration to the Director-General as part of this discussion to save time, and I will simply refer the Director-General, when he is considering his response, to the contributions which I think were of particular value: those of the Governments of Japan, the Government of New Zealand, the United States Secretary for Labor, my Worker colleagues, particularly that of Mr. Sweeney, which called, as indeed did the contribution of the United States Government and the Director-General when he posed the question yesterday, for the ILO Declaration to be posted in workplaces in the world. In every way, shape and form I think that would be a major step forward.

Finally, I would like to also refer to the United States Secretary of Labor’s contribution, and indeed the contribution of my colleague Mr. Potter, who suggested that it would be helpful, rather than waiting four more years for freedom of association to feature in the Global Report, if we could perhaps see some chapters of the Global Report next year returning to this subject. It is an ongoing issue and I would strongly support that on behalf of the Workers’ group and, as it also has the support of the Employers and a number of governments, I would hope that the Director-General could respond to this in his reply to the debate at the Conference on the Global Report at this session of the Conference.

Mr. POTTER (Employer’s delegate, United States) — This has indeed been a historic first discussion of the Global Report. I would particularly note that the Employers’ group had ten speakers in addition to myself and I apologize to the four who were asked to withdraw in order to meet the time constraints of this discussion today.

I think the upshot of the discussion is that the Director-General and his staff can be justifiably proud of what the Report itself has generated in terms of discussion. It was certainly a very good first effort and a place to start. What has become clear from the debate is that there is a wide consensus that more current and factual information is needed for purposes of targeting technical cooperation and to achieve this we are going to require additional resources.

In particular, we would hope that future reports would place greater emphasis on the circumstances of employers’ organizations than this one did.

What we have seen today is a high-level of political discussion and a continued strong commitment to the Declaration from all quarters of the House. But what we have not had, and we agree with the Workers on this, is interactive discussion to focus the priorities and target the technical cooperation.

A very few countries gave some information on their need for technical assistance or on the successful results of technical assistance, and we did get some pieces of information on the freedom of association situation in a few countries.

What this high-level discussion shows is that this format does not lead to a “hands on” and concrete discussion of priorities or even to an assessment of technical cooperation, and it seems to us that other mechanisms will have to be developed to allow this to happen. Consequently, if the Declaration follow-up is to be seen to be effective, then, as we said in our opening statement, which has been repeated in a different
way by Lord Brett, there needs to be a basis for continuity going forward and provision for some kind of interim reporting and evaluation during the intervening years before the next Global Report on freedom of association.

We would note that we had, by my count, at least 70 speakers today, including at least ten from the Workers’ bench and ten from ours. It has been a rich discussion, but one which does not lend itself to a clear view, and so the Governing Body follow-up in November is going to be very important as we move forward.

(The Conference adjourned at 7.15 p.m.)

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RATIFICATION OF INTERNATIONAL LABOUR CONVENTIONS

The PRESIDENT (Mr. MOORHEAD) — Before resuming the discussion of the Reports of the Chairperson of the Governing Body and of the Director-General, I give the floor to the Clerk of the Conference to announce ratifications of international labour Conventions that have recently been registered.

The CLERK OF THE CONFERENCE — It is my pleasure to announce to the Conference that the Director-General of the ILO has recently registered the following ratifications:

On 29 May 2000, the ratification by Iceland of the Worst Forms of Child Labour Convention, 1999 (No. 182). With this ratification, Iceland stands among those member States that have ratified the eight fundamental Conventions; on 30 May 2000, the ratification by Belarus of the Occupational Safety and Health Convention, 1981 (No. 155); the ratification by Qatar of the Worst Forms of Child Labour Convention, 1999 (No. 182), on 31 May; the ratification by Madagascar of the Minimum Age Convention, 1973 (No. 138); on 1 June 2000; the ratification by Senegal of the Worst Forms of Child Labour Convention, 1999 (No. 182). With this ratification, Senegal now also stands among those member States that have ratified the eight fundamental Conventions.

I also have pleasure in announcing to the Conference that on 2 June 2000, the Director-General registered the ratification by Papua New Guinea of the following Conventions: the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); the Equal Remuneration Convention, 1951 (No. 100); the Maternity Protection Convention (Revised), 1952 (No. 103); the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); the Termination of Employment Convention, 1982 (No. 158); and the Worst Forms of Child Labour Convention, 1999 (No. 182).

REPORTS OF THE CHAIRPERSON OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION (cont.)

The PRESIDENT (Mr. MOORHEAD) — We shall now resume the discussion of the Reports of the Chairperson of the Governing Body and of the Director-General.

Mr. MDLADLANA (Minister of Labour, South Africa) — We join those who have spoken before us in expressing our congratulations to the President and Vice-Presidents of the Conference on their elections.

Our gathering here is a historic occasion as this is the first session of the International Labour Conference in the new millennium. I would like to express our sincere appreciation to the Director-General of the ILO, Mr. Juan Somavia, for the detailed Report Activities of the ILO 1998-99 — activities which, as stated in the Report, constitute the last episode of the ILO’s work in the twentieth century. As we seriously take stock of our achievements and shortcomings during this period, we should also prepare to launch ourselves into the new millennium with a greater sense of purpose, commitment and direction. The quality of the outcome of this Conference will indeed determine the extent to which we are able to take up the challenges of unemployment, underemployment and the attendant poverty.

The process of reform and modernization initiated by the Director-General within the ILO is an important foundation for the Organization to adapt itself to the changed circumstances and for the ILO to focus its activities on the fundamental rights for which it has special competence. The move to strategic budgeting, centred on the four strategic objectives, has brought a clear focus to the work and activities of the ILO and thereby reaffirmed its relevance in the world today.

My delegation supports the reforms and management initiatives undertaken. Measures to reorient and strengthen the field structures are essential. ILO field structures should be geared to meet the challenges we face. Technical cooperation activities should be deployed in a more targeted and purposeful manner, allowing both the ILO and its constituents to measure the impact.

The South African Government has on numerous occasions stated its commitment to the respect, promotion and realization of fundamental principles and rights at work. In due course I shall be depositing the new instrument of ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), with your Office. This brings to light our ratifications of the fundamental ILO Conventions and we feel proud to have joined a small league of member States who have ratified all eight fundamental Conventions.

The adoption of the Declaration on Fundamental Principles and Rights at Work was an important event which gave the ILO a rejuvenated and much clearer mandate as the Organization charged with setting the social ground rules in this era of globalization. Indeed, the competence of the ILO in standard setting and its ability to critically and objectively monitor, evaluate and make interventions to improve situations is unmatched. It was also during
this period that a remarkable consensus was reached on the urgent need to combat the worst forms of child labour.

As a consequence of our partnership with the ILO IPEC programme, we have undertaken a survey on the activities of young persons and the results of this survey are due for release within the next two months. This will help us determine what policy initiatives are necessary and enable us to target our national programme of action for the elimination of child labour.

The value and principles which underpin the very existence of this Organization do not only continue to elude us but they are under constant threat as a result of a combination of factors, not least globalization.

We should challenge the emerging orthodoxy which suggests that nations and indeed enterprises can take advantage of opportunities presented by globalization by joining the proverbial race to the bottom. Economic development should go hand in hand with social progress and development. It is therefore crucial that the ILO continues to be the social conscience of the multilateral system and advances the principles of freedom of association and the right to organize, with the objective of putting an end to child and forced labour, as well as to discrimination. This is all the more true now that the ILO is armed with the Declaration on Fundamental Principles and Rights at Work.

While it is heart-warming to note the progress made on the application of fundamental principles and rights at work, it is regrettable to note some of the experiences where progress is not being registered. Having emerged out of a legacy of the abuse of freedom of association, the democratically elected Government of the Republic of South Africa fully supports the efforts of the ILO to ensure that all workers and employers are free to join unions and organizations of their choice. We need to intensify our efforts of advocacy and promotion towards the elimination of abuses.

The Global Report argues that good governance of the labour market, including rights at work, can make a major contribution to stable economic, political and social development in the context of international economic integration. We agree with this. However, we disagree fundamentally with those who argue that labour market regulation is less important in the era of globalization. Without secure national economies, labour markets included, not only will globalization fail, but could also lead to instability and increased turmoil.

We want to express our appreciation for the numerous ways in which the ILO has extended assistance to our country and our social partners. It is an honour today for all three social partners: government, business and labour to have representation in the Governing Body. This is an indication of the results and value of social dialogue and tripartite consultation at the national level.

South Africa is serious about the protection of workers against hazards at work and against incidents of injury and illness. We have recently ratified the Safety and Health in Mines Convention, 1995 (No. 176), and have recommended for ratification the Occupational Safety and Health Convention, 1981 (No. 155), and the Prevention of Major Industrial Accidents Convention, 1993 (No. 174).

I welcome the efforts made by the Director-General to monitor the situation of Arab workers in Palestine and the other occupied Arab territories, as well as the implementation of technical assistance programmes for the social partners in those countries.

In conclusion, let us use this opportunity to renew our efforts and lend impetus to the strategic direction of this Organization.

Mr. Kim (Government delegate, Republic of Korea) — On behalf of the Korean Government delegation, I would first like to congratulate the President on his election. I would also like to thank the Director-General and the secretariat for all the excellent work they have done to prepare for this Conference. I would especially like to pay tribute to Director-General Somavia for carrying out reforms within the ILO, and I hope these will be successful.

The Korean Government has noted several major strides forward in the ILO during the past biennium, the last two years of the twentieth century. The ILO adopted the Declaration on Fundamental Principles and Rights at Work and its Follow-up to celebrate the 50th anniversary of the Universal Declaration of Human Rights in 1998. The Declaration was a remarkable achievement in the history of the Organization, in that it drew an international consensus on core labour standards. The Director-General's Report, Decent work, presented to the Conference in 1999 was also a great success because it showed how the ILO should pursue and reach those objectives that it has set itself, namely, fundamental principles and rights at work, employment, social protection and social dialogue, to meet the needs of the new era.

The Republic of Korea also has made major progress in these areas over the last two years. Basic labour rights, including the rights to organize our teachers, have visibly improved. Social dialogues are actually taking place with the lead of the tripartite commission. In addition, as a measure to overcome the economic crisis, various initiatives were introduced and are being implemented to promote decent work. They include job creation, the improvement of the employment network to stabilize employment, human resources development to fulfill the needs in the age of technological innovation, the expansion of the social safety net and the introduction of the national basic livelihood protection system to protect low-income families.

Based on the past experiences, the ILO should now move ahead, but which path should it choose? We are now living in a globalized economy. In this new millennium a great leap in information and telecommunications technology development has put us in a totally different economic and social environment from that of the last century.

That being said, the Korean delegation believes that the ILO should focus its energies on the following.

First of all, the follow-up to the Declaration on the Fundamental Principles and Rights at Work should be used to help the poorest population improve labour rights. This should conform to the principles of the Declaration's promotional characteristic. Overall, the annual report and the Global Report submitted to the 277th Governing Body and to this Conference respectively, follow this principle, but we should be aware of the arguments of those who believe there could be improvements.

Second, the ILO should concentrate more on the development of human resources so that workers might benefit from technological advances in information and telecommunications technology. In this
context, I believe the human resources training and development approach is highly appropriate and to be recommended. The energies of the ILO should be focused on the development of efficient technical cooperation programmes and the establishment of regional cooperative systems.

Last, but not least, and given the sweeping transformations in the labour environment, particularly the changes in employment patterns, the ILO should pay attention to the modernization of international labour standards. In other words, the ILO must pay more attention to new labour issues such as the informal sector, while at the same time revising and flexibly adjusting international labour standards to meet economic and social demands.

I would take this occasion to stress that there is a strong determination to resolve economic and social problems through social dialogue, and the Korean Government will faithfully implement the Declaration on Fundamental Principles and Rights at Work, and will actively cooperate with the ILO in conducting programmes.

Ms. BRADSHAW (Minister of Labour, Canada) — May I begin by congratulating the President on his election to steer the deliberations of this year's International Labour Conference, and by extending my regards to the Vice-Presidents.

I am very pleased to be here with you today at your first International Labour Conference of the new millennium. It is also a privilege for me to be attending my first International Labour Conference this year, when Canada is celebrating the 100th anniversary of its labour programme.

(The speaker continues in French.)

Mr. President, many important questions will be discussed under your presidency in the course of this Conference. However, I would first of all like to congratulate the Director-General on his Report, which gives an overview of the ILO's many activities, highlighting the importance of its work, both at the national and international levels. Canada agrees completely with the Director-General's vision of setting up a better integrated and more coherent multilateral system, within which the ILO would play a more active and vigorous role. A consistent international approach will increase the effectiveness of all efforts directed towards guaranteeing men and women decent and productive work while promoting equality, safety and human dignity.

Canada also supports the four strategic objectives as the basis on which the ILO will devise programmes and policies to facilitate the achievement of its ultimate objective: that is, to provide decent work for everybody. The strategic objectives are also guiding the reform and modernization process which is progressing under the enlightened guidance of the Director-General.

We are very satisfied that the ILO is emphasizing gender equality and incorporating this concept into all its activities.

(The speaker resumes in English.)

We also applaud the ILO's efforts to promote the rights of persons with disabilities. Canada is proud that a Canadian organization, the National Institute of Disability Management and Research, has been able to contribute to the ILO's current work on developing guidelines for the fair and equitable treatment in the workplace of workers with disabilities.

The setting of international labour standards through tripartite discussions is the ILO's unique contribution to the world of work. Canada fully supports a review of ILO's normative activities to make them more effective and responsive to the demands of the new global economy. We call on all ILO constituents to work together to improve standard setting and strengthen the supervisory mechanism so as to enhance the Organization's credibility.

Canada attaches great importance to the Declaration on Fundamental Principles and Rights at Work and its Follow-up. The Declaration reinforces the ILO's credibility as a leader in the quest for social justice. Canada was pleased to play a part in the adoption of the Declaration at the 1998 Conference, and I was privileged to participate in the discussion of the first Global Report yesterday.

(The speaker continues in French.)

The Declaration is a key instrument when it comes to promoting the fundamental principles of freedom of association and collective bargaining, the abolition of forced labour, the abolition of child labour and the elimination of discrimination in employment. The application of the principles contained in the Declaration will greatly contribute to improving the living conditions of the workers and their families.

(The speaker resumes in English.)

Elimination of the worst forms of child labour is just one step along the road to decent work. I am pleased to announce that yesterday Canada ratified the Worst Forms of Child Labour Convention, 1999 (No. 182) on the elimination of the worst forms of child labour. In addition, Canada will be contributing 15 million dollars over five years to ILO programmes aimed at the elimination of child labour. Three million dollars of this amount have already been targeted for SIMPOC projects in a number of countries. Children are our most precious assets, and we are committed to working with our international partners to protect and promote the rights of these vulnerable citizens.

The ILO is well placed to play a leading role in ensuring that the social dimensions of globalization are addressed. Globalization and technological change can enhance and improve the lives of people everywhere, when the forces of economic and social progress work together. Canada fully supports the Director-General's effort to promote an integrated approach to social and economic development in the twenty-first century.

Ms. FILATOV (Minister of Labour, Finland) — Allow me first of all to congratulate the President upon his election to the presidency of this Conference. I am confident that under his able guidance this Conference will be a very successful one.

The duty of the ILO in promoting social justice and keeping the social dimension of globalization in focus is more important than ever. There is an urgent need to react to the concerns of the people and regions in danger of being excluded from the benefits of the Information Age. I expect that the analysis of the im-

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pacts and potential of globalization, with ongoing consultations and interaction between the various partners, will soon result in the presentation of a dynamic action plan to guide us.

The accelerated accrual of wealth through globalization, and the jobs created by it are neither evenly nor justly distributed. The observance of core labour rights under these conditions is of prime importance. A particularly powerful signal would be a rapid worldwide ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182). Honouring the basic rights of all workers will also build the bridge leading to wider recognition and effective implementation of labour standards for safe, healthy and productive work.

It should be a self-evident goal for all the ILO constituents that international labour standards — not only the fundamental principles and rights at work — should be universally recognized as signposts for a decent and safe working life. Therefore, my Government very much appreciates the ongoing review of the present labour standards that should ensure their continued relevance. This work has been effective and productive. It is a powerful tool in efforts to develop the International Labour Code in a balanced way. The work of establishing new standards required by changing working conditions or the traditional problem areas that still persist is not in question. It is vital for the credibility of the ILO that the body of labour standards is kept in line with developments in working life. As the structures of working life are now rapidly changing, it is very important that the ILO keeps in the forefront of these developments. Work is gradually being liberated from the old ties of time and space. This is both a challenge and an opportunity. Work can be transferred to leisure time or vice versa. Alternatively work can be distanced from the dangerous substances used or produced. Web-based sources for innovation are proliferating rapidly. This transformation may, however, create problems, for instance, with respect to working time, the environment or equality of treatment of workers. It is evident that the links between employment, poverty and environmental protection are presently strengthened through the processes triggered off by the introduction of modern information and telecommunication technology. It is encouraging to note that the ILO has considerably stepped up its activities to meet these challenges and to develop strategies to fight unemployment. My Government welcomes these efforts and hopes that this work will be accelerated even further. The follow-up to the World Summit for Social Development certainly presents an opportunity to renew and strengthen commitments in this regard.

Sectoral approaches do not solve cross-sector problems. More than ever there is a need to step up the ILO's cooperation within the United Nations family and with the international financial institutions. Recent developments in this regard have been very encouraging.

Markets alone cannot solve the social problems created by globalization and the new information economy. Cooperation with the WTO should be established on a firm basis. There is a need to support developing countries in their legitimate efforts to maximize their comparative advantages. Developing countries themselves should contribute to this process by adopting sound domestic measures, including good governance. At the same time measures should be taken to ensure that international competition is not being boosted at the cost of workers' basic human rights or safety.

Let us all join in efforts to make a reality of the primary goal of the ILO to promote opportunities for decent and productive work in conditions of freedom, equity and human dignity.

Original Italian: Mr. SALVI (Minister of Labour, Italy) — First of all, I would like to express the appreciation and full support of the Italian Government for the activities of the ILO and for the work of its Director-General, Ambassador Juan Somavia, in the areas of promotion and respect of fundamental rights at work.

We fully support the proposal presented in Rome on 1 May 2000 at the Workers' Jubilee in the presence of His Holiness Pope John Paul II, an initiative for mobilizing a global coalition for decent work worldwide. Decent work in fact is the first and fundamental response to poverty and social exclusion. This issue will be one of the items on the agenda in Turin on 10 and 11 November this year, at the G8 Labour Ministers' Meeting on Labour and Employment organized by Italy.

Italy supports the role of the ILO in ensuring that the international financial institutions and the multilateral system for the liberalization of international trade take increasingly into account the social and human consequences of globalization, in both developing and developed countries. We support the proposal made by Director-General Somavia at Seattle in respect of a new multinational initiative for addressing the social implications of globalization, with the involvement of all the organizations that deal with the international aspects of economic and social policies.

Important is the first Global Report on the freedom of association and the effective recognition of the right to collective bargaining, which unfortunately highlights how these rights are still violated in many countries. On this issue I would like to associate myself to the comments delivered yesterday by the Portuguese President on behalf of the European Union.

The Italian Government is ready to support the ILO's programmes for spreading and implementing the right to trade union associations throughout the world and to train the operators charged with the implementation of this right. The International Training Centre of the ILO in Turin could become the point of reference for any initiatives in this field.

Italy expresses concern about the situation in Myanmar in which no positive developments have been recorded. The Conference is called upon to make an important decision in this respect. The European Union recently adopted a clear position on this issue last April. Italy shares this position.

Italy supports the principles of the Maternity Protection Convention (Revised), (No. 103), and Recommendation (No. 95), 1952, as confirmed during the revision of the Convention itself. We hope that the health of women and children will be recognized as fundamental rights.

This morning I deposited the instrument of ratification of ILO Convention No. 182 and Recommendation No. 190 concerning the prohibition of the worst forms of child labour.

As proof of our support for the ILO, this year Italy has considerably increased its financial contribution to the Organization. Inter alia we have given financial support to the Programme for the Elimination of
Child Labour. We have also adopted programmes for the reconstruction and social and economic development in the Balkans and initiatives for strengthening projects already under way in the Mediterranean countries to foster job creation through the development of local enterprises. We are studying the establishment of a trust fund for training development operators capable of fighting poverty and social exclusion through employment.

Italy confirms its intention of collaborating with the ILO on the development of a high-profile programme linking human rights actions with the struggle against poverty and education and training of managerial staff in developing countries, in the framework of the OECD objectives and related strategies concerning poverty, social progress and sustainable development referred to in the report of the Copenhagen World Summit for Social Development in 1995.

Italy intends to enhance the role of the ILO's International Training Centre in Turin, which must be associated with the development policies promoted by the ILO through the typical social and tripartite culture of the ILO. Recently we adopted an agreement on the restoration and modernization of the structures of the Turin Centre. The agreement is fully funded by the Italian Government and the City of Turin.

Finally, the Italian Government fully supports the ILO's programmes for promoting small enterprises, an important field of development and growth in all the countries of the world. I believe that the ILO can become the focal point of the United Nations system for this sector. We are very much in favour of training courses for entrepreneurs, especially young ones, and trade union operators so as to spread the culture of small enterprises and self-employment.

Ms. HERMAN (Secretary of Labor, United States)

I should like to start by congratulating Mr. Moorhead on his leadership of this Conference. It is with great pride that I can address the International Labour Conference. One year ago, President Clinton came to Geneva, and he said of the ILO: “There is no organization that has worked harder to bring people together around fundamental human aspirations and no organization whose mission is more vital.”

I take pride in the President's words, but even more so in his deeds, as our Administration has given its wholehearted support to our shared vision of a just world built upon the dignity of work. We have done so with our partners, John Sweeney, the President of the AFL-CIO, and Mr. Ed Potter of the United States Business Council, who are here today.

For more than 80 years, the ILO has brought together governments, business and labour unions to improve the lives of working people.

Today, in a new age of information and globalization, the ILO has responded with determination and creativity to President Clinton's challenge to put a human face on the global economy.

Just as the prospects for global economic progress have never been better, so our commitment to the workers of the world has never been stronger. When President Clinton spoke to you a year ago, he declared that “We must wipe from the earth the most vicious forms of abusive child labour”, and the President backed his words with deeds. The United States has, since 1995, worked closely with the International Programme on the Elimination of Child Labour. With bipartisan support in Congress, US support for IPEC has dramatically increased, and we have seen the once shamefully neglected issue of abusive child labour move swiftly up the world's agenda.

For me, one recent event highlighted why we must, and can, succeed in this global campaign that we have launched together. Just last month the Department of Labor and the ILO co-sponsored a conference on the international issues of child labour, and although we had many, many distinguished speakers, I must tell you that we adults drew far less attention than three young people, former child labourers from Guatemala, Bangladesh and Tanzania. These were our honoured guests; and they told us, and millions of others, through the eyes of television, that now, with the help of IPEC, lives of drudgery and despair have been miraculously transformed into new worlds of hope and education.

Last year, the ILO unanimously adopted and the United States quickly ratified the Worst Forms of Child Labour Convention, 1999 (No. 182). However, now we must move beyond ratification to increasingly ambitious national programmes, for I believe, as you do, that working together we can indeed eradicate the worst forms of child labour. Our goal is simple: we must have today, a world in which children can be children, and we must strive to attain that goal in our time.

We can also take pride in the ILO's continuing success in promoting international labour standards. Freedom of association, collective bargaining, and prohibitions on forced labour and discrimination in employment are principles that are universally affirmed, if not universally observed.

Two years ago, we adopted the Declaration on Fundamental Principles and Rights at Work. As we do this, let us remember that we adults drew far less attention than three young people, former child labourers from Guatemala, Bangladesh and Tanzania. These were our honoured guests; and they told us, and millions of others, through the eyes of television, that now, with the help of IPEC, lives of drudgery and despair have been miraculously transformed into new worlds of hope and education.

As labour ministers, I believe that we have a special responsibility to do so. I implore Juan Somavia and the leadership of this Conference for the special attention, for the special effort, that they are bringing, as part of this Conference, to have practical and meaningful discussions on this issue.

Finally, let us redouble our efforts to establish the ILO as a central pillar in the structure of international
economic organizations. We have made steady progress in engaging such organizations as the World Bank, the IMF and the World Trade Organization. This growing unity will only enhance our efforts and carry us more swiftly towards our common goals.

Whether we speak of skilled workforces, of social safety nets, of free and democratic labour unions, or of the elimination of abusive child labour, the labour dimension must remain central to our pursuit of world growth and our vision of world progress.

These are hopeful times. Our goals are no longer Utopian. The ILO has a great responsibility and a golden opportunity to bring about changes that reformers have dreamed of for many, many years.

The United States is proud to work with you as we move forward towards justice for the workers of the world and greater opportunity for the children of the world.

The great freedom fighter, Dr. Martin Luther King, once said that the arc of the moral universe is long, but it bends towards justice. Let us continue to do our work today to bend that arc even further on behalf of justice for the workers of the world.

(Mr. Flamarique takes the Chair.)

Original Portuguese: Mr. DORNELLES (State Minister of Labour and Employment, Brazil) — The Brazilian Government believes that the success of its labour development strategy basically depends on economic growth and on the establishment and maintenance of a climate in which the economy can flourish.

This being the case, President Fernando Enrique Cardoso has been implementing a vigorous programme to foster production, especially in sectors which provide a genuine potential for job creation and economic growth.

With respect to increasing income levels, the Brazilian action plan places high priority on the systematic strengthening of enterprise development and skill enhancement policies as well as the continuous improvement of occupational safety and health mechanisms.

These priorities are being met through a whole series of social investments, including unemployment insurance and wage bonus schemes, job and income-generation programmes and a programme for the improvement of workers' quality of life.

The national vocational skills plan, implemented by the federal government in cooperation and partnership with the states and labour unions, will this year benefit 4 million employees.

It is important also to mention the programmes for the inspection and combating of forced labour and for the eradication of child labour, which are implemented by specialized inspectors of the Ministry of Labour and Employment in conjunction with other government bodies and with the support of organizations in civil society.

The special mobile inspection group has been increasing its activities year by year since it was first put in place in 1998. In order to be more effective in fighting forced labour, the Brazilian Government has invested in new equipment, thus improving and speeding up the investigation of claims and the regularization of illicit labour relations.

More than 50,000 inspections were carried out last year, and in line with the provisions laid down in Convention No. 138, the Brazilian Government increased its budget for the programme for the eradication of child labour this year by providing school grants for over 362,000 children and teenagers. This is an important instrument in President Cardoso's educational policy, which has the objective of securing access to education for 95 per cent of Brazilian children.

An important part of the production development programme is the modernization of labour laws, which is based on the promotion of collective labour rights and the use of collective bargaining as a means to settle disputes. The objective is to strengthen the social partners' representative bodies either by guaranteeing their independence and legitimacy or by means of fostering cooperation and self-reliance, both of which are highly conducive to good labour relations.

Last year, the Brazilian Government was successful in instituting preliminary conciliation commissions. These are constituted by employers and employees with the aim of settling all pending questions related to labour. These commissions base their philosophy on the principle that differences should always be settled between the two social partners without interference from the authorities. This initiative will contribute to more dynamic labour relations and it will emphasize the practice of dialogue and consensus.

Concerning the Common Market of the Southern Cone, MERCOSUR, the Government is committed to improving concerted decision-making on labour issues. Brazil, which has assumed the coordination of the technical executive secretariat of the labour market observatory of MERCOSUR, intends to seek partners in similar institutions around the world, and will request the support of the ILO with a view to achieving results in the shortest possible time.

The Brazilian Government is committed to applying the Conventions covered by the ILO Declaration on Fundamental Principles and Rights at Work, which is being followed up this year.

I should also like to recall that the Brazilian Government was one of the first to ratify the Worst Forms of Child Labour Convention, 1999 (No. 182).

This Conference will review the Maternity Protection Convention (Revised), 1952 (No. 103), and I would like to take this opportunity to emphasize the position of the Brazilian Government in favour of increasing maternity leave to 17 weeks, as established in our national laws. This would guarantee all working women the right that stems from their most basic social role, that of motherhood.

I should also like to extend our support to the initiatives of the Director-General, Juan Somavia, in giving a strategic nature to ILO activities, in particular with the InFocus programmes, which address many of the same themes as do Brazilian government policies.

In conclusion, I would like to take this opportunity to congratulate the President on his election and to wish him every success in organizing and stewarding the work of the 88th Session of the International Labour Conference.

Original Japanese: Mr. ITOU (Vice-Minister of Labour, Japan) — It is a great honour to be given this opportunity to state our views on the Director-General's Report concerning ILO activities for the
years 1998 and 1999 which marked the end of the twentieth century.

In reflecting on the ILO activities for 1998 and 1999, what was particularly impressive was the adoption of the ILO Declaration on Fundamental Principles and Rights at Work. The value highly the Declaration, which calls for promoting the formation of a consensus among all ILO member States to adhere to the fundamental principles and the related fundamental Conventions.

I am of the firm belief that, by the adoption of this Declaration, the concept of fundamental principles and rights at work has been made widely known throughout the world and that the international community’s confidence in and expectations from the ILO have been further elevated.

A discussion took place yesterday in the Conference on the Global Report and the follow-up to the Declaration. I participated in the discussion and I am glad that the follow-up activity has got off to a smooth start. I hope that the follow-up activity will encourage efforts by ILO member States to promote the fundamental principles and rights which were reaffirmed by the ILO Declaration, and that the follow-up activity will also serve as a milestone to guide future ILO activities, including its technical cooperation programmes.

We have seen progress in ILO activities directed towards the elimination of child labour, one of the fundamental principles. In addition to the technical cooperation that was deployed through the special IPEC fund, it is most important that the Worst Forms of Child Labour Convention, 1999 (No. 182), should have been adopted unanimously in 1999. It is my heartfelt wish that the circumstances in the world that compel many children to engage in child labour and deprive them of access to education can be improved as soon as possible, so that basic education is secured for all.

If I may mention what Japan is doing in this regard, last month we ratified the Minimum Age Convention, 1973 (No. 138), again one of the fundamental Conventions. A document of ratification was deposited last week. Additionally, Japan, in concert with the ILO, has held seminars on the elimination of child labour and has been engaged in support activities — principally in the Asia-Pacific region.

One more ILO activity undertaken during 1998 and 1999 that was particularly impressive was the explicit proclamation of the ILO’s goal of decent work for all. At last year’s Conference, the Director-General, Mr. Somavia, introduced the concept of decent work, with strategic targets for its realization, and formulated a budget for that purpose. This has made it possible for the ILO’s role in the modern world to be made known in explicit and specific terms, for the ILO’s financial and human resources to be efficiently used and for the ILO’s work and organization to be updated. Plainly put, I welcome Director-General Somavia’s idea of putting together strategies into concrete action by ensuring consistency among the ILO’s strategy, human resources, organizational structure and finances.

Already in the year 2000, under the new budgetary mechanism and organizational structure, various programmes have been implemented. For these changes to be successful, the establishment of a system to assess and evaluate the degree of success of the different strategies is imperative.

Various changes have been taking place or are taking place within the ILO, but among those changes what I consider most important is the comprehensive review of the standard-setting activities — the main pillar of the ILO’s activities. In terms of ILO activi- ties, I believe that the establishment of new Conven- tions should be limited only to those which are truly necessary, that those instruments which are becoming incompatible with present-day real working conditions should be revised and that the supervisory mechanism should be made more transparent and efficient. It is my wish that an agreement can be reached among the Governments, Employers and Workers to improve and strengthen ILO standard-setting activities.

I would like to conclude my statement by reiter- ating Japan’s continued commitment to support the important responsibilities and international role that the ILO plays, to cooperate with whatever future changes the ILO may have to implement.

Mr. SWEENEY (Workers’ adviser, United States) — Brothers and sisters, let me again express my appreciation to the Director-General for his Report and to all of you involved in our historic effort to develop and adopt the Declaration on Fundamental Principles and Rights at Work. I thank our Secretary of Labor, Alexis Herman, for enhancing the focus of our own country on child labour and the Declaration. I look forward to working with Mr. Potter, Mr. Moorhead and employers in the United States to implement the Declaration.

The Director-General has described an impressive programme of work already undertaken by the ILO — a programme that brings new direction and focus to promoting democracy and fundamental rights, outlines strategies for increasing employment and combating poverty and helps to strengthen workers’ voices around the world by providing them with technical assistance and training.

Our work today is all the more important because it comes at a time when worker and citizens’ movements have put the question of decent work at the top of the global agenda. From the WTO meetings in Seattle to the Global March against Child Labour that began in Thailand, from Washington’s World Bank meetings to the courageous struggles of workers in every region of the world, the issue of fairness and justice for working people is now at the centre of worldwide political debate. The Director-General’s Report underscores why. We are living in a time of profound economic transformation, as transnational corporations and banks drive us toward a global economy with mixed blessings — growth and disruption, opportunity and insecurity, greater wealth and greater inequality. Workers from the richest nation to the poorest village are under attack and workers’ rights are under fierce institutional and ideological assault.

That is why the ILO must take this body of work — the Director-General’s Report and the new Declaration — and share its findings and goals with all the organizations that manage the global economy.

We must assert that the objective of the ILO — to create decent work for all — is not only a moral imperative but an economic necessity in every culture and every society. The Report sets out a forceful case for the high road to development through the empowerment of workers by safeguarding their rights to organize and bargain collectively. These programmes
are built on the solid foundation of decades of work to set standards and develop Conventions. We must ensure that our programmes and new approaches continue to build on the solid foundation of establishing, maintaining and enforcing a body of standards for the world of work.

As the Director-General urges, all of us are challenged to make our efforts and work in Geneva real in our own practices, in our own associations, in our own countries. That is why the AFL-CIO and its 13 million members in affiliated unions are especially proud to join the ILO in a long-term campaign to protect the rights of workers. We have launched our own voice at work programme to reach out and gain support for the right to associate and bargain collectively. In fact, this week, union members, community leaders, members of the clergy, public officials and students all across the United States are rallying in more than 150 cities for the rights of workers to have a voice at work.

The true significance of our work will be measured by the dramatically increased awareness of workers in all countries, in terms of their understanding of their rights and in terms of their ability to exercise those rights. That is why the promotion of the Declaration, and the public education campaign that will be needed to make the Declaration come alive for workers in their communities and workplaces, will be so critical to all of us. We must popularize and publicize this Declaration worldwide and, as we do so, we will truly bring to the world of work our most basic human values. I pledge to work together with all of you in the years ahead.

Mr. LEE (Minister for Manpower, Singapore) — First of all, the Singapore delegation offers its heartiest congratulations to the President on his election to preside over the 88th Session of the International Labour Conference.

The past few years have been particularly difficult years for many Asian countries struck by the regional crisis. Fortunately, this year has seen the regional economies recovering from the downturn. The World Bank has in fact estimated that this year the Asian crisis economies will grow by about 3.2 per cent.

Despite our sound fundamentals, Singapore was also affected and suffered a slowdown. We have become uncompetitive in the post-crisis environment. We have had to address shortcomings in our cost structure. With the strong support of workers, unions and employers, the Government was able to significantly reduce total business costs, a large part of which was labour costs. This enabled us to regain our cost competitiveness, reduce unemployment rates and take advantage of the regional turnaround and sustained demand from the OECD countries.

Our recent experience was a very timely and sharp reminder that tripartite cooperation was essential for a small economy to survive in a globalized market. Tripartite cooperation is also one of the pillars of the International Labour Organization. In our case, a strong tripartite relationship had enabled us to achieve a swift recovery and workers will soon be rewarded with wage increases.

While the region may have emerged from the downturn, we see many challenges ahead of us. Globalization and the rapid pace of technological advancement will underpin the growth of the knowledge-based economy and spawn many new opportunities in investment entry. These are positive developments which should be encouraged even though they will result in more competition. Slowing down globalization may offer short-term respite from competition but the long-term consequences would be inefficiency and sub-optimal utilization of human and natural resources.

In Singapore the arrival of the new economy is exemplified by the restructuring that we are experiencing in our manufacturing industries. We have seen many multinational corporations relocating their lower value-added activities out of Singapore on account of the lower cost of operations in other countries. This is unavoidable and we accept it as part of the process of globalization. We expect such restructuring, downsizing, outsourcing and redistribution of activities in key economic sectors to continue in the years ahead.

At the same time, new investments will create new jobs which will require higher skills, while rapid advances in technology will shorten the shelf-life of knowledge and skills. Hence, retraining and skills upgrading of workers will be critical to ensure that they remain employable in the new economy. Our objective is to ensure that workers, young and old, are equipped with the skills and knowledge to remain employable for life. Hence, we are promoting lifelong learning and have launched a $200m manpower development assistance scheme to help employers and their workers to acquire skills necessary for the new economy.

The International Labour Organization has a key role to play in the support of human resource development in member States. In this regard, we are pleased to note that the 88th Session of the ILC will discuss the issue of human resources training and development, in particular vocational guidance and training. This is relevant in the light of the changing nature of work, flexible arrangements, changing skill requirements and more frequent job changes.


To reaffirm our stand against child labour, I am pleased to announce that Singapore has decided to ratify the Worst Forms of Child Labour Convention, 1999 (No. 182), and adopt the Worst Forms of Child Labour Recommendation, 1999 (No. 190). In doing so, we are aware that there could be minor provisions in some of our laws governing the protection of children which may not be entirely consistent with the provisions of Convention No. 182. Nevertheless, what is crucial is that in spirit and in practice, there is no child labour in Singapore. We will consult the International Labour Organization for advice and assistance to facilitate early ratification. Here we look forward to the International Labour Organization adopting a more flexible approach to interpreting the provisions of the ratified Convention. This will have the wider implication of enabling more member States to better meet the objectives of the Conventions resulting in a higher ratification rate.

The Governing Body has recommended the tabling of a motion on Myanmar for failing to carry out the recommendations of the International Labour Organization Commission of Inquiry. This motion, under article 33, is an unprecedented move which deserves
most careful consideration. At the recent ASEAN Labour Ministers’ Meeting in Manila, Singapore joined fellow ASEAN members to welcome Myanmar’s invitation, without preconditions, to the ILO to send a technical cooperation team to assist Myanmar regarding compliance with the Forced Labour Convention, 1950 (No. 29). We note that the Director-General of the International Labour Office indeed accepted the invitation and despatched such a team on 23 May. This signals the emergence of constructive engagement and the member State’s desire to comply with its obligations under Convention No. 29. We also understand that Myanmar had conveyed to the International Labour Organization an assurance to consider administrative, executive and legislative measures to prevent instances of forced labour. We hope that such assurances will be given due consideration in any discussions under article 33.

Finally, my delegation looks forward to a fruitful discussion of the various issues on the agenda of this session of the ILC. I am confident that under your capable leadership this Conference will come to a successful conclusion.

Original Spanish: Mr. CASTILLO AYALA (Government delegate, Mexico) — We congratulate the President on his successful election.

I would like to state, on behalf of the Government of Mexico, that we are deeply grateful for the work being done by the International Labour Organization, directed by the talents of Ambassador Juan Somavia. The work done by the International Labour Organization in the last two years has made it possible to make progress in the promotion of the principles of the Organization. The climate of tripartite dialogue has helped this body to agree on the far-reaching objective of guaranteeing the rights of workers. The Director-General’s Report on progress since 1998 showed that it is possible to attain the goal of decent work.

In this time of economic globalization, and intense interaction, we should all make a firm commitment to create and maintain better living conditions for workers and to generate more and better jobs. To achieve this objective, Mexico has a legal framework and a labour policy that is in line with the fundamental labour principles and rights.

We welcome the interest of the International Labour Organization in issues of such relevance as freedom of association, the right to bargain collectively and the right to organize. There is no doubt that these are essential to the creation of more jobs for the young, to economic growth, to a higher level of productivity and to better living conditions for the whole population.

The Government of Mexico, under its President Dr. Ernesto Cédillo, has a long established alliance with the workers. In the past five years Mexico has been experiencing a new period of understanding, thanks to the determination of the workers, employers and Government to build a consensus based on agreement and mutual respect. Compliance with its agreements and commitments is a fundamental objective of the Government. The decision of the Senate to approve the Worst Forms of Child Labour Convention, 1999 (No. 182), gives us great satisfaction and commits us to multiplying the efforts of the Government and of Mexican society. In order to translate the provisions of Convention No. 182 into concrete action to protect the rights of minors, in July we shall have a national meeting with the labour authorities of the entire country and with the national bodies responsible for child-care programmes, to disseminate widely the contents of the Convention.

Mexico’s commitment to the fundamental principles of the ILO is quite clear, as can be seen from the satisfaction with which our country hosted a subregional seminar in Mexico City last April, attended by numerous Latin American and Caribbean countries, on the ILO’s Declaration on Fundamental Principles and Rights at Work and its Follow-up. The Government of Mexico considers it important to stress that the ILO should continue to promote and publicize its objectives by encouraging and strengthening tripartite dialogue, as the best way of bringing about the necessary consensus for the application of the Conventions and decisions that it adopts within its field of competence.

We are pleased to note that this Conference is again discussing the right of working women to maternity protection. This is not only very topical because of the number of women in the labour force of our countries, but above all because it is a question of justice. We should make sure that the rights of women are respected and that they have the necessary guarantees to find employment on an equal footing with men.

We hope that this discussion will reach a favourable conclusion and that it will strengthen the rights of working women.

Finally I would like to draw your attention to an issue being discussed at this Conference. I am referring to safety and health in agriculture. It is essential that farm workers have proper conditions of safety and health at their work. We are making progress in this area in Mexico. Today, agricultural day-workers have access to the social security system and a major effort is being made to protect their health through preventive measures. It is to be hoped that the discussion on this subject at the Conference will lead to the adoption of an international standard that promotes development, reduces inequalities and is of benefit to mankind as a whole.

Original Chinese: Mr. ZHANG (Minister of Labour and Social Security, China) — May I begin by congratulating the President on his election. I am convinced that his wisdom will help guide the session to a successful conclusion.

The Director-General’s Report to the Conference reviews the ILO’s activities over the past two years, and we have taken note of the positive changes that have taken place since the assumption of office of the new Director-General and we would like to place our hope in the future of the ILO.

The world today is undergoing profound changes in which peace and development have become the common aspirations of all people and an irresistible trend of our times. With the acceleration of multi-polarizing of the world and the growing trend of economic globalization, the rapid progress in science and technology, the world at work is presented with both precious opportunities for development and grave challenges. On the whole, opportunities outnumber challenges. I believe that as long as all members of the international community take a responsible approach and strengthen dialogue and cooperation, the lofty calls of world peace and development will advance steadily.
However, since there has not been a fundamental change to the irrational and unfair, international political and economic order, the vast majority of the developing countries are still unable to reap a fair share of the benefits brought about by economic globalization and scientific and technological progress. The South-North gap in development and wealth is widening still further, rather than narrowing.

The ILO should look squarely at this reality and go along with the trend of the times. The ILO should earnestly attend to the demands and interests of the developing countries, respect and understand the diversity of cultures, social systems and values of various countries, strengthen technical cooperation to facilitate economic development, job creation and poverty elimination in developing countries so as to play its due role in upholding social justice, maintaining world peace, and promoting the further development of developing countries.

Thanks to its reform and opening up over the past 20 years, China has scored remarkable achievements in economic growth and social progress that command world attention. The living standard of one-fifth of the world’s population has improved markedly, which presents a contribution by China to world peace and development.

The Chinese Government has made sustained and tireless efforts in economic development and social progress. In recent years in particular, in the face of economic restructuring, my Government has adopted a series of policy measures to guarantee the basic rights and interests of workers, and worked hard to provide them with sufficient job opportunities and basic social security. To achieve this goal it has adopted a proactive fiscal policy and a prudent monetary policy to boost domestic demand and secure a sustained economic growth.

To address the problem of laid-off workers, while restructuring state-owned enterprises, the Chinese Government has introduced a three-tiered sequential and interlinked Chinese-style security system for laid-off workers, namely basic living allowances for those who are laid off, unemployment insurance, and minimum subsistence benefits for all urban residents. Such a system guarantees essential living expenses of laid-off workers. In the meantime, the Chinese Government has launched a re-employment project to help the laid off and unemployed to find new jobs. It had also speeded up reforms in other areas of social security, such as the old-age pension, unemployment, and medical care schemes. A social security system suited to China’s national conditions has also been put in place. The Chinese Government is willing to enhance its cooperation with the ILO and all other member States, and share with and learn from them, the experience in improving labour markets and the social security system. And we are ready to join all other member States in a common effort to promote progress in labour and social security in the world.

A globalized economy calls for global coordination and cooperation and it has become a pressing task for all countries to curb the negative impact of economic globalization, generate employment, eliminate poverty and narrow the economic gap between the developed and the developing countries. So let us join hands and work together to generate employment, alleviate poverty, and achieve common progress and prosperity for all countries.

Original Arabic: Mr. EL-NETSHEH (Representative, Palestine) — In the name of God, the Merciful, the Compassionate! Allow me at the outset to congratulate you upon your presidency of this important session of the Conference, upon which hopes and aspirations are pinned. I should also like to convey to you the greetings of the people of Palestine, parts of whose land have been liberated, thanks to the sheer will and determination of its people under the leadership of Brother Yasser Arafat.

I also carry with me from the land of Palestine, the land of peace, the concerns and fears of all the people, starting with its diligent workers, and including those sectors of society that are daily subjected to suffering and oppression as a result of continuing Israeli occupation and colonization as well as Palestinian children, whose minds and hearts store memories of long years of odious occupation and hateful Israeli practices. These children look forward to an end to the tragedy of a people that has lasted for over half a century.

The time allotted to me does not allow me to be exhaustive here or to paint a complete picture of the sufferings and concerns of our steadfast and patient people. I shall therefore review only the most important areas.

Israel’s policy of colonization continues through the expropriation of Arab land and of the natural resources of the Arab people. Palestinian land is shrinking and Palestinian agriculture, which has a long history, is on its way to extinction.

Secondly, Palestinian land is being cut and divided in order to construct a very complicated network of roads around the Israeli settlements which makes it impossible for the Palestinian citizens to exercise their right to move freely on their land without having to pass through Israeli crossing points and checkpoints each day. Consequently, Palestinians are being subjected to humiliation and ill-treatment at the hands of Israeli soldiers. Indeed, some Palestinians are even denied access to some of these roads as part of a heinous apartheid policy pursued by Israel.

Thirdly, Palestinian workers’ sufferings have exceeded every limit in terms of derogation of right at work, deterioration of working conditions, discrimination in wages and with regard to social rights. These workers are being exploited daily by Israeli employers. Add to that, the inhuman treatment that they receive at Israeli checkpoints and the implicit encouragement of unlawful employment.

Fourthly, the policy of administrative arrest and detention continues. There is an absence of the values and concepts of justice when it comes to treatment of Palestinians, and therefore there is a continuing deterioration of the situation of Palestinian prisoners and administrative detainees in Israeli prisons.

Fifthly, the Palestinian people continue to be deprived of their natural right to live in a healthy and safe environment. The health conditions of the entire population continue to deteriorate under Israeli occupation.

Sixth, Israel’s predominant mindset is to use closure and blockades as a tool for inflicting collective punishment, while at the same time demolishing homes for irrational and unlawful pretexts. They violate the right to education and intimidate teaching staff in order to prevent them from discharging their duties.
Seventh, the Judaization of Arab Jerusalem continues unabated. Palestinian institutions are being closed down, and the city is steadily being emptied of its original Arab population, which is being replaced by foreigners.

This is a long list, and the members of the Conference understand the dimensions and repercussions of a military occupation that has lasted more than 35 years and a settlement policy that aims to drive out an entire people from the land in which it has its roots.

In brief, the Middle East region that has always been a region of stability and prosperity and civilization will never see true peace unless the Israeli occupation comes to an end. This Israeli occupation expropriates every right guaranteed to the citizens of the modern world under international law. The region will never see true stability or peace until the rights have been restored to their legitimate owners and the people of the area regain their right to independence, freedom and the right to self-determination.

A just and comprehensive peace in the area will never be achieved without the implementation of international resolutions, as were implemented in other Western countries. Here, we should like to salute the people of Lebanon and the national and Islamic forces in Lebanon who have liberated their land. We hope that the entire region will enjoy full and comprehensive peace by virtue of an Israeli withdrawal from all of the Arab territories, namely, Palestine, Jerusalem, the Occupied Arab Golan and this before our next Conference.

Your Conference has stood by our side over the many years of suffering. I should like here to address myself to all the donor countries and to all those who have stood by our people and even Palestinians in the diaspora. We have to acknowledge that there are still barriers to overcome and we hope that you will redouble your efforts to provide support and solidarity for the remaining kilometres of our journey, until the day when our steadfast and patient people sees the establishment of their own independent State with holy Jerusalem as its capital; a day when refugees will go back to their land and the whole area will enjoy true peace. There will be no peace without the accomplishment of all the above.

Original French: Mrs. DOBRESCU (Minister of Labour and Social Protection, Romania) — It is a great pleasure for me to convey to you on behalf of the delegation of Romania, and also speaking for myself, our warmest wishes and to congratulate you, Mr. President, on your election to this important function, at this, the most prestigious International Labour Conference. We wish you every success in the accomplishment of your task.

Our congratulations also go to the Director-General of the International Labour Organization on the excellent Report submitted to the Conference. This Report offers a comprehensive picture of activities during the last two years and we have read it with great interest.

We are aware that the activities promoted in recent years by the Organization are a launching pad for a new stage of development of the most important international labour forum in the world, and this will certainly be beneficial to the constituents. The launching of the campaign for the universal ratification of the fundamental Conventions of the ILO is an important step in this direction. We fully agree that including the Convention on the Worst Forms of Child Labour, 1999 (No. 182), amongst the fundamental Conventions, is totally justified. I am able to announce that our Government has now approved the bill on the ratification of the Convention on the Worst Forms of Child Labour, 1999 (No. 182), and has submitted it to parliament for adoption. Thus Romania will very shortly join the countries which have ratified all eight fundamental Conventions.

In the context of the International Programme for the Elimination of Child Labour (IPEC), Romania enjoys the support and assistance of the ILO. Starting this year, Romania will implement over a two-year period, a technical cooperation programme on national action for the prevention and progressive eradication of child labour. For the effective implementation of this programme, the Government of Romania will be signing a Memorandum of Understanding with the ILO within the next few days in Geneva.

I remarked with great interest the ILO's involvement with the development and implementation of new integrated programmes of action and technical cooperation, especially for the identification of new employment possibilities for various social categories. These objectives are also a constant concern of the Government of Romania, which is currently completing its national action plan for employment. This takes the form of a set of concrete measures and has four main objectives.

One, increasing employment; two, developing entrepreneurship; three, improving mobility and flexibility in the labour market and four, providing access to employment on the basis of equal opportunities for men and women.

Current economic conditions call for consolidation of technical and financial assistance for the creation and development of small and medium-sized enterprises, and for the implementation of a system of microcredits for persons starting their own business, in particular for persons in difficulty, so as to prevent social exclusion and promote integration into the labour market.

The ILO has reaffirmed its support for countries which are candidates for accession to the European Union by providing assistance through specific cooperation programmes based on country objectives. In so doing, the ILO has responded promptly to social and labour concerns identified in these countries. Romania is preparing for the process of accession to the European Union and has elaborated a national strategy for medium-term economic development. This strategy will combat poverty by allocating from its annual budget at least 4 per cent of its gross domestic product to the programme for the guaranteed minimum wage.

We have held broad-based discussions between governmental authorities and social partners. At the beginning of this year, we signed a cooperation programme with the International Labour Organization for the period 2000-01. The programme covers social protection, employment policy, international labour standards, labour legislation and working conditions, and will be implemented with the support of the multidisciplinary team in Budapest.

The process of institutional construction and economic development must make full use of national experience and encourage state participation in technical cooperation projects, all whilst taking into account the tripartite dimension, because social
dialogue has proved vital in promoting reconciliation and consensus on social and economic objectives at the regional, national, and international level.

(Ms. Bauer takes the Chair.)

Original Arabic: Mr. AL-NAMLAH (Minister of Labour and Social Affairs, Saudi Arabia) — In the name of God, the Merciful, the Compassionate!

I have the honour at the outset to convey to you the greetings of His Majesty, the Servant of the Two Holy Shrines, King Fahd and of the wishes of the Crown Prince, the Prime Minister and the Deputy Prime Minister, for the success of this Conference and the achievement of practical results.

I should like to convey to you on my own behalf and on behalf of my colleagues, the members of the delegation of the of Saudi Arabia, our sincere congratulations upon your election to the presidency of this Conference. We also congratulate the Vice-Presidents who have been elected to important posts. We are confident that your excellent skills and qualities will enable you to steer this Conference to the desired results. The delegation of Saudi Arabia looks forward through your wise leadership to a very successful session, which will further enhance the principles of dialogue and the exchange of views.

I should also like to thank the Director-General, Mr. Juan Somavia, and his staff for the excellent work they have done in preparing this year's Report, Activities of the ILO 1998-99. I should also like to congratulate them on the reform and modernization process begun in March 1999, which is mentioned in the Director-General's Report.

We welcome the measures that have been taken to upgrade regional services and make them more responsive to the Organization's bodies and priorities. With regard to the Organization's activities targeted at Arab countries, amongst them of course the Kingdom of Saudi Arabia, I should like to draw attention to a number of important areas of concern.

For the purpose of targeting activities, we feel that the Arab region must be considered as a single area, even if it does belong to two regional groups. We would ask the Organization to implement activities for the Arab region using finances from both the Regional Office in Beirut and the Office in Africa.

There is a need to step up activities and increase technical cooperation programmes and other programmes in Arab countries in all areas, commensurate with the specific needs of those countries concerned.

We call for the translation of major documents and publications of the Organization into the Arabic language so that Arab countries can derive greater benefit from the ILO publications. We also ask that the Arabic language be adopted as an official language of the Organization, not just a working language.

We would also like to stress the importance of expanding the multidisciplinary, advisory teams, since these teams help to find solutions to the problems that Arab countries face.

Ladies and gentlemen, this session's agenda is full of important topics. One of the most significant is the Declaration on Fundamental Principles and Rights at Work and its Follow-up for which special sessions have been arranged. I should like on this occasion to reiterate that the Government of Saudi Arabia complies with and fully respects all ILO Conventions, particularly the fundamental Conventions. The Government is also doing everything in its power, taking account of its own circumstances, to ensure respect for and compliance with the spirit of unratified instruments.

Consistent with its attachment to fundamental principles and rights at work, Saudi Arabia has ratified a number of ILO Conventions, including four of the seven fundamental Conventions, and is currently considering ratification of the remaining core Conventions, including the Worst Forms of Child Labour Convention, 1999 (No. 182).

We are thankful to God that labour relations in Saudi Arabia, in which millions of foreign workers of many nationalities work side by side with national workers, are characterized by peace and stability. We are very serious about redressing shortcomings in current application as required.

The other topics being discussed at this Conference are no less important than the one I have just mentioned. Human resources training and development, safety and health in agriculture and maternity protection are all very important topics to which all States attach great importance. We would like to say that the Government of Saudi Arabia pays great attention to employment policies. The Five-Year Development Plan considers human resources development as one of its most important priorities. We have also invested heavily in education, training and vocational training. The Government provides all of this free of charge; indeed it even pays incentives to students. This policy has already borne fruit. We now have growing numbers of trained graduates each year, helping to support our employment agencies in their efforts to find jobs for new graduates.

In addition to the employment opportunities which it provides to its own citizens, Saudi Arabia also actively participates in the promotion and development of employment in other countries in an effort to alleviate the burden of unemployment. Large numbers of foreign nationals work alongside Saudi citizens in an atmosphere characterized by stable labour relations that take into consideration giving priority to the nationals.

As for safety and health in agriculture, the parties concerned in our country lend this subject great importance, particularly with regard to the control, storage, processing and use of pesticides. We have provided personal protection equipment to protect workers against the effects of pesticides and have increased the number of training courses on the safe and correct use of pesticides. Training is also provided on monitoring of occupational diseases contracted from animals. We support the establishment of comprehensive international standards to address the problems of safety and health in agriculture. As for protection of maternity, we look forward to the Conference's decisions and resolutions and will give our fullest attention.

In conclusion, I should like here to reiterate Saudi Arabia's support for the efforts and strategic objectives of the Organization in its pursuit of the noble goal of realizing social justice. I should like to thank His Excellency, the Director-General, and his staff at headquarters and in the regions for their excellent work, and for the documents that have been prepared for this Conference. I believe this will help us to achieve the desired results. We wish all participants every success and look forward to the Director-
General's visit to Saudi Arabia. I should also like to thank the interpreters, men and women, and translators who are truly doing an excellent job of being very accurate in their interpretation.

Original Spanish: Mr. MARTINEZ (Minister of Labour, Venezuela) — I come to this session of the International Labour Conference to represent a country which is conducting a thorough overhaul of its outdated political structures and, through this, giving renewed hope to its people. I am talking about a process that is happening in an atmosphere of public controversy and strife. This is only to be expected when you are talking about in-depth changes, but we are seeing that democracy prevails and no opposing individuals or sectors have any violence directed against them, despite provocation and excited hyperbole from political “has-beens” who belong to a past that is gone for ever. Clearly the crisis has affected all aspects of Venezuelan life and so we have not yet put all our demons to rest. No one could have done this in 16 months of Government, especially when hit by the enormous natural disaster that befell us at the end of 1999.

However, the pledges we have made are being kept, thus reasserting the leadership of President Chavez, which will, I am sure, be borne out in the next national general elections. These pledges include — in the political sphere — the dismantling of a corrupt state organization to be replaced by a nation state of all the people; in the social sphere — the cancellation of debt which has taken such a heavy toll in terms of labour, health, education, security, housing, culture and dignity on the poor masses of Venezuela, and which has stemmed from the very poor distribution of resources which unfortunately still persists; in the economic sphere — the revival of production and the introduction of new initiatives for the recovery, the broadening and the boosting of our productive capabilities, as well as addressing competitively in today's demanding world, and all of this within a legal framework which will provide security and do away with unacceptable corruption and undue privilege.

We have begun to pay the social debt, starting with the area of labour, where benefits and interest have been accruing for three decades. It is true to say that for the first time in 40 years the Government is giving the same high priority to its commitments to workers as it does to the external debt.

In the political arena we had to recoup from the Government its capacity of action and decision in order to make the economy redound to the benefit of the people. The various peoples' victories, the action of the Constitutive National Assembly, and the firm leadership being offered, provided the foundation we need to robustly launch into other spheres of the country's life. Venezuela now has a basis for people to enjoy true sovereignty. We have a basic legal instrument that secures human rights for all citizens and punishes those who violate such rights; free access to impartial and independent justice, the right of people to participate in public affairs through mechanisms such as the adoption and repeal of laws and the abrogation of mandates; the right of political association and the obligation on parties to function democratically; and in pursuance of Convention No. 182, the eradication of the worst forms of child labour. The state is shouldering the responsibility for protecting and educating street children who are the victims of abandonment and prey to all kinds of vice and danger.

Allow me, once again, to state the Government's determination to fully comply with the commitments contained in international pacts and agreements which have been granted constitutional status by articles 23 and 31 of our Constitution inspired by Simon Bolivar. Consequently, Venezuela keenly supported the adoption of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up. Among these we have the theme of the 88th Session of the International Labour Conference on — freedom of association and the effective recognition of the right to collective bargaining, which constitute basic rights, without which no other rights can be secured at the workplace.

We share the general view on the promotional nature of the Declaration, and we believe too that its scope should not be extended to make it a binding legal instrument, to be used as an additional mechanism to coerce and exert pressure on peoples, not even under the pretext of securing respect for basic rights at work. It would be even less tolerable if it were used for commercial gain and protectionism, as the Director-General himself has intimated in his Report.

For all these reasons, we would like to say that we are very optimistic as to the future.

Original Arabic: Mr. AL SHO'ALA (Minister of Labour and Social Affairs, Bahrain) — I am both pleased and honoured to be heading the delegation of my country, Bahrain, to this important gathering, the International Labour Conference. On this occasion I am pleased to address the President and to congratulate him most warmly on his election at this 88th Session of the International Labour Conference. We wish him every success in his work.

I am also pleased to express my appreciation for the praiseworthy efforts made by the ILO in preparing the Director-General's Report, Activities of the ILO 1998-99. The Report I have just mentioned stresses many positive initiatives which have been taken by Mr. Somavia at this Organization. He has given the Organization a new spirit which will enable it to stand in good stead at the beginning of this new millennium, a time of rapid change at various levels.

In addition to the administrative reform, the adoption of performance indicators and the drawing up of realistic objectives for the ILO are positive steps which will strengthen the functioning and activities of the Office. In addition, the Director-General has undertaken to revise the international labour standards which are now outdated and which are no longer suited to the requirements of the age. This is a major initiative for the Organization in the context of globalization, liberalization of trade and rapid technological and economic change. Bahrain totally supports these initiatives and measures, and we are committed to cooperating with the Organization in the achievement of these objectives.

The Director-General's Report refers to a large number of activities and programmes carried out by the International Labour Office in the past two years. They are the fruit of constructive cooperation between the Office and the member States.

I would like to take this opportunity to pay tribute to the cooperation between my country and the ILO, the objective of which is to improve the labour market, to develop our human resources and training, and
to create decent jobs, and which will no doubt help our manpower integrate in the country's various economic activities, protect workers' rights, increase the participation of women in the labour market and pursue the objective of banning child labour in our country.

This cooperation has taken various forms, including the establishment of an information system for the labour market, the promotion of small and medium-sized enterprises, and the creation of a national information center for occupational safety and health. The aim of the latter is to improve services and provide the social partners with the necessary information on occupational safety and health, based on modern information systems and other advanced technologies. The objective is to strengthen the protection of labour and to improve production in both qualitative and quantitative terms.

Ever since Bahrain joined this Organization, we have been working to ratify as many international Conventions as possible in order to keep pace with the development of our country. Last April we ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which is, as you know, one of the core Conventions. We are also constantly working to adapt, through periodic revisions, our labour legislation in the public sector in order to take into account the social and economic progress of today's world, basing ourselves on the values and principles of the ILO. We are continuing coordination and cooperation with all the social partners, because we wish to strengthen our achievements and to reinforce protection for employees and workers.

Mr. ABDUL LATIFF (Deputy Minister of Human Resources, Malaysia) — It is very gratifying to note that the ILO has stepped into the new millennium with remarkable resilience and adaptability, under the leadership of the new Director-General. The Organization has gone beyond the spectrum of setting standards meant to protect the working population all over the world. The ILO, besides providing services to its Members, has now moved to addressing the problems associated with unemployment and poverty that prevail among many of its Members, particularly in the developing countries. This laudable approach should be welcomed and encouraged.

The deliberation on the agenda item on Human resources training and development: Vocational guidance and vocational training is very timely as well as pertinent to transforming the global labour landscape. The Report highlights the changing labour landscape driven by the process of globalization, rapid advances and innovation in information and communication technologies, new business strategies and new forms of work organization. These developments bring with them the opportunity to learn from competitors, and to improve the organization of work. As such, it is imperative that the development of skills through training should be the strategic response to technological changes, globalization and other forces affecting labour markets. To this end, investment in education and training are necessary prerequisites to achieve the desired objectives.

Unfortunately, developing countries are disadvantaged by the formidable tasks of overcoming their handicaps and this has prevented them from seizing the new opportunities. Such situations have widened the disparity between the developed and developing nations. The ILO, along with other related institutions, should devise ways and means to address these issues. I believe that the ILO Report has focused on several perspectives which should provide a starting point for the many institutions involved in human resources development and improvement in social conditions to strengthen technical capabilities of Members in meeting these new challenges.

In Malaysia, we accept the challenges resulting from these forces and we have taken steps, within our means and capability, to deal with these new challenges. Measures are being taken to improve our competency levels. We recognize the importance of the K-economy (knowledge economy), and the Government, in cooperation with the private sector and the workers’ representatives, has laid the necessary groundwork to produce a highly skilled and knowledgeable workforce, inclusive of encouraging positive attitudes among the workforce to compete more effectively in the twenty-first century.

The debacle of the 3rd WTO Ministerial Meeting in Seattle and the dismal outcome of the IMF and the World Bank spring meetings in Washington have brought to the fore the realities of the world today. Efforts by developed countries to link labour standards and international trade were strongly rejected by developing countries, as these moves are inimical to the interest and welfare of workers and nations. Similarly, efforts by international financial institutions thus far have failed to achieve the desired results. We should all take stock of these developments in mapping out future endeavours.

It is in this context that I believe the ILO's specific role, namely setting and dealing with labour standards, should not be assumed by other organizations. The ILO should avoid venturing into areas in which it lacks a comparative advantage, but instead focus on relevant issues for which it has the mandate and means to deal with issues adequately.

The withdrawal of the five outdated Conventions is certainly a move in the right direction. This process of review and withdrawal of outdated Conventions should be an ongoing exercise to address the ever-changing work environment. New instruments proposed by the ILO should be pragmatic, practicable and flexible in nature. The instruments should be ratifiable and duly complied with. The ILO should guard against the recurrence of a situation where instruments are withdrawn due to non-ratification by member States.

The Ministers of Labour of ASEAN, at their fourteenth meeting in Manila, deliberated at length on the issue of forced labour in Myanmar with a view to contribute to resolving the problem. And Myanmar has given its undertaking to work and cooperate with the ILO, as expressed by the Government to the recently concluded Technical Team mission to Yangon to attain the common objective of ensuring that the welfare of workers is not compromised. This is a positive move and we earnestly hope that appropriate follow-up action will be taken by the Office to resolve the matter amicably. We strongly believe that, through dialogue and cooperation, the desired results could be achieved, and invoking drastic measures could jeopardize the ongoing efforts by both sides.

I would like also to urge the ILO to reinstate the technical assistance programmes to ASEAN, which were cancelled or postponed due to various reasons. These programmes are important for the enhance-
ment of human resources development in the ASEAN region, which would directly benefit millions of workers.

In conclusion, let me emphasize that globalization is here to stay and there is no turning back. We must therefore manage and utilize it to our advantage. Towards this end, developing countries must be equipped and have the capacity and means to reap the opportunities offered. As such, developed countries must also play their role to assist developing countries to attain greater economic growth and sustained development. Only with greater economic growth, progress and development, will the developing countries be able to provide more and better employment for its citizens. This, I believe, would ensure an improvement in workers’ welfare and contribute to adherence to the core labour standards that we all desire.

*Original Arabic:* Mr. AL-DOURI (Government delegate, Iraq) — On behalf of the delegation and your colleagues, our greetings and best wishes for the success of this Conference. I would also like to congratulate the President and his team upon their election to preside over this 88th Session of the International Labour Conference. I would also like to express my deep gratitude to His Excellency, Mr. Juan Somavia, Director-General of the International Labour Office and his team, for the efforts they have exerted during the preparations for this Conference.

The International Labour Organization has accomplished, since its foundation in 1919, great achievements, thus contributing to ensure justice for workers and secure their material, moral and social rights. These achievements have been positively reflected in the workers’ performance. At the same time, the Organization has contributed to the economic development we have experienced in the twentieth century.

Today, as we stand on the threshold of the third millennium, we aspire to see this Organization continuing to undertake its noble professional role and advance the duties that have been entrusted to it, in a manner that serves, at the same time, social partners’ interests, humanism and the sacredness of work.

Unfortunately, we find ourselves compelled to express our deep concern over some manifestations of political and economic developments that have occurred in the last decade, during which the poor have become poorer and the rich even richer. We are sure that the escalation of these phenomena in this direction will not be of any benefit to work, workers or to the rest of their partners.

The agenda of this Conference contained a number of important issues, among which, issues relating to women at work, human resources training and development and other matters. Whilst the delegation of the Republic of Iraq highly values this endeavour, we would like to remind the distinguished assembly present here of the difficult circumstances suffered by women workers in Iraq. In this framework and in the context of economic social developments in Iraq, to-gether with ambitious development plans which accompanied these developments, a number of laws have been issued to ensure that women have the right to health, motherhood and to participate in politics and to ensure the elimination of all forms of discrimination against them.

Unfortunately, the unjust embargo imposed on Iraq and the continued military aggression against our country have caused the deaths of nearly 1.5 million innocent victims, most of whom are women and children. These arbitrary sanctions have also led to a sharp decrease in the role of women, who have been the most affected and prejudiced against by this misfortune.

Despite all these difficult circumstances, Act No. 71 (promulgating the Labour Code) of 1987 was revised in March of this year. Some of its articles have been amended in order to better serve the workers’ interests and to achieve more consistency and conformity with Arab and international agreements ratified by Iraq, and with the Declaration on Fundamental Principles and Rights at Work. We would appreciate it if your Conference would give priority to human resource training and development, since it is one of the most important issues in view of the changes currently taking place in our world, and has started to have an impact by demanding skills and new expertise. Faced by these challenges, social partners should unite their efforts in order to establish policies, standards and training programmes which respond efficiently to these changes, in a manner that would secure a role in social and economic life for young people.

In implementation of its basic mission enshrined in the Constitution of this Organization, a multidisciplinary technical group from the International Labour Organization, made a visit to Iraq a few weeks ago, to witness personally the situation in the field and to evaluate the suffering that social partners in Iraq are subjected to in their everyday lives. This group made many visits and held workshops with all the social partners concerned. We express our deep gratitude to the Director-General of the International Labour Organization, the Chairperson and all the members of this mission for this endeavour; even if it came a bit late. Furthermore, we remain confident that the report, to be elaborated by the group, will reflect the destructive effects of ten years of an unjust embargo and of the continued military aggression, and the effects they have had on all the production units. This situation has already caused several economic and social problems, and has resulted in the total collapse of all the achievements accomplished before 1990.

When we appeal to the International Organization to undertake its role regarding the situation in Iraq, we hope that the recommendations that will be formulated by the group will contribute towards redressing the destructive effects suffered by all the social classes in Iraq.

We also hope that this mission will be reinforced by sending another group, specialized in other fields of disciplines, and that this mission will enjoy the direct supervision and guidance of the Director-General of the International Labour Office, in view of his loyalty in carrying out his role.

While we review the suffering of the people of Iraq, we cannot disregard the suffering endured by the people of Palestine. These people are subjected to all forms of hardship, repression, land confiscation and aggression at the hands of Zionists. We should not overlook the sufferings in other occupied Arab territories, in the Syrian Golan and parts of Lebanon.

Bearing in mind the considerable weight that Arabs represent in the International Labour Organization, more importance should be given to the use of Arabic as one of its official languages, in order to
enable this part of the world to benefit more from the research, studies and forums that are liable to advance the region.

I will end my statement by wishing your Conference the best of success.

Mr. ZAINAL (Workers’ delegate, Malaysia) — This 88th Session of the International Labour Conference coincides with the onset of the new millennium — an era of globalization, trade liberalization and high technology; with human rights violations, child labour, forced labour, wars, increased ethnic conflicts, economic uncertainty and job losses all rolled into one. On the one hand, we have political leaders promising us the good things in life. On the other hand, we see people dying of starvation, workers being denied their fundamental rights, with young children and women working in sweatshops. The ILO’s position in the midst of these challenges is certainly not a comfortable one. It is a whole set of challenges that we have to face, no matter how difficult they may be.

Four years have passed since the World Trade Organization (WTO) Declaration was signed in Singapore on 13 December 1996. We would like to know from WTO whether it has done any study on how many WTO members have actually ratified and implemented the core labour standards pursuant to paragraph 4 of the Declaration, and whether WTO has any statistical evidence to support this. The public demonstrations held during the WTO and United Nations Conference on Trade and Development (UNCTAD) meetings in Seattle and Bangkok respectively have shown what the world really thinks of WTO. The WTO should learn from its mistakes and change its rigid policies to be more globally relevant. WTO members should be seen to keep their promises to safeguard workers’ rights, and not just provide lip service. They should practice transparency and accountability. Leaders should not pocket national wealth and penalize workers by taking away their jobs. The WTO should resolve the conflict between trade liberalization and core labour standards. It should promote job creation and safeguard workers’ rights, in view of the low ratification of ILO Conventions.

During the height of the Asian economic crisis, several affected countries requested rescue packages from the International Monetary Fund (IMF). But Malaysia took the bold step of rejecting the IMF’s economic recovery package and nur sed the national economy back to health through internally designed recovery strategies. I congratulate the Malaysian Government for this outstanding effort. The disastrous effects of IMF rescue packages on employment and workers’ welfare need no further explanation. During my oral intervention as the Workers’ spokesperson at the ILO High-Level Tripartite Meeting on Social Responses to the Financial Crisis in East and South-East Asian Countries, held in Bangkok in 1998, I asked the IMF representative who attended the meeting why the IMF imposed such stringent conditions on recipient countries. He replied that the IMF’s strong medicine, though bitter, cured the disease. I then told him that the IMF’s medicine may kill the patient! Professor Jagdish Bhagwati of Columbia University confirmed my view, and called it the “IMF killer handshake”. The consequences of this “IMF killer handshake” have been seen in a number of developing countries that accepted its rescue packages, and which eventually became IMF casualties. Economic booms and downturns are cyclical, and the livelihood of workers should not be subjected to the uncertainties of economic factors, market forces and the “IMF killer handshake”.

The Workers’ group has submitted a number of resolutions that generally focus on capacity building on the part of the tripartite partners to better manage the challenges of the new millennium. We are keen to see that the Maternity Protection Convention (Revised), 1952 (No. 103), which aims to establish better maternity protection and benefits for women workers, will be adopted in a new form after the second reading this year. We are confident that it will not go the same way as the proposed Convention on Contract Labour did, in 1988.

While we keep talking about globalization and trade liberalization, a lot of destruction has been done to society due to civil wars and erosion of core labour standards worldwide. This appears to be the order of the day. Political leaders often sign peace treaties, but these do not get translated into reality. The ILO Declaration on Fundamental Principles and Rights at Work and its follow-up mechanisms provide the benchmark for standard-setting and labour supervisory mechanisms. We are happy that the Expert-Advisers have done good work by offering their comments and recommendations on member States’ annual reports and we see progress in the follow-up to the Declaration. However, ILO member States should not delay the submission of their respective annual reports, and should extend their full cooperation to the Expert-Advisers.

Though we have already stepped into the new millennium, problems and challenges of the old millennium very much persist. There can be no lasting world peace if there is no genuine commitment from member States. Being the oldest United Nations specialized agency, the ILO can and should serve as a role model for tripartite cooperation. We are gathered here every year to discuss labour rights. What we also need to do is strengthen our capacity and determination to make our objectives a reality.

Original Arabic: Mr. GAREEB (Workers’ delegate, Iraq) — In the name of God, the Merciful, the Compassionate! It is a great pleasure for me to bring you the greetings of the workers of Iraq, and to congratulate the Officers of this Conference, on their election. We are confident that, thanks to their competence, this Conference will be able to achieve its objectives.

The workers of Iraq have given me a message for your Conference at a time when they are living through what is nothing short of genocide, one of the greatest and most serious tragedies — much more serious than the issue of maternity protection at work. UNICEF has declared that more than 7,000 children die in Iraq each month. You can easily imagine the suffering of their mothers and the magnitude of the injustice being inflicted by man on his fellow humans. In a country that once hosted over 4 million non-Iraqi workers now has more than 60 per cent of its workforce unemployed.

At the same time as the Conference is discussing training and health and safety issues, in the agricultural sector, the skilled workers of Iraq are working in the informal sector, and in sectors other than those for which they have been trained. This tragic
tempts to liberate the occupied Golan Heights.

The unjust embargo which has been imposed on Iraq has greatly diminished workers' purchasing power, owing to the devaluation of the national currency, the increase in the cost of living and the fall in income levels. The number of people who enjoy social security protection has declined. Many people are no longer able to enjoy the advantages of our social security legislation, and particularly health care cover. There is also a serious shortage of food and drugs.

In addition to all these pressures and disasters, the aggressors persist in daily acts of aggression, killing civilians and destroying civilian infrastructure on the pretext of an aerial blockade created without reference to any international resolution and which, therefore, constitutes a "grave" violation of the Charter of the United Nations. A total of 21,340 air raids were carried out between 17 December 1998 and 1 June 2000. These caused the deaths of hundreds of civilians and thousands of injuries.

The blockade on Iraqi civil aviation is also outside the scope of Security Council resolutions. You can, therefore, imagine that in order to attend this Conference we had to travel more than 2,500 kilometres by road, using roads which claim many victims. Indeed, a representative of the Iraqi Federation of Industries Mr. Abdul Latin Pariah, was the victim of a road accident as he was travelling to the International Labour Conference.

It is extremely regrettable that Iraqi workers should have to live through this tragedy while the International Labour Organization, an organization which was founded to alleviate suffering has stood by. Iraqi workers are asking questions about the Organization and the role other international organizations play. They want to know why they have been deprived of the right to benefit from the Organization's activities, including the activities of the Turin Centre, because many of them cannot obtain entry visas.

We would like to thank the Director-General for his initiative to send a multidisciplinary group to evaluate the tragic situation in Iraq and assess its needs. The workers of Iraq would like this initiative to be the beginning of broader based work and a greater role for the Organization in Iraq. As a Member of this Organization since 1932, Iraq hopes that this initiative will be the prelude to better understanding of the suffering of the workers and the people of Iraq.

Iraqi workers would like the Organization to expand its regional offices in Arab countries and to attach greater importance to technical cooperation with the social partners in Arab countries. We also hope that the Organization will redouble its efforts in the defence of workers' rights and freedom of association in Arab countries.

The workers of Iraq condemn Zionist authorities for their inhuman practices, policies of occupation, expulsion, and their flagrant breaches of trade union freedom in the Arab nation.

The workers of Iraq also pay tribute to the victory achieved by Lebanon, which is also a victory for Iraq and for the whole Arab nation.

We also support the Syrian Arab Republic in its attempts to liberate the occupied Golan Heights.

We wish this Conference every success.

Mr. YANG (Workers' adviser, Republic of Korea) — Madam Vice-President, I would like to thank you for presiding over this important Conference which is bestowed with so much expectation.

The Report of the Director-General contains the details of the ILO's work for reform, its vision and strategic objectives. It represents the efforts of the ILO to change and adapt in the face of the tide of globalization whose destructive potential was revealed in the Asian financial crisis.

These efforts have been undertaken against a background of instability and confusion created by globalization. In today's economy, which centres around the Stock Exchange and greets announcements of an increase in unemployment or massive retrenchment of workers with enthusiasm, the goal of full employment is regarded as a heretical notion.

The astronomical levels of international financial capital that hover over stock exchanges and currency markets around the world are already capable of causing catastrophic collapse in any national economy.

Transnational corporations, the other pillar of globalization, are compelling all countries to abandon trade union rights, public health and education, and every other social achievement. The IMF and the WTO are regarded as tools for achieving unlimited freedom for capital and business. These are leading to "unrest so great that the peace and harmony of the world are imperilled".

Over the last two years of the economic crisis and concentrated structural adjustment in the Republic of Korea, the number of workers in atypical employment rose to 54 per cent of the total workforce.

The number of children suffering from malnutrition increased by 30 per cent. Employment in the public sector was cut back by 30 per cent by mass dismissals, privatizations and sales of assets to overseas buyers. Retrenchment-centred corporate restructuring has destroyed hundreds of thousands of jobs, causing a massive increase in unemployment. A study by the United Nations Development Programme (UNDP) in Korea has found that more than ten million people are living below the poverty line.

The unending struggle of the Korean people and workers over the last two years represents a resistance to defend their achievements and an effort to intervene and to shape the changes taking place.

By contrast with the discussions in the current session on the withdrawal of the working hours Conventions which have become obsolete, workers in the Republic of Korea, led by the KCTU, are currently staging a general strike to obtain the cherished goal of a five-day working week. The KCTU's general strike also calls for the restoration of rights, welfare entitlements and working conditions that have been greatly reduced by the economic crisis and the IMF structural adjustment programme. Furthermore, it calls for an end to discrimination against workers in atypical jobs and an increase in social security expenditure. The proposed new Maternity Protection Convention which is being finalized during this session will be a significant boost to our own efforts to strengthen and improve the rights, welfare and working conditions of women workers who make up the majority of workers in atypical employment.

The struggle of Korean workers is part of the resurgence of people's struggles all over the world — the "Battle of Seattle", the "Washington March", the largest strike by Norwegian workers against the
scourge of corporate greed, the general strike launched by the COSATU against unemployment. These events show us that people and workers are beginning to rise up against the dark threat of globalization.

The task facing the ILO today is enormous. Korean workers know only too well about the important role of the ILO in standard setting, monitoring, supervision and technical assistance.

The continuing supervisory role of the Committee on Freedom of Association, combined with the ceaseless struggle of Korean workers, has been critical in obtaining the legalization of the teachers' union, Chunkyojo and the KCTU itself. Despite recent improvements, some one million government employees, as the ILO itself has pointed out, are still deprived of the right to organize their own trade union. The Korean Government, despite its earlier commitment to allow unionization, has failed to make any initiative towards it.

The ILO has also repeatedly called on the Korean Government to amend its definition of essential public services which restricts the right to strike. The Korean Government continues to turn a deaf ear to this appeal. As a result, hospital workers are threatened with imprisonment for their participation in the KCTU's general strike. Arrest warrants have been issued against 41 union leaders and they will soon join eleven other trade unionists already in prison.

The KCTU's teachers' union is still unable to conclude its first collective bargaining agreement nearly one year after its legalization owing to the deficient guarantee of the basic trade union right — the right to take collective action. In protest, leaders of the Chunkyojo teachers' union have been on hunger strike for nearly 20 days.

In his Report the Director-General stresses the importance of tripartism and social dialogue as effective means for responding to the changing environment. Unfortunately, this wisdom is not taking root in the Republic of Korea. The Korean Government has repeatedly demonstrated its preference for reliance on coercion and unilateralism as its methods for adapting to globalization in preference to social dialogue. The Korean Government has taken the view that industrial restructuring, financial sector restructuring and public sector reforms are so important and urgent that it is not possible or desirable to discuss or negotiate with the trade unions. Instead, those who criticize or oppose its plans are regarded as obstacles. This had led to the imprisonment of some 300 trade unionists over the last two years. The Government's continued failure to honour important agreements and commitments has destroyed all confidence in tripartism. It is clear that the Government does not regard social dialogue as an important mode of addressing the challenge of globalization.

This kind of situation is not limited just to the Republic of Korea. Globalization is destroying rights, welfare, democracy and progress. As a result, the public service — which is needed now more than ever — is scaled back and the right and freedom of societies and peoples to chart their own futures have been handed over to capital and business.

In order for the ILO to remain a meaningful institution today, in order for the ILO to be able to realize the ideals inherent in itself since its establishment, it must become — on the basis of the strength of people's activism all over the world — the central focus of a purposeful effort to organize and consolidate the conviction and political will to regulate the global economic activities of capital within the framework of a shared commitment to justice, equality, solidarity and sustainability.

(The Conference adjourned at 1 p.m.)
REPORTS OF THE CHAIRPERSON OF THE GOVERNING BODY
AND OF THE DIRECTOR-GENERAL: DISCUSSION (cont.)

The PRESIDENT (Mr. MOORHEAD) — I now declare open the afternoon sitting of the plenary session to discuss the reports of the Chairperson of the Governing Body and the Director-General.

Original French: Mr. ÖRY (Government delegate, Hungary) — Mr. President, please accept my congratulations on your election to the presidency of the Conference. I am sure that the Conference will fulfill its mission successfully under your presidency.

It is my honour to convey my Government's gratitude to the Director-General for the high-level work that has been done under his guidance by the Office with the purpose of improving the effectiveness of the ILO activities.

I would also like to express my appreciation for the drafting of this well-structured and highly quality Report concerning the Organization's activities over the last two years. The Report well reflects the strategic thinking with regard to the clear identification of the main objectives and of the resources needed for their achievement. This is particularly important as regards the managerial framework.

This新鲜ness of thought should be very useful in realizing the basic values of the ILO and improving the efficiency of the Organization in the future.

The new approach is reflected in the first Global Report prepared under the follow-up to the Declaration on Fundamental Principles and Rights at Work. The Report identifies with pinpoint accuracy the way in which, and the limits within which, one of the International Labour Organization's basic values — freedom of association and collective bargaining rights — is turned into reality.

On behalf of my Government I support the statement on the necessity of further promotional activities to help migrant workers and those employed in agriculture. In cases of the most flagrant violation of fundamental human rights, I must argue for maintaining a resolute and consistent stance. I regard the annual report under the follow-up to the Declaration concerning non-ratified Conventions as an important tool for bringing about universal acceptance of the International Labour Organization's basic values. This very first Global Report has been prepared to the highest standards and has justified my expectations.

In this statement I would like to inform you of the most important developments taking place in Hungary which have a bearing on the International Labour Organization's activities. I can only tell you that the labour market is improving and there is a continuous reduction of unemployment which at the moment is 5 per cent. It is still more important to note that the general decline in employment has turned round and since 1998 we have seen a clear improvement. The high rate of economic growth that has been a characteristic of the country over the last few years is currently running at 5.2 per cent and this has allowed us to reduce taxes and give greater support to small and medium-sized enterprises.

My Government's philosophy is that employees are entitled to a fair share of the benefits of economic growth and has recently submitted a proposal to the social partners for a radical increase in the minimum wage.

The Hungarian Government, in accordance with EU practice, has formulated a medium-term strategy and a national plan of action. The Government's strategy involves concentrated action aimed at job creation. The Government has accordingly given responsibility for labour and employment policy to the Ministry of Economic Affairs, while international labour affairs will come directly under the remit of the Prime Minister's office.

Ten years after the change in regime, Hungary has come to the end of its transition period. From being a beneficiary of international assistance, our country has become a donor country and a stable economic partner, a committed supporter of international labour standards and an associate member of the European Union.

But although the transition period is over, our dedication to the International Labour Organization and all its values remains unchanged. We highly appreciate the efforts of the ILO Office in Budapest and the help that it has given to our country and other countries in the region. I can guarantee that we will continue to offer all the necessary assistance that the Office requires for its successful operation.

Cooperation between Hungary and the International Labour Organization takes place mostly within the National Tripartite Council. At the initiative of the Council in March last year we ratified the Worst Forms of Child Labour Convention, 1999 (No. 182).

As Chairman of the Council, I am pleased to say that members of that body regarded it as a great honour and an acknowledgement of their efforts that the Director-General, during his visit to Budapest last May, participated in one of our sessions.

Distinguished delegates, the Director-General's Report has shown that the ILO has been successfully accomplishing the tasks we jointly identified while devising the programme for the last two years and has...
also maintained its strongest tool, in the form of the international labour standards. This has been further strengthened by the Declaration on Fundamental Principles and Rights at Work and its Follow-up. I hope that the Conference will continue its fruitful work.

Original Arabic: Mr. AL-THANI (Minister of Civil Service Affairs and Housing, Qatar) — In the name of God, the Merciful, the Compassionate! I am happy to congratulate the President, on behalf of the Qatar Delegation, on his election to preside over this session of the International Labour Conference. I would like to wish both him and the Conference every success. I have the honour of bringing him also the greetings of His Highness Prince Hamad Ben Khalifa Al-Thani and his best wishes for the success of the Conference.

The Director-General in his Report has chosen to stress the activities of the International Labour Organization during the period 1998-99. This will allow us to hold a thorough discussion at the general Conference on the work of the Organization. The Conference should always observe such a pause in order to review, revise and evaluate the activities of the Organization and the work of the Office at headquarters, in the field, in the various regions and with the member States.

It is well known that standard-setting action is one of the principal concerns of this Organization. In fact, standard-setting action is one of the fundamental objectives and main tasks of the Organization. In this connection we would like to mention the activities of the Governing Body concerning the revision of Conventions and Recommendations in order to update them, combine them or revoke them so as to adapt them to recent changes and developments in the international arena. We hope that this will lead to the modernization and advancement of labour legislation in the member States.

There are, however, certain things we must take into consideration. Many countries, particularly developing ones, are faced with unfavourable economic and social circumstances which make it difficult for them to implement standards as they would like to. This situation raises a specific question, particularly as regards the assistance which should be offered to these countries in order to help them achieve their objectives. Given this situation, we think that the Organization should take a firm position, in keeping with its role as the only global organization which deals with labour standards, vis-à-vis the incessant attempts to link these standards to international trade. It should be pointed out in this regard that globalization has caused concerns and fears virtually everywhere, which have made it necessary to establish ethical and humane standards to govern economic and commercial developments so that all countries can benefit from them.

The specific problems of countries and regional groups must be studied in order to determine what the most useful activities are and to identify available alternatives to supply resources for their implementation. In this connection, the activities undertaken by the ILO regional offices and the multidisciplinary teams should be strengthened to make them more effective. We highly appreciate the activities of these offices and the multidisciplinary teams, but the initiatives should be reinforced and directed towards the support and development of programmes to meet the needs of the countries concerned and to help them to implement their future plans and programmes. This requires an increase in the financial resources earmarked for technical cooperation programmes in the ordinary budget through cooperation with the relevant United Nations organizations and other financial bodies.

The Arab countries consider that their share of technical cooperation allocations corresponds neither to the number of Arab countries, nor to their populations, nor to the problems they currently face. We are confident that the Organization will try to increase cooperation with the countries of the Arab region and with the Arab organizations concerned, in order to support our initiatives and national and regional projects, such as information systems on the labour market, the employment of young people and the strengthening of women’s access to the various sectors of the economy.

Qatar is bound by the terms of the Constitution of the ILO and the Declaration of Philadelphia; we have recently ratified several Conventions, including the Worst Forms of Child Labour Convention, 1999 (No. 182). We have also taken initiatives designed to encourage the work of young people in the private sector and in small and medium-sized enterprises.

Finally, we would like to express our conviction that the determination of the Director-General to confront all these problems, despite the difficulties, will, as a result of dialogue and joint efforts, have the desired results and will strengthen the role of the Organization, helping it to address recent developments and be at the forefront of the elaboration of policies which will be beneficial to all the peoples of the world.

Mr. ZORE (Government delegate, Slovenia) — Allow me to join the preceding speakers in congratulating the President on his election to preside over this very important gathering of the international community.

Let me first compliment the Director-General for his comprehensive Report, entitled Activities of the ILO 1998-1999, and particularly for the preparation and management of the successful interactive plenary session on the Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.

In our view, these fundamental principles represent a safety net, which could prove an effective tool in countering certain negative effects of globalization. Although opinions differ as to the importance of the Declaration and its principles, all States, irrespective of their level of social and economic development, should accord priority to the adoption and implementation of the seven, or indeed the eight fundamental ILO instruments.

The Republic of Slovenia has ratified and is implementing all seven fundamental Conventions. In addition, despite the fact that child labour is not a significant issue in my country, the eighth fundamental Convention, namely the Worst Forms of Child Labour Convention, 1999 (No. 182), is in the process of being ratified by the Slovenian Parliament.

Social dialogue, the most important issue under discussion at the 88th Session, is a precondition for the achievement of the other strategic objectives of the ILO and for social peace and stability. My Government strongly believes that without social dialogue, the adoption, ratification and therefore also
the application of ILO standards would be virtually impossible.

We also believe that the problems of the most vulnerable groups of workers who need special care and protection should be addressed at the global level. Within this context, the proposed new maternity protection Convention should be viewed, in addition to its original purpose, as a tool for promoting equality of opportunity for men and women. The revised Convention should not be allowed to reflect different views and positions of the constituents of the Conference, but should rather reflect a global desire to achieve greater protection for women workers.

Slovenia's national legislation is in conformity with the proposed text, in fact it exceeds the standards embodied in the proposed revision of the Convention and Recommendation. Slovenia is thus striving to underline the importance of the family responsibilities of both parents, fathers and mothers. One of the important aspects of decent work is safety and health at work. Slovenia has recently adopted a number of legal provisions which are in line with ILO principles. We are now facing the challenge of implementation, for which we need to strengthen our implementation and supervisory mechanisms and provide assistance to both employers and workers, particularly in small and medium-sized enterprises.

Within the framework of this year's discussions as well as the preparation of the new Convention and Recommendation, I would like to emphasize the importance of securing decent work in one of the most hazardous and yet most common of global activities, namely, agriculture.

Unemployment is a persistent global problem that affects every person's physical and emotional well-being. The social and economic exclusion of vulnerable groups represents a major concern. Special attention should be paid to the sensitive problem of the employability of the young, the elderly and the long-term unemployed, particularly women. In this context, the concept of life-long learning should prevail as a means of empowering individuals to cope with rapid changes in the economy and society.

Both education and vocational training are crucial elements of overall national programmes aimed at combating unemployment. They provide a firm foundation in any effective struggle against social exclusion that seeks to strengthen social cohesion.

Allow me to briefly mention a regional activity of major importance, namely, the Stability Pact for south-eastern Europe, in which Slovenia is taking an active part as a donor. My Government strongly supports the position of the ILO that initially the Stability Pact did not give sufficient consideration to the importance of social aspects of the crisis in the region. We believe that the ILO standards and principles should be fully implemented there as well. Thus, the Ministry of Labour, Family and Social Affairs of my Government is taking an active part in implementing the Republic of Slovenia's strategy on the social and economic recovery of south-eastern Europe.

Let me emphasize that the long-term economic and social stability of the region is of utmost importance to Slovenia and we believe for Europe as a whole.

In conclusion, I would like to underline the historical role of the ILO and commend its present role and contribution to the Copenhagen Declaration and Programme of Action as well as to the Special Session of the United Nations General Assembly on the implementation of the outcome of the World Summit for Social Development and further initiatives. The ILO plays a central role in the global campaign for full employment and for the promotion of workers' rights.

Ms. CHITAURO (Minister of the Public Service, Labour and Social Welfare, Zimbabwe) — Let me commence my address by extending to the President my warm congratulations. I also wish to extend my congratulations to the Vice-Presidents of the Conference who are, as usual, drawn from the tripartite arrangement. I have no doubt that your combined experience in labour matters will guide this session to a resounding success.

The Reports of the Chairman of the Governing Body and of the Director-General presented at this session reflect the commitment of the Organization to the pursuit of social justice as declared in 1919 when it was founded. This is demonstrated by the alignment of the Organization's activities with the four strategic objectives which are now associated with the ILO. If pursued in toto, the strategic objectives will, in this era, go a long way towards mitigating the labour and social consequences of globalization.

The restructuring of the Office initiated in 1999 is indicative of the Organizations dynamism. Therefore, a new approach in the new era enables the ILO to respond to the challenges brought about by the forces of globalization.

While globalization is not necessarily a recent phenomenon requiring our indulgence as to its meaning, the cause of concern is its manifestations. Allow me to point out that globalization is most likely to have different implications in different economies. For those of us from the developing economies the probability that the social costs will outweigh the benefits is not a far-fetched notion. The most likely scenario is that, in the wake of accelerated globalization, poverty and unemployment traps will deepen in our societies. In such an eventuality the much-cherished concept of decent work will gradually lose meaning, and that obviously signals the demise of the world of work.

The question to be asked is "Are we to fold our hands and let the forces of globalization erode the global social gains associated with the ILO?" To me the answer is a big "No". The ILO, in collaboration with donor partners and the national tripartite constituents of the developing countries, should formulate meaningful and more forecast strategies to address the social dimension of the globalization process.

It is in this regard that Zimbabwe not only welcomes but also supports the ILO-UNDP Jobs for Africa programme, launched in 1999 under the banner of "poverty — reducing employment strategies". Again, the decision by the Office to revamp the programme is welcome.

The Zimbabwean chapter of the Jobs for Africa programme is to be integrated with an ongoing national effort directed towards alleviating poverty. One such national programme to which Jobs for Africa is to be linked to is the Enhanced Social Protection Programme. The Enhanced Social Protection Programme is part of the broader Poverty Alleviation Action Plan, which seeks to strengthen one component of the latter: that of safety nets for the poor. Its main development objective is to prevent irreversible welfare losses for the poor households coping with the impact of the current and expected macroeconomic
shocks caused by a combination of internal and external factors.

With continued collaboration between the ILO and the national tripartite constituents in the fight against poverty and unemployment, we are assured of moving towards a better social world in the twenty-first century.

Original French: Mrs. AUBRY (Minister of Employment and Solidarity, France) — First, on behalf of the French Government I would like to congratulate Mr. Alberto Flamarique on his election to the presidency of this 88th Session of the International Labour Conference and for the role that he is playing in it.

I would also like to express my thanks to the Director-General, Mr. Juan Somavia, for his two Reports: the traditional Report on the activities of the ILO and also, for the first time, the Report entitled Your voice at work, which is part of the follow-up to the Declaration on Fundamental Principles and Rights at Work.

The Conference examined this Report yesterday. The conclusions in this Report give rise to concern, particularly as regards freedom of association, despite the progress which has been made.

The French Government would like the effort to continue so that we can clarify these conclusions further. And like the Workers' delegation, I too would hope that coordinated cooperation programmes for the promotion of the Declaration can be set up.

Concerning the revision of standards, the Committee on the Maternity Protection Convention and Recommendation has undertaken an important job — that of improving maternity protection throughout the world.

I would like to reiterate very clearly the commitment of the French Government to maternity and labour protection, which is a hallmark of the ILO, as it is one of the oldest international standards.

Obviously, our 1952 Convention needs revision. The role of women in our societies has changed. The number of working women has risen, economies have undergone transformation and conditions of work have evolved. I welcome the fact that the text submitted for discussion includes a very progressive extension of the scope of protection.

I also agree with the objective that a larger number of countries should ratify this Convention. But this objective should not mean a step backwards, for example as regards the allocation of maternity leave. I am reassured by the discussion that we are having now. We have to adopt a text which, while respecting cultural differences between the member countries, can expand the field of protection granted to women and guarantee an overall level of protection that is at least equivalent to that provided by the present Convention.

I would like to say a few more words about our International Labour Organization. Since its creation we have infused life into this institution based on the principle of tripartism. It is a unique and unprecedented institution. On many occasions it inspired the social progress of the twentieth century, providing footholds for progress and pointing to objectives shared by workers' and employers' organizations and governments.

We have also been able to build up an international code of rules for life at work which protects all and guides the activities of everyone towards more decent and more dignified work. The machinery set up by the founding fathers of the ILO, the reports and comments and the Committee on Freedom of Association, have led to progress in all countries.

But we know that a great deal remains to be done, as our system is facing a threat — globalization, increased competition, the selling off of public services, but also technological developments which call into question our self-assurance, knowledge, diplomas, and the conditions of work and status of many wage earners.

But these risks can become opportunities if we so desire. We must not forget either that in our countries we are hearing more and more calls to weaken the rules and dismantle social organization. Joint management is being challenged, and a call is being made for a return to unequal relations between employers and workers. And this is an undercurrent which demands that we should bear in mind where we have come from, and where we want to go together.

The rules of the market cannot define the laws of society. We must be careful, because in a world where the strongest rule, everybody loses in the long run — workers, enterprises, but also democracy. We now have to improve the way we think of the future. If we want our enterprises to be more competitive, we also have to think of new systems of regulation and new types of security for workers.

The challenge for us is to continue providing a minimum of protection for workers and of their individual and collective rights. But the challenge is also to be seen in the invention of new types of guarantees and safety mechanisms to protect people, but also, in the end, enterprises.

Globalization is developing economic forces which can go beyond the sovereignty of countries and even eschew international standards. They can play one country off against another, use and even create social niches and hide behind subcontracting. Globalization is also occurring at the same time as an explosion of new technologies, which have completely shattered age-old ideas about the workplace, scheduling, dependency and solidarity.

In all these fields I think that standards are essential, however they alone will be insufficient. We therefore have to use new methods which are just as powerful as these forces which are changing our world today. For instance, why should we not call on persons respected in the social field to think about respect for the rules and for ethics that correspond to the essence of our International Labour Organization?

We should think about moral harassment, the risks of new technologies, and the consequences of longer lifespans. These are subjects to which we must draw attention, but they are also subjects which demand proposals.

We expect the ILO to be the leading light in this world of uncertainties. Let us preserve the fundamental values which have been patiently drawn up by our predecessors, but let us also understand how to build the twenty-first century in the spirit of our time. It is possible to have the future and social progress go hand in hand. So let us make sure that is the case, and this is the message I wish to put before you today.

Mr. LAGUESMA (Secretary, Department of Labor and Employment, Philippines) — I would like to congratulate the President on his well-deserved election to preside over this 88th Session of the International Labour Conference.
Let me first commend the Director-General for the Report submitted to this session, which focuses on the 1998-99 biennium. For the ILO and its member States, the twentieth century was a continuing pursuit of social justice, by humanizing work through deliberate efforts to support democracy and fundamental workers' rights, promote employment and combat poverty, and protect working people. Accordingly, technical cooperation programmes have increased and brought the ILO closer to its constituencies. It is now in a better position to appreciate the relevance of its own standards and programmes given the specific circumstances and sensitivities of the different regions and member States.

The biennium was also highlighted by the adoption of two documents: the Declaration on Fundamental Principles and Rights at Work and its Follow-up, and the Worst Forms of Child Labour Convention, 1999 (No. 182).

The Philippines has long recognized the urgency of setting in motion an integrated plan of action to eliminate, as soon as possible, the worst forms of child labour by addressing the root causes of the problem through education, technical assistance and other promotional activities. The Government has already completed the tripartite consultation called for under the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), for the immediate ratification of Convention No. 182, and very soon we will be able to register our ratification of the said Convention.

Mr. President, no one disagrees that in the global economy the ultimate objective of the ILO and its member States should be to secure decent work for men and women everywhere. The primary goal is to ensure workers' fundamental rights and adequate protection for the socially excluded. This task is made more daunting by the profound transformation of society, from the industrial to the post-industrial knowledge-based society, characterized by the increased capacity of capital, liberalized trade, cut-throat competition, free flow of information, technological advances with their potential job-shedding effects and the increasing pockets of poverty and inequity in the less-developed regions of the world.

The Philippines, along with other ASEAN labour ministers in our 40th meeting held in Manila, seriously considered the fact that these rapid and complex changes are being accelerated at a faster rate by regional economic integration, fast-passed liberalization and globalization. Our response is contained in a framework of cooperation and commitment to promote better working conditions and productive employment in an environment of freedom and equality, with a specific programme of action detailed in a five-year programme for ASEAN member states. We look forward to a greater collaboration with the ILO in the implementation of these projects.

In the same spirit of cooperation with the ILO, and in line with our policy of constructive engagement among ASEAN member states, the similar labour ministers took the position that the Myanmar Government should be supportive in its Manifesto without preconditions to request the ILO to send a technical cooperation mission and pave the way for a resolution about standing issues regarding compliance with the Forced Labour Convention, 1930 (No. 29).

I wish to take this opportunity to express our appreciation to the Director-General for sending this mission and for going the extra mile to find a lasting solution to the question of forced labour in Myanmar. The ILO secretariat and the members of the mission also deserve our commendation.

My delegation is of the view that the mission was a critical confidence-building measure, and Myanmar should be given sufficient time to work out, with the help of the ILO and its tripartite partners, a comprehensive framework of executive, legislative and administrative measures necessary to bring its commitments in to full compliance with Convention No. 29. Accordingly, I express the hope that the contemplated action against Myanmar under article 33 of the ILO Constitution will no longer be necessary.

The Philippines continues to regard the ILO's standard-setting function as a benchmark in guiding our natural aspirations and actions. We welcome the direction to accelerate the revision of outdated instruments, heighten technical cooperation programmes and enhance the effectiveness and impact of existing supervisory mechanisms. However the greater challenge, given the diversity of national circumstances, institutions and levels of development, is how these international instruments will evolve in a way that will optimize their usefulness to specific countries' strategic choices of gradually eliminating existing economic disparities and social inequities.

This challenge is particularly relevant in the discussion to expand the scope of maternity protection. The Philippines supports the principle that this type of protection should cover all women without distinction, but the practical effects of providing a longer maternity leave should be debated seriously.

We are pleased to have implemented, ahead of this session's discussion on human resources development and vocational training a social dialogue on training which the ILO helped to organize. A social dialogue on training, especially at this time of the financial crisis and globalization, provides a powerful means of seeking convergence between the traditional partners and the actors of civil society in support of necessary structural reforms.

Finally, let me congratulate the ILO for putting together the first Global Report entitled Your voice at work. The Report provides an excellent basis for a broader discussion of the freedom of association and the effective recognition of the right to collective bargaining. A strong reaffirmation that the ILO is truly the social conscience of the world. The Philippine Government under the Estrada administration affirms the principle that economic and social progress is best attained if these basic fundamental rights are recognized and respected.

Original French: Mr. BILTGEN (Minister of Labour and Employment, Luxembourg) — First I would like to congratulate the President and the Officers during this session. This is a very important session, a fact made very clear by three statements made by Mr. Somavia concerning the state of labour relations in the world and the position of the ILO as regards globalization.

My texts of reference are, first of all, the Report of the Director-General for the Conference last year, entitled Decent work; secondly, the first Global Report entitled Your voice at work on the implementation of the first series of principles of fundamental labour standards set out in the 1998 Declaration on Fundamental Principles and Rights at Work which is
under discussion here this year; and finally, the Director-General's May Day address in the present of Pope John Paul II, in which Mr. Somavia called for a "global coalition for decent work", and which summarises the current world situation.

These words "global coalition for decent work", sum up what we should all do if we wish to prevent the new world economic order from becoming a social disaster which, in a vicious circle, will destroy the benefits of which globalization could and must bring to everyone if it is well managed. Mr. Somavia said that we need a "global coalition" in which all players accept their responsibilities with a view to giving the world economy the "ethical backbone it lacks" and ensuring that this new economy "benefits the many, and not just the few". The Government of Luxembourg supports this approach. We need a world social order in addition to the world economic order. This requires four things. First of all a social partnership. For this we need to set up a "sacrosanct" coalition of all the players involved — States, international organizations, particularly the ILO, WTO which let it be said, needs to rethink its present philosophy and the OECD and, most importantly the social partners.

The ILO is particularly appropriate as a forum in which call on the responsibility of the social partners. They bear a very specific and heavy responsibility for the establishment of world social order. Social partnership should become effective everywhere, but the role of the social partners should also change. It can no longer reject responsibility and throw it on to the shoulders of the public authorities. Social dialogue is essential, not only for social policy, but also to ensure the smooth working of the national economies and of the world economy.

I believe that the social partners should accept their responsibilities as regards the need to create quality jobs and to share out jobs and wealth, and not only to think about those who have jobs. Specific measures are needed by national and international public authorities to look after the interests of those who are excluded or at risk of exclusion because they lack access to the new technologies. Why can't we set up mechanisms to enable the social partners, member States and international organizations to report on what they have done?

Secondly, the term "global coalition" also implies the need for active social and employment policies. We must not commit the mistakes of the European Community by assuming that economic development will automatically provide a high level of social protection. This is not the case. The virtuous circle will not be created automatically. All the players need to work hard to achieve this.

Thirdly, we should also look at the legal framework. The current ILO approach seems to be based too exclusively on ethical or moral considerations. While this an essential basis for our thinking about the purpose of the economy, it also needs to be accompanied by political and legal initiatives. We were justly proud to adopt the Declaration in 1998, but we must bear in mind that this is just a very modest beginnings. We need to keep up the momentum, not only as regards the reports referred to in the Declaration, but also with regard to ways of strengthening the fundamental rights of workers regularly at this Conference. As regards substance, we need to safeguard certain specific principles, violation of which cannot be excused even during an interim period. We therefore urgently need to establish the "pillar" of binding minimum social standards, as it was adopted two years ago. We continue to call for the formal incorporation of social standards in world trade, and for multilateral monitoring which is as binding as possible. As regard Decent work, the international community should establish substantive rules to ensure wages sufficient to allow workers and citizens to lead a decent life.

The fourth point is this. The European Union has understood the linkage between economic policy, employment policy and social policy, and has set up the necessary procedures. The EU has gone beyond purely ethical considerations and has established and implemented an integrated policy aiming at creating decent jobs. In Europe we have understood that economic policy, employment policy and social inclusion policy are those essentially complementary sides of the same triangle. Mme. Martine Aubry, who took the floor before me, will make this the basis of her forthcoming presidency of the EU's Social Affairs Council. Within the EU, therefore, we should be establishing quantified objectives which are part of multilateral monitoring and perhaps sanctions.

I agree that there is a difference in the standards of development of different countries that accept a staggered approach, but there must be binding stages in this too. To conclude I would emphasise that we need a consistent and active policy on all these aspects, which will make it possible to create a world order which has an efficient economy and combats unemployment and social exclusion. There is time to create this virtuous circle — which I stress will not be achieved automatically — and we need to be more on the offensive, to reaffirm the role of ILO and establish an integrated strategy towards globalization which will ensure that the greatest possible number of people can benefit from globalization.

Original Arabic: Mr. ALIOUA (Minister of Social Development, Solidarity, Employment and Vocational Training, Morocco) — In the name of God, the Merciful, the Compassionate! Firstly, I would like to congratulate the President on his election to preside over this session of the Conference. I would also like to wish him every success in performing his duties. I would like to thank the Director-General of the ILO and his assistants for the sustained efforts they have been making to prepare this session of the Conference and guarantee it every chance of success and also for the high calibre of his Report.

This session of the International Labour Conference, includes the first follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. This follow-up, will allow us to review the events which have taken place in the field of the promotion of workers' fundamental rights. It will also enable us to evaluate the effectiveness of the assistance provided by the ILO, and to determine priorities for future years, in the form of plans of action in the sphere of technical cooperation.

We would like to take this opportunity to reaffirm the need for the ILO Declaration to retain its specific character and continue to promote member States' efforts to honour their obligations in the field of fundamental workers' rights. It has been pointed out in this respect that Morocco has taken a number of measures in order to match its national legislation to the requirements of standards relating to fundamental rights and principles at work. Among these measures
I would like to mention the amendment of the Trade Union Act to bring it into line with the provisions of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the ratification of the Minimum Age Convention, 1973 (No. 138) and the measures being taken with a view to the ratification of the World Forms of Child Labour Convention, 1999 (No. 182).

This session’s agenda is particularly important because it contains items that are aimed at promoting the protection of working women during maternity leave, and the protection of agricultural workers. My country is making every effort, in difficult international circumstances, to promote the status of women in general and working women in particular. In this respect, we have submitted a considerable important draft amendment to the Labour code. This draft is being discussed at the moment by the Moroccan Parliament, with a view to improving the status of working women in our country.

Furthermore, the Director-General’s Report to this session concerns ILO activities and technical cooperation programmes that have been implemented in the interests of member states in order to strengthen efforts to promote workers’ fundamental rights and principles. In this respect, I would like to emphasize the importance of cooperation between the ILO and Morocco which has resulted in numerous projects being implemented in a variety of areas such as the organization of seminars on freedom of association and social dialogue, health and safety at work, collective bargaining, etc; the implementation of the major part of the International Programme on the Elimination of Child Labour (IPEC); and lastly, in the context of promoting machinery for consultation and dialogue between the government and the economic and social partners, the first meeting of the Supreme Tripartite Council in May 1999.

Morocco is constantly making efforts to improve working conditions and workers' rights, to enable enterprises to achieve a level of competitiveness which will allow them to adapt to the profound changes occurring in the global economy. These efforts by the Moroccan Government have allowed special relations to be established with the ILO, and have promoted social dialogue between the three social partners, namely the workers, employers and the government which has led to the signing of agreements by these three parties.

I would like to conclude this intervention by raising two points that are essential for the Moroccan Government. The first concerns the responsibility of the international community, and that includes our Organization, to promote the situation on the continent of Africa. Globalization is striking this continent with full force which is leading to increased social exclusion and marginalization. As a State, we wish to raise this issue forcefully during the Special Session of the United Nations General Assembly on social development, which will be held in a fortnight here in Geneva.

The second point that I would like to raise concerns the peace process in the Middle East. We appreciate the special attention granted by the ILO to the situation of Arab women in Palestine and the other occupied Arab territories. However, we would call on the International Labour Organization to intensify its technical cooperation efforts with the Palestinian authorities in order to set up a programme of action to promote working conditions and boost labour relations. This is an integral part of the solution to the conflict and of the attainment of peace throughout the whole Middle East region.

Original French: Mr. BLONDEL (Workers’ delegate, France) — Bearing in mind our time constraints to which I have adhered, I will try to restrict my words by briefly summarizing a few subjects. The first concerns the standard-setting activities which remain the backbone and the justification of the International Labour Organization. Standard-setting activities constitute the counterweight required for the evolution of the economy. Globalization and liberalism cannot be the law of the strongest, they have to be counterbalanced by a minimum amount of regulations.

At an international level, standards must fulfill this objective. The role of the ILO, therefore, is to persevere in adopting standards and ensuring that they are widely applied. If anything is to be changed, it is the commitment and the authority of governments when applying these standards. In this respect, we must strive to ensure that the IMF and the World Bank acknowledge the standards and their level of application. For too often these financial organizations are opposed to the practical application of our Conventions, including the fundamental Conventions.

The second point concerns participation at the Conference. We are all very pleased to see that there are many Government representatives taking part at this, the 88th Session of the Conference. However, it does not seem that a comparable effort has been made by representatives of the Employers and Workers. Worse still is the fact that the absence of representatives of the trade unions is not due to financial reasons, but political ones. When governments attempt to criminalize trade union action, we cannot condone such behaviour.

The Global Report on freedom of association presented by the Director-General within the framework of the follow-up to the Declaration, shows the numerous problems and difficulties faced by the trade union organizations throughout the world. This finding requires that our Organization steps up its action to defend trade union rights.

My third and final point is more specific. The activity of the ILO is increasing and we all welcome this. Globalization and the new economy make the notion of time and space more relative. However, there can be no question of standardizing society — either from the cultural standpoint or from the standpoint of expression.

Also, I would like to ask the Secretary-General of the Conference to consider the issue of the working languages. This, up to a point, concerns a respect of democracy. This year, we are pleased to see that there is Portuguese interpretation. However, we only have to read the publications — and in particular to see how they are displayed — at the Palais and at the ILO to realize that the threat of a one-language system is hanging over us.

To conclude, I would like to express our satisfaction at the work that has been accomplished. The authority of the ILO is unquestionable. The general management of the ILO draws fully upon the potential provided it by tripartism and by the commitment of Employers, Workers and Governments. It is, therefore, regrettable that sometimes there is a certain ambiguity between the declarations and commitments subscribed by the latter at Conferences and Govern-
ing Bodies and the day-to-day realities in the countries.

How can we accept, when you are a lover of peace, that the President of the country which has the largest number of citizens in the world says, “Oh well, as far as democracy is concerned we will talk about it again 50 years from now?” The struggle for freedom and well-being is still very much on the agenda. We know that long and difficult trials await us, and we will face up to them.

Original Italian: Mr. MACINA (Minister of Labour, Social Welfare, Economic Planning, Foreign Trade and Cooperation, San Marino) — It is a great honour for me to address this 88th Session and to be able to speak on behalf of the Republic of San Marino during this very important Conference dealing with problems that have a direct bearing on labour matters and vocational training.

Our country — albeit a small country — is undergoing constant development with continuous growth in all sectors of the economy. This is a sign of its firm commitment to playing its role both locally and internationally. That is why I want to focus on the achievements of our labour force which, over the years, have resulted in a skilled population that is able to sustain the economic growth of our country. This is our collective national heritage and it is guarantee of our well-being and of the competitiveness of our enterprises in an increasingly globalized and changing economy. There are certain basic problems such as vocational training and the need for our planning culture to adopt a new approach to the future of San Marino.

Close cooperation is essential between the Government and the workers' and employers' organizations if we are to train the future generations of our Republic so that they can move into new areas of work where basic education and skills evolve with the market which, like the labour market, is constantly changing.

Our small country has to adapt — not only from the economic standpoint but also politically. — to the realities of the international world and to the development of atypical forms of work.

The Government of San Marino has proposed experimental tripartite agreements which take into account the necessary involvement of the social partners dealing in the matter of worker/employer relations.

Vocational training in this fast changing labour market is essential to the evolution of social economic models which are able to keep up with a changing economic reality. The ILO has stressed the need to improve the level of skills by placing on the agenda of the 88th Session a discussion on human resources and training.

Education and basic training are essential factors and they are essential to economic growth and to the fulfilment of all those who have a part to play in this market. These two principles are the very basis of the economic wealth of a country and contribute to the growth of a skilled workforce which, along with the employers, can help to realize the potential of the country in terms of economic development.

This year we are celebrating the 20th anniversary of the setting up of a vocational training centre in San Marino. The centre has done very good work over the years as regards providing basic training to school-age children and also training and retraining for national and foreign workers. In this last regard, we have some very interesting initiatives afoot for the training of highly skilled managers for the world of tomorrow.

We can safely say that our policy aims at training human resources within our country so as to improve the well-being of the community as a whole. We have now decided to set up a semi-public training institution to combine the experience acquired with the requirements of the various sectors.

I think it is essential that we in Europe reform the school system, extending mandatory schooling through to the age of 18, encouraging the training of our best elements so that they can tackle problems with a critical eye and an ability to take decisions.

Vocational training has to be constantly reassessed and integrated with the school system. This is the cornerstone of specialist training that secondary schools have never been able to provide.

Training is an integral part of all the policies that governments and the international community are pursuing today in the light of the universal phenomenon of a global economy — including the Labour market.

As the Director-General said in his statement to the Conference, though it is true that globalization is inevitable and irreversible, it is equally true that macroeconomic financial, commercial and social policies need to be modified and corrected. The aim is not only to have a prosperous economy but above all to develop society and ensure the well-being of the whole population.

The Government of San Marino feels that the best approach to all the problems facing the world of work is tripartite consultation along the lines laid down by the ILO, which San Marino sees as the driving force of economic and social development.

Since San Marino joined the Organization, it has ratified a large number of important Conventions, including the Worst Forms of Child Labour Convention, 1999 (No. 182), which was ratified by our Parliament this year.

I should like to thank you for having allowed me to address this important meeting, and I wish you all excellent work.

Mr. VERMEEND (Minister for Social Affairs and Employment, Netherlands) — This International Labour Conference is an important meeting. The globalization of the economy, the liberalization of trade, the rapid development of new technology, all call for a show of sentiment, a sentiment that the ILO can offer.

The discussion should not be on what the ILO could be but on what it should be — a strong organization with a clear mandate to promote human rights in the social field regarding advocates and promoters of the fundamental labour standards worldwide.

During this session of the Conference, we will discuss the first Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, which deals with very important issues — freedom of association and the right to collective bargaining. The insights that we gain from the Global Report should activate us.

Our aim should be the worldwide observance of the fundamental labour Conventions. These fundamental rights should be the benchmark for globalization and social progress, an economy whose future is based on the concept of decent work.
What does this mean for the ILO agenda of this decade?

Firstly, the ILO should highlight its role as the guardian of fundamental labour standards. This requires a two-step strategy. The ILO should offer support to countries that indicate the will to comply with fundamental labour standards. The fight against child labour is a good example. The fight should be continued. The International Programme on the Elimination of Child Labour requires our full support.

The ILO should also condemn countries that ignore fundamental labour standards and, where necessary, it should take concrete measures. The instruments are there to do so. Take, for instance, article 33 of the ILO Constitution under discussion at this session.

The Worst Forms of Child Labour Convention, 1999 (No. 182) which was adopted last year, offers hope for the true abolition of violations of the rights of children. I appeal to all ILO member States to ratify this Convention. The Netherlands will ratify this year.

Secondly, the ILO has become a leading party in the fight against child labour. The ILO should take the same position in the development of guidelines to promote social responsibility of the private sector.

Thirdly, the ILO should be more involved in the worldwide discussion of globalization. I deem the ILO to be an important discussion partner of the World Bank, IMF, WTO and other international organizations. The ILO can make a major contribution to ensure that economic growth is actually translated into social progress. For this, it is necessary that fundamental labour standards actually focus on the "core business" of the World Bank, IMF and WTO.

Fourthly, sound social policy is at the heart of economic progress. This should be a leading principle of the ILO.

Lastly, the ILO and its member States can play an essential role at the UN Special Session on Social Development in Geneva. We need to make progress in fighting poverty, creating employment and social integration. The ILO fundamental labour standards are prerequisite conditions for achieving this.

Original Arabic: Mr. OULD SIDI (Minister of the Civil Service, Labour, Youth and Sports, Mauritania) — In the name of God, Merciful, Compassionate! It is indeed a great honour for me to speak on behalf of the Islamic Republic of Mauritania before this august assembly, convened for the 88th Session of the International Labour Conference.

I would like to congratulate you, Mr. President and the members of the Bureau, upon your election to these lofty posts. I wish you all success in your work.

May I express gratitude to Mr. Juan Somavia for his efforts since becoming Director-General of the Organization to consolidate the principles and objectives of the Organization and build a fair and equitable social partnership.

The objectives and principles of the International Labour Organization coincide with the policies pursued by my country ever since the adoption of the 1991 Constitution regulating all aspects of national life in my country. A special place is given to the problems of workers in our general policies and economic and social development programmes.

This is particularly evident in our integrated plan to eradicate illiteracy, unemployment and poverty with a view to promoting human rights in a climate characterized by security, freedom and the spirit of constructive dialogue.

Consolidation of political plurality, trade union freedom and efforts to bring legislation into line with the spirit and direction of the new process in our country have proven extremely beneficial for the workers of our country. Thanks to this new political orientation and the convivial atmosphere created thereby, we are well on the way to economic development. We are pleased to see a tangible decline in illiteracy, poverty and unemployment. The economy has continued to grow over the past few years, with very positive benefits for workers in Mauritania. As a result, our President, has decided upon an 8 per cent increase in the basic wage in the public sector. This, in addition to the 15 per cent which was given to all workers in the public and private sectors.

These gains and other achievements in various social and economic spheres both confirm the validity of our approach and make us extremely optimistic about the success of our development programmes in creating the right conditions for radical change allowing us to satisfy the legitimate aspirations of all sectors of society to achieve well-being and prosperity among the advanced nations.

We expect the education campaign which we have launched on a wide scale throughout our country to highlight the powerful link that exists between ignorance and poverty and the untoward influence that these two factors have upon economic development. In this way, we hope new minds and new capacities among all social groups empowering them, to shape new capacity, as we stand at the beginning of the third millennium, to face the challenges of globalization.

In conclusion, may I say again how attached my country is to the principles and objectives of the Organization. We support the Organization in its pioneer role in promotion of social dialogue and social partnership as well as its ongoing work to international solidarity and thereby reduce the gap strengthened between North and South.

We also hope that this cooperation will be intensified in order to alleviate the suffering of the workers in the occupied Arab territories.

Original Arabic: Mr. AL-WAZZAN (Minister of Social Affairs and Labour; Minister of Commerce and Industry, Kuwait) — In the Name of God, the Merciful, the Compassionate! Firstly, I would like to congratulate you, Mr. President on your election to the presidency of the Conference and I wish you and the other Officers complete success in your work.

I also hope that the Conference will produce the best possible results, thanks to the efforts of the social partners, the employers, governments and workers, enabling our Organization to move into the twenty-first century armed with the principles of social justice, equality and welfare enshrined in its Constitution and the Declaration of Philadelphia, and to better face the changes and challenges of our contemporary world.

Allow me to focus on a number of issues and questions relating to the work of our Conference at its 88th Session and to state the position of the Kuwaiti Government, which has supported the ILO's work since it joined the Organization in 1961.

Firstly, the Government of Kuwait reaffirms its first intention to ratify and implement the ILO's instruments of recommendations for the protection of women workers in domestic service.

Secondly, the Kuwaiti Government adheres to the principles of the ILO's instruments of recommendation which reinforce freedom of association and recognition of the rights of workers to organize and bargain collectively.

Lastly, the Kuwaiti Government expresses its support of the International Labour Organization in its efforts to unify the international body and develop social dialogue.
1998 Declaration on Fundamental Principles and Rights at Work. This commitment is based on our belief in the ILO's Constitution, the Declaration of Philadelphia and our concern to see peace and social justice reign in the world and to assure the welfare of all peoples.

Kuwait has ratified five of the seven core Conventions, namely Convention No. 29 (1930), No. 87 (1948), No. 105 (1957), No. 111 (1958) and No. 138 (1973). We are also envisaging the possible ratification of two Conventions, namely Convention No. 98 (1949) and No. 100 (1951), which I hope will take place as soon as possible. I would also like to inform you that Kuwait was one of the first countries to envisage ratifying the Worst Forms of Child Labour Convention, 1999 (No. 182).

Secondly, as regards freedom of association and collective bargaining, Kuwait ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), in July 1961, upon joining the ILO. Furthermore, Law 38/1964 contains a separate section devoted to employers' and workers' organizations. This State, in fact, supports 17 trade unions which exercise their trade union rights in full freedom. Support has been provided in the form of material assistance to promote the situation of trade unionists as well as subsidies for attendance at conferences and congresses in Kuwait and elsewhere.

Thirdly, the competent authorities are presently reviewing the possible ratification of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). Many provisions of national laws already regulate direct negotiations between the three social stakeholders so as to achieve an amicable resolution of any dispute that might arise between the parties through joint committees. Furthermore, these provisions allow trade unions to achieve considerable gains for their workers by institutionalizing collective bargaining.

Fourthly, through cooperation and tripartite consultation, workers and employers are involved in the drafting of amendments to private sector labour legislation. A case in point is the High-Level Consultative Committee for Labour Affairs which was set up pursuant to Ministerial Decree No. 151 of 24 August 1999 and which brings together representatives of Government, the Chambers of Commerce and Industry and the General Federation of Kuwait Trade Unions.

Fifthly, foreign workers, who represent 139 nationalities and more than 1 million workers in the public and private sectors, enjoy their full rights as guaranteed under national laws and the provisions of Arab and international labour Conventions.

As regards pay, working hours, weekends, holidays, and working conditions for young people, women and all the other categories, in order to guarantee migrant labour appropriate working conditions and pay, the ministries concerned have made a point of strengthening the labour inspection mechanism so as to safeguard rights at work and to ensure that workers have appropriate accommodation.

With regard to the working conditions of Palestinian workers and employers, we call on the Organization to redouble its efforts to ask Israel to comply with international labour standards and the Declaration on Fundamental Principles and Rights at Work and to work with the social partners to eliminate the burden of unemployment, poverty, and ill-treatment, and to put an end to the building of settlements.

We would also ask the Organization to institute a technical cooperation programme that meets the needs of the workers in these regions, particularly by creating employment opportunities for young persons and helping to achieve the rehabilitation of persons with disabilities, including through the adoption of a resolution at the present session.

Mr. President, tripartite cooperation is urgently needed if we are to face the challenges of the future and keep pace with developments in the world arena, also helping developing countries in need of support from international organizations such as the ILO. It is with the help of these organizations that developing countries will be able to overcome the problems they face as they seek to achieve economic development and combat the negative effects of globalization.

I hope that peace and social justice will reign in all countries of the world.

Original French: Mr. SISSOKO (Minister of Employment and Vocational Training, Mali) — First of all I would like to join in the congratulations addressed to the President for his brilliant election to the presidency of the 88th Session of the International Labour Conference.

Please allow me also to take this opportunity to congratulate the Governing Body and the Director-General of the International Labour Office for the exceptional quality of their reports.

We have read with great interest the Report of the Director-General on the activities of the ILO during the financial period 1998-99 in Africa and throughout the world.

The developing countries, such as mine, today face numerous challenges — unemployment, poverty, the low level of productivity of enterprises and the inadequate nature of human resources as compared with the needs of the labour market. In spite of the progress made by our States in this field, we must realize that the road to economic prosperity is still very long.

Within this context, the constant assistance of organizations such as the International Labour Office are more indispensable than ever. The replies offered by our Organization to the different challenges which have been mentioned give us real reasons for hope.

We are particularly happy to note that during the last biennium all the activities of the Office, as requested by members States, have been included in the framework of the three priority objectives: the promotion of employment and the struggle against poverty, the protection of workers, and the support of democracy, human rights, and the greater application of the international labour standards.

In connection with the promotion of employment and the struggle against poverty, my country greatly appreciated the support given to it by the ILO in the reinforcement of national competences in connection with the integration of questions concerning employment in its economic policies. This is why we feel that the office should increase its efforts in research and the mobilization of additional resources for the implementation of the activities in this field.

The Government of the Republic of Mali considers that the struggle against poverty and unemployment requires strong action which will be consistent and coordinated, involving all the social partners in the definition of strategies. From this point of view, social
dialogue appears to be the ideal framework for the participation of all the socio-economic actors in the establishment of economic and social policies and, consequently, a means of consolidating cohesion and social peace.

The ILO, therefore, should intensify its efforts to strengthen the structures of tripartite cooperation at the national and subregional level's through the reinforcement of the capacities of labour administration officials and the social partners to participate efficiently in the social dialogue.

My delegation is pleased that the agenda of this session of the conference includes discussion of the first Global Report under the follow-up of the ILO Declaration on Fundamental Principles and Rights at Work. This discussion is particularly important since it is to give rise to a programme of action to help the States ratify the eight fundamental Conventions.

The Government of the Republic of Mali takes advantage of the solemn occasion which has thus been offered to it to reiterate its commitment to ratify all the fundamental international labour standards which have been internationally recognized. The Worst Forms of Child Labour Convention, 1999 (No. 182), is about to be ratified by the National Assembly. The Minimum Age Convention, 1973 (No. 138), is currently being discussed before its submission to the competent authorities.

However, the ratification of the fundamental Conventions cannot constitute an aim in itself. It is also necessary to adopt the necessary measures to ensure effective implementation of these instruments. The ILO, therefore, must mobilize all the technical cooperation means available to it to help the member States not only to supply the reports required under the follow-up to the Declaration but also to ratify and observe the fundamental standards.

Whatever the economic and social development of a country may be, to invest in competence and knowledge — in other words, to develop human resources — is becoming increasingly indispensable to the resolution of the problems of employment and the maintenance of sustainable economic growth. The policies and programmes for upgrading human resources must correspond with economic requirements and the needs of the labour market.

We need to recognize that the policies applied in most of our countries are often questioned, mainly in connection with their adaptability to the far-reaching changes which have occurred in the labour world. Therefore, we must fundamentally review, with the participation of employers and workers, the objectives of training programmes so that they fit the new requirements of our economies.

In Mali, our training system, which is supposed to be an instrument for development adapted to the needs of production, is today making a significant contribution to propelling our economy forward and developing its human resources through a constant increase of the level of competences. For this reason, we have created a ministry for employment and vocational training at the institutional level to take over all these questions and to ensure our enterprises the necessary consistency.

We are pleased that the report Training for Employment, Productivity and Social Inclusion has been included in the agenda for this session. The general discussion to be held on this subject will, I am sure, provide the ILO with the necessary guidance for its future standard-setting activities, and through new standards, give member States, in the long run, the institutional and legal support necessary for the formulation of their own training policies.

Finally, my delegation feels that the revision of the Maternity Protection Convention (Revised), 1952 (No. 103), which is an absolute necessity, must be directed not towards questioning the acquired rights of women in this field, but rather towards increasing the social coverage and the special protection which is owed to them. I wish this session of the Conference the greatest success.

(Original Russian: Mr. RAGIMOV (Deputy Minister of Labour and Social Protection of Population, Azerbaijan) — Mr. President, ladies and gentlemen.

First of all, let me express my heartfelt appreciation to the Director-General for emphasizing once again that ILO activities are not restricted to our terms of reference but express an ideal of support for social justice in the world.

Azerbaijan, like many other former Communist countries which are now independent, faces the great challenge of developing market conditions and democracy. In this context, the social aspect is becoming more and more important. An analysis of socio-economic development over the last five years has shown that neither deregulation and privatization, anti-inflation policies, nor the adoption of various laws have resolved our balance of payments problems and do not ensure stable social development. There is no "quick fix" solution to be derived either from international practice or our own experience. Total restructuring of the economy and its sustainable growth is the main objective. In recent times, economic reforms have speeded up and become irreversible.

These reforms put an end to the economic crisis of the early nineties and revived the economy. It was at the same time understood that social issues must be included in the overall reform process, not only because poverty and social disorder are in themselves unacceptable, but also because it is crucial for our future prosperity to do so.

The new strategy is the natural consequence of the current situation, in which we are moving towards a market economy and face specific difficulties in the budget and tax spheres. These reveal organizational and legal deficiencies in social welfare. The main component of the new strategy is to provide targeted social protection to combat poverty through pensions, benefits and jobs for vulnerable population groups, as well as favourable treatment in education and health care. This enables our country to reduce ineffective social protection expenditure.

Institutional reforms have been intensified in Azerbaijan since the 87th International Labour Conference. A new Labour Code came into force on 1 July 1999 and is substantially different from the previous one, being based on the provisions of those ILO Conventions which our Republic has ratified. We would like to express special gratitude to the International Labour Organization for its indispensable help in preparing the new Labour Code. We consider carefully all comments and recommendations of ILO experts with regard to our laws. Thus, in the new Labour Code, the number of places where strikes are prohibited has been reduced to a minimum. That will also be
would like to stress that the implementation of these policies aimed at developing macroeconomic stability, achieving a sound fiscal and monetary balance, providing an opportunity for creating the international machinery needed to regulate world economic trends and difficulties resulting from adjustment in response to globalization. Economic globalization has significant implications for the economic policy of our countries, including employment policy and overall social policy. In this context, serious international efforts are needed to ensure that the social aspects of globalization are not disregarded. This session in my view provides an opportunity for creating the international machinery needed to regulate world economic trends and contribute to poverty elimination and social progress.

Mr. MOUSHOUTTAS (Minister of Labour and Social Insurance, Cyprus) — This year, we have before us two very important reports. The Report of the Director-General on the activities of the International Labour Organization covering the biennium 1998-99, and the Global Report under the Follow-up to the International Labour Organization Declaration on Fundamental Principles and Rights at Work.

I welcome both reports. Though on different issues, they have a common feature which is worth highlighting. They reflect very clearly the focused approach to the International Labour Organization’s work which was visualized by the Director-General. I want to congratulate Mr. Somavia for his commitment to the realization of his vision and to acknowledge the serious work done by the International Labour Organization officials both at headquarters and in the field.

Reading the Report of the Director-General, one cannot but be impressed with the depth and breadth of the activities of the International Labour Organization in the three priority areas of the programme and budget for the biennium 1998-99. The InFocus programmes introduced within the framework approach with a view to maximizing impact and coverage are beginning to prove their worth.

As a member of the Governing Body since last year, my Government has had the opportunity and privilege to follow very closely the work of the International Labour Organization. The programmes and the budget adopted for the new biennium prove clearly the constituents’ determination to support the strategic planning and the targeting of assistance to the established and expressed needs of the member States.

Cyprus has been organizing, since 1985, a series of high-level interregional seminars, jointly with the International Labour Organization, in the fields of labour administration, small enterprise development, labour relations and tripartite cooperation for the benefit of other ILO member States.

We could now explore the possibility of targeting these seminars to fill needs, identified under the follow-up to the International Labour Organization Declaration on Fundamental Principles and Rights at Work, in areas in which we can provide expertise and share our successful experience.

At this point, allow me to offer a few comments on the Global Report. Being strongly committed to the principles and rights contained in the Declaration, the Government of Cyprus cannot but welcome the first Global Report on freedom of association and the right to collective bargaining.

It is well written and well presented, and due credit should be given to those who assisted in its compilation. In my Government’s view, the Report meets its purpose, to a satisfactory extent, since it provides a global review. It contains considerable information on ILO means of action and lessons learned. More importantly, it can serve as a basis for targeted action which will improve the rather pessimistic picture of the current global situation with regard to freedom of association and the right to collective bargaining.

This is the first exercise, and we can certainly draw on the experience acquired. I feel confident that the discussion which took place at the special sitting of the Conference yesterday will be of great usefulness to the Governing Body when assessing the Report and programming its action plans for technical cooperation.

On the basis of the successful experience of Cyprus, I am convinced of the importance of social dialogue...
on fundamental issues such as freedom of association and the right to collective bargaining, which directly concern the social partners. I wish to advocate encouraging tripartite involvement in the preparation of annual reports on the rights covered by the Declaration. Before I conclude, I wish to announce my Government’s intention to ratify the Worst Forms of Child Labour Convention, 1999 (No. 182), and to stress that it is the duty of all of us to encourage and support the commendable efforts made by the ILO in achieving its goal of securing decent work for all.

Original French: Mr. TOPAN (Minister of Employment, Labour and Social Security, Burkina Faso) — It is with great pleasure that I would like to associate myself with all those who spoke before me from this rostrum in presenting my congratulations and expressing my best wishes to Mr. Alberto Flamarique and his Officers on their election. I would also like to congratulate the Director-General of the ILO for the excellent work done during the 1998-99 financial year, the results of which have allowed us to take important steps forward in achieving the four strategic objectives to promote decent work for all.

Once again, we are here together to think about the major concerns at the beginning of this millennium, including the promotion of fundamental rights and principles at work, unemployment, poverty, child labour, and equality between men and women. The Report before us has highlighted the deep concerns which of the whole of humanity is facing. All these concerns are ours too, and Burkina Faso is committed to seeking, together with all of the ILO’s constituents, the most appropriate solutions to these problems.

The present session is being held in a context where, in spite of unquestionable progress, social problems are still acute. Such problems include questions of social justice, equity, the fair distribution of wealth and equal access for all to a basic, decent life.

The ILO Constitution rightly states that there is no peace without social justice and that social injustice constitutes a danger for humanity wherever it exists. In the light of this universal truth, it would be axiomatic, in our view, to emphasize the need for tripartite cooperation and social dialogue as one of the preconditions for economic and social progress of humanity. Burkina Faso is highly conscious of this and has taken it into account in its economic and social development programme. At the present session questions of major interest have been placed on the agenda, and I would briefly like to comment on some of them.

As regards the Global Report on the Declaration devoted to freedom of association and the recognition of the right to collective bargaining, we welcome the quality of this important document, which reassures us of the fact that our commitment to promote this Declaration is well founded.

Burkina Faso is one of the countries which has ratified the seven core Conventions of the ILO, and it is preparing to ratify the Worst Forms of Child Labour Convention, 1999 (No. 182), and to take immediate action to eliminate it. Among the causes for this scourge are poverty and ignorance. Therefore, the promotion of fundamental rights and efforts to combat child labour and trafficking in children, into are intimately linked to the fight against unemployment, underemployment, illiteracy and the development of schooling for children. This is a demonstration of how much the support of the international community is useful to us to combat poverty and ignorance.

Furthermore, maternity protection should be examined through the prism of the promotion of women, a central question of our times. So far, the discussion on the revision of Maternity Protection Convention (Revised), 1952 (No. 103), has been marked by contradictory concerns, which may be summed up as follows: How can we guarantee protection of women without comprising their chances of access to employment, and without making them vulnerable to discrimination? While recognizing the complexity of the question, we hope that our discussion will lead to the adoption of standards which protect women and which can also promote them.

As regards human resource development, my country welcomes the fact that this item has been placed on the agenda. In fact, in the context of increased competitiveness linked to globalization of trade, the question of economic and social development is just a trap if we do not have human resources that can innovate and adjust rapidly to a technological change and to the requirements of the socio-economic changes under way. In this field, on behalf of Burkina Faso, I should like to thank all our partners in development, and particularly France, Germany, Belgium, the Netherlands, Denmark and the European Union and others, for the efforts already made. I would ask for them to continue and multiply such initiatives.

While expressing our gratitude to the ILO, I would like to call for an intensification of technical cooperation from them in order to help African countries to develop and make full use of their human resources.

As regards the question of safety and health in agriculture, we cannot help but recognize that this is a matter of concern on a world level given the number of accidents and occupational illnesses encountered and the seriousness of the damage done. My country, which is essentially an agricultural country, expects the discussions to result in the adoption of standards that take into account the requirements of the promotion of safety and health in agriculture but are compatible with the realities in the member States.

Finally, I would like to express solidarity with and sympathy for the millions of workers who have suffered as the result of armed conflict and AIDS, the terror of the century. May our discussion give an impetus and new hope to our Organization so that at the beginning of this millennium it can make a greater contribution to the cause of justice, social progress and peace.

Original Portuguese: Mr. BITTENCOURT DA SILVA (Employers’ delegate, Brazil) — It is a great honour and a pleasure for me to address the participants in this meeting on behalf of the Brazilian employers. This first meeting of the International Labour Organization held at the start of this new millennium has a special meaning for me, given the challenges posed by the enormous changes taking place in the world today.

First of all, I would like to associate myself with the previous speakers and congratulate the President on his election to lead the work of the Conference and wish him every success in his work. I also wish to congratulate the Director-General for his excellent Report, which deals with the progress achieved in the different areas of activity of the Organization during

Of the various issues and events examined here, special attention should be paid to the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). This is one of the three ILO Conventions which has had the highest number of ratifications by member States. It was ratified by Brazil in 1952 and has played an important role in regulating labour relations in all countries. It is also a standard which is going to become increasingly important during the period of globalization, which is more the result of the liberalization of trade than of a political choice.

Brazil has recently adopted a liberal set of laws regarding its domestic market and has done away with the trade barriers that existed in the exchange market and as regards financial and capital flows.

Brazil is clearly committed to reconciling its basic economic policies with social reforms, in order to foster sustained economic growth, the creation of new jobs, the stability of prices of goods and services and a balanced balance of payments.

A decisive factor in achieving these goals is labour relations. Labour legislation in the past was designed for a closed economic model, and it is not really geared to present-day needs, where competitiveness and productivity are decisive for progress and development.

The role of private enterprise is essential for economic growth and for job creation. Therefore flexibility of labour standards is essential for these enterprises to be able to manage productive activities efficiently. We need more flexible labour legislation and economic growth policies that boost production through the modernization of fiscal and labour legislation.

At the international level we must condemn unfair and illegal practices whereby labour standards are used for protectionist ends, which makes it even more difficult for emerging countries to break the chains of underdevelopment.

The emergence of new forms of protectionism is very dangerous for all countries since, apart from showing the normal rate of development, it creates unfair barriers to developing countries as they seek to access the international market.

The Brazilian Government is taking measures to adjust to globalization. The Government and the Parliament are committed to making the basic reforms which we need to modernize ourselves; administrative reforms, social security reforms, tax reforms and other programmes aimed at the privatization of the major state enterprises, agrarian reform, and changes in our infrastructures.

Labour standards are gradually being adjusted so as to provide the necessary flexibility for increasing competitiveness. Typical examples are the creation of "hour banks" and the regulation of temporary work, whereby the Government is seeking to minimize social costs which are an obstacle to competitiveness and encourage the growth of the informal market.

The recently adopted Act No. 9958 facilitates the creation of conciliation boards in enterprises or through collective agreements between unions and employers. In addition to promoting collective bargaining, this should reduce the number of complaints lodged with the specialist courts.

Brazil is very much aware that reforming our labour legislation within the framework of the Constitution is a decisive step towards total freedom of collective bargaining without the constraints of legal standards.

All these developments are extremely opportune considering that the ILO is concerned with everything done by member States to implement ratified Conventions, specifically that which I referred to earlier in connection with the Declaration on Fundamental Principles and Rights at Work. Flexibility born out of social dialogue is essential.

In conclusion, I would like to express my hope that this meeting will bring positive recommendations for modernizing labour relations, and that the standards adopted here will be objective and flexible enough to enable us to attain our desired objectives.

Ms. KANG (representative of the United Nations Transitional Administration in East Timor) — The United Nations Transitional Administration in East Timor (UNTAET) is into the eighth month of its mandate in the newest country in the world, and is fully engaged in establishing the foundations of sound institutions in East Timor. UNTAET has the responsibility to rebuild the lives of 800,000 East Timorese, who lost everything during the outbreak of violence in September 1999. Many refugees returned to their homes which had been burned down, destroyed and looted. The process of reconstruction can only be successful with the full participation of the East Timorese and the generous and unqualified support of the international community. The generation of decent work and a supportive labour law are key components of this rehabilitation. To this end, UNTAET shares the ILO's vision and welcomes the ILO's support and contribution to ensuring decent work for women and men in East Timor.

One of the main objectives of this symbolic first UNTAET/East Timor Tripartite Delegation to the International Labour Conference of the ILO is to maintain world attention and understanding of the labour and social situation in East Timor, and also to gain international support for its overall economic and social development programme based on the aspirations of its people.

The UNTAET labour and social programme and policy in East Timor will be administered by the emerging Interim Labour and Social Affairs Authority, which is committed to the creation of employment and income opportunities for all men and women in East Timor, the provision of social protection to all workers, as well as the promotion of social dialogue in the consideration of labour and social policies.

This year, for the first time in the history of East Timor, UNTAET declared Labour Day on 1 May a public holiday in East Timor. This is in honour of all the workers of East Timor and in recognition their vital role in national development, as well as to signify their solidarity with the struggles of workers all over the world.

One of the major concerns in post-conflict East Timor is unemployment, currently estimated at around 80 per cent. The highest priority is being given to reconstruction in major sectors, which include health, education, agriculture and infrastructure funded by the World Bank Trust Fund and bilateral
UNTAET and the people of East Timor welcome the active support of the ILO and its member States to assist us in our nation-building exercise and especially to help us ensure the fundamental principles and rights at work in a new free East Timor.

(Mr. Flamarique takes the Chair.)

Original Chinese: Mr. XU (Workers' delegate, China) — First of all allow me to extend my heartfelt congratulations to the President upon his election to head this 88th Session of the Conference. My congratulations are also extended to the three Vice-Presidents. Under your guidance I am sure this session will be successful.

The Report of the Director-General presents the activities of the ILO over the past two years. Ever since its creation, the ILO has always worked for the establishment of a peaceful, stable and just labour world and has made efforts to safeguard the rights and dignity of workers. In particular, since the arrival of the new Director-General, the ILO has undertaken useful research to better tackle the problems of poverty and unemployment to with which we are confronted in the context of a multipolarized, globalized world.

Globalization has brought with it opportunities for the world economy, but they are not evenly distributed. The developed countries benefit most from globalization, while most of the developing countries have not had their share of the benefits. The gap between the North and the South is thus deepening.

Today, as the economies of the world are becoming more and more interdependent, to dissipate the unwanted effects of globalization, eliminate poverty and reduce the gap between the North and South are not only objectives pursued by the developing countries. They are questions which the whole international community and the developed countries must take into consideration. On the eve of the twenty-first century, the ILO must pay more attention to the problems encountered by developing countries and strengthen technical cooperation with them. It must call on the developed countries to act effectively to assist the developing countries in accelerating their social and economic development so as to achieve joint progress.

Globalization has had a great impact on labour relations in all the countries of the world. A strong trade union movement is needed to defend the rights and legitimate interests of the workers. The ILO must attach a great deal of importance to the irreplaceable role of trade unions; it must ceaselessly strengthen technical cooperation with all trade unions in the world, and in the developing countries, in particular, and increase investment in worker education and training so as to develop the role of trade union organizations.

The development of a market socialist economy has led to profound changes in the economy of our country and in labour relations. In the new circumstances, the task of Chinese trade unions which consists in defending the interests and rights of workers is becoming increasingly important and increasingly
difficult. Chinese trade unions have thus strengthened these functions by establishing a system of consultation on an equal-to-equal basis, and by using more collective agreements in accordance with the law. By the end of 1999 some 350,000 Chinese enterprises had signed collective agreements covering 73,250,000 workers.

By working for the integration of unemployed workers, the trade unions are pushing the Government to improve the social protection system and to address problems of the unemployed.

The world is undergoing profound changes. However the promotion of peace, development and the rights and interests of workers are still a task shared by all the workers of the world and their unions. We sincerely hope that the ILO will contribute more often to noble causes which are the promotion of employment, the elimination of poverty and the creation of a world of labour guaranteeing the dignity of all. Chinese trade unions, as in the past, will intensify their cooperation with the ILO and the trade unions of other countries, and work with them hand in hand in the achievement of these ambitious objectives.

Original Spanish: Mr. RIAL (Employers' delegate, Argentina) — I am happy to address this assembly as the delegate of the employers of my country, expressing in the first place our deep satisfaction at the election of the Minister of Labour of our country, Mr. Alberto Flamarique, to the presidency of this Conference. It is no coincidence that this distinction for South America arrives at a time when the general directorate of the Organization has been conferred upon Ambassador Juan Somavia of the sister Republic of Chile. It is not merely a mere geographical coincidence, but to our mind is the recognition by the international community of the efforts made in Latin America to consolidate stable democracies.

The democratic spirit of our society and the free functioning of political parties have made it possible to leave behind us the period of instability and military dictatorship which were in the past the characteristics of our countries. However, Argentina has not yet been able to find the solutions which will lead us toward sustainable economic growth and a basic level of social justice. A strong recession of almost two years now has aggravated the negative consequences of our lack of industrial policy. As a result, we still suffer from levels of unemployment and underemployment.

The Argentine employers play a central role, which is not only economic but social as well. Argentine employers are convinced that production, labour, employment and growth have to go hand in hand. And so we return to this forum in the hope that the tripartite atmosphere of the social dialogue will produce solutions which will make it possible to overcome the crisis.

We believe that employment has to be at the centre of economic policies. We are convinced that this has to be brought about by tax and financial measures which encourage investment, the use of new technology, access to training and the generation of new jobs, particularly in SMEs.

The International Labour Organization can do a great deal to further this objective. It can show that there have been successful experiments in countries which have been able to achieve these aims that we all share. It can help to analyse the situation and find the means of overcoming the obstacles to the development of the productive sector.

We have come here to discuss these subjects. We believe that globalization has a labour aspect, which is reflected in the commitment we entered into two years ago when we adopted the Declaration on fundamental rights at work. Nobody can fail to realize the importance of respecting the principles of non-discrimination and the abolition of forced labour and child labour, inter alia. We cannot underestimate the relevance of these factors to free international trade, because of unfair competition and the injustice this implies vis-à-vis other nations.

Our commitment to these principles and values is unequivocal. At the regional meeting in Lima last year, the employers accordingly approved a Declaration calling on Governments to ratify the Worst Forms of Child Labour Convention, 1999 (No. 182). We hope, furthermore, that the Global Report presented as a follow-up to the Declaration, which deals with freedom of association and the right to bargain collectively, will also be carefully analysed so that we can improve the present situation.

The ILO's agenda today contains items of the utmost importance, such as the revision of standard-setting policies so as to bring instruments into line with the realities of our time, and the future debate on social security. The latter cannot fail to take into consideration the profound changes that have occurred in Latin America as a result of the difficulties of the public distribution system from which the beneficiaries and the community as a whole have suffered so much.

We are confident that the ILO will benefit from this gathering and will be able to build a new consensus. We must have the intelligence to reconcile standards and incentives so as to safeguard workers' basic rights, simulate enterprises and generate employment all at the same time.

There is nothing more sad for a country, or for an individual, than to have to face every day the despair of not finding a job, and to be unable to earn enough to educate and feed a family. We want to be successful entrepreneurs with viable enterprises in constant development, but we will only be successful if we can offer workers the opportunity of growth and progress.

The Argentine employers and our national Government are facing grave difficulties, despite our best intentions to improve the situation of the country. Given the difficulties facing our country, the employers must emphasize the great support that we have received, and must continue receiving, in these years of reconversion of our labour force. We are convinced that the ILO is the best means for the world of work to attain the objectives I have referred to and to reconcile the interests of governments, employers and workers, through the promotion of employment. It is precisely such dialogue and consensus that can make possible the economic development of Argentina.

Ms. JOWELL (Minister for Employment, Department for Education and Employment, United Kingdom) — The ILO must be a leader in helping countries to face some of the biggest challenges of this new century. These challenges are: achieving full employment, adapting to the new knowledge-based economy, and achieving genuine diversity in employment. All these challenges are the core business of the modern ILO, so the ILO should take the lead in defining
an international strategy for employment and for employability. The aim should be to secure a worldwide increase in the numbers of people in work and, as the Director-General's Report said: “without productive employment, goals of decent living standards, social and economic development and personal fulfilment remain illusory.”

In a modern economy the key goal is to get as many people as possible into active employment, and that means removing obstacles to the employment of women, people from ethnic minorities, young people, older workers and people with disabilities.

That is our approach in the United Kingdom, this is our approach in the European Union, and it must be our approach in the ILO. So the action plan should be to encourage entrepreneurship and job creation, particularly in the expanding sectors of the knowledge-based economy to provide not only a safety net against income lost during unemployment but a springboard to new skills and jobs. Active labour market policies which will prevent short-term unemployment becoming long-term unemployment. To equip young people with the skills and qualifications that they will need at the outset of their careers in the knowledge-based economy, through education and through vocational training. To create a culture of life-long learning which will enable people already in employment to update and acquire new skills as existing skills become out of date. And to tackle discrimination in employment of all kinds and give encouragement to those not working, whether through disability, through family responsibility, through discrimination or simply because they do not believe that they have anything to offer an employer; and that applies as much to women as it does to men. To ensure that men and women have genuinely equal chances to develop their careers at all levels and in all sectors of employment. To encourage diversity in employment and particularly to enable older workers to remain in productive employment by removing the institutional and other factors which lead to involuntary early retirement. There is no trade-off in jobs between generations. There is a modern international strategy for jobs. This is that strategy, which will help to secure universal observance of the core labour standards defined in the 1998 ILO Declaration.

I congratulate the ILO on its first Global Report under the follow-up to the 1998 Declaration on Fundamental Principles and Rights at Work, and I am sorry that I could not be here for the discussion of the Report yesterday. On 27 June 1949, the United Kingdom was the first signatory to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and I am proud to announce that the United Kingdom is today ratifying the Minimum Age Convention, 1973 (No. 138). The United Kingdom has now ratified all the core labour Conventions covered in the Declaration.

Finally, on observance of core labour standards, this Conference will discuss the Director-General’s Report and a report of a recent ILO technical assistance mission to Myanmar. Both reports make it clear that the Government of that country has failed to take any action to comply with the recommendations of the 1998 Commission of Inquiry. I hope that all the ILO member States will give a clear message during this Conference that they will not condone Myanmar’s continuing contempt for this Organization. Clear measures to achieve the end of forced labour in Myanmar have been identified in the Director-General’s Report. I hope that we can adopt them without further delay.

Mr. MAGAIA (Minister of Manpower, Sudan) — Allow me to congratulate the President on his election to preside over the 88th Session of the International Labour Conference. I am sure that with his wisdom and experience we will reach fruitful conclusions.

At the outset I would like to commend the Director-General on his informative report that fully analyses the situation in the world of labour, and provides information on programme implementation and the activities of the ILO in 1998-99. The ILO activities implemented during the past biennium are to be appreciated, though what remains to be done is enormous in respect of the developing countries as a whole, and Africa in particular.

Turning to ILO activities in Africa, we would like to associate ourselves with the African position formulated in the conclusions adopted by the 23rd ordinary session of the OAU Labour and Social Affairs Commission in Algiers, Algeria, in April 2000. The salient elements could be summarized as follows:

(1) The ILO is particularly urged to focus its efforts on poverty alleviation and AIDS control in Africa.

(2) The ILO should step up its activities in the four strategic areas of intervention in Africa.

(3) The ILO should spare no efforts, in collaboration with the member States, in mobilizing the necessary additional resources for its activities in Africa and in favour of Africa.

(4) The ILO should pursue its efforts to encourage member States to ratify the eight core Conventions including the Worst Forms of Child Labour Convention, 1999 (No. 182).

(5) The ILO should fill the existing vacancies in the region and also ensure adequate representation of Africans.

The current biennium is guided by the values of decent work, as outlined by the Director-General in his last Report. We are hoping that the InFocus programmes designed to achieve the four basic objectives will be seriously implemented to bring about employment security, social development and enhancement of labour standards. In this regard we stress that technical cooperation is of paramount concern to the developing countries for the implementation of their priority programmes. As the ILO is not a funding agency, it is encouraged to ask other institutions to develop policies and programmes relating to employment creation and poverty alleviation and to increase its extra-budgetary resources to support technical cooperation programmes in the least developed countries.

We would now like to shed some light on recent political and social developments relating to the achievement of decent work in the Sudan. (1) The people of the Sudan are enjoying the fruits of the Sudan Constitution of 1998 that embodies basic human and fundamental rights. Consequently, a plural political system has emerged. To facilitate that system the Government has called for early elections in October this year for both the Presidency of the Republic and the National Assembly. The Government is also launching a programme for peace and national conciliation to consolidate this plural system. (2) Economic performance is marking positive results with around 6 per cent GDP rate of increase. To alleviate the negative effects of the economic reform pro-
programme, the weakest sectors of the population are supported by a package of intervention programmes which include: (a) A Savings and Social Bank has been established to provide investments funds for small and family producers. This will be conducive to the creation of job opportunities within these sectors. (b) The Ministry of Finance allocated a special revolving fund for the implementation of self-employment projects by university graduates to resolve the rising unemployment facing this group. (c) The traditional safety nets of the zakat and social security systems are actively working towards this end. In this respect, pensions have considerably increased to compensate for the pensioners’ deteriorating income resulting from the adverse effects of inflation in the past. (d) With regard to labour standards, the High Tripartite Wages Council reviewed the minimum wage and increased it by 15 per cent as of January 2000. Consequently, other wages above the minimum have been increased through the collective bargaining process. (e) Considering the promotion of the Declaration, we have finished examining the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), and we have submitted them to the Council of Ministers to pave the way for ratification.

Social development in my country is being adversely affected by the protracted civil war that has destroyed the social infrastructure and caused displacement, refugees inflow and increased the incidence of unemployment and poverty. A number of constitutional and political developments are underway to settle these issues. In this regard, our Government is taking, and associating itself with, several initiatives to put an end to the conflict. The Government is at the same time implementing a crash development programme in the south to satisfy the basic needs of the population by securing food and rehabilitating schools, health centres, water stations and human resources development. Here we call for the international community to support initiatives to achieve peace and stability in the Sudan. We seek extended efforts and assistance for rehabilitation and reconstruction. ILO technical cooperation is particularly needed to set up appropriate programmes to achieve this end.

Concerning the Report of the Director-General on the situation of Arab workers in Palestine and the other occupied Arab territories, we call on the Governing Body to establish a comprehensive technical cooperation programme to satisfy the economic and social needs of the people in these regions, to be funded from the regular budget as well as from extra-budgetary resources.

(Mr. Agyei takes the Chair.)

Original French: Mr. NDOUTAN (Minister of Labour and Social Security, Congo) — I would like to start by saying how happy the Congolese delegation, which I have the honour of leading, is to see Mr. Flammarique presiding over the work of the 88th Session of the International Labour Conference. Thanks to his vast experience in labour issues at the national, regional and international levels, we are sure that this session is indeed in very good hands and will be crowned with success. I am also happy to congratulate the three Vice-Presidents of the Conference.

The Congolese delegation commend the Report of the Director-General of the ILO, Mr. Juan Somavia, which provides information on the activities of the ILO in 1998 and 1999. We have examined this Report with great interest and we appreciate particularly the activities of the ILO in the area of freedom of association and the recognition of the right to collective bargaining. This Report, in our view, is a database for the assessment of the effectiveness of assistance given by the ILO to our different States.

My country, the Congo, encourages ILO efforts aimed at strengthening technical services for its constituents. From this rostrum I would like to thank the Organization for the aid which it has given to our country, particularly through the ILO Office in Kinshasa.

The continuation of the second discussion of the revision of the Convention and Recommendation on maternity protection has the total support of my country. The provisions of the proposed Convention and Recommendation include mandatory maternity leave of at least 12 weeks with a view to protecting the health of the mother and child and leave in case of illness or complications or the risk of complication resulting from pregnancy or delivery. Cash allowances and medical care are already provided under the labour legislation and regulations in the Congo.

The delegation of the Congo will support the adoption of the new revised Convention and Recommendation on maternity protection at the end of this session.

The matters of human resources development and vocational guidance and training which have been discussed during this session are of special interest to us. Indeed, the economic and social development which has taken place over the last decade and which has been marked by enormous changes in the labour world as a result of globalization, calls into question the provisions of Recommendation No. 150. The adoption of a new international standard as regards human resources development, in harmony with new economic realities, is indeed necessary.

Half of the working population of this world today is engaged in the agricultural sector. In our country, the Congo, for instance, 60 per cent of workers are active in agriculture. Therefore, we need to develop standards in this sector where the risk of occupational accidents and illnesses is very high. We support the conclusion of discussions leading to the adoption of a Convention and Recommendation on safety and health in agriculture.

The reasons behind the proposal to withdraw Conventions Nos. 31, 46, 51, 61 and 66 put forward by the Working Party on Policy regarding the Revision of Standards of the Governing Body’s LILS Committee at the 265th Session in March 1996 are indeed most relevant.

I do not wish to conclude without thanking the President and expressing the gratitude of the Republic of the Congo and of its President, His Excellency Mr. Denis Sassou Nguesso, to the Director-General of the ILO, who spares no effort in supporting all the Members of this Organization.

Mr. NAMUYAMBA (Deputy Minister, Ministry of Labour and Social Security, Zambia) — On behalf of the Zambian delegation to this Conference, and indeed on my own behalf, I wish to congratulate the
President on his unanimous election to preside over the deliberations of this Conference. I also wish to congratulate the Office for the comprehensive report on the activities of the Organization during the period 1998-99.

During the recent past, the ILO has devoted considerable energy and resources to ratifications of its Conventions. Going by the number of ratifications that have been made since the adoption of the Declaration two years ago, it is evident that the Declaration's promotional thrust has to some measure achieved the purpose of ensuring that the core ILO Conventions are ratified.

Zambia has ratified seven of the core labour standards and is now actively considering the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182). On 23 May 2000, my Government formally launched a programme under IPEC to tackle the problem of child labour.

My delegation is fully aware that while ratification itself is important, the application of the provisions of the ratified Conventions is much more important. This is so because the impact of any standards stems not from the commitment of ratification but rather from the application of the ratified Conventions.

The Director-General has informed us in one of his reports that infractions of ratified Conventions abound in many countries. It is my considered view that the ILO must preoccupy itself more with the application of the Conventions rather than ratification, per se. It is my delegation's wish, therefore, that the ILO continue to work towards strengthening support to member States through capacity-building to enable them to implement the obligations and commitments arising out of ratified Conventions.

The ILO should, therefore, further consider innovative supervisory machineries to complement the work of the Committee of Experts. In this vein, the multidisciplinary teams should come much closer to member States and play a more active role in ensuring full implementation of Conventions. The MDTs must, therefore, be given the necessary resources and manpower to become more effective.

The ILO should also focus on strengthening representative organizations of workers and employers, so that they can in turn play a more effective monitoring role in the implementation of standards.

Zambia supports the efforts of the ILO in the area of employment. Zambia is participating in the Jobs for Africa programme. We are grateful for the opportunity given to us in this regard.

We feel, however, that the problem of world employment is a very common feature of many developing countries. We would wish, therefore, for a greater expansion of this programme to encompass more countries. Zambia is determined to place employment at the centre of all development, so that we can create jobs for our ever-growing population and alleviate, if not eliminate, the scourge of poverty currently bedevilling our country.

In the same vein, we shall alleviate child labour which is largely poverty-driven.

I therefore implore the ILO to exert greater pressure, greater effort and commit more resources in the field of employment creation.

In the area of social protection, I am pleased to inform the Conference that with effect from this year, the programme to transform the Provident Fund into a national pension scheme came to fruition. I want to thank the ILO for the expertise granted to us in the transformation effort.

In the field of occupational safety and health, I wish to report that my country has been collaborating, under the aegis of the Southern African Development Community (SADC), with other countries to address the issues. A number of codes have been developed to guide states in our region. These include a code on the safe use of chemicals. A code on HIV/AIDS at the place of work has also been developed.

HIV/AIDS is a growing problem in many of our countries. The pandemic is the most productive of our populations, thereby affecting productivity adversely. It is also affecting demand for goods and services, increasing rapidly the number of children who are forced to assume the role of adults prematurely, hence exacerbating child labour.

I wish to implore the ILO to use its expertise in the world of work and international influence to curb the spread of the scourge by supporting strategies and programmes, and in particular the African Platform of Action on HIV/AIDS in the context of the world of work.

Allow me to reflect briefly on the relationship between the ILO and the (SADC) — Employment and Labour Sector. The ILO has a Memorandum of Understanding with the Sector. I am very pleased to note the very warm and practical relationship between the ILO and the Sector. This is as it should be. Only recently, a very successful meeting of the Sector was held in Maputo, Mozambique, with the full cooperation and participation of the ILO. A number of subjects were discussed, including ratification and application of ILO standards, activities of multidisciplinary teams, gender issues, child labour, social security, and others. I look forward to continuing the cooperation between the Sector and the ILO.

Finally, let me end by wishing that the Conference be fruitful, and by thanking you for giving me the opportunity to address this Conference.

Original Arabic: Mr. BOUGUERRA (Minister of Labour and Social Protection, Algeria) — In the name of God, the Merciful, the Compassionate! I should first of all express my happiness to participate in this session which I hope will consolidate the role and efficiency of this Organization's efforts to respond to the legitimate aspirations of workers everywhere in the world.

I would also like, on my own behalf and on behalf of the delegation of Algeria, to congratulate the President of the Conference on his election to the presidency. I extend my congratulations to the three Vice-Presidents as well.

I would like to thank the distinguished Director-General of this Organization for the ceaseless efforts he has marshalled in presenting us with an annual report which addresses a most critical problem in our contemporary world. The world of today is undergoing radical upheavals. This has direct repercussions on the economic and the social situation in many communities in many countries, particularly those countries which have to face the challenge of economic development.

States have become more responsible vis-à-vis the people. This Organization must therefore redouble its efforts to develop rules and regulations to promote workers' rights whilst respecting the particular social norms and customs of different societies. These rules,
these criteria, these standards must be based on a tripartite approach to problems. As President of the OAU Labour and Social Affairs Commission, I shoulder a great responsibility, since I represent the African peoples most affected by the nefarious aspects of economic globalization, by its negative social impact in terms of marginalization and exclusion.

I would remind you that all these considerations have led to the reservations voiced by certain countries with regard to the application of certain standards.

We believe that it would be most useful to discuss these problems in a more flexible way, so as to guarantee realistic and objective conditions which would contribute to the obligation by the greatest number of member States of the proposed instruments.

Time provides solutions to all problems. Globalization, which is sweeping the world, is giving rise to great concerns in Africa. Algeria is a country afflicted by poverty, disease and underdevelopment, a country with tremendous social and economic problems. I believe that we cannot withstand any more pressure, particularly on the social front.

Given the pioneering role of the International Labour Organization, of which we are proud to be a Member and in which we place so much hope, we ask the Organization to help us face all the problems which beset us in Africa. We ask the Organization to reconsider its strategy, to make every effort to clarify certain concepts and develop new standards which would preserve the rights and dignity of the workers and employers and which would leave those who wish to struggle against poverty and marginalization every freedom to work effectively in any programme of vocational training or social integration.

The items on the agenda of this session call for special attention. They must be discussed thoroughly and carefully. Our activities must be adapted and improved in response to the rapid changes we are witnessing in the world today.

The result of this session should not be a dead letter, it should lead to action. Poverty has reached alarming levels in many countries. Algeria has embarked upon a new stage of economic and social development and is restoring stability under the wise leadership of its President. This is aimed at attaining national consensus, and we would ask help with regard to the implementation of certain standards and the adoption of certain Conventions.

Finally, we hope that the Organization will continue its efforts to improve the situation of workers and employers in Palestine and in other occupied Arab territories that are still subject to persecution and occupation.

Mr. BRETT (Workers' delegate, United Kingdom) — I join with many delegates here today in congratulating the Director-General on his Report.

During the past year I have sensed a greater vigour in this house, a greater belief in what we stand for and a greater vigour in raising the profile of the ILO in the United Nations common family and in proposing a strategy for a social dimension to globalization — a strategy which derives from its core mandate and which is indispensable if globalization is to be sustainable.

The simple fact is that globalization has not yet fulfilled its promise of greater wealth for all. Indeed, disparities in wealth and poverty have increased. We have concentrated much effort, quite rightly, during the last year in developing an effective follow-up to the Declaration on Fundamental Principles and Rights at Work, but we should never forget the truth encapsulated in the Declaration of Philadelphia of more than a half century ago, namely that "The existence of poverty anywhere is a threat to prosperity everywhere".

Our desire in the British Trades Union Congress and throughout the international trade union movement is for prosperity everywhere, for an end to poverty and oppression because those two things are inexplicably linked, and these are the leitmotifs that must guide our response to globalization.

In that regard, we can see much to commend in the Director-General's Report. There are some who believe that the pain of globalization is inevitable; that we must live through that pain just as we lived through the suffering caused by the Industrial Revolution 200 years ago.

I beg to differ. We are better equipped now than ever before to understand the mechanisms of globalization and, in understanding those mechanisms, to develop effective strategies to control them to the benefit of satisfying human need. That understanding is encapsulated in the notion of decent work for all.

So, I want to pay tribute to the work of this house in several respects. The analysis of the Asian financial crisis has been rigorous and illuminating and the report of Mr. Eddy Lee has provided a greater understanding of that crisis: a greater understanding of the need for transparency in business, for control of short-term currency flows, for stable investment, including in human resources, and of the benefits of social security nets and tripartism — not just for the individual victims of such crises, but also for the ability of economies and social fabric to recover from those crises.

The Director-General and his staff deserve congratulations for their work to strengthen the influence of the ILO and its guiding principles on the activities and policies of the International Monetary Fund and the World Bank. We are not there yet, we still have to convince the Bretton Woods institutions that freedom of association and the right to collective bargaining are essential to the sustainable model of globalization. But we have made progress, and I am hopeful that there will be further opportunities to urge the development of a common approach on employment matters, with core labour standards at its heart, at the United Nations Special General Assembly which will be held in this very chamber in two and a half weeks time.

We welcome the development of the follow-up to the 1998 Declaration. Both the survey of trends and the Global Report have been useful in identifying where core labour standards are not respected. They gave us much food for thought. Working people in entire regions of the world still lack the basic protections which free trade unions provide because, quite simply, in those parts of the world all free trade union activity is banned by law.

In several countries, including the largest, government-run, so-called trade union organizations provide no avenue for independent worker representation. In other countries, most notably in Colombia, anti-trade union violence remains the norm, with the continued assassinations of our trade union colleagues. This is principally preventing, in those countries, the exercise of normal trade union activity and both the survey
As the reforms dictated by the IMF and the World Bank are implemented and public sector industries are closed down or privatised, thousands of workers and employees are rendered unemployed. The banking, insurance and the financial sector employees are hard hit as governments in the developing and developed countries take mindless steps towards privatization. The workforce in this sector is being drastically reduced and there is no new employment. Moreover, deepening economic crises are also resulting in banking crashes as was evident in Japan, recently and in some other South-East Asian countries.

Privatization of other governmental departments and enterprises is also taking place in different countries: telecom, postal and railway services are being privatized. Many of the governmental departments in a number of countries are either being privatized or simply closed down. Casualization of staff, an increase in home-based workers, the steady reduction of regular and permanent employment in the public services are the order of the day in all developing and developed countries.

The public employees have therefore started resisting this onslaught. The strikes of public employees in France, Spain, Portugal, Germany, South Africa, India and South Korea, and massive mobilization of employees in various other forms of struggle against cut back, redundancy and retrenchment around the globe, from Latin American countries such as Brazil, Argentina and Colombia to Asian countries such as Japan, the Philippines and Indonesia, indicate a growing mood of resistance of employees against this new economic regime.

The situation in the former socialist countries such as Russia, other CIS countries and the Eastern-European countries seems to be the worst. Not only is there rampant privatization and sharp reductions in staff in these countries, there is even a new phenomenon of non-payment of salaries to the existing employees.

Unfortunately, the governments in various countries, particularly in the developing countries, are desperately trying to stall these rising struggles through draconian anti-worker measures. In some countries, like South Korea, anti-employee enactments have already been made. In India, retrograde amendments to existing labour laws are on the agenda of the Government.

Moreover, many member States have not yet implemented some of the basic Conventions and Recommendations of the ILO in regard to the rights of the workers. Some member States have not even ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

Most worrying is the fact that many member States have not yet ratified the Labour Relations (Public Service) Convention, 1978 (No. 151).

On behalf of the Trade Unions International of Public and Allied Employees, representing over 20 million public employees in different countries, I appeal to the ILO Governing Body and the delegates at this session of the Conference to pay proper attention to worsening situation of public service employees and the antagonistic attitude towards them on the part of most of the governments, so that appropriate remedial steps can be taken to improve their conditions.

(The Conference adjourned at 6.15 p.m.)
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No. 12 – Thursday, 8 June 2000
Mr. President, I am really very happy that you are here in the plenary.

To begin the meeting, I now invite all the participants to watch a video film on HIV/AIDS and the world of work, which is entitled *AIDS: For a social vaccine*.

(Projection of video film.)

*Original Spanish:* The PRESIDENT — I now give the floor to the Secretary-General who will introduce the topic.

The SECRETARY-GENERAL — Your Excellency the President of Namibia, Mr. Sam Nujoma, Mr. President, Dr. Peter Piot, the Executive Director of UNAIDS, Workers’ and Employers’ delegates, Government representatives and all of you who are joining us from other organizations to participate in this important discussion, I welcome you very warmly.

I extend a particularly warm embrace to Mercy Makhalemele, whose presence here today is a source of inspiration and hope for all of us. We have heard her, we have understood her, and I would like the first action of this joint body to be to applaud her.

Mr. President, I am really very happy that you are here at this event as our special guest and our keynote speaker, together with your team from Namibia, because you represent Namibia’s exemplary reaction to the HIV/AIDS pandemic.

Mr. President, at the meeting of the OAU Labour and Social Affairs Commission held in Windhoek in April 1999, you challenged the ILO to help its tripartite constituents in Africa to combat AIDS in the world of work. Today’s special event, and the actions that will follow, will demonstrate to you that we took your challenge very seriously and gave it global scope. You have, Mr. President, given leadership to the ILO on this issue, and your presence here symbolizes the commitment that we want to make under your guidance. But, Mr. President, let me also acknowledge in you the leader of an historic struggle to free your people from domination and colonialism. As we all know, the struggle continues today in various forms, but the values that you have proclaimed for so long continue to be a key to ensuring that we have a world that respects the autonomy and the diversity of people. You have been so very, very long a leader in that cause.

It also warms my heart to see this room full of people who are committed to action on HIV/AIDS in the world of work, men and women who want to tackle its human, social and economic consequences.

The film we have just seen underscores the timeliness of this discussion; it tells us to act, to unite, to engage ourselves and, above all, not to accept lip-service on this issue. The time has come, not just to talk about this in the ILO, but really to act and take measures and make a difference on the ground.

The pandemic is worldwide; it knows no barrier of region, sex, age, race or class and its impact on work and workers is enormous. The ILO has been responding, but in a partial and fragmented way. Today we are declaring our will to join in a global partnership that can make a difference. Later this morning we will be signing an agreement with UNAIDS to join the United Nations family in this struggle.

Let me mention some areas where the ILO could be useful. Take a small entrepreneur in a highly infected country struggling to maintain competitiveness in the global economy; she decides to upgrade the skills of her small workforce. A decade ago she might have decided to take five promising workers and invest in them, but in the year 2000 she probably has to plan on training ten people because some of them, maybe five, are going to be lost to AIDS.

These are real things, these are things that are happening today in the workplace. Add to that the problem of AIDS-related absenteeism, productivity loss, direct health care costs and additional recruitment costs.
Or think of an agricultural village community, where the ILO and our national partners are hoping to work against child labour. Children may be working instead of being in school because their parents are wasting away. There may be no adults with the strength to earn an income in that family.

Take a developing country which wants a reason-able social security system. It may find itself unable to bear the cost of both the health-related benefits and the survival benefits.

Look at the issue of gender equality. Unless women are empowered socially and economically, they will remain highly vulnerable to infection. And we know that to be happening today.

These are just some examples of the areas in which we can think together to see how we can be helpful and how we can be a part of this global struggle.

From an ILO perspective, discrimination in the world of work is one of the most significant human rights abuses in the area of HIV/AIDS. The rights of people living with AIDS, such as the right to non-discrimination, equal protection and equality before the law, privacy, freedom of movement, work and social security, are rights that the ILO and everyone in this room, I believe, hold dear.

But above all, HIV/AIDS is a human drama, lived daily by millions of people around the world. We have to think of them, and imagine how they feel. I think that the most important thing that we can all do is to connect with the problem, to be able to feel it and be able to understand the way that infected people feel their own reality. In our response we need to ensure that as individuals and as organizations we practise what we preach. We have to bring these rights into our own practice. Each of us has to examine our conscience, behaviour and attitudes in the workplace towards colleagues living with HIV/AIDS. It is not just about the law, the government, the employer, but about all of us, about our own personal reaction to the proximity of HIV/AIDS.

Our commitment starts within the ILO itself. Today I have approved a circular on ILO staff policy with respect to HIV/AIDS. It conveys a strong message of support to those affected. I want all staff to be informed about their rights and the Office's policies, and I wish to ensure that all staff can take advantage of prevention measures and treatment options. Above all, I want to ensure that each one of us has a supportive attitude. What the ILO now asks of you is direction on the way forward.

In the discussions on the presentations today and this afternoon, I would like you to be open, frank and far-sighted. Put all of your views on the table. We have presented some ideas in the document which you will discuss. We ask you to give us the benefit of your rich experience and your expectations. This special event is an opportunity for your voice in the world of work to be heard, and I believe that a thousand voices can break the culture of silence.

I want to thank you for your presence here. I want to thank you particularly, President Nujoma. This is an issue that needs political leadership. This is an issue that is not just a question of statistics. It is in the life of people, and we need leaders like you who remind us that we have to take political decisions, that these are things that affect our societies and the quality of the world we live in. You have demonstrated that leadership, and your presence here is an induce-

Original Spanish: The PRESIDENT — I should like to thank the Secretary-General for his statement.

I shall now introduce the following speaker, Ms. Mercy Elizabeth Makhalemele, who founded the National Women's Alive AIDS Network of South Africa — who you have already seen in the video film. I give Ms. Makhalemele the floor.

Ms. MAKHALEMELE (Founder of the National Women's Alive AIDS Network of South Africa) — I greet you all in the name of the Makhalemeles. According to an African saying "we are the tigers that do not harm humankind but ensure that humankind is seen in a humanitarian way". Ladies and gentlemen, I represent the generation of young township women and men who are victims of the social and economic impact of HIV/AIDS in South Africa. The generation that is committing crime, the generation that is committing rape, and are also rape victims, the generation that is influenced by drugs and alcohol, the generation that is not aware of environmental and developmental issues, and the generation that is dying in silence from this pandemic. It is the generation that is unemployed, unproductive and HIV-positive. I speak because my husband died of AIDS, because my baby died of AIDS. I speak because I am a single parent and because I was raised by a single mother who was unemployed and a housewife.

For seven years I have been employed in the HIV/AIDS field, formal and informal, but before then I was dismissed from my work because I decided to tell my employer in confidence that I was HIV-positive, so that he could begin to look around for a replacement. But that was in 1993, and I was dismissed from work.

I speak because of the amount of young people who are getting infected every day. It is amazing when you look at the AIDS epidemic, especially when it comes to labour and workplace issues. We have for so many years refused to look at the issue of HIV and AIDS as an issue that will affect our labour force and our labour environment, and one that will have a major impact on productivity and on the economic status of young people. I do not like to talk about statistics because every academic paper on the subject tells us that there are so many of us that are HIV-positive. Instead I would rather talk about what all this does to people like myself. And not only to ourselves but to our families.

We have seen the example of miners. A miner is a father. He is a father who leaves his home to go and work, and in KwaZulu Natal where I come from, we see fathers coming home sick and dying — and the women have to care. And the minute the men die there are young kids within that family who are left behind with a mother who is not literate, and they have to go to school and eat every day.

Young boys will tend to go out and steal because they think: yes, my father has died, my mum is not educated, I need to live, I need to eat, my two sisters and brothers need to go to school. Who is going to put them through school? Some young people go out to find employment, particularly young girls — employment often as commercial sex workers.
Normally, when I listen to presentations about women, when people talk about why women do these things, why women are getting into the commercial sex business, I always say, "Why don't you ask them?" Because if you ask, you might find a different reason — a reason such as this: "my husband left me with HIV, I am a young woman, I am very productive, but the world does not see that productivity within me and therefore I need to find a means of survival so that my children can go to school. How do I do this? My father has just died. Laws exist in theory, but in practice they do not help us".

I am speaking today when I should not. I should not be speaking because I am tired of us, people with HIV, having to speak when we have already spoken. We have changed laws, we have helped to make laws, policies and constitutions. But in practice, every day of our lives, we are stricken by poverty. We are stricken by unemployment, not necessarily because we cannot work, but because we are carrying the virus that nobody wants to understand. Nobody wants to understand what this virus means in terms of human beings having the ability to do things or not. Because I think work is not about what you have, work is about knowledge and ability, and if a person has got those two things I do not see why they should be deprived of work.

I could have simply gone out and infected more people because nobody will do anything. I could easily have gone out and said, "Well no one can see me, I am invisible here". I could have infected a lot of fathers but chose not to because I knew that if I were to act so selfishly my son would not be a problem for government officials who do nothing to help our children.

Well, I usually say I regret coming from a country that has got good laws. South Africa has got the best children's charter, but I do not know how this is helping my son. On Friday I had to appeal to his headteacher not to take my child out of the school when I have given so much to the world, when I have given so much to the country, when I have given so much to humankind...

And it is not only me. There are hundreds of people like me who are living with HIV that have been leaders, but we die. And when we die we are not in any records.

Hypothetically, in Namibia the best people that you would look after are your soldiers. If there is war, you know that these people will defend your people. Now, in this case, ladies and gentlemen, you have an army of people living with HIV who are productive, who can be productive within their own companies, within their own development programmes, within their own labour organizations. But how do we keep them? How do we keep them productive? How do you keep me productive? I mean in two years time if I am still in this situation I will die, and everybody will forget about me. It is as if it was not important. How do we show interest? How do we show interest towards humankind? Have we lost humanity because of politics? Are we really not worried by the fact that your child, or your sister, or your brother, or your cousin, or your colleague might be dying of AIDS? Is it about money? No. I have worked without money. I have implemented programmes without money. I have helped society without money, and our own township would do things without money. But why cannot we use money when it is necessary to invest and to see to it that it is used properly, to monitor its use and introduce good programmes with the community?

Yes, I know there is a lot of work that has been done on HIV/AIDS, but as a township young woman I disagree with the assertion that there is no capacity within our townships. Our townships are organized. Our townships have unemployed postgraduates, postgraduates who are lawyers, who are researchers, who are engineers, who are teachers, who are social science students, who are doctors, and they are sitting at home. But if you look at each and every document of research, it says that in the townships and communities there is no capacity. Ladies and gentlemen, I disagree with that. I have run programmes. When I did my community work I was able to find lawyers, I was able to find engineers and postgraduates that were able to help me out with technical matters. I did not have to go to the city. I went right there and I worked with them. There is capacity within our communities.

In conclusion, I did not see and we did not see those people with HIV and say hallelujah, let the Government fall down and help us. We knew that we had the capacity, we knew that we had the strength. At the Conference which was held here in Geneva in 1997 on the theme, "Bridging the gap", I met a white woman from Switzerland, and I want to share with you what this woman did, because I have worked with her since December of last year. She left her job in Switzerland. She took one year's holiday to come and build my capacity on administration. We set up a support group for women living with HIV, who are individuals in Switzerland. They are not from a major organization. These women just came up with concerts, benefit concerts, and through these benefit concerts we were able to buy equipment to work. Ladies and gentlemen, the last time I was in Switzerland I could not use a computer, I could not send an e-mail, I could not communicate with people because I was deprived. I do not know the reason, somebody knows somewhere. I was deprived because education for people living with HIV is not something that is vital, and I think I was deprived of that education. During the seven years that I have worked in the HIV/AIDS field, I do not see the reason why I was not given a scholarship to study. I have shown interest in study. I wonder if I still have six years with which to study and become what I have always wanted to become.

A partnership programme has been introduced between Swiss women and South African women as a way of bridging the gap in terms of culture, race and gender, and to be able to work within the two countries.

I speak because HIV/AIDS is a human rights issue. My rights have been abused. The rights of African people have been abused in townships. The rights of people living with HIV are abused, and the sad thing is, the very same community does not understand that these are their human rights, and I have seen that. I can be poor, I can be hungry, but I have my dignity and I understand my human rights. I think it is very important for people living with HIV in the private sectors in the world of work to understand their rights too. If you are out there, living with HIV, do not be submissive; do not give in. I speak because I am scared that I will be dying soon and leaving my baby behind as an orphan, an orphan that might have to go through child labour to survive.
Mr. PIOT (Executive-Director of the Joint United Nations Programme on HIV/AIDS (UNAIDS)) — What can I say after that speech? What can I add to the reality of AIDS and what we collectively, and the world, should do? Actually, nothing.

One of the major lessons for me, after having worked on AIDS and with people living with HIV for over 15 years, is that this is an immense lesson in humility: humility about the human condition, humility about each of us, what we are, and what we can do. It is also a lesson that people can move mountains. We really can do it, even with a problem as complex as AIDS. What we want is solidarity from those above and those below; that they meet each other and work together to contain this epidemic, and that we can integrate HIV and AIDS into our lives.

First, I would also like to pay tribute to you, Mr. President, for your leadership on AIDS not only in Namibia, but throughout the continent. It has become crystal clear that without leadership such as that shown by you and many of your colleagues, particularly in Africa, but also in other continents, we have absolutely no chance of winning this incredibly difficult fight against AIDS. It is the combination of this leadership and the action of communities and individuals that will mean that in the next decades we will win the fight.

For us in UNAIDS, this event marks a milestone, because tackling AIDS in the world of work is an essential addition to the global response to AIDS. You have heard the facts, so I will not go into the figures — it does not matter any more whether there are 32 million people infected or 34 or 35 million. Every individual with HIV is one too many with HIV.

But let me remind you that, from a disease which was unknown to the global community even as recently as 20 years ago, we are now living in the middle of an epidemic which cumulatively has infected 50 million people. This offers a better lesson in what globalization means, and about the inter-connectivity of the world and of the people of this world. than any media report on the global economy.

In many countries now, AIDS has become an unprecedented development crisis. But let me remind you that this is a global problem. This is not an African problem; this is not a European problem; this is not a Western problem; this is not a problem of gay men; this is not a problem of sex workers. This is a problem for the whole world, for all of us.

I am often asked whether AIDS is not just another disease, to add to the already long list of diseases that have been haunting mankind, and particularly the developing world and the poorer nations.

No, AIDS is special. First, because in contrast to most health problems, it primarily affects young adults. This age factor results in at least two of the major consequences of AIDS: the unusually high impact on the economy through lost productivity, and the large number of orphans left behind, creating a whole generation of desocialized youth and child-headed households.

Second, because, and again unlike most other diseases and certain infectious diseases, HIV affects not just the poor but the affluent, the educated, the skilled, accentuating further its economic impact. In the worst affected country, AIDS is single-handedly wiping out decades of investment in education and human resource development.

Third, because AIDS brings with it a stigma unprecedented in modern times. This stigma is a major impediment to our being able to respond to the epidemic in addition to being totally unfair to those who have the disease or are thought to have been infected.

There is no other single factor in the world today that so systematically undermines the gains of five decades of investment in human resources, education, health and the well-being of nations.

Let me give you one example of how AIDS is already causing shortages in trained human resources, both in the private and the public sectors. For instance, in some countries more than 30 per cent of teachers are living with HIV, and more teachers die each year than graduate from teacher-training colleges. In countries where the institutional and human resource capacity is already limited, rebuilding a resource base will be a painstaking process and it is about time that we included that in our planning.

I still see plans for whole sectors that seem to have been written in a world where AIDS does not exist. Let us throw that naivety, that irresponsibility, away.

Allow me to highlight four priority areas where I feel the ILO's tripartite constituency is best positioned to respond:

First, prevention of HIV in the workplace and care for people with HIV in the workplace. The work setting offers an excellent platform, in particular to reach men. It is a male sexual behaviour that is driving this epidemic. Men are the most difficult group of society to reach and men are the most difficult to persuade when it comes to changing sexual behaviour — and that is one of the reasons that the workplace is also a very good platform to reach them.

This is being done in many places in the world today. For example, through extensive peer education programmes implemented by the Organization of Tanzanian Trade Unions and by companies such as Levi Strauss in the United States and Hong Kong. In other countries, comprehensive programmes of AIDS information, medical services, condom provision at the workplace, and HIV counselling and support for employees and their families have all reduced risk behaviour among workers and encouraged partner communication on sensitive issues. Some good examples are Tele-Par, a large Brazilian public utility company, and the Botswana Meat Commission.

In addition to all this, studies from Zimbabwe show that companies who implement such programmes actually experience less absenteeism and largely recover the costs of HIV prevention activity, so it is even good business.
Second, and a very important issue, is the creation of a non-discriminatory environment for those infected and affected by HIV in the workplace.

As was pointed out by the Director-General and by Mercy Makahalemele, discrimination and stigmatization of people living with HIV is not only a violation of their human rights, but also a major obstacle to effective HIV prevention and care, and it greatly contributes to the denial that still surrounds this epidemic.

Let me give you three examples of what can be done and what is being done.

At the national level an increasing number of countries are now adopting, by law, national workplace policies. The Philippines, for example, has pioneered a rights-based national AIDS law.

A second example is SADC, the Southern African Development Community’s Code on AIDS and Employment, which has created a regional standard on ways in which to deal with AIDS in the working environment. The Code is premised on the fundamental principles of human rights and ILO regional standards and guidelines. It is the first such regional intergovernmental code in the world, and has already been adopted nationally by Botswana and Zimbabwe. This Code promotes protection of confidentiality, informed consent and duty to ensure safe workplaces. It also includes rejection of pre-employment and on-the-job screening for HIV without the express consent of an employee.

Thirdly, at the global level, the Global Business Council on AIDS is a mechanism for business leaders to add a strong voice to their peers for corporate action and for the respect of codes of conduct.

Breaking the silence around AIDS, and enabling HIV-positive colleagues to be open about their condition in the workplace, brings human realities to the world of work and distances it from the statistics, from the anonymity. Several companies are spearheading such an original approach.

For example, in Eskom, an electricity company in South Africa people living with HIV are actually employed, as such, in addition to their expertise, to put a face on the epidemic. In UNAIDS we are also supporting several companies, trade unions and public services to employ people with HIV explicitly and to bring the message of putting a face on the epidemic.

The third area is the protection of women and young people. Ladies and gentlemen, AIDS is not gender-neutral. It affects women and children in an extra way, particularly the female child. AIDS has brought an extraordinary burden on women and young girls, as you heard from the previous speaker.

I will not go into this in detail, but suffice it to say that for many women the place of work is also a place of sexual exploitation. In the area of AIDS, such sexual exploitation is even more unacceptable and can be lethal.

In addition, the generally lower educational status of women and their economic dependence on men, add to their vulnerability to HIV. Let us not forget that in many societies, women are infected within marriage by their husband. Therefore, it is imperative that the contribution of women in development programmes and social policy work is fully taken into account in reducing women’s vulnerability to HIV.

I was very happy to hear this week, in New York, at the Beijing+5 Women’s Conference that AIDS now figures prominently on the agenda of the women’s movement in contrast to five years ago in Beijing.

There are also those who are left behind: the orphans of parents who died from AIDS. There are now over 12 million orphans whose parents died from AIDS, a number projected to rise to 42 million by the year 2010 — far too many to be absorbed easily by their extended family. Again, it is all too often the oldest girl who is the most disadvantaged. We definitely need special initiatives to support these orphans, who need to provide for their households, and to ensure that they receive an education. This has become one of the priority areas for UNAIDS co-sponsor, UNICEF. I believe that ILO’s programme on the elimination of child labour has a major role to play to mitigate this tragic consequence of AIDS.

A third aspect that I would like to highlight, is the protection of migrant labour, the forgotten workers. HIV does not respect borders, internal or external. People who migrate for economic reasons often abandon a well-rooted set of social norms and social safety nets. Let us not forget that some of the so-called migration is the outright trafficking of girls and women to work in the sex industry.

For all of these reasons, special HIV programmes addressing the needs of migrant working populations are needed.

Excellencies, ladies and gentlemen, we heard Mr. Somavia summarising ILO’s plans. Let me now turn to five actions I expect the ILO to take in the field of AIDS, from my perspective.

First, and it has started already, be a strong and relentless advocate on AIDS with all your constituencies.

Second, as Ms. Makahalemele said, mainstream AIDS in all your work. No part of ILO’s programmes should be immune from consideration of AIDS and its impact on the workplace and the world of work.

Third, increase staff awareness about AIDS and, as Mr. Somavia said, this should start at home. We do not do that often, even in the UN system, and I applaud his announcement for strengthening HIV awareness programmes in the ILO and a non-discrimination policy.

All our staff need to be “AIDS-competent” in their work and we need to make sure that in our system we also have an environment that is supportive of people with HIV.

Fourth, establish and support a number of HIV-specific activities in areas of your comparative advantage, as we mentioned before, such as HIV prevention in the workplace, child labour and child-headed households, migrant labour and social security schemes.

Finally, I am looking forward to working in full coordination with UNAIDS co-sponsors and secretariat. First, through participation of the ILO representatives and country offices in the UN Theme Groups on HIV/AIDS in all countries, and also through organizing its work and resource mobilization, as part of the integrated work plans on AIDS of these theme groups.

Mr. Chairman, this is a time of great opportunity with regard to AIDS. Many countries and many Heads of State, particularly in Africa and Asia, have now declared AIDS to be a national crisis and a national priority, as exemplified by His Excellency, the President of Namibia.
Political leaders are speaking out in an unprecedented way throughout the world. New domestic and international resources are being mobilized and put into prevention and care programmes. Recently, AIDS was raised as an issue of human security. The United Nations Security Council debate on AIDS in Africa was a groundbreaking event, being the first time that a health issue was discussed at a security council. The G-77 Summit in Havana recognized the AIDS epidemic as a threat to sustainable human development. AIDS is now at the top of the United Nations agenda, as reflected in the Secretary-General's Report to the Millennium Assembly, in which AIDS was highlighted as one of the key challenges for this century.

However, we have got to translate this political commitment into local action. We know of the success stories — and they were mentioned in the film — in Uganda, in Thailand, in Senegal, but there are also declining rates of infection in countries like Zambia, the Bahamas and Brazil. In each case, the key to ensuring that we establish mechanisms and support for those people who are infected, for those people at the local level so that they can do their jobs, is community action. As Ms. Makhakalemele said, the capacity is there.

The secretariat and the seven co-sponsors of UNAIDS very much welcome this ILO initiative. I am particularly pleased that today we will sign a cooperation agreement for joint actions on developing policies and programmes on HIV/AIDS. It is also my sincere hope that this cooperation agreement is the first step to the ILO becoming a full co-sponsor of UNAIDS. The ILO's joining will considerably strengthen the global coalition — a coalition the world needs to defeat this epidemic. I appeal to all of you to put AIDS at the top of your agenda. My expectations from the ILO's resolute engagement in joining the global response to AIDS are very high. They cannot be less because too much is at stake. We should offer, and our partners should accept, nothing less than our full commitment.

Original Spanish: The PRESIDENT — It is now my honour to give the floor to Mr. Sam Nujoma, President of the Republic of Namibia.

ADDRESS BY HIS EXCELLENCY MR. SAM NUJOMA, PRESIDENT OF THE REPUBLIC OF NAMIBIA

Mr. NUJOMA (President of the Republic of Namibia) — Dr. Piot, Executive Director of the Joint United Nations Programme on HIV/AIDS, President of this session of the International Labour Conference, the Director-General of the ILO, Ambassador Juan Somavia, honourable ministers, your Excellencies, members of the diplomatic corps, esteemed invited guests, ladies and gentlemen, fellow workers.

First, before I begin speaking, I must say that we have been given adequate food for thought by our sister, Ms. Mercy Elizabeth Makhakalemele from South Africa — that HIV/AIDS kills the cream of any nation. We in Namibia are the sufferers of this dreadful disease. It is also a historical fact that HIV/AIDS is a man-made disease. It is not natural. States that produced chemical weapons to kill other nations are known, they are probably represented here, they know themselves too. We do not blame anybody but I would like to call upon employers, workers, governments, along with politicians whose parties are in opposition, non-governmental organizations represented here as well as those not represented, and the citizens of the world to unite as one and for those who created chemical weapons to kill other people, to make resources available in order to combat this scourge, not individually, but united, as one, and then for citizens and NGOs to follow suit.

I am therefore very happy indeed that we will witness in a few moments the signing of the ILO/UNAIDS cooperation Framework Agreement. I hope from here it goes to the United Nations itself, and to the Millennium Summit.

I believe all of us would like to see mankind survive. Therefore, all Heads of State, including those which have produced chemical weapons, must be in New York to make sure that they commit themselves, that they commit their governments, to make resources available for scientists to carry out joint research in order to effectively find ways to cure this man-made disease.

It is condemnable that those in positions of strength owing to their powerful use of the media show HIV/AIDS as emerging from Africa, produced by a green monkey. That is a lie.

This propaganda must be condemned and rejected with the contempt it deserves. Those who have engaged in chemical warfare against other nations must make resources available. This means all of us; as I have said, we blame nobody except ourselves, human-kind, because we are selfish.

I will not go on reading my statement, but I will make it available to all the delegates to read. I pledge that my Government will make resources available, and I believe that other States too, member States of the United Nations, will also make resources available for scientists to carry out effective research to produce medication to cure or at least to lessen the spread of HIV/AIDS.

My Government will also make resources available to our NGOs in Namibia to the regional economic groupings, the SADC, the OAU and indeed the United Nations, because we are committed to all these regional, continental and international organizations.

Once more resources are made available, those States which produce chemical weapons to kill others must ensure that such resources remain available.

Original Spanish: The PRESIDENT — On behalf of all the participants and the Officers of the Conference, I would like to thank President Nujoma for the great honour and privilege he has paid us in giving us an opportunity to listen to his message, where he dealt with issues of extremely great importance for our Special High-Level Meeting: HIV/AIDS and the World of Work.

His message reflected a very high level of commitment to the concerns of the International Labour Organization in this area and its incidence on the search for decent work. We note with satisfaction the mea-

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1 The text of this statement is contained in the Annex to Provisional Record No. 13.
sures that have been adopted internationally in the struggle against HIV/AIDS.


Mr. President, may I thank you once again for having honoured us with your presence at this session of the International Labour Conference. I am convinced that your message will remain in the minds of all those speakers who take part in today's discussion.

And now, Mr. Somavia, Director-General of the International Labour Organization, and Dr. Piot, Executive Director of the Joint United Nations Programme on HIV/AIDS will sign the ILO/UNAIDS Cooperation Framework Agreement.

(Signing of Agreement)

(The Conference adjourned at 11.15 a.m.)
Annex

STATEMENT BY HIS EXCELLENCY PRESIDENT SAM NUJOMA ON THE OCCASION OF THE 88TH SESSION OF THE INTERNATIONAL LABOUR CONFERENCE

President of the International Labour Conference, Director-General of the ILO, Ambassador Juan Somavia, honourable ministers, your Excellencies, members of the diplomatic corps, esteemed delegates ladies and gentlemen

May I start my address by thanking the Director-General of the ILO, Ambassador Juan Somavia, for having invited me to address the 88th Session of the International Labour Conference on the HIV/AIDS pandemic and its socio-political and economic repercussions. I wish I could talk about something more cheerful, but you will bear with me if I say that we have to discuss and find solutions to the tragedies, challenges and problems of our world before we can be cheerful.

The HIV/AIDS pandemic is one of these tragedies that struck our globe. I am deliberately saying globe, because there is indeed no single State or even community that is not affected by it. Obviously, some regions are more severely and more directly affected than others, but nevertheless we have to appreciate the fact that it is a global pandemic which needs global responses and actions to contain it.

At this point, it is important to note that the ILO reiterated its decision and commitment to get involved in combating HIV/AIDS at the OAU Labour and Social Affairs Session held in Windhoek last year. It was also during that Session that the OAU, our continental organization, took on board the fight against HIV/AIDS as one of its priorities.

HIV/AIDS challenges conventional medical and health ethics and confidentiality. It raises many moral and social questions in every society. I know that statistics are often boring, but in this case they are very appropriate to illustrate the magnitude of the dangerous situation that has arisen as a consequence of the HIV/AIDS infection that has already affected a large portion of humankind all over the globe.

HIV/AIDS is undoubtedly the single most important and daunting health problem facing Africa. Globally too, this is one of the most serious health, medical and social concerns of our time. The figures from UNAIDS and the WHO provide a grim picture.

- Since the first cases of AIDS and HIV were recorded about two decades ago, nearly 50 million people have been infected.
- The Joint United Nations Programme on HIV/AIDS (UNAIDS) and the World Health Organization estimated that by the end of 1998, the number of people living with HIV/AIDS would have grown to 33.4 million and the number of deaths would be about 2.5 million.
- About 95 per cent of all HIV-infected people live in the developing world. The majority of the victims are young adults who, if not sick, would be at the peak of their productive and reproductive years.
- The total number of children living with HIV/AIDS stands at 1.2 million.
- Women account for 43 per cent of all people over 15 who are living with HIV and AIDS.

May I also quote from the ILO publication HIV/AIDS IN AFRICA which says the following: “For Africa, HIV/AIDS is perhaps the single most important obstacle to social and economic progress. AIDS is no longer a health problem. It is a development problem with potentially ominous consequences. At least two-thirds of the world’s HIV/AIDS population — 22.5 million — live in this subregion. Countries like Botswana, Namibia, Swaziland and Zimbabwe have been among the hardest hit nations. Between 20 and 26 per cent of people aged 15 to 49 in these countries are living with HIV/AIDS. AIDS is expected to be the cause of death of 2 million Africans this year. According to the International Labour Organization’s East Africa Multidisciplinary Advisory Team, AIDS has surpassed malaria as Africa’s number one killer.

And the rate of new infections is not slowing. In 1998, nine out of every ten newly diagnosed people were African, and at least 95 per cent of all AIDS orphans are Africans. Even sub-Saharan countries that had lower infection rates than their neighbours just a few years ago seem to be catching up. South Africa, which at the beginning of the 1990s trailed the other nations in the region, now accounts for one in seven new infections. In Zimbabwe, where there are 25 surveillance sites in which blood is taken from pregnant women and tested anonymously, only two of the sites had HIV-positive results below 10 per cent. The remaining 23 sites reported infection rates between 20 and 50 per cent.”

These statistics show a grim picture indeed. The real cost of this pandemic is immense, not only in financial terms, but mostly in human suffering and social degradation.

In its initial phases the HIV/AIDS pandemic was considered purely as a health problem. Unfortunately, the reaction to it therefore focused in the early stages on medical treatment and finding a possible cure. We were all optimistic and put all our faith in science and technology and research with the hope that a cure or effective medical treatment would be found soon. This, however, did not happen. To date there is no cure; most of the treatments have very serious side effects and are, above all, extremely expensive. Add these results together and you will find that we have made very, very little progress. Science and technology have failed us in this case. What they have produced for us is either ineffective or so expensive that it is out of reach for the vast majority of HIV/AIDS sufferers.
In the meantime, two decades have passed and we have to realize now that the pandemic is not only a health problem, but that it is indeed a global developmental problem. We are all agreed that it is the most serious humanitarian challenge of our time.

HIV/AIDS is a contagious killer disease and therefore its most direct impact is on population growth and life expectancy. The disease kills both old and young, but it mainly affects people in their prime productive years. Within the adult group it kills both men and women, but women are the most vulnerable group. Saddest of all, it also kills children. In some cases child mortality, especially that of children under the age of two, has increased up to fivefold in recent years.

Life expectancy at birth in some 29 of the most affected countries in Africa has declined by seven years on average. In the worst case the decline is as much as 20 years.

The most striking demographic impact is a resulting population that consists mainly of the less productive members, that is the elderly and children. These facts tell us that HIV/AIDS is busy nullifying our efforts to care for our elderly and provide education for our children. How can we sustain social security systems that would secure dignified living standards for the aged if the productive population is being diminished? How can we prevent and eradicate child labour if orphans are the only family members alive to generate income and look after their grandparents and siblings alike?

The ILO publication on HIV/AIDS in Africa further states how the pandemic will impact upon the population size: "The latest population projections by the United Nations Population Division for 1998 considered the impact of AIDS in 34 countries, with a population of one million or more and the adult HIV prevalence of 2 per cent or higher in 1997. Two more countries, Brazil and India were also included, even though the HIV prevalence there is below 2 per cent; their population size, however, implies that the number of HIV-infected persons is sizeable even at the lower rates. Out of these 34 countries with 2 per cent or more HIV infection, 29 are in Africa, three in Asia, and in Latin America and the Caribbean.

The projections show a significant impact of HIV/AIDS on population size and the size of the labour force. For the 29 African countries, the population in mid-1995 was estimated at 441 million, about 5 million fewer than it would have been in the absence of AIDS. By 2015, however, the total population is expected to reach 698 million, about 61 million less than it would have been in the absence of AIDS. At the country level, the populations of Botswana, Namibia and Zimbabwe are expected to be about 20 per cent lower by the year 2015 than these would have been in the absence of AIDS. However, the population size is not expected to decline, and the population growth would still remain positive, because of the high levels of fertility."

Because HIV/AIDS cuts into the size and quality of the workforce it is of fundamental concern to business, labour and economic policy makers. By way of an example based on data collected by the ILO in Zambia the impact can be illustrated clearly. "Eighty per cent of persons infected were between 20 and 49 years old. In other words, AIDS is affecting and ultimately killing the most productive labour force within the formal sector. Many are experienced and skilled works in both blue- and white-collar jobs.

In Zambia, for instance, 96.8 per cent of all deaths in the firms covered occurred among workers aged 15 to 40. Between 1984 and 1992, mortality had risen fivefold, with AIDS-related illnesses accounting for 56 per cent of the deaths among general workers, 71 per cent among lower-level workers, 57 per cent among middle-level workers and a whopping 62 per cent among top-level managerial workers."

From these figures it becomes clear that the backbone of any business and labour force could be wiped out by AIDS. It lowers productivity, and at the same time makes the cost of doing business more expensive. It decimates management and the skilled workforce. Adding to this misery is the chronic shortage of skilled and managerial workers in the developing world, which makes replacements extremely difficult.

Some of the indirect repercussions of HIV/AIDS are more expensive insurance, medical aid and pension coverage, increased loss of productivity due to ill health, extended sick leave taken by sufferers and loss of productivity due to family members having to attend to AIDS sufferers and ultimately having to attend their funerals. HIV/AIDS sufferers are increasingly barred from participating in medical aid and life insurance.

May I add here that the impact in the informal sector is maybe even more disastrous. Here, whole families depend on the business and if the entrepreneur falls victim to HIV/AIDS the whole business collapses. With that the dependants are left with nothing but increased poverty.

Let us now examine what the HIV/AIDS pandemic and its repercussions have in store for us in our quest for prosperity, stability, poverty eradication, development or, in short, a dignified standard of living for all our people.

We in the developing world are struggling to provide basic health facilities for our people. The additional burden of HIV/AIDS causes these health services to collapse.

We have chronic unemployment problems to wrestle with. The HIV/AIDS pandemic robs us of our skills capacities and it deprives business from creating new jobs.

We are crippled economically due to an enormous debt burden, and yet more and more resources have to be allocated to the fight against HIV/AIDS. Other pressing developmental programmes in need of funding can therefore not be implemented. We struggle to create even the most basic social protection networks to cater for the vulnerable sections of society, but HIV/AIDS causes these fragile networks to crumble.

The list is almost endless. The challenge that HIV/AIDS is posing, as I said earlier, is multifaceted, affecting all spheres of life, and it is an international crisis that affects every State, every community, every society and ultimately, every individual.

So far, I have dealt with HIV/AIDS pandemic itself and the more obvious repercussions it has, especially on the developing world and Africa in particular. I will now share with you some ideas about approaches that could help us to manage this crisis.

I must mention here that I regard the discrimination against HIV/AIDS sufferers as an unacceptable practice. Coming from a region and country where discrimination was the order of the day during the oppressive apartheid colonial era it is a practice that we regard as abhorrent. Therefore, in my country, Namibia, we have developed a code of best practices
medical treatment were to be found soon. This poten-
tual cure and existing medication has however to be
affordable for HIV/AIDS sufferers. I therefore
strongly suggest that our research efforts should not
only be strengthened but should also be diversified.
Furthermore, on the financial side we have to develop
strategies that would make the medication affordable
for the developing world.

HIV/AIDS is a global crisis that is indeed multifac-
eted and multidimensional. It is therefore not a mat-
ter that is to be addressed by only governments or
organizations such as the World Health Organization
(WHO) or the International Labour Organization
(ILO). It is a matter that concerns all of us. Our ef-
forts should therefore involve workers, employers
civil society. It is because of the multidimensional
nature of the problem that I am particularly pleased
that the ILO, with its tripartite structures, is commit-
ted to join the battle to fight the spread of HIV/AIDS.

I have talked about our health and social protection
services being threatened by HIV/AIDS. It is impera-
tive to research and develop systems that can, in an
affordable manner, be functional and sustainable,
with HIV/AIDS included in the new formula. Systems
that are based on exclusivity are to my mind discrimi-
natory and not acceptable, hence outdated.

The ILO is a unique institution within the United
Nations family. It is unique because of its tripartite
structures and because of its emphasis on being a val-
ue-based organization. The ILO is also a specialized
organization concerning itself with the world of work.
I was pleased when I read that the ILO has as its cen-
tral policy the concept of decent work, and the ele-
ments that comprise it is also relevant and applicable
when we talk about HIV/AIDS. It is not surprising
that the ILO has made the fight against HIV/AIDS
one of its priority issues. It is my hope that the ILO, as
an international organization and through its field
structures, will play an important role in helping to
implement the policies and strategies that we have
developed.

The strategic objective to defend and develop clear
labour standards could accommodate the need to pro-
mote non-discriminatory practices with regard to
HIV/AIDS victims at work. Under this important
strategic objective, standard-setting instruments and
guidelines should be created that would not only en-
sure compliance with fundamental human rights, but
would also protect the vulnerable groups that are
hardest hit by the pandemic, namely women and chil-
dren. The ILO could, in furthering its Declaration on
Fundamental Principles and Rights at Work, create a
special chapter on HIV/AIDS in the Global Report.

I understand that social dialogue is aimed at
strengthening democracy and involving all stakehold-
ers in the decision-making process. It is also in pursuit
of this objective that the ILO influences the harsh and
competitive world of business to ensure humane and
fair practices. More specifically, cooperation with the
Bretton Woods institutions springs to mind. I am
aware that the World Bank is already anticipating in-
cluding HIV/AIDS on its agenda, and this, I feel, is
a golden opportunity for truly complementary coopera-
tion between the ILO and the World Bank. The stra-
etic objective of promoting social dialogue should be
adhered to in the all-important awareness campaign
for a change in sexual behavioural patterns that is so
necessary to prevent the spread of the virus.

When we consider possible programmes and
projects under the strategic objective of social protec-
tion we should concentrate on the most vulnerable
groups such as women and children. We also have to
develop social security systems that take the HIV/
AIDS pandemic into consideration. Our data collec-
tion efforts and relevant research methods have to be
changed to accommodate and address the HIV/AIDS
impact on social protection.

We must realize that HIV/AIDS contributes to
poverty. The ILO, through its strategic objective of
employment promotion, should measure the HIV/
AIDS impact on poverty and then develop em-
ployment promotion strategies to cushion the blow.
We have to set new priorities in our employment
strategies that take the HIV/AIDS pandemic into
account.

Lastly, it is my hope that more and more people will
come to understand that “AIDS is everybody’s busi-
ness”. This is the motto of UNAIDS, the coalition
which brings together seven co-sponsors from dif-
derent parts of the United Nations family with a
great sense of partnership. It is with great pleasure
that I am witnessing today the ILO’s first step towards
UNAIDS co-sponsorship.

The challenge now is to bring together the full
range of ILO constituents and partners, from grass-
roots trade union activists, through private and public
corporations, to ministers of labour and heads of
state. It is our duty and responsibility to support this
new partnership and ensure that countries receive the
benefit of the ILO’s and UNAIDS’ combined expert-
ise and support.
In conclusion, may I again congratulate the ILO and the Director-General for having demonstrated their commitment to the quest to give our global village a human face. Poverty is an ugly scar on this face which must be removed. The HIV/AIDS pandemic has created another deep scar on our global face and we have to work in unison to find a cure for it or prevent its further spread.

I have enjoyed sharing my ideas with you and wish you successful deliberations at this 88th Session of the International Labour Conference. Long live the International Labour Organization. I thank you.
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I would like to take this opportunity to express a few words about the Global Report, which I believe is an important and successful promotional document. This Report is a first attempt, which aims to encourage governments and the social partners to sit down around a table. The fact that most countries are mentioned in this Report not only reveals that human rights related to trade unionism and collective bargaining exist but also that the ILO has much work on its agenda.

The Director-General's Report which is before us highlights the activities which the Organization will implement at the beginning of the twenty-first century. The four strategic objectives — fundamental rights and principles at work; employment; social protection and social dialogue — provide us with an economic and social portrait of our world today. I would also like to express our full support for the ILO's new priorities, which are listed in the Director-General's Report as goal-oriented objectives, supported by specific programmes of action.

My Government would like to emphasize that all countries should adopt and devise efficient policies to strengthen labour relations and create new employment possibilities aimed at curbing unemployment and poverty, so as to protect the fundamental rights of all workers.

We attach a great amount of importance to training, human resources development, and an active employment policy in a society founded on knowledge, communication and technology. That is why a draft law providing for the restructuring of the employment agency in Turkey has been submitted to the National Assembly.

I can assert with satisfaction that the reform of the social security system which was carried out last year was far-reaching, and was aimed at catching up with international labour and social security standards. In this context, Turkey has adopted unemployment insurance which goes further than the ILO standards, a minimum retirement age and the modification of the wage-setting system. Furthermore, draft laws have been submitted to Parliament to unify all social security establishments in a single system and to include optional and supplementary retirement programmes in the social security system. The social security system has thus taken one more step towards the achievement of international standards.

Last year Turkey ratified the 1997 Amendment to the Constitution of the ILO and the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159). I would also like to stress the fact that our Government has embarked on the process of ratifying the Worst Forms of Child Labour.
be solved effectively without the necessary reform of
deliberations in order to show its determination to improve labour legislation and to encourage dialogue between social partners in accordance with Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). Furthermore, taking into account the observations of the Committee of Experts, the social partners are currently discussing two draft laws aimed at amending the Act on trade unions and the right to collective bargaining and the Act on the right to strike and on lockouts, as well as other possible legislative amendments.

I would also like to express my satisfaction that the subject of safety and health in agriculture is on the agenda of this Conference. Turkey attaches great importance to this debate which is aimed at drawing up a Convention and Recommendation on standards relating to safety and health problems in this sector.

Before concluding, I would also like to point out that, following Turkey's application for membership of the European Union (EU), which was submitted in December 1999, our Government has already begun to take measures in order to harmonize its legislation with provisions valid in the EU.

Original Arabic: Mr. ELAMAWY (Minister of Manpower and Emigration, Egypt) — In the name of God, the Compassionate, the Merciful! It is a pleasure for me to congratulate you, Mr. President, and your country, Argentina, on your election as President of this the 88th Session of the International Labour Conference. We wish you and the other Officers of this Conference every success with this session.

We have examined the Director-General's comprehensive Report entitled Activities of the ILO 1998-99 with a great deal of attention and would like to say how grateful we are to Mr. Juan Somavia, the Director-General, for it. The Report spells out the direction in which the Organization's policies and programmes are going, taking into account economic and social changes and the growing importance of active employment policies.

The ILO introduced a number of substantial changes last year in order to help it adapt to the challenges of the changing world of work and society. These are important changes leading to new developments in the Organization's strategic orientation and the definition of priorities in such areas as employment, poverty eradication, and the problem of child labour. In this respect, we would like to stress the importance of the Organization's main thrust, as presented by the Director-General, namely that development has to be at the centre of the Organization's programmes and activities, because a large number of developing countries are suffering because of the primary education and the more positive involvement of enterprises in vocational training.

At the same time it is necessary to give young graduates the possibility to acquire professional experience as early as possible; otherwise, finding one's first job can be very difficult. This is why we have decided to add new element to our employment policy so that young people can obtain the traineeships in both the public and private sector.

You must also be able to react flexibly to changing situations while at the same time maintaining long-term objectives.

I believe that these experiments are valid for all economies and all societies whatever their degree of development. I would therefore be extremely happy if the ILO, on the basis of the very diverse experiences of its member States, could present to a future session of the Conference a true strategy for employment, which would at the same time be the very best tool in the struggle against poverty and social exclusion.
Mr. President, the situation of workers in the occupied Arab territories requires an objective attitude. While there are occasional signs of positive moves to achieve a political settlement, we continue to observe a deterioration in the situation of workers in the occupied Arab territories. The situation is worsening because, as the Organization's most recent mission to the West Bank and Gaza Strip noted, the unemployment rate estimated at about 24 per cent, without taking into account the unstable working conditions of other workers who have no alternative but to work in the settlements or in Israel.

As the Director-General's Report has pointed out, the situation continues to deteriorate in the occupied Golan Heights. Israeli occupation is the direct cause of the difficulties faced by workers in the occupied Arab territories. The corollary to this is that giving a stifling situation has been created in which human rights and the legitimate rights of workers are not respected. The Director-General's Report provides concrete examples of this unacceptable situation. This is a situation which fails in every way to create the conditions for social and economic development.

In addition, one of the most reprehensible aspects of occupation is the pillaging of land and resources, a phenomenon which inevitably results in the deterioration of the economic and social situation. In this regard, I would like to express our appreciation for the Organization's technical cooperation programmes, and to stress the importance of stepping up such activities in the occupied Arab territories. In conclusion, I wish your Conference every success.

Original Spanish: Mr. VASQUEZ VILLAMOR (Minister of Labour and Micro-Enterprises, Bolivia)

—I would like to congratulate Mr. Flamarique, Labour Minister of Argentina, on his brilliant election to preside this meeting. It is a great honour for me to address this world forum on employment, representing my country, Bolivia. Employment, undoubtedly, is a public wealth which must be given the attention and protection of the State. Democratic societies cannot consider it simply as a merchandise which is subject solely to the laws of supply and demand. Employment is one of the fundamental parts of democratic force. A society without employment, without jobs is not, and nor can it be, a democratic society. Today's democracy is a democracy of the people. Citizens are no longer passive actors in their society and they now struggle against any form of intimidation which prevents them from being fully integrated into society. They are calling for the right to act directly through larger and improved participation, and further still, the recognition of their own role as citizens. Citizenship and employment are the new paradigms of contemporary democracy.

Now, on the other hand, we have the challenge of globalization of the world economy. The impacts of this are enormous, especially on the poorest and the weakest. Over the last 15 years, Bolivia has demonstrated its dedication to becoming part of world integration. It has established a legitimate and participatory democratic system. It has made its market transparent and privatized its main companies. Its energy potential and environmental wealth are at the service of the international community. Furthermore, during the last three years we have eliminated thousands of hectares of coca plants, going even beyond our international commitment before the interna-
tional community. Bolivia has shown clearly that it wishes to struggle against the scourge of drug addiction.

Despite all these efforts, our labour market has deteriorated. Our hopes of improving the situation by opening up the market were short-lived. We had hoped that foreign investment would lead to more and better jobs for our citizens. Today, however, we have even fewer official jobs than before the structural reforms took place. This has resulted in an increase in poverty. Globalization has had negative effects on our labour markets and on our citizens. The benefits of globalization are still to be witnessed in the poorest countries. For this reason, it is unjust. Nonetheless, we do believe in moving forward and will continue with our efforts. However, now that we have opened up our markets to the world economy, the international community must now respond accordingly, and allow us to share in the benefits of world development.

The opening up of our markets must be accompanied by the opening of the markets of the richest countries of the world. The elimination of trade barriers must go hand in hand with the elimination of all forms of protectionism that prevent our goods from being exported, otherwise we will continue to become poorer.

Our economies have now allowed the free movement of capitals, goods and the repatriation of benefits. However, we now see that our citizens do not have access to other labour markets. Migrant workers are being discriminated against in the workplace and are denied the fundamental rights, proclaimed by the ILO. Under these conditions, unemployment and poverty are the greatest threats to our democratic societies. It is fundamental to set up a new system of shared responsibility between the developed and the developing countries. This system will treat the destiny of mankind as a universal responsibility and will make employment a key factor when facing up to the challenges of the new century. It will eliminate trade barriers and protectionism which stop the circulation of goods coming from the poorest countries. Our poverty will not be an excuse to prevent access to other markets, thus making us even poorer.

Decent work should not be a prerequisite but an objective which must be attained through this new definition of shared responsibility. We wish, therefore, to have more solidarity in the world.

Mr. President, I have spoken on behalf of my country, now please allow me to give you a message from my people of origin — the Quechua people. We have built our culture upon the basis of three principles: “Ama Sua, Ama Llulla y Ama Kella” which means “do not be a thief, do not be weak and do not be a liar”. We are a culture of work, truth and honesty. Our values are also universal values, and with them we wish to be part of this new world so that we can build it together with all of you.

Original French: Ms. BORUTA (Government delegate, Poland) — The reports of the Director-General and the Chairperson of the Governing Body highlight the most important events that have taken place between the previous session and this session of the Conference. These events are above all related to the fundamental principles and rights of people at work, that have been the subject of concern of the ILO over the last few years. Now the time has come to take stock of the results of the Declaration adopted in 1998. And for this purpose the Director-General has prepared the Report, Your voice at work, for this session.

For us the most interesting parts of this Report are those that deal with the role played by the ILO in Poland during the 1990s under the Communist regime. At that time, the ILO brought pressure to bear on the authorities, urging them to respect trade union rights. The Organization also held forums where those who had been deprived of the right to speak in their own country were given a chance to express themselves. In this way, the ILO helped see to it that the fundamental principles and rights of working people were to be applied in Poland.

At present Poland is a country where freedom of association, the right to collective bargaining and other human rights are respected. This is considered as something quite natural, but we are not going to rest on our laurels. Intensive work is under way in Poland on the law concerning the tripartite commission. The adoption of this law will help, it is hoped, bring one of the main trade union organizations to resume its place in the process of social dialogue. This new law should also encourage the major employers’ organizations in Poland to join in this cooperation.

Another problem of great importance is employment; which is one of the ILO’s strategic objectives. In our country employment policy has taken on a new dimension due to the difficulties that have appeared recently in the labour market. The main cause of unemployment in Poland is the meagre ability of the economy to create jobs. It is, therefore, unemployment due to weak demand. There is also structural unemployment resulting from the mismatch of labour supply and demand, and particularly to the low geographical mobility of human resources.

This diagnosis did much to influence the national employment and human resources development strategy adopted by the Polish Government in January last year. The strategy is based on an unemployment reduction model which emphasizes an integrated social and economic policy favourable to employment. Among other things, it provides for the removal of barriers to job creation. In addition, the strategy underlines the need to develop human resources and to invest in these resources. A basic reform of education and lifelong training is one of its main priorities. The ILO is giving us its support in applying this strategy. ILO experts are soon due to help draw up a regional strategy for employment.

The parts of the Report on technical cooperation are of particular interest to us. We share the ILO’s view as to the importance of this cooperation. We are pleased that our initiative calling for the ILO to support the countries of Central and Eastern Europe in their efforts to join the European Union has been adopted. We have already managed to decide in which area and in which sectors this support will be provided. During the present difficult period of social, political and economic transformation, this help is priceless.

The problems of globalization are a repeated theme in both reports. We fully share the view of the Chairman of the Governing Body concerning the importance of setting-up, in March 2000, the Working Party on the Social Dimension of Globalization. This group is the international forum for debates on the main problems of globalization. We hope that the
establishment of this forum will make it possible to break the deadlock blocking our quest for a solution to the problem of how labour standards relate to international trade.

The present session of the International Labour Conference deals with subjects of far-reaching importance for the labour world. The Conference has raised issues such as human resources development, maternity protection and occupational safety in health and agriculture. I wish you fruitful debates.

Original Russian: Mr. NEYKOV (Minister of Labour and Social Policy, Bulgaria) — On behalf of the delegation of the Republic of Bulgaria, I should like to congratulate Mr. Flamarique on his election to the post of President of the 88th Session of the International Labour Conference, and I would like to wish him and his Vice-Presidents success in their work.

The main theme of the Director-General's Report offers us a unique opportunity for an exchange of views on a very important issue: the right to be heard at work within an effective tripartite structure. Effective tripartism is the cornerstone of sustainable development and economic and social stability in every State.

The Report emphasizes the importance of freedom of association and collective bargaining rights in bringing about full and decent employment in a globalizing economy. The globalization of the economy is having a major impact on labour. This is inevitable because of the global market, greater competition, more rapid technological and structural change, and the information revolution. In our view, globalization is widening the gap between labour partners whose interests, which always tended to be diametrically opposed, now diverge further than ever.

The countries of Central and Eastern Europe, including Bulgaria, have experienced ten years of unprecedented change during their transition towards a market system. Tripartism would be unable to exist without democracy and a market economy. In its turn, tripartism strengthens democracy because it involves large sectors of the population in decision-making through workers' and employers' organizations. Although these social partners do not have the same responsibilities as governments, they have to work in a spirit of goodwill and compromise to achieve economic and social progress for all.

Tripartism has not developed smoothly in Bulgaria over the past decade, but in this period of transition it has become clear that there is a very close link between genuine tripartite dialogue and the pace of reform. When social dialogue collapsed, reform slowed down; when social dialogue resumed, a stable new social structure was established. New labour legislation has been introduced in all areas. We have established national tripartite structures directly involved in policy-making, and we are applying best available practices.

In 1997 the Government, representatives of the two main national trade union associations — the Confederation of Independent Trade Unions of Bulgaria and the labour confederation Podkrepa — and the Bulgarian Association of Industrialists signed a charter on social cooperation. In May this year the Government concluded three national agreements with the Confederation of Independent Trade Unions of Bulgaria in the following areas: urgent measures to reduce unemployment and create jobs, measures on wages and labour costs, measures in the area of employment, contracts and labour relations, the introduction of regional labour inspectors, and the introduction of mechanisms for monitoring the effects of privatization. The social partners have also been working on amendments to the Labour Code.

In my view, we have in our efforts achieved the necessary balance between the interests of governments, trade union organizations and employer organizations which tripartism demands. All this work, together with the implementation of the programme "Bulgaria 2001", has been crowned with success in the most important area: at the end of last year, Bulgaria received an invitation from the European Union to begin negotiations on future membership.

I should also like to say a few words about the future activities of the ILO, as described in the Director-General's Report.

Technical cooperation should focus on the realization of fundamental principles and rights at work. In particular, there should be help for observing the principles of freedom of association and collective bargaining. We are very happy with our work with the ILO, and in particular with the ILO team in Budapest. We hope that, through the follow-up to the Declaration of 1998, freedom of association will become an effective means of making the voice of workers heard everywhere.

Original Spanish: Mr. ALONSO (Minister of Labour and Social Security, Uruguay) — On behalf of the Government delegation of Uruguay, I would like to congratulate the President on his election to preside over the 88th session of the International Labour Conference.

Globalization, an inevitable process in which humanity advances day after day, presents challenges which have to be taken up at all levels and in all areas of the international community. Some of them, perhaps the most visible, relate to trade and finance. Others, such as the ones of particular concern to us, define indirectly the viability of the model.

If we are incapable of creating more and better jobs for people, with a fair distribution of wealth, then the days of globalization will be numbered, as we will be faced with the overriding need to find other alternatives to achieve our goal of prosperity and justice.

It is clear that the growth of international trade and facilities for the mobility of financial capital have led to a sharp drop in government latitude, and greater autonomy for enterprises and available investment. Governments and social partners should take all this into account if they wish to reduce economic inequalities and achieve the peaceful viability of globalization.

The increasing differences between the industrialized and developing countries should be reversed through new political options based on the principles and ethics that inspired the founders of this Organization. In personal, institutional and international relations, priority should be given to the ethics of solidarity in three dimensions: horizontally to cover the whole planet, vertically to cover the new issues thrown up by the constant acceleration of change; temporally, to ensure social justice and peace for future generations.

We are firm in our conviction that the ILO, through the Economic and Social Council, should stimulate a free-flowing dialogue among those international insti-
tutions belonging to the United Nations system. The objective would be to adopt political decisions that would contemplate the human dimension of the individual and the need to create balanced conditions for competitiveness in order to engender development that can be shared and which does not become a machine to eliminate the weakest.

If we wish to realize our dream of work and equality for all, we need to dismantle once and for all the whole system of obstacles to international trade that still exists, which harms the smallest, poorest, and least developed countries.

The main focus of our concern should be an inevitable approach to a globalized world without exclusions, where the work of any inhabitant of the world would be respected and considered on an equal footing above race, creed, nationality or gender.

If we do not make trade relationships more sincere, it will be very difficult to make any progress in developing consistent and lasting labour relations.

We call for an international commitment to dismantle the protective mechanisms in trade that prevent the development of fair labour markets throughout the world. Let us make equality of opportunities, without obstacles, subsidies or unfair competition a global goal. All our efforts to create employment and improve labour relations will be in vain if we do not remove the artificial restrictions affecting our societies.

On the threshold of a new millennium let us be optimistic and responsible. Only in this way can we construct an international community that will enable us to achieve our dreams collectively and individually.

(Mr. Moorhead takes the Chair.)

Mr. POTTER (Employers' adviser and substitute delegate, United States) — We are very proud of your leadership role at this Conference, and I commend to you yesterday's speeches by the United States Secretary of Labor, Alexis Herman, and the leader of the largest trade union movement in the world, John Sweeney.

This year's Report of the Director-General on the activities of the ILO is generally a forward-looking document, even as it looks back over the past two years. Globalization of the world economy contributes to economic and employment growth and improved working conditions. But with "change" being a constant dynamic in the workplace as never before, and the pace of change more rapid than at any other time in history, the social aspects of globalization are increasingly important. This places a premium on ensuring that the ILO and its programmes are on target. A widely unratified but aspirational Convention should go.

Your voice at work, the first ever Global Report on freedom of association and collective bargaining, highlights the widespread need for targeted technical cooperation. We urge the Director-General to allocate more staff and financial resources in this priority area.

Over the last two decades, Conventions adopted by the ILO Conference have had a low rate of ratification. A widely unratified but aspirational Convention is merely a piece of paper that will be relegated to the dustbin of history, a candidate for withdrawal at a future ILO Conference. On the other hand, a widely ratified Convention that is implemented by ILO Members will make a difference to the lives of working men and women. While many may feel good about the prospect of the ILO Conference adopting the revised Maternity Protection Convention, the Convention itself mandates maternity leave protection at such a level that only the richest of nations will be able to ratify it.

In the global economy, the ILO needs to be effective and relevant. The ILO's role in facilitating democratic institutions and protecting fundamental rights at work is more crucial than ever before. For this, the ILO needs to change its course on standard setting. If the ILO is to be seen as truly relevant in the standard-setting area, it needs to focus on a few high-quality, high-impact standards, such as the Worst Forms of Child Labour Convention, 1999 (No. 182), which was adopted by this Conference last year, and has already
been ratified by over a dozen countries, including my own. This Convention will make a difference to the lives of children around the world, because countries will ratify it. There is no point to the annual June Conference if member Governments do not ratify adopted Conventions.

Finally, I would like to pay homage to two Americans, one a worker and one the other an employer, whose whole lives were devoted to the ILO. Edward J. Hickey, Jr., who passed away earlier this year, served on the Committee on Standing Orders and the Application of Conventions and Recommendations for 30 years. He was the Worker spokesperson whenever there was a special paragraph against one of those countries, before the fall of the Berlin Wall, that would have dismantled the ILO’s supervisory machinery. Kevin Becraft, a former union organizer and a Vice-President of IBM, passed away this weekend. He was one of the most perceptive thinkers I knew on international social issues, who brought humour and trade union tactics to the Employers’ group. In the words of Ed Kickey’s Irishman’s toast: “May the good Lord hold them both in the hollow of his hand”.

(Mr. Agyei takes the Chair.)

Mr. CHO (Employers’ delegate, Republic of Korea) — On behalf of the Employers’ delegation of the Republic of Korea, I take great pleasure in extending our sincere congratulations to Mr. Flamarique on his election as President of this session of the International Labour Conference. I am convinced that his leadership will make this meeting both highly successful and productive.

On the occasion of this first Conference of the new millennium we are all entrusted with the important task of defining our future course of action and making a positive contribution. As we embark on a new path, we have to pay particular attention to the challenges of the digital and knowledge-based economy that will shape the years to come and revolutionize the worlds of work and business.

These new beginnings are more than symbolic. We are aware that the sheer pace of change exceeds the ability of many to adjust to the new ways of life. But adjust we must. At the very least we have to ensure that we are not swimming against the inexorable tide of transition.

The most important challenge for the new millennium is to bridge the paradox between the harsh business reality and human and social values. Of concern is the fact that some groups will be increasingly marginalized and excluded from access to knowledge and skills needed to benefit from new economies. Moreover, it is only natural that such marginalized workers are more likely to suffer from long-term unemployment than others, thereby threatening social integration and stability.

In order to address this challenge, tripartite constituents should shoulder the responsibility for initiating measures to cope with these adjustments. Governments should establish new training and education systems, in line with the needs of industry, rather than exclusively focusing on employment protection in the traditional sense. The old idea of equality and protection should be replaced with the notion of equity and development.

Employers should develop new types of human resource management schemes that will help equip workers with knowledge and technical skills that are indispensable for the survival of enterprises within a digital economy. It should be borne in mind that a knowledge-based digital economy is one where people are the greatest national resource.

Workers and trade unions should view industrial relations from a new perspective rather than clinging to their traditional roles. They should change their objective from struggling to protect their interests to pushing for better educational and training opportunities. In the long run, high-quality education and training are the only assets of value that will guarantee them survival and success in the new economy.

Finally, the ILO must become more involved in efforts to improve human resources development and provide its constituents with the tools they need. This will contribute not only to the growth of enterprises but to the promotion of decent work, a better quality of working life.

Recognizing the crucial role of the ILO in the work and business worlds, it is essential that the Organization redefine its priorities in order to prove its credibility on the international scene. At the heart of the ILO’s new strategy towards the new economy should be the idea that helping workers in the new economy is not just about protection, but about training and development.

Mr. WONGWAN (Deputy Minister of Labour and Social Welfare, Thailand) — On behalf of the Thai delegation, allow me at the outset to take this opportunity to congratulate the President on his election to this high office. I am confident that, under his leadership, this Conference will be successful and productive.

One clear lesson of the Asian economic crisis that hit my region in 1997 is that the social dimension of growth is as important as the economic dimension. In Thailand, as an example, 7.9 million people are now under the poverty line. Mr. Somavia, the ILO Director-General, stated aptly at the UNCTAD X Conference that “we know enough about market fundamentals — it is time to pay attention to the fundamentals in people’s lives”.

In this connection, the ASEAN Labour Ministers in their meeting held in Manila from 11 to 16 May have pledged a renewed commitment and determination to strengthen the social pillars of ASEAN by adopting a common vision and mission statement directed at strengthening internal capacities to address social protection and employment generation and enhance tripartite consultation. They also agreed to cooperate on transnational issues, labour migration, labour market information, technology-sharing and certification of skill standards.

The ASEAN labour ministers also welcomed the positive development in the dialogue between the ILO and the Government of Myanmar regarding the visit to Myanmar by an ILO technical cooperation mission. We express our hope that the process of consultation and technical cooperation between the ILO and Myanmar will be continued, so as to bring about a mutually satisfactory solution.

As for Thailand, keeping in mind the ILO’s four strategic objectives, we have strengthened the social pillars by extending social security benefit to workers, promoting the dignity of workers, and addressing the specific issues and concerns brought about by globalization. In this connection, we have implemented a
series of measures, such as the amendment of regulations to cushion the impact on laid-off workers, the introduction of a new State Enterprise Labour Relations Act to ensure freedom of association, and the provision of micro credit to laid-off workers and social assistance grants to vulnerable and elderly groups.

Thailand last year gave concrete support to the adoption of the long-awaited Convention and Recommendation aimed at prohibiting and eliminating the worst forms of child labour. In response to the ILO’s worldwide campaign for its ratification, Thailand launched the April 2000 Workshop, with ILO support. This has led to the formation of a National Working Committee, which is working towards the ratification of Convention No. 182 in full consultation with the social partners.

With regard to gender equality, we have put in place measures for the full recognition of the equal status of women workers. This is guaranteed by our Constitution, the new Labour Protection Act, and the ratification of the Equal Remuneration Convention, 1951 (No. 100). We take pride in the fact that most of these measures were launched in a period of economic crisis. A case in point is the fact that the termination of employment of pregnant women and sexual harassment are now unlawful under the new Labour Protection Act.

Let me acknowledge the valuable contribution made by the ILO Regional Office, the Bangkok Area Office and EASMAT in the past three years in alleviating the impact of the crisis, as well as in guiding us towards a sound framework of labour and employment policies. All tripartite partners have benefited from ILO technical assistance. A major initiative has been the Thailand Country Employment Policy Review, which identified priority areas for action in employment and labour policies. We are following up on its major recommendations in close collaboration with the ILO.

The 88th Session of the Conference addresses a number of important and topical issues: human resource development, maternity protection and occupational safety and health, among others. They in fact provide important contributions to overcoming these circumstances, the ILO tripartite declaration for multinational companies is of great importance. I believe that the Director-General will give due attention to this point.

Turkey is the only secular, and the most democratic country in the region. These characteristics are being further reinforced nowadays. My country wants peace in the world and in our region. Peace is the precondition for the eradication of unemployment and poverty. However, the interventions of the IMF, the World Bank and the WTO, in line with the interests of transnational companies, increase unemployment, poverty, inequity in income distribution, and violations of trade union rights in my country. Privatization and subcontracting are proceeding, together with an increase in clandestine employment. These practices are the most important instruments of deunionization. The undermining of the nation state through privatization is prejudicial to national sovereignty, democracy and trade union rights and freedoms. Flexibility, in line with the interests of some unscrupulous employers, destroys the protective legislation which constitutes the fundamentals of the ILO. Clandestine employment, on the other hand, provides unlimited flexibility for the employers. It is not possible to reconcile these practices with social justice, which is the basic objective of the ILO. Under these circumstances, more effective functioning of the ILO’s supervisory mechanisms are of the utmost importance.

Turkey has ratified the Termination of Employment Convention, 1982 (No. 128). I hope that my Government will honour its international obligations in this area. Turkey has ratified the Social Security (Minimum Standards) Convention, 1952 (No. 102). I believe that my Government will act in line with the requirements of being a social state, will resolve the problems of the social security system, and will terminate the initiatives to privatize social security.

The initiation of unemployment insurance in my country, on 1 June, is an important development. I urge the eradication, in a short period of time, of the deficiencies that will arise following the implementation of unemployment insurance. Turkey has ratified seven of the eight core Conventions. I hope that my Government will eradicate the obstacles preventing the full exercise of the rights of workers to organize, to bargain collectively and to strike, and the restrictions concerning the trade union rights of public servants.

I believe that the technical cooperation agreement, to be signed by the ILO and my Government to accelerate the accession of Turkey to the European Union, will contribute to this process. I also welcome the important steps taken in the ratification process of 14 ILO Conventions.

I believe that social dialogue, which shall further be reinforced by an Economic and Social Council functioning democratically and based on legislation, will provide important contributions to overcoming these problems.

Turkey, with it well-established democratic traditions has in its possession the necessary channels for dialogue. I am assured that my Government has understood the power and importance of the workers’
movement and will take the necessary measures to solve our problems.

I wish the 88th Conference, and the President, every success in the defence of the rights of the working people, social justice and a lasting social peace.

*Original Russian: Mr. DJIBOUTI (Government delegate, Georgia) — Mr. President, distinguished delegates, on behalf of the Georgian delegation, I should like to greet very warmly all the participants of the 88th Session of the International Labour Conference, and I would like to congratulate the Director-General on the first Global Report in the history of the ILO.*

The first Global Report under the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up is not a totally new departure. It is a document which encourages us to consolidate the foundations of the edifice we are building together.

Georgia is a post-communist state. For us, ideological liberation coincided with national liberation, and we now face the challenge of globalization with its attendant problems, including the problem of human rights in their economic and labour dimension.

The main paradox of globalization is that as economies open up to international influences, national social security systems become more inward-looking and restrictive.

As a factor for economic growth, globalization can provide opportunities for social progress, but such opportunities are useless unless there are mechanisms for sharing wealth. Such mechanisms cannot be established by any one State acting in isolation. This is where the new social dialogue and the functions of the ILO come into play. Without ILO assistance, individuals, industries, even smaller countries, such as Georgia, will be left behind by the process of globalization. In the absence of a mechanism for social stability in the globalizing economy, it is vital for the ILO and member States to focus their activities on the fundamental principles and rights at work and their implementation.

The ILO has an increasingly important role to play in States such as Georgia, which has dismantled its centrally planned communist system at great economic, financial, social and indeed human cost. Quite apart from the problems of globalization, Georgia faces difficulties in achieving economic growth, and in combining necessary — and painful — reforms with greater social expenditure and policies aimed at achieving social consensus, although its social services and social security system are in a state of collapse.

In post-communist states, the main social problem is the sharp increase in poverty. In Georgia this has come at the end of a long period of full employment in which we did not have the literally life-threatening poverty which some of our citizens are now suffering.

We realize that global problems and problems caused by globalization cannot be resolved within the confines of any one State. Georgia is therefore wholeheartedly committed to the principles of the ILO. We have ratified all the fundamental Conventions and are working very closely with the ILO and its regional office.

In our view, the ILO should work more closely with other international organizations, particularly the Bretton Woods institutions and the European institutions, in order to improve programmes to alleviate poverty in Georgia and throughout the world.

In the words of the Declaration of Philadelphia of 10 May 1944, “Poverty anywhere constitutes a danger to prosperity everywhere”.

*Mr. JENNINGS (Representative, Union Network International) — I make my remarks on behalf of the Union Network International (UNI), the world’s newest global union organization. Created in January this year, UNI represents 50 million members in over 900 unions and 140 countries. Four international federations, FET, Communications International, MEI, and IGF, have come together to create a new international union for the new economy.*

We recognize in this process that the global economy is not working for billions of people and their families and that the global economy requires new forms of global governance. We have not learned the lessons of the Asian financial crisis. We also recognize that a global economy requires stronger global unions, while global businesses require global union partners. In a globalized economy, we need to globalize human rights, trade union rights and collective bargaining. Finally, individual union members need, themselves, to be global players.

A networked economy requires networked unions. The information technology revolution has created convergence: companies that were once in different sectors now operate in the same sectors, in services, IT, print, media, television, film and entertainment. Just two weeks after our own merger, America-Online and Time-Warner merged. This was further evidence not just of convergence, but of a massive concentration of economic wealth.

The new economy is often portrayed as a group of IT techies incubating brilliant IT ideas in garages around the world. In truth, individual companies in key sectors have real market dominance. Regulators around the world are waking up to the dangers, as the Microsoft case illustrates. Indeed, that is why UNI has so vigorously opposed the MCI/WorldCom-Sprint merger which would give one organization 75 per cent of the Internet backbone. In these two cases we also see a dot.com world which is anti.union.org. That is why we need to develop online rights for online workers.

The ILO must do more to promote its Declaration on Fundamental Principles and Rights at Work in the new economy. We welcome the Declaration and follow-up procedures, but there is insufficient evidence that the new economy is taking them seriously. Indeed, their argument is that labour standards and social standards have no relevance in the new economy. They are wrong, and we in UNI are eager to work with the ILO to promote decent work in the new economy.

There are IT winners and too many losers. In Silicon Valley, service workers have had to strike because they are earning $6.00 an hour and living in garages while the IT winners in that same place are earning $6.00 a second. An all-apparent digital divide is becoming an even more serious income divide, and the ILO has to take new initiatives to develop a social dialogue in this new global economy.

In the last few months UNI and employers, came to a number of important conclusions in two ILO sectoral meetings in the fields of multi-media and commerce. The meetings called for the establishment of
global, social dialogue structures at the ILO, where unions and key employers from our regions should participate, as a minimum, in annual exchanges to promote the ILO's work and develop new understanding and a new global partnership. UNI believes that this will be a critical step towards the improvement of corporate governance. Too many businesses talk social and act brutal.

The ILO should launch a fundamental rights audit of the top global companies. Monitoring government compliance is only part of the story. Indeed, at the top of the list should be the United States company Wal-Mart, which is the world's largest retailer and viciously anti-union company in its own home. We require decent work in the new economy, and the ILO has no option but to develop a new programme of activities to bring the best minds together to develop a social and labour market policy and to do it at "dot.com" speed. The ILO must examine employment trends, new forms of work organization, the new content of collective bargaining agreements, and, above all, it must develop and encourage a revolution in education and lifelong learning.

We see massive unemployment, with a billion people unemployed throughout the world, yet there are job bottlenecks in the United States and the European Union. Estimates suggest that there will be an IT job shortfall of over 3 million posts in two years' time. We need a new commitment to lifelong learning and universal access to IT networks. Learning should not end with school or university, but should be continuous and accessible. For this, public investment is required. The unions in Union Network International are now developing distance-learning projects, which are already benefitting tens of thousands of workers.

The ILO must bridge the digital divide. The United States, with 5 per cent of the world's population, has more computers than the rest of the world put together. Sub-Saharan Africa has 10 per cent of the world's population and only 0.1 per cent of its computers. The debt crisis is now compounded by a digital crisis. We need debt relief and digital aid to provide universal access to the people of this world. A new form of economic apartheid is emerging in a two-speed world. We look forward to the forthcoming Special Session on the implementation of the outcome of the World Summit for Social Development, and further initiatives, not just as a means of committing to decent work, but also to bridging the digital divide.

In conclusion, the new economy is a strong motive for wealth creation, but it requires a new social contract. The new economy must not be a social and labour market void. It must also be recognized that the people that create it the new economy in the end have rights that are equivalent to workers' rights. This millennium must be the one of human capital. The ILO should be focusing on how to build upon that human capital. UNI will be developing new union services to build solidarity among people; to build union capital; to create new alliances in multinationals; to ensure that businesses support the United Nations Global Compact; and to see that workers' capital is invested in companies that respect union rights.

UNI already has the capability to be in touch with union members in their workplaces any time, anywhere. We will send the message that new economy workers require strong trade unions, and that a reinvigorated ILO is serious about decent work for all in the new economy. I think this Conference can make a brilliant start to this, and can contribute to this process by adopting a Convention on maternity protection.

Original Russian: Mr. SCHERBAKOV (Representative, General Confederation of Trade Unions) — On behalf of the General Confederation of Trade Unions, uniting most of the national trade unions of the CIS countries, I would like to congratulate the President on his election to this distinguished office and wish him every success in his work.

This session of the ILO Conference takes place on the threshold of the second millennium. It is understandable that its decisions should sum up in its own way the achievements of the ILO over the past century and define what together we can do in the new one.

One of the most notable events of recent years, the results of which will be summed up at the end of this month at a Special Session of the United Nations General Assembly was undoubtedly the World Summit for Social Development five years ago in Copenhagen. The undoubted merit of this meeting was to highlight the special role of the ILO in social development, combating poverty and the fight for full and productive employment.

More than five years have gone by since the Summit and the ILO has fully justified the confidence of the trust of the world community. It has been leading the fight to give a social dimension to globalization and the liberalization of the trade. The Declaration on Fundamental Principles and Rights at Work, adopted in 1998 and the Worst Forms of Child Labour Convention, 1999 (No. 182), show the great work which it has done and which involved almost all the countries of the world.

This work has had a great effect on the policies of the CIS States. Most of them have now ratified almost all these Conventions and the others are preparing to do so. Serious help on this is being given to the CIS States and to our own member organizations by the Moscow Office of the ILO.

Certain ILO projects deserve our particular support. They include the World Employment Forum in 2001, the World Conference on the Informal Economy in 2002, and the ILO's programme on conditions for decent work. We consider that these events could be a strong stimulus for creating conditions for decent and productive employment and the right conditions for all States to implement a fairer social policy.

The resolute stance of the ILO in standing up for the social dimension to globalization deserves support from all its tripartite members. Our own organization fully supports this position. Globalization, which has become universal, has severely affected our region. The broad penetration of the CIS countries by transnational corporations and foreign and private capital is usually accompanied by violations of the basic rights of workers. It leads to greater unemployment and greater reliance on individual contracts of employment. This creates serious problems for trade unions and poses a threat to the welfare of workers. All CIS countries except Belarus have seen a sharp rise in unemployment. We still have not solved the problem of ensuring the prompt payment of wages and a number of other social problems that harm workers' interests.

The General Confederation of Trade Unions and its affiliated national unions are making great efforts...
to overcome these difficulties. At our initiative, an agreement has been concluded on labour relations within transnational corporations that operate within the CIS. Our Confederation has drawn up a model labour code which is now being discussed, and various other measures have been adopted. We hope that the ILO and its Moscow Office will continue to support the activities of trade unions in our region and will invite our Confederation to participate more actively in ILO activities there.

We agree that it is necessary to give a more prominent place to social dialogue. We think it essential for national authorities of CIS countries to hold more consultations with trade union representatives when they set social and economic policy. Unfortunately, this does not always happen.

In conclusion, we fully agree with the ILO's position on the need for closer cooperation between all the organizations of the United Nations system for the achievement of the global aims of social development. We also firmly believe that it is important to strengthen cooperation with international non-governmental organizations, especially with trade unions. If we do not all work together throughout the world it will be far harder for us to meet the challenges of the new century.

Original Russian: Mr. CHRISTOV (Workers' delegate, Bulgaria) — On behalf of the workers of Bulgaria I should like to extend our most sincere congratulations to the President on his election and to express my confidence that the decisions taken by the 88th Session of the International Labour Conference will contribute to better labour relations worldwide.

I have been entrusted by the working people of Bulgaria to express our categorical support for the conclusions and messages in the Report of the Director-General of the ILO, especially those in the chapter referring to fundamental principles and rights at work, employment and social protection.

The economic and social changes caused by globalization have brought about new challenges and defined new priorities which are specific neither to continents nor to the East or the West; challenges which call for new strategies and for the reaffirmation of universal values worldwide. Their social dimension has become decisive in upholding democratic values, fostering transparency, setting minimum social standards and fundamental rights at work, combating unemployment and creating new jobs. Globalization is an extremely ambitious political, economic and social process which encourages not only the development of market and economic forces, but also directly affects the destinies of peoples as they seek social guarantees.

After a successful period of financial stabilization, the crisis in the Asian markets and in Russia and the war in Kosovo led to a downturn in the Bulgarian economy in 1999. That was reflected in a slow rise of GDP, a continuous decline in production and a negative foreign trade balance. As privatization and restructuring are in their final stages, we unfortunately have yet to see a surge in investment, an increase in competitiveness and growth in consumption. The heavy tax and insurance burden is not helping to regularize the "grey" economy, which at this point represents over 30 per cent of activity.

For a large portion of the population living below the social minimum, the price of transition was indeed a heavy price to pay. Even the working population now lives in poverty. Clearly, in order to guarantee the irreversibility of the changes and sustainable development in the region, the international community and the European community must foster investment and carry out infrastructure projects in the Balkans in the framework of the Stability Pact and the European integration process.

The Social Partnership Charter, signed in 1997, gave a new, European outlook to the social dialogue in Bulgaria. In 1999 we implemented a plan for common priority action by the social partners, which was the first tool for the implementation of the Charter. However, it has not yet fulfilled all of the tasks assigned to it, especially at the branch level. The agreements concluded in 2000 between the Confederation of Independent Trade Unions (KNSB) and the Government after a national protest rally in March provide concrete solutions to many problems, including the limitation of the use of temporary contracts, strengthened monitoring of observance of labour legislation, an improvement of post-privatization control and monitoring mechanisms, a reduction of unemployment and a gradual wage increase.

The participation of the social partners on an equal footing in the elaboration of new social and labour legislation has improved the quality of the social dialogue. The KNSB and the Confederation of Labour (Podkrepa) consider the introduction in Parliament of a draft law on the economic and social council to be a significant achievement. That measure will broaden the dialogue in civil society.

We are also happy that work has been finalized on the draft law on the social investment fund, which was a bill that was first proposed by us and which is aimed at creating a new financial instrument with which to develop an active labour market policy and to reduce unemployment.

For Bulgaria, 1999 was marked by the adoption of a code for mandatory public insurance. Experts of the representative trade unions participated actively in the development of this instrument, although not all of our suggestions were taken up. The code applies European pension standards and models for temporary disability and maternity insurance and insurance in case of occupational accident or illness.

As stated in the Report of the Director-General, at the end of 1998 the KNSB launched a national campaign for the protection of fundamental rights at work. The campaign continued in 1999, on two themes — legal guarantees for workers' rights and action at specific enterprises in defence of such rights. We are actively seeking to provide legal guarantees by drawing up modifications and amendments to the Labour Code to bring it into line with the ratified International Labour Conventions and Recommendations, the European Social Charter and the European Union directives, and by urging our Government to ratify the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173), the Termination of Employment Convention, 1982 (No. 158), the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168) and the Collective Bargaining Convention, 1981 (No. 154).

In all regions of the country, authorized trade union legal aid offices have been established for trade union members. Working with supervisory bodies, we have checked up on violations of the labour legislation in
hundreds of enterprises, and the appropriate penalties have been imposed. As a result of our campaign, more than 200 new trade union organizations have been established in the private sector.

Despite the results which we have achieved, however, there is still a disequilibrium between labour and capital, and continuous measures are needed to re-dress the balance.

Here I have to express my great anxiety and concern about the painful case involving violations of the human rights of Bulgarian medical staff in Libya. I do hope that the international community, and influential organizations such as the International Labour Organization in particular, will raise their voices to find a just solution to this problem.

Finally, I would like to take this opportunity to extend our great thanks to the headquarters of the International Labour Office and to the ILO Office in Budapest for their expert assistance in helping to set up institutions for the out-of-court settlement of labour disputes, and in assisting in the reform of our insurance system.

We are confident that your positive support will continue in the future.

(The Conference adjourned at 1 p.m.)
Twelfth sitting
Thursday, 8 June 2000, 3 p.m.

Presidents: Ms. Bauer, Mr. Moorhead

REPORTS OF THE CHAIRPERSON OF THE GOVERNING BODY
AND OF THE DIRECTOR-GENERAL: DISCUSSION (cont.)

The PRESIDENT (Ms. BAUER) — We shall now resume the discussion of the Reports of the Chairperson of the Governing Body and of the Director-General.

Original Russian: Mr. SAKHAN (Minister of Labour and Social Policy, Ukraine) — Firstly, I should like to congratulate the Vice-President on her election and wish her every success in leading the work of our Conference.

The Director-General’s Report contains a detailed analysis of the implementation of the Organization’s programmes in 1998 and 1999, with the emphasis on such priorities as support for the development of democracy, monitoring the application of international labour standards, promoting employment and decent work, developing social dialogue, combating poverty, and the protection of workers.

The Report gives a detailed description of ILO activities in these areas and provides useful statistics. We are impressed with the new structure of the Report, which not only describes global issues but also devotes space to specific ILO activities at regional and national level.

We particularly commend the progress made in strengthening and developing the ILO’s regional activities. We think this is very important, because the regional component of international cooperation makes it possible to respond in an appropriate way to the specific needs of different countries and regions.

On the whole we commend the ILO’s activities in Ukraine over the past biennium, which have been supported by the regional multidisciplinary team for the countries of Central and Eastern Europe in Budapest. We are in favour of expanding the activities of this team through extra-budgetary resources which we must endeavour to secure.

At present the President and Government of Ukraine are working intensively to create a favourable climate for economic growth which is a precondition for improvements in the social sphere and in living standards. The programme of action of the new Cabinet of Ministers of Ukraine is entitled “Reform for Prosperity”. It focuses on the human dimension. Although we are not working as quickly as we would wish, we in Ukraine are implementing a process of economic restructuring, privatizations, radical agricultural, financial and legislative reform, the latter particularly with regard to social and labour legislation.

Economic indicators for the second half of 1999 and the first quarter of 2000 show that Ukraine has the potential to accelerate economic reform and thereby achieve rapid improvements in the social sphere. After a long decline, GDP has increased by 5.5 per cent over the first four months of 2000 by comparison with the same period last year, compared to average annual falls of 9.5 per cent between 1991 and 1999. Industrial output rose this year by 110.4 per cent. However, the social and economic situation remains fraught with tension, and the Government is therefore taking measures to improve the system of social security and to reform the pension and social insurance systems.

Far-reaching market transformations are taking place in Ukraine, which counts on the continued support of the world community including the International Labour Organization.

In conclusion, we should like to inform the Conference that despite significant economic and social difficulties, we are developing and improving our national legislation. Last year our Supreme Council ratified the Workers with Family Responsibilities Convention, 1981 (No. 156), and the Cabinet of Ministers is considering a proposal for ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), and the Abolition of Forced Labour Convention, 1957 (No. 105).

Once it has ratified these two Conventions, Ukraine will be a signatory to the eight core Conventions referred to in the ILO Declaration on Fundamental Principles and Rights at Work.

Mr. JEFFREY (Government delegate, Guyana) — My delegation is grateful to the President and his colleagues for the splendid work they have been carrying out. We also wish to record our support for the Director-General’s new initiatives. We are certain that his obvious enthusiasm will soon pervade this Organization.

In his Report last Monday, the Director-General argued that globalization is not inevitable. He sought to make a distinction between globalized technology and the economic policies of globalization. He considered the former to be unstoppable, but not the latter. I am from the Caribbean community, which consists of a number of very small states that will have to cultivate enormous creativity, if they are to survive and grow in a competitive global context. I believe in human benevolence and would be much less sceptical about the future, if I could be convinced that international social policy is as flexible as the Director-General would lead us to believe.
In 1999 and 2000, the use of child labour in Thailand decreased thanks to the fact that the Government paid greater attention to this by assigning the Ministry of Labour and Social Welfare to inspect factories in Thailand where child labour was used illegally and to apply severe penalties if cases were found. In addition, in August 1999 the Government was able to enact a law prohibiting employers from hiring children under 18 years of age, with the aim of allowing them to be educated in the education sector. In this regard, the workers in Thailand are satisfied with the Government’s efforts.

The tripartite system in Thailand still has many shortcomings, and unfortunately the problems are tending to become more severe. The Government, and the Ministry of Labour and Social Welfare in particular, are continuously trying to control the tripartite system and do not allow it to function properly. Namely, on committees, the number of representatives of employees and employers are less than those of the Government and almost all the time, employees’ and employers’ representatives on the tripartite committees have been recruited and appointed by the Ministry of Labour and Social Welfare. At present there are 11 important tripartite committees in Thailand. The membership of six is elected from among employees’ and employers’ representatives, but on the other five bodies the members are appointed by the Ministry of Labour and Social Welfare, which recruits members among representatives of employees and employers and then appoints them to sit on the tripartite committees. This is the case for the labour relations committee; the social security committee; the social security appeal committee; the compensation fund committee and the labour skill development committee. Those five tripartite committees are the most important organizations supervising the workers and employers countrywide. But employees and employers have no power to decide or suggest whatsoever in those bodies, as the Ministry of Labour and Social Welfare appoints employees’ representatives from small and weak organizations in order to maintain control over them. Those small organizations have no real power to bargain with the Government.

I would like to cordially request the ILO to pay more attention to the tripartite system in Thailand. We ask for your kind cooperation with the employees in Thailand to stop the authorities from influencing employees’ and the employers’ representatives in the tripartite system, and to demand that the Ministry of Labour and Social Welfare stop electing employees’ representatives by itself. The Ministry should allow employees to elect their representatives to perform their duties in the tripartite committee. This is the only way to strengthen the tripartite system in Thailand. The workers in Thailand have, however, benefited much from ILO cooperation. We highly appreciate it. On behalf of the workers in Thailand, I do hereby thank you very much for your kind attention.
quality. This is the Report entitled, *Your voice at work*, which is the Global Report under the follow-up to the Declaration on Fundamental Principles and Rights at Work, which this year focuses on freedom of association and recognition of the right to collective bargaining.

If you consider that practically every country in the world belongs to the ILO today and the number of independent States is much higher than in 1919, you will understand what a great social commitment was involved when, in 1998, States unanimously approved the Declaration, which is the reaffirmation of the will to respect, promote and realize in good faith the fundamental rights which are the object of these fundamental Conventions.

We agree with the Director-General when he says in his Report that respect for these principles and basic rights in order to achieve the goal of decent work in an emerging global economy, requires coherent and homogenous solutions for common problems, because they create one of the social foundations of democracy and give markets an indispensable social dimension. It is the non-delegable responsibility of any State to assure, in its legislation and practice, respect for these fundamental principles because they contribute to stable social and political development policy.

Employers' organizations in all countries, as the IOE (International Organisation of Employers) says, should play an important role in follow-up work, actively participating in national debates on the appropriate response to the Declaration within their respective countries, as well as in the examination and comments on the annual reports presented by governments, in the tripartite discussions of the annual reports that take place in the Governing Body, and in the Conference discussions on the Global Report.

At the same time, as we begin a new debate in the year 2000 on the future of the ILO's standard-setting activities, we consider it important to set out some ideas regarding a possible new approach for those standard-setting activities, which is summed up by what the IOE has already pointed out, that International standards, especially Conventions, should be far-reaching standards which cover fundamental issues arising in the workplace, as is the case with the worst Forms of Child Labour Convention, 1999 (No. 182). Consensus should be achieved at international level on matters requiring binding regulation and supervision. The adoption of non-binding instruments in the form of autonomous Recommendations might be the appropriate course for the ILO. Recommendations are instruments which can easily be revised, updated or replaced. They can be adapted to an international social environment that is increasingly characterized by the need for rapid and flexible changes and the consequent need to provide decent work.

In the light of the institutional objective assisting the process of sustained development, which must rely on private enterprises to attract investment, CONFIEP cannot distance itself from the political crisis affecting Peru, where the President of the Republic has been elected for a third consecutive term.

We call on the political groups to create the necessary climate of confidence to achieve national development. Each sector of society has a role to play and we, as the private sector, will continue to invest and work so as to generate greater wealth and more and better jobs, which constitute one of the foundations of social progress. We hope that the new Government will continue to strengthen the rule of law, and improve respect for human rights, the environment and the democratic principles enshrined in the Constitution. This would open the door to dialogue and consensus, the central pillars of social stability, not only as an objective but as mean with which to settle disputes and conflicts peacefully and consolidate democracy.

It is vital to have an economic policy that stimulates our present and future capacity to bring about sustainable development, improve productivity, which is the main engine of growth, and improve the factors that affect the competitiveness of enterprises, including infrastructure, education and human resources training, without forgetting proper social protection. We also need to promote exports and to encourage and improve investment and savings; similarly, the Government should emphasize modernization and the efficiency of the State, and in general maintain a stable macro economic, legal and political environment in order to encourage investment.

Finally, another important thing for us is the social development of the country. The main project under way in this area is the "Project to reduce and relieve poverty" (PRA). This programme is being implemented with the financial support of USAID. Its objective is the sustainable reduction of poverty through private investment in selected regions within the country known as "economic corridors". These areas are basically mountain and jungle areas of recognized economic potential which, adequately promoted, can attract private investment which will have a direct impact on the reduction of poverty and the generation of productive employment, which is the great challenge for the next Government. This is an example of private sector employers' organizations, with the support of international organizations, contributing to the social and economic development of our country.

Original Spanish: Mr. SOLARI SAAVEDRA (Minister of Labour and Social Welfare, Chile) — Our country comes to this meeting with a renewed spirit of cooperation and support for the work of the Director-General, our fellow countryman, Juan Somavia. We are very proud and happy with the work he has carried out to give the ILO a new human perspective when faced with the challenges of the new century.

We would also like to say that our country has been extremely interested in the Report of the Director-General concerning the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. I am pleased to say that Chile has now ratified four Conventions concerning the fundamental rights, that is to say, freedom of association, the recognition of collective bargaining, the elimination of all forms of forced labour and child labour.

We are now carefully following the debate relating to the revision of the Maternity Protection Convention (Revised), 1952 (No. 103), of this Organization. This is because Chile, since ratifying the said instrument in 1994, has applied this Convention at levels higher than those defined by the Convention. The main engine of growth, and improve the factors that affect the competitiveness of enterprises, including infrastructure, education and human resources training, without forgetting proper social protection. We also need to promote exports and to encourage and improve investment and savings; similarly, the Government should emphasize modernization and the efficiency of the State, and in general maintain a stable macro economic, legal and political environment in order to encourage investment.

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Today, I would like to mention two important issues for Chile and for other countries in South America. First, I am extremely proud to announce that the Chilean Parliament has ratified the Worst Forms of Child Labour Convention, 1999 (No. 182). We believe that it is fundamentally important that, today, at the beginning of this new century, there is a worldwide understanding that we must immediately eliminate practices such as child prostitution, and child participation in drug trafficking and other activities, which are against the ethical standards of the world community.

Thus, we reaffirm the priority Chile has given to child labour. This is a problem we shall continue to strive to solve, so that the future is not threatened by those wishing to obtain economic advantages through unacceptable social dumping. This is why we have set up a Committee for the Eradication of Child Labour, which is a multidisciplinary body coordinated by the Ministry of Labour and Social Welfare. Through this Committee, we are establishing policies highlighting that children belong in schools and not in the workplace, since this is a vicious circle which creates more poverty.

The second point I should like to mention, is that we have ratified the Labour Relations (Public Service) Convention, 1978 (No. 151). This is a new legal basis for modernizing labour relations in the public service — vital if it is to meet the ever-increasing demands made by citizens, especially from the point of view of technological development, information technology and the new economy. We believe that an efficient public sector creates increased opportunities for growth and is more competitive at international level, and will thus reduce the risks of social instability.

I would like to reaffirm those challenges currently faced by the ILO. The ILO is characterized by the importance that it gives to tripartism, and fundamental human rights in the workplace as a way of building just, stable and unified societies. The Director-General has mentioned that globalization is growing, and although this process is irreversible in the field of technology; it is flexible with regard to the creation of new policies. The ILO gives us the opportunity to reduce the negative impact of the phenomenon through collective reflection and solidarity. By promoting fundamental principles and rights in the workplace, the ILO is also promoting the required conditions for dignity in labour relations. The hopes of millions of workers and their families are in the hands of politicians who can establish international bodies and their member States, when faced with the uncertainty which is generated by the globalized world, especially with regard to the needs of the poor. We urgently need to turn these justified fears into new opportunities using policies which give people mobility, not only in the workplace, but also in all sectors of the economy. We also need to ensure unemployment benefits. This will create labour mobility and help the process of finding new employment, whilst preserving the family unit. Our major challenge is to establish the procedures for social dialogue which will create a new kind of harmony in the modern workplace. Social dialogue will also lead to labour relations that are in keeping with economy requirements and new forms of employment. In an attempt to fulfill these objectives, the Government of President Ricardo Lagos has established a Social Dialogue Council, which is a tripartite body that deals with such matters as unemployment bene-

Original Arabic: Mr. GUIDER (Representative, Arab Labour Organization) — In the name of God, the Merciful, the Compassionate! I would like to extend our most sincere congratulations to the President on his election as President of the 88th Session of the International Labour Conference and to the other Officers of the Conference. I wish you all every success. I would also like to congratulate all the Arab participants at this international Conference, on the election of Dr. Ali Bin Ibrahim Al-Namlah as President of the Governmental group for this Session.

The Reports submitted to this session by the Chairperson of the Governing Body and the Director-General respectively reflect a growing concern on the part of the Organization to promote technical cooperation programmes in all parts of the world, in a manner quite distinct from that which has gone before. This gives us hope that the wisdom, experience and skill of Mr. Somavia will have a positive impact on the Organization's activities in all fields relating to human issues such as labour standards, the Declaration on Fundamental Principles and Rights at Work, child labour, freedom of association and the protection of labour rights, as an integral part of human rights.

We would also like to clearly state our hope that all of these policies will be executed with total credibility, free from prejudice and the exploitation of slogans, symbols and rights. We call for policies that avoid the use of double standards against certain countries, based on the misinterpretation of their social, economic and cultural patterns or circumstances. Indeed, if these circumstances are properly understood, we may discover that the rights they guarantee far transcend the rights enshrined in written documents, since they are ultimately inspired by the Divine Creator.

The Arab world suffers from a multitude of problems and technical difficulties that we would like to share with you in a calm manner, so that you will be able to understand the Arab situation and the problems which Arab workers face. In this way, we hope that the ILO, together with the Arab Labour Organization, can build a bridge, allowing technical cooperation to come up with feasible solutions to the problems faced by working youth in all the Arab world and thereby positively affect individuals and families in a region that is an integral part of the world community.

The problem of unemployment in the Arab world has developed into a phenomenon that requires our serious attention and the provision of technical assis-
tance if we are to resolve it. The Arab world has more
than 12 million unemployed young people and, of
course, unemployment has many adverse conse-
quences. The more complex the problem becomes,
the more difficult it is to find adequate solutions. The
problems are becoming more and more complex.

We have some justified concerns about globaliza-
tion and liberalization of international trade, since
these tend to erode employment opportunities, and
increase unemployment over the short term among
young people, particularly those with few or none of
the skills that are required.

We would like to point out that the causes of unem-
ployment in Arab countries include civil war, and
settlement and colonial policies. Some Arab States
like Djibouti and Somalia are in desperate need of
technical assistance programmes in order to bring an
end to youth unemployment. We also need to have a
realistic view of the situation in Iraq. Iraq used to have
20,000 factories. At present, more than 80 per cent of
them have been closed down owing to the war and the
economic sanctions. Workers in those factories have
suddenly become unemployed. While the United
Nations Development Programme is trying to provide
solutions to this problem, its efforts remain modest,
compared to the gravity of the problem.

The withdrawal from Lebanon reminds us as social
partners who believe in equal human rights that if we
cannot offer the Arab youth of Southern Lebanon
proper employment and appropriate living conditions
that will contribute to achieving psychological and so-
cial stability, the peace process will be greatly under-
mined. The same also applies clearly to the Arab
Palestinian workers living in the occupied territories
and in particular, recently freed prisoners as well as
the young people of the Arab Golan who are facing
unemployment and who still dream of achieving their
labour rights in equality and justice. Will this Organi-
zation be able to play a positive role in realizing these
hopes, goals and ambitions?

The triangle of education, training and the use of
technology has been the essence of progress and a ba-
sis for the development of human resources in any
country in all eras. Education and human resources
training have served to develop skills and know-how
so as to open the door to the world of work. Education
is more than a service: it is a real investment in human
potential and the foundation of all progress.

All of these important issues, the problems of un-
employment, working women, and of human resource-
development in the Arab world require technical
assistance if the situation is to be improved. Of course,
the needs differ from one country to another, but
nevertheless any serious attempt in this area has to be
founded on databases and information centres which
use advanced technologies for collecting and ana-
lysing data. This is our aspiration, if fruitful coopera-
tion is to be established between the International
Labour Organization and the Arab Labour Organiza-
tion. This would be a major step towards providing a
service to future generations in terms of helping them
realize equality, justice and peace and achieve a digni-
ified life in their own societies, while respecting their
human aspects and cultural and social specificities.

Mr. ALELIUNAS (Employers' delegate, Lithua-
nia) — On behalf of the Lithuanian delegation, I
would like to convey my kindest regards on the occa-
sion of the 88th Session of the International Labour
Conference, and wish constructive and efficient work
to its participants. Simultaneously, I would like to say
how pleased I am to represent, for the first time, the
Lithuanian employers' organization of the Lithuanian
Confederation of Industrialists, and I am honoured to
speak from the rostrum of such a highly respectable
international organization.

We have listened with great attention to the reports
of the Chairperson and the Director-General on the
recent work of the International Labour Organization
and the objectives to implement the Conventions,
Recommendations and Declarations of the Organiza-
tion. I promise that the Lithuanian delegation will
participate actively in the discussions on the proposed
Conventions and Recommendations on the Revision
of the Maternity Protection Convention (Revised),
1952 (No. 103), and Recommendation, 1952 (No. 95),
human resources training and development: voca-
tional guidance and vocational training, and safety
and health in agriculture.

I would now like to describe in brief the activities of
the Lithuanian state institutions, employees' and em-
ployers' organizations, seeking to implement the pro-
visions, Conventions, Recommendations and Decla-
rations of the International Labour Organization.
Lithuania has already ratified or been guided by the
key documents of the Organization. Annual reports
are being prepared on their use for the ILO Area
Office in Budapest.

We are focusing especially on tripartite coopera-
tion and once again confirm that all social partners
remain loyal to the principles of such cooperation.
The Government, the employers and trade unions are
following the approach that social tension can be
avoided only by way of dialogue and compromise;
that only tripartite agreements can ensure the
earnestness and concentration of society.

The Lithuanian Tripartite Council is an efficient
institution that has created, under its umbrella,
various tripartite and bipartite commissions and
working teams. It consults, considers, and takes deci-
sions on the most important issues relating to the
country's economic, labour and social policy.

Tripartite commissions, not only in the country, but
also in the region, consider safety and health at work,
employment, social guarantees, labour relations, re-
muneration and other economic problems that are
relevant to social and labour issues.

In recent years things have been very difficult and
complex for the Lithuanian economy due to the crisis
in the international market. However, these difficul-
ties concentrated the social partners still more to
search for new actions to overcome them and to
orient the country more actively towards a free mar-
et economy. The broader strata of society were used
for assistance. Various working groups, with the par-
ticipation of employers and employees, were formed
on the initiative of the Government. These groups are
involved in providing proposals to the Government in
the fields of tax improvement, export promotion, land
acquisition and use, small and medium-sized business
promotion, employment, activation of the capital
market, restructuring and privatization of enterprises,
suppression of bureaucrats, labour market liberaliza-
tion and other issues. In order to stress that proposals
formulated by working groups are in compliance with
the provisions laid down by the International Labour
Organization, they have a direct effect on social and
labour relations as well as the satisfaction of the needs
of the population. It is natural that all proposals that are relevant to labour and social problems are approved by the Tripartite Council.

To overcome the results of an economic crisis, so that production might become more active and all economic and financial indicators improve, reforms are taking place and activity has been accelerated. Promotion of conditions for business are taking place with simultaneous development in employment, labour market training and requalification. New forms of job searches are being implemented and compensation norms for the unemployed are being replaced by more active employment measures. A law on insurance against unemployment has been prepared as well as ways of creating jobs in small and medium enterprises. Employment guarantees have been fully implemented for certain groups of persons: women, young, and disabled people. Professional training reforms are nearing completion.

In the sphere of safety and health at work, health care reform based on market principles is being completed; a law on compulsory insurance against accidents and occupational diseases has been transposed. Other legislative acts on the same topic are being amended in accordance with the requirements of the International Labour Organization and European Union directives.

Lithuania, after ratification of the Convention on the Elimination of all Forms of Discrimination against Women adopted a law on equal opportunities, which is applicable to professional activity as well. Until recently there was no violation of this law, since, in Lithuania, women have never been discriminated against. However, in our country, as in other countries there has traditionally been an informal distribution of professions by gender in some areas of economic activity. Women are mostly engaged in health care, education and trade. However, some of the laws even grant some privileges to women. Women can retire earlier than men, the work of women under certain working conditions is restricted.

Lithuania cannot boast of satisfactory conditions in agriculture, where about one-third of the total number of employees are involved. Therefore, we shall concentrate our attention on the documents and programmes adopted by the International Labour Organization on the basis of safety and health in agriculture.

A consistent application of international laws and national legal acts should guarantee the social safety of people and social partners. After Lithuania became a candidate for European Union membership, this work acquired a purposeful character and has become more intensive. Groups for negotiations with the European Union were formed with participation by representatives of employers and employees.

We expect that this activity and the support of the team of the ILO Area Office in Budapest, will help us to achieve the desired goals.

I am convinced that the documents adopted at this Conference and their future implementation will form more favourable conditions for improving labour relations and increasing the welfare of people. I invite all participants at this session of the Conference to discuss the principles of the International Labour Organization activities and documents submitted for debate.

Mr. GIANNITSIS (Minister of Labour and Social Security, Greece) — It is an honour for me to be in Geneva for the 88th Session of the International Labour Conference and I would like to add my congratulations to the President on his election to conduct this session.

The three major axes defined in the Director-General's Report reflect the crucial policy challenges our societies face.

Even if there are considerable differences in the specific problems and social conditions that exist from one country to another, one concern is common to all citizens and governments at the global level: how the broader changes associated with the necessary transition to new technological, knowledge and economic patterns can be associated with new institutions and new policies so as to limit socially harmful phenomena such as destablization, enforced massive migration, lifelong exclusion, modern forms of slavery and extended inequalities — to mention only a few very severe examples of social dissent.

We are in the middle of a transitional period where there is an urgent need to implement new policies, new organizing principles and new institutions capable of ensuring the preservation of basic social values, while at the same time enhancing productivity, growth and prosperity.

The Greek Government is pursuing a policy constituted of four main axes:

- to ensure and to strengthen a stable and healthy macroeconomic framework;
- to enhance the competitive capability and the expansion of our production systems, through investment, restructuring, privatization and technology-generating activities;
- to ensure a wide diffusion of the benefits deriving from high growth throughout our society, both in terms of job creation and of higher real incomes;
- to prevent social exclusion and to establish a more stable and balanced social, institutional and political environment.

However, like many other countries, Greece has experienced an increasing unemployment rate over the past 20 years, despite the fact that it had one of the highest rates of employment growth in the European Union during the 1990s.

More specifically, our Government is promoting a range of broader reforms which are expected to strengthen the flexibility and ability of our society to respond rapidly to changing international technological, social and economic patterns. These reforms concern education, labour market flexibility, active employment policies, reduction of non-wage costs, mainstreaming policies concerning equal opportunities for men and women in the labour market — to mention only a few of the most important new instruments of our employment policy.

This policy is complemented by three actions:

(a) government support of real income for employees on the minimum wage by taking on a large portion of their social security contributions.
(b) encouragement of new forms of employment in social sectors, such as culture, health or the support of older people.
(c) payment by the State and other institutions of social security contributions for older unemployed workers, with the objective of giving them access to minimum pension in due course.
Allow me also to stress the decision of my Government to create a safety net against poverty and social exclusion.

I would like to underline that Greece is a country which respects the fundamental principles formulated by the ILO. A founder Member of the ILO, Greece has ratified the majority of the international labour Conventions. Among the most important recent developments, I wish to recall the improved application of the Labour Inspection Convention, 1947 (No. 81). We believe that the ILO Declaration on Fundamental Principles and Rights at Work constitutes a new important instrument for the international community, taking up commitments made by heads of state in the framework of the Copenhagen summit in 1995. We strongly believe in:

- freedom of association and the effective right to collective bargaining;
- the elimination of all forms of forced or compulsory labour;
- the effective abolition of child labour;
- the elimination of discrimination in respect of employment and occupation.

Original Spanish: Mr. FIDALGO VELILLA (Workers' delegate, Spain) — Like the representatives of the government and the employers of my country, I would first of all like to energetically condemn the ETA terrorist attack that took place four days ago, which cost the life of a municipal councillor in the Basque country. His name is but one more in a long list of politicians, trade unionists, democrats and people of all walks of life who have died at the hands of a fascist armed band which is trying to impose its dictatorship through terror.

We have spent many years talking about what the ILO defines as growing economic interdependence or, if you prefer, globalization. There has been a globalization of capital, production and trade, but not of the free movement of people or of social and labour rights. While the economic benefits of globalization of the so-called information or knowledge society are concentrated in a small part of the world, entire regions are left on the sidelines, and there is an increase in inequality between the richest and the poorest nations.

Development cooperation for the poorest countries has declined in the past few years. At the same time, the developed nations have put in place various barriers to restrict immigration of people from the less developed nations. These two factors produce a difficult situation for those of us who believe that democratic values of solidarity and human rights are the cement with which modern societies and international relations must be built.

Just how much still has to be done to make social and labour rights universal is demonstrated by the proliferation of export processing zones and by the exploitation of immigrants who work illegally in the developed countries. The trade unions of Spain denounce the fact that dozens of African immigrants die every year in the Straits of Gibraltar or off the Canary Islands as they try to enter Europe in fragile boats run by mafias which traffic in people. We in Spain have also faced outbreaks of racism and xenophobia, such as the one in El Ejido (Almería) where undocumented immigrants were subjected to the harsh conditions of illegal work.

Only by strengthening and democratizing international institutions can we build a world that is habitable in the era of globalization. The ILO is thus more necessary than ever, but it has to play a more important role on the international scene.

In 1998 the ILO adopted its Declaration on Fundamental Principles and Rights at Work. We must ensure its application by using those tools that are available, and first of all, technical assistance and cooperation of States, to give effect to the fundamental principles and rights. An example of this cooperation is the project carried out by the Spanish agency for international cooperation and the ILO to strengthen trade union organizations and to promote social dialogue in Latin America. In addition, we have to guarantee the effective follow-up and monitoring of compliance with international standards. The principle of voluntary adherence is a weakness of the ILO. It is enough for a country to not ratify a Convention, however important it is, to limit the follow-up and monitoring of that instrument. The ILO should be able to act to ensure that the fundamental rights are respected by all nations of the world.

The Spanish trade union movement and its most representative trade unions, the Trade Union Confederation of Workers’ Committees (CCOO) and the General Union of Workers (UGT) and the European Trade Union Confederation, are profoundly committed to the idea of building a European Union which can overcome the current imbalance between the economic and monetary union and social policy.

On the 19th of this month, while the summit of the European Union is being held in Porto, thousands of workers from Spain will go to Portugal in response to an invitation from the European Trade Union Confederation to call for a Europe of full employment, social rights and equality at work for men and women. At the end of the year, we will mobilize again at the Nice Summit, which will adopt the reform of the European Union treaty. We want the charter of fundamental rights which is being drawn up by the intergovernmental conference to cover social and labour rights, including the rights to information, participation, collective bargaining and strike action, so as to define a European framework for industrial relations. All such rights should be recognized as binding under the new treaty.

In Spain, the economy is growing by more than 4 per cent a year. Jobs have been created in the last few years thanks in large part to agreements signed between trade unions and employers, in a good climate of social dialogue. However, we have the highest rate of unemployment in the EU and the highest proportion of temporary contracts. In a country which has the highest rate of accidents in the whole European Union, the effective application of safety and health standards is clearly necessary. Every working day, 2,500 occupational accidents happen, and on average four people die. This has to be the centre of social dialogue during this period. We have to have full employment, stable, secure and with full rights, with improved and extended social protection, especially for the unemployed who receive no benefits, and we have to strengthen the pension system. At the same time, we must conclude an agreement between employers and workers to ensure opportunities for men and women. These are our objectives. We will tell you about the results at the next session of the Conference.
Mr. BENJAMIN (Minister for Labour and Employment, Papua New Guinea) — On behalf of the Government of Papua New Guinea, I extend to Mr. Flamarique our sincere greetings and congratulations on his election as the President of this year’s general assembly. We are confident that under his able leadership and guidance the proceedings of the Conference will lead to a successful conclusion.

We acknowledge and commend the Director-General for his Report on the activities of the ILO 1998-99 and the Global Report under the ILO Declaration on Fundamental Principles and Rights at Work. We also acknowledge the review of the annual report under the follow-up to the ILO Declaration.

It is our belief that implementation of the Declaration through the promotional follow-up mechanism would ensure equity and social justice between and within countries.

The Director-General’s Report highlighted the ILO’s performance and activities, covering as it does support to democracy and fundamental workers’ rights, promoting employment and combating poverty, protecting working people, the activities of the International Institute of Labour Studies and the ILO’s Turin Centre, and service and support activities in the office.

Papua New Guinea has taken appropriate measures and progress has been made towards recognizing and promoting the fundamental principles as outlined in the Report, in the area of international labour standards. Although our progress is not fully reported we noted that an observation was made concerning the port worker development programme through the training of workers in marine container terminals.

The Government of Papua New Guinea has embarked on major labour law, labour relations and administrative reforms through the ILO country programme of activities (called the Structural Adjustment at Minimum Social Costs) in Papua New Guinea.

This programme of activities encompasses the four strategic objectives of the ILO: promotion and realization of the fundamental principles and rights at work, creation of greater opportunities for women and men to secure decent employment and income, minimizing social costs through social protection, and strengthening tripartism and social dialogue in a coherent and balanced manner.

The reform being carried out by the Government is well advanced and includes the review of the workers’ compensation system, employment conditions and human resource development and the successful completion of national industrial relations and occupational safety and health policies. These policies set out strategies leading to the appropriate amendments to relevant labour laws and practices. Also, the current education reform places emphasis on two major areas: universal education at primary level and development and strengthening of vocational and technical education and training systems.

My Government, through the National Parliament in its April 2000 session, has approved for ratification by Papua New Guinea the following seven Conventions: Nos. 87, 100, 103, 181, 158, 138, 182. This means that Papua New Guinea will have ratified all eight fundamental ILO Conventions. During the same session Parliament also adopted the ILO Declaration on Fundamental Principles and Rights at Work.

Freedom of association, collective bargaining and the right to organize are guaranteed in the country, as are the exercise of freedom of speech and the right of reply in a climate of democracy.

My delegation places great importance on, and looks forward to, the outcome of the agenda items on maternity protection, human resources development and safety and health in agriculture during this year’s Conference deliberations. These are our development challenges, as 80 per cent of the total population live in rural communities and subsistence agriculture is still the backbone of the lives of these people.

My country continues to make adjustment to its social and economic policies, placing great emphasis on job creation, to absorb many young people leaving school each year, and the growing social problems in the country which are associated with the high level of unemployment. At the same time, globalization and changes in technology and work organization have implications for youth, women, the long-term unemployed, older displaced workers and workers with disabilities, and it would appear that this group of workers are going to be further marginalized.

It is for this reason that my Government places great emphasis on the ILO country programme of employment promotion activities geared towards the informal sector of the economy, since the formal sector is not able to absorb the labour supply. Also, efforts are being made for the small and medium enterprises to be strengthened and supported by a wide-ranging, integrated skills development and training programmes for workers.

On decent work for all we agree that the search for decency in work will take time and effort, but we must make a start to set the process in motion. The Government is committed to taking up this challenge at the national level following consultation of the workers’ and employers’ representatives in the National Tripartite Consultative Council on how this vision can be put into practice.

My Government is very cautious of the effect of globalization and liberalization on our young developing economy, given the fact that we lack the competitive edge. We strongly support and agree with the Director-General’s comment that the benefits of globalization are not reaching enough people. Globalization is not creating the jobs or the sustainable livelihood that make up most people’s aspirations to a decent life. We believe that the global economy needs a framework of rules so that it meets everybody’s needs.

As a developing country we are encouraged by the initiatives to bridge the gap between the Bretton Woods institutions and the ILO. We note that a high-level dialogue already exists between the ILO and senior executives of these financial institutions.

The new millennium presents major challenges for the ILO and the Director-General’s reform process is highly commendable. The ILO must continue to maintain its relevancy and play a pivotal role by virtue of its unique position as an international reference point for knowledge on employment and labour issues, as a centre of standard setting in the world of work and as a platform for international debates.

In conclusion, we reaffirm our continuing commitment to the objectives of the ILO. We gracefully acknowledge the advice, technical assistance and cooperation provided by the South-East Asia and the...
just an economy, that our lives are shaped by values will not achieve it. It requires a broader effort to cre-
make the same point: “Globalization offers great op-
ference on 5 June, and he is not alone in pressing Mr. Somavia is absolutely right when he says in the opening sentence of the Global Report that the benefits of globalization, as it is currently unfolding, are not reaching enough people.

The Director-General has elaborated most elo-
ently on this point throughout the Global Report and in his forceful and persuasive address to this Con-
ience of partnership. Facts and figures are readily
bear. We take pride in the fact that Ireland was among the first countries to ratify the Worst Forms of Child Labour Convention, 1999 (No. 182). It reflects the kind of practical contribution we want to make.

Let me now turn to the second point, Ireland’s ex-
perience of partnership. Facts and figures are readily available setting out the strong economic growth in Ireland and the employment and human resource de-
velopment priorities that are key elements of our cur-
rent national development plan. The point I want to underline in speaking to you today is the critical im-
portance of the partnership model in underpinning our economic success. The series of agreements among the social partners began in 1987. The fourth agreement was a brave experiment at a time when the emphasis in many developed countries was that the market place was the only meaningful arbiter. Thirteen years later, we are confirmed and strengthened in our belief that this partnership model works.

The latest in the series of agreements among the social partners is the Programme for Prosperity and Fairness 2000. This will be the major tool underpin-
ing economic and social activity in Ireland for the next three years. The programme envisages exceptional progress in the areas of equal opportunities, lifelong learning and adaptation to the information society. The achievement of full employment and the effective elimination of the scourge of long-term un-
employment are key objectives.

We work as a team with our social partners. Our approach is inclusive. We have recognized, for ex-
ample, the importance of the voice of the unemployed as we debate these issues. We have also tried to ensure that our approach is a broad one. I recognize that psychosocial issues arising in the work environment can have highly detrimental effects. Workplace bullying is one such issue, and I have recently established a task-force with representation from the social partners to make recommendations for action. Indeed, our new Programme for Prosperity and Fairness recognizes the importance of dealing with this issue and ensuring that we have a good workplace environment.

Of course, we are far from having all the answers. I am acutely conscious of the progress still to be made and we have much to learn from success stories else-
where. But I do believe that our partnership history is a compelling one and I take this opportunity to under-
line our readiness to share with ILO Members the useful lessons we have learned.

Let me conclude by stressing that inclusive global-
ization challenges us all and we in Ireland want to play our part domestically and internationally in meeting that challenge.

Original Portuguese: Mr. SEVENE (Minister of Labour, Mozambique) — It is a great honour for me to address this assembly and, on behalf of my delega-
tion, I would like to salute and congratulate the Presi-
dent and Vice-Presidents on their election to preside over this session of the International Labour Confer-
ence.

The Director-General’s Report clearly points out the challenges facing us in this new millennium, namely the protection and promotion of fundamental rights at work, the promotion of decent work, workers’ social protection and the reduction of poverty levels in order to achieve peace and social justice. In most developing countries the process of region-
al integration and economic globalization have led to increased unemployment resulting in lower standards of living which in turn undermines social and econom-
ic cohesion within the family and society at large. Thus, globalization is a factor of insecurity for most citizens in our country. As a result, ILO member States should adopt common policies, define strat-
egies and take measures aimed at preventing or minimizing possible negative repercussions on employment and labour relations, especially in the developing countries. Globalization should also create opportunities for the development of human resources.

We support the policies and strategies defined by the ILO as regards the problem of HIV/AIDS. We must all intensify our efforts by adopting effective measures and implementing strategies in order to preserve human capital which is so crucial for the implementation of development programmes, with due regard for social protection and poverty alleviation criteria.

During the first quarter of this year Mozambique experienced a disastrous period, the like of which had not been witnessed for the past fifty years. This resulted in the loss of many lives, extensive areas of crops, housing and other economic and social amenities, causing mourning, famine and desolation for the people living in the affected areas. Many businesses and service providers, especially small and medium-sized enterprises, were affected, throwing thousands of workers into unemployment.

The Government of Mozambique, with a view to rebuilding what was destroyed by the floods and cyclones, has designed a Post-Emergency Reconstruction Programme which was presented to the international community at a conference held in Rome during which donors pledged funds for this purpose.

Let me take this opportunity to extend, on behalf of my Government and the people of Mozambique, our most heartfelt gratitude for the material and moral solidarity shown by your governments and peoples which was invaluable in rescuing endangered human lives in the affected areas.

It was with great pleasure that in March this year we welcomed an ILO mission with the objective of developing, together with our Government and other relevant institutions, a programme for employment recovery and the reduction of economic vulnerability following the floods in Mozambique. We hope this Programme will be implemented as soon as possible.

Last year the labour administration in my country benefited from significant technical assistance from the ILO/SAMAT, which we would very much like to reaffirm that foreign workers enjoy all their rights. Even if there are a few exceptions, these are not the rule.

Women are extended every respect and consideration in Saudi Arabia. They enjoy the right to work as business owners or public employees, working in Saudi companies and institutions in conformity with the laws in force.

The Director-General drew attention to the very important topics that are being discussed at this conference. We support the policies and strategies defined by the ILO/SAMAT, which we would very much like to have been ratified, as soon as possible. This is subject to which we in the private sector lend particular importance. We have established our own applicable regulations in this regard, and believe are convinced that foreign workers enjoy all their rights.

The private sector in Saudi Arabia attaches great importance to providing support to workers in general, and to guaranteeing the full enjoyment of all moral and material rights. We are committed to the precepts and norms of international labour law and reaffirm that foreign workers enjoy all their rights. Even if there are a few exceptions, these are not the rule.

We wish to affirm our support and concern for issues relating to agriculture, protection of the environment, health and safety, which are all important topics. We are pleased, Mr. President, to confirm that the Director-General’s Report entitled Your voice at work reflects the reality of the situation in which we live and states the degree of progress achieved in the implementation of the fundamental principles of the Organization. I urge the Director-General and the Governing Body not to consider this Report as a pretext for highlighting or exposing practices in a way that is hurtful to certain countries. I hope that it will be a mechanism which will help to bring attention back to the principles and fundamental objectives of the Organization.

Let us lend a helping hand to those who are at the beginning of the road towards freedom of association, and let us give them the time they need. I am positive that they will reach the end of the road, and that they
will achieve the goals and objectives and principles of the Organization. If we intimidate them, or make them feel insecure at the beginning, they may falter or come to a halt. This just what we do not want them to do.

Our unswerving commitment to the principles enshrined in the International Labour Organization Constitution makes it imperative for all of us to grant full rights to employers and workers in Palestine and the and other occupied Arab territories. This is the cornerstone of the future which we have been hoping to build for many long years and for which we have been working very hard to reach peace settlement for the new century and the new millennium: a peace that would guarantee all rights to all parties.

We believe in the unity of decision making at the United Nations, and reiterate the importance of the full implementation of all relevant United Nations resolutions, taking into account the humanitarian suffering of people plagued by the scourges of war, oppression, hunger and poverty. In this, we include our brothers in Iraq.

Let us free this institution from the control by politicians in all parts of the world and from the economists of the World Trade Organization. Let us concentrate on our principles and our Constitution, which protect our interests as employers, workers and governments. Let us call for technical cooperation programmes, and wage a war on poverty, AIDS and on child labour. Let us protect the rights of employers’ and workers’ organizations against the influence of politicians.

In conclusion, on behalf of employers’ organizations of Western Asia, we should like to reiterate the importance of the Arabic language for our effective collaboration with this Conference and this Organization, a collaboration to which we are wholeheartedly committed.

(Mr. Moorhead takes the Chair.)

Original Portuguese: Mr. THAUMATURGO CORTIZO (Workers’ adviser and substitute delegate, Brazil) — I should like to take this opportunity to congratulate the President on his election.

The President of the General Confederation of Workers, Antonio Carlos dos Reis, had hoped to be here today to address you on behalf of the delegation of Brazilian workers. But, unfortunately, the very hard position taken by the employers in negotiations at the Electricity Board of São Paulo, involving the loss of a large number of jobs, has obliged the workers to take industrial action, thus preventing Mr. dos Reis from coming to the Conference. Consequently, in my capacity as Secretary for International Relations of the CGT, I shall be speaking in his name.

The Director-General of the International Labour Organization, defined three fundamental priorities in his Report: the promotion of democracy and the fundamental rights of workers, the promotion of employment and reduction of poverty, and the protection of workers.

In addition to setting these priorities which translate his wish to improve the quality of life of workers, Ambassador Juan Somavia has transformed the Office of the Special Adviser on Women Workers’ Questions into a Bureau for Gender Equality directly under the Director-General’s office, thereby recognizing its fundamental importance in the world of work.

There is no doubt that there is a need for world action to create new jobs and a better distribution of income. And here we should like to applaud France, which by reducing the working day has opened the door to the creation of new jobs, thereby reducing the unemployment, generated by a number of factors resulting from the mistaken globalization of our economy without globalization of social justice.

At this very delicate time for workers, the trade union organizations must unite and urge their representatives in the national parliaments to adopt measures that allow for the opening of new labour markets and thus reduce poverty in the world, which is truly shameful in this century.

Similar action must be taken in the training and development of human resources, so as to provide vocational guidance and training a topic that is to be discussed in this Conference in connection with the Human Resources Development Convention, 1975 (No. 142).

Similarly, it is necessary to intensify the struggle against child labour, degrading labour and job discrimination. The trade union world has immense responsibility in this area. It must launch public information and awareness campaigns using all the means available. We have to remember that the place for a child is in the school, and there can be no difference in treatment between the sexes. In my country we have adopted the very good practice of having governments, employers and workers discuss together the problems which exist, instead of holding isolated discussions that are often a mere formality that is completely ignored, particularly where the safety and the health of the worker is concerned.

At the beginning of this new century the workers, through their trade union organizations, will be able to transform the world if we immediately start a dialogue that is conducive to decisions that are respected in each and every country. This would be a clear demonstration that we are keeping pace with the changing relationship between capital and labour; without however turning our back on the achievements and standards of the ILO, the protector of the rights of workers.

Mr. ZHARIKOV (Representative of the World Federation of Trade Unions) — We would like to congratulate Mr. Juan Somavia for his Report suggesting that the ILO should send out and defend a single clear message to the world on what it intends to do to meet the current challenges. The choice of the Declaration on Fundamental Principles and Rights at Work, unanimously adopted by the International Labour Conference, as the main focus, with its demand for decent work for all, the eradication of poverty, and defence of trade union rights and the proposal to strengthen consensus within the ILO as its basic aims, seems strategically correct.

This session is very significant on several counts. It is the last one in the century which witnessed the birth of the ILO. Let me take this opportunity to confirm the strong commitment of the WFTU and its members to the principles and objectives of the ILO.

The 14th World Trade Union Congress, which was held in March this year in New Delhi, adopted a special resolution in which it declares that it considers the existence and functioning of the ILO as an important factor for the world of labour and for overall econo-
mic and social development in the world, especially at the time of globalization.

It is also highly significant that this Conference meets just before the General Assembly Special Session on social issues, which are the main fields of the ILO's responsibility. Unfortunately, it is widely recognized that, the social situation during the last five years has been steadily worsening in most countries. The abdication of social responsibility by global decision-makers has created a situation in which more than one-third of the world labour force is either unemployed or underemployed. There has been a further aggravation of mass poverty and inequalities with in and between countries which continues to grow.

The lack of political will is manifest. It is clear from total disregard of the conclusions of the Social Summit that there should be a social dimension to all economic decision-making. This general trend calls for a further enhancement of the role and activity of the ILO.

The majority of governments have not given the necessary priority to the implementation of the Copenhagen commitments and Programme of Action. The International Monetary Fund in particular has not only ignored this and other guidelines, but continued its policy of enforcing cuts in allocations for education, health care and other social services as a part of structural adjustment measures.

The path of neo-liberal globalization opens up great possibilities to big business and capital to maximize profits through the exploitation of workers, totally ignoring their demands and needs. A big offensive has been launched in almost all countries against workers and their trade unions seeking to restrict their rights and activities by all possible means. The policies of redeployment, privatization, mergers, concentration, and centralization of economic power and decision-making, are all used to put pressure on workers and trade unions and to force them to accept the policies which are leading to deadlock.

It is a matter of great disappointment that there is as yet no agreement on key issues in the draft document for the United Nations special session on social development. The preparations for this session seem to amount to a "festival of brackets". We deplore the fact that the dominant countries are taking such an obstructive attitude.

We all realize that humankind has come to a new stage. For the first time the peoples of the world have begun to see themselves as an indivisible entity. Human knowledge and experience have built a network of comprehensive mutual ties, connecting and binding people and societies in a qualitatively new stage of international cooperation for development. What is now needed are new rules for this new stage of development. Without them no positive change is possible.

This does not mean that we should transfer the ILO's mandate or parts of it to other agencies to be used or misused by special interest groups. We strongly believe that the ILO is a unique organization and its prerogatives should remain untouched, particularly with regard to workers' rights issues.

We need to remind ourselves again of Colombia, the workers in the occupied Arab territories and many others. But just as it was agreed that the ILO Declaration should not be misused for protectionist purposes, it should not be for political purposes, either. The Declaration is not accepted and implemented in its true spirit, especially by the home states of the transnational corporations. No serious action is taken by these states to ensure compliance with international labour standards by transnational corporations or their sub-contractors. Collective bargaining is now giving way to personal contracts and other measures eroding rights. Some of the countries in question have not even bothered to ratify Conventions Nos. 87 and 98. This is why the WFTU has proposed that laws on corporate governance be upgraded to ensure that the corporations are obliged to report on compliance with international labour standards in their annual reports. This has to be done very urgently.

We need the ILO not just as a passive spectator of the process of neo-liberal globalization which leads us into a global crisis. We need the ILO firmly to defend its declared principles, to uphold justice and the social dimension. This will ensure the necessary stability and open up prospects for further development.

_Original Spanish:_ Mr. DE REGIL (Employers' delegate, Mexico) — First of all may I on behalf of the Mexican Employers congratulate the President and also the Vice-Presidents on their election.

In the Director-General's Report there is an issue which is vital to this Organization and which is in fact the very essence of the ILO. Indeed, to speak of freedom of association is to speak of the basic origin and destiny of this Organization. We in Mexico understand freedom of association as a right to which all the inhabitants of our country can aspire, a fundamental human right and an individual guarantee that deserves the protection and support of our legislation and of our Government.

On this point, the Supreme Court of Justice of Mexico has established three fundamental points underpinning this human right by resolving a dispute centring around freedom of association. Its interpretation is clear — the right to organize and consequently the individual guarantee to exercise freedom of association consists of the following: the individual has the power in absolute freedom to decide whether he will join a trade union, leave a trade union or remain outside of any trade union associations at all. As you can see, the interpretation of the Mexican Supreme Court is fully in line with article 20 of the Universal Declaration of Human Rights, with the ILO's Constitution and with the Conventions on freedom of association and collective bargaining adopted by this Conference. In addition, it confirms the very essence of the purpose of trade unions which is the possibility for individuals to join together to defend and promote the rights that the law grants them.

However, one should clarify that over the years, on many occasions the concept of freedom of association has been distorted to such an extent that it has even ceased to be an individual's right, and has become a political element, or worse still, a target of greed. For example, under Mexican law there is still the principle
that the protagonist of collective action at work is the trade union, and not the body of individuals. That means that to some extent people profit from and abuse the right to bargain collectively and to join a trade union. If seen from the legal perspective, it means that trade unions that do not have workers or who do not represent the majority of workers at an enterprise can initiate strike action or any other collective action. This invalidates freedom of association. It is the individual who should freely decide whether or not he is a member of a trade union, whether he leaves it or whether he decides not to take part in it. If the decision to take action does not belong to a group of people, but to an entity that might exist legally without being the least bit representative or having any legitimacy, then there is an endless number of legal possibilities which would be detrimental to the workers, the true trade unions, and of course the enterprises.

For example, it is common for some trade unions to call strikes to obtain the signing of a collective agreement, although they do not represent any of the workers in the enterprise. That means that they can stop work and harm the workers of the affected enterprise who are of course not members of the trade union in question. In another case which is common, these "paper" trade unions start collective action against the trade union which truly represents the workers, or the vast majority of them, without having to prove that its members work for the enterprise in question. This not only leads to instability in the factory; normally, attempts are made to resolve the conflict through payments and other economic advantages. In short, abandoning the principle of individual rights in freedom of association and promoting that of the entity distorts the principle of freedom of association and makes it possible to extort resources from enterprises, but also from workers.

We note with concern that this distortion of the concept of freedom of association is beginning to affect practice in many countries, by allowing misuse of the right of collective representation based on an entity instead of the expressed desire of a group of individuals. Even when such individuals are a majority in a particular place, the weight of the entity, whether it is called a trade union or an association of workers or a civil association, is imposed on the majority of individuals who are affected by a given problem. Thus, in the Committee on Freedom of Association of the Governing Body, we have seen on many occasions that the concept of trade union takes precedence over individual rights. We might suggest to the Director-General that he start an exhaustive revision of the concepts and interpretations surrounding the existing Conventions on freedom of association and the right to bargain collectively. The main aim would be to restore the values stated in the Universal Declaration of Human Rights concerning the right of association in this principle of freedom of association. Let us recall that in 50 years, the forms of association have also changed.

Finally, I would like to emphasize that in the case of Mexico we have taken up a discussion of these questions through a consultation tool known as the "Technical Committee of the New Culture of Work" whereby the social partners proposed to the Government of Mexico that it should accept principles that make it possible to check whether there is true representation before allowing specific collective actions to proceed. Such actions may include a call to strike or the activities of trade unions that are trying to be signatories to collective agreements concluded by other trade unions. We believe this returns the proper weight to the individual's decision relating to freedom of association.

The social partners in Mexico hope that the ILO will take up these principles once again. The ILO can thus get down to analysing the social impact of economic globalization on a foundation that is not only solid as regards the protection of the fundamental rights of workers, but also as regards the revision of those Conventions that are no longer compatible with the realities of the world today.

Original Vietnamese: Mr. NGUYEN (Workers' adviser and substitute delegate, Viet Nam) — On behalf of the Vietnamese workers and trade unions, I would like to express our congratulations and satisfaction at the President's election.

The 88th Session of the Conference takes place in a very important period when mankind is entering the new millennium with plenty of opportunities and also great challenges. Globalization, trade liberalization, the rapid development of science, technology and information go hand in hand with natural disasters, ongoing conflicts, environmental pollution, etc. It is a paradox that despite progress, people still have to lead a hard life with low educational and knowledge levels, no jobs, low pay, a lack of social security and an ever-wider gap between the rich and the poor. These are urgent problems that all nations and international organizations, including the ILO, must do their utmost to overcome, taking advantage of the favourable opportunities to build a world of peace, justice, democracy, development and social progress.

The Viet Nam General Confederation appreciates greatly the efforts and achievements of the ILO during the past year, concentrating as it has on the most urgent issues facing the workers of the world and their trade unions, including the Vietnamese trade unions. These included technical assistance in training, reviewing Conventions, promoting fundamental principles and rights at work, gender issues, poverty alleviation, workers in the informal sector and the social dimensions of the liberalization of international trade.

I would like to comment briefly on the Global Report under the follow-up to the Declaration on Fundamental Principles and Rights at Work submitted by the Director-General, Mr. Juan Somavia, and thank the ILO sincerely for the assistance and support extended to us over the past two years.

With regard to the Global Report, we would like to associate ourselves with the view that this Report should determine priorities for the following period in the form of action plans for technical cooperation. In this way, trade unions can benefit more from ILO technical assistance. Regarding the ILO's assistance to Vietnamese trade unions, I wish to stress that many trade union officials, members and trade union organizations in Viet Nam could benefit from this technical assistance, which has helped to improve the capacity of our trade union staff to work in the economic transition period and to raise the awareness of trade union members and workers of their rights, interests and obligations, as well as of the content of relevant national and international legal instruments.
We consider the technical assistance of the ILO to be very important and meaningful in the context of Viet Nam in its process of integration into the regional and world economy. As an organization of the workers and for the workers, recognized by the Constitution and the Labour Code of Viet Nam, the Viet Nam General Confederation of Labour has always tried its best to protect the legitimate rights and interests of workers and at the same time to contribute to the cause of industrialization and modernization of the country, to enhance the prosperity of its people and to build a strong nation — a just and civilized society for Viet Nam.

We wish all the delegates good health and happiness, and we wish the 88th Session of the Conference every success.

Mr. FALBR (Workers’ delegate, Czech Republic) — I am not going to waste time with the usual polite phraseology. Time is money. We do acknowledge the fact that most people are satisfied with the organizational steps taken under the innovative leadership of the ILO, so my thanks go to Mr. Somavia. Let us hope that the changes of the structure of the Office will contribute to the improvement of the effectiveness and quality of our work together.

When we analyse the situation in the globalizing world, we see little progress in pushing through our demands. Where we do see progress is in the incredible impudence of some governments that not only violate the ILO’s Conventions and Constitution but are not uneasy about it. Some of us may consider as a great success the fact that we had the opportunity to speak in a special session about the ILO Declaration on Fundamental Principles and Rights at Work. What a pity that our speeches were like so many speeches everywhere — long speeches with few new arguments or ideas.

It has been repeated that the efforts of democratic unions are seeking to influence the future architecture of world finance and trade. In fact it is a struggle for globalizing social justice.

The failure of the multinational agreement on investments and Seattle have proved the fragility of the system, and we wish the 88th Session of the Conference every success.

Mr. WANGAO-KIZIMALE (Minister of Employment, Public Service, and Vocational Training, Central African Republic) — First of all, I would like to say how honoured I am to be taking part in the 88th Session of the International Labour Conference, in order to demonstrate, by my own presence and by that of the delegation which is accompanying me, the great interest that my country’s Government shows in the activities of the International Labour Organization.

I am convinced that your knowledge of the ILO’s ideals, backed up by your experience of social and labour issues, will constitute a very good guarantee that this Conference will run smoothly. I would also like to take this opportunity to congratulate the two Vice-Presidents, and the other members of the Bureau, whose precious assistance and competencies are essential to the success of our work.

On behalf of my country, which I have the honour to represent here, I would also like to welcome the presence of all the delegates at this, the 88th Session of the International Labour Conference. I would like to share with them the reflections of Mr. Juan Somavia, the Director-General of the ILO, as contained in his excellent Report of the activities of the ILO for the biennium 1998-99 which concern the four strategic objectives, broadly approved by the Ninth Regional Meeting held in Abidjan in December, 1999. Indeed, questions relating to the strengthening of democracy and the protection of workers’ fundamental rights, deserve to be broadly debated because they constitute one of the urgent issues of our age. In the Central African Republic, the results expected in these areas have been defined in the Government’s programme. These issues also constitute a major concern of the President of the Republic, our Head of State, who has just promulgated the laws ratifying the ILO’s Minimum Age Convention, 1973 (No. 138), and Worst Forms of Child Labour Convention, 1999 (No. 182), and the immediate work aimed at eliminating them. By means of these ratifications, the Central African Republic has just completed ratification of the eight so-called core Conventions of the ILO. Since the ratification of these instruments is merely one phase in the process, it remains simply to ensure that these standards are promoted by defining and implementing the action plans and strategies at the national level. However, I think, Mr. President, that depending on the new problems raised by the globalization of the economy, and by the requirements of economic development, we should envisage that the future activities of the ILO should be devised on the basis of a restricted number of well coordinated large-scale programmes.

It would also be desirable, in my opinion, if these programmes were primarily aimed at the member States which are most underprivileged, in economic
terms, in order to ensure better protection of workers’ fundamental rights. As far as the promotion of employment and the fight against poverty are concerned, the reflections of the ILO’s Director-General in his Report are receiving the full attention of the Government of my country, because they correspond to the objectives that it has set itself. In the context of this policy, the Central African Government has just adopted a national plan to combat poverty, with a significant chapter concerning employment for all the most underprivileged categories of the working population. Similarly, it intends to organize, before the end of the year 2000, a national forum on employment and vocational training, in order to identify the main lines of a new employment and vocational training policy. However, reflections on the feasibility of studies of new issues, such as a new niche, which have a comparative advantage, local dynamics and job creation, retraining of workers who have lost their jobs, and training for employment, are in progress and will probably improve our knowledge of the labour market. Nonetheless, in our situation of economic difficulty, such work can only be totally successful if it is supported by external assistance in the context of international bilateral cooperation. That is why, Mr. President, we expect and hope that the International Labour Office will extend the scope of intervention of the programme entitled “Jobs for Africa” in favour of my country.

Finally, as far as active partnership and regional activities of the ILO in Africa are concerned, the Government of the Central African Republic reiterates its adhesion to the nine priorities retained by the delegates at the Ninth Regional Meeting of the ILO held in Abidjan in 1999.

The general impression that we have of the Director-General’s Report is of the great necessity of continuing the reform of our organization, in order to meet the challenges created by globalization. The Government of my country supports this process.

Before closing, I would like to congratulate the Director-General of the ILO and, through him, all the civil servants at the Office for the very valuable help which they are constantly giving my country. Particularly in the technical organization of the national employment forum, the revision of the Labour Code and the activity to promote social dialogue. I would also like to thank the people of Geneva for their usual warm welcome. I would like to thank you, once again, for giving me a chance to express the opinion of my country. I wish your Conference every success.

Mr. BASNET (Workers’ delegate, Nepal) — It is my pleasure to share some of my thoughts with you all. We are gathered here, at a critical moment of history, everything seems to be changing and new paradigms are emerging. I feel proud to share that my country Nepal also joined the community of democracies with the rest of the third-wave democracies in early 1990. We have had democracy now in Nepal for ten years, and workers of Nepal feel proud to contribute in democratic transitions and consolidation.

Our transition to democracy and a free trade union movement coincided with the global onslaughts of neo-liberal orthodoxy and globalization. It was a dual transition; we were compelled to respond to the challenges posed by these factors at the onset of our organization-building and free existence. However, support from the international labour movement has given us strength and made us confident. On this occasion, I would like to thank the ILO, the ICFTU, and other fraternal organizations that have given us support and shown their confidence in us.

The workers of Nepal are aware of the ILO Director-General’s Report. The report has rightly placed the role of the ILO in the days to come. In our view globalization has not benefited all countries equally, owing to the lack of a level playing field and the technological gap between the rich and poor. The gap between the rich and poor is widening all over the world. The total number of people living below the poverty line has increased substantially, with a significantly higher proportion of women among the poor than men. The feminization of poverty is closely linked to the substantial increase of female-headed households and low wage work, as well as lower education and skills levels in many developing countries.

Our societies are becoming increasingly polarized between those who have the wealth or a skill to gain from global integration, and those who remain trapped in poverty without productive employment. Rationalization and restructuring are causing the disappearance of secure, decently paid jobs, and unemployment is rising.

In Nepal we are facing a similar situation to that of our sisters and brothers in many of the developing countries. Recently, the minimum wage was increased to 2,116 Nepali rupees per month, which is about US$30. This kind of wage cannot provide decent living conditions for work. The Director-General’s call for decent work for all those who work means a lot to us. In this connection, we are at the final stages of ratifying the remaining core Conventions: the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Worst Forms of Child Labour Convention, 1999 (No. 182). Along with their ratification we strongly feel that the effective implementation of these core Conventions is most important.

To meet the challenges posed by globalization and to reverse negative development, Governments must actively pursue policies that create new jobs and raise the levels of health, social security, education and training in their countries. Skill development and human resources development is the key sector in this fight.

We feel that the ILO can play a very important role in this area, since the partnership approach is required where government, employers and trade union can agree on local, regional, national and international strategies to handle the changes needed to meet pressure of competition that global trade and investments are bringing. In this endeavour, we, the workers, have also taken the initiative and changed our old mindset. We have to unite globally, nationally and locally. Multiplicities of national centres have weakened the strength of the whole labour movement to fight against the newer challenges, especially the issues of social justice. Therefore, we need to work for one national centre. This will facilitate effective dialogue with the social partners.

We value the key role that the ILO is playing in promoting tripartite dialogue and dialogue with the civil society. Constant dialogue and partnership is the only way to meet the challenges in this ever-changing world.
Mr. ZARB (Workers' adviser and substitute delegate, Malta) — The report on freedom of association presented to this Conference by the ILO Director-General came at an appropriate time for the General Workers' Union of Malta, the union which I represent.

On 20 August last year, the military forces were ordered by the Government to break up a strike by my union in our seaports, and a fuel-laden tanker was guided into the port by a tug-boat manned by inexperienced and unlicensed armed forces personnel. On the same day, and again on Government orders, the police and military violently broke a second strike over union recognition at MIA, a wholly state-owned company which runs Malta's international airport.

The security forces' target were the airport firefighters, who were forcibly ejected from their workplace and arrested for interrogation. Later, 28 of them and 17 top union officials, were arraigned in court charged with criminal offences, carrying a penalty of up to seven-and-a-half-years' imprisonment.

The legal battle in court was brought to an end last April by the Government itself. Under pressure from the world trade unions, the Cabinet of Ministers advised the President of the Republic of Malta to grant a pardon to workers and union officials, even though we had never asked for it. What we had demanded was that the charges be dropped.

I want, from this rostrum, to thank all the international trade union organizations and the hundreds of unions across the world for the solidarity they showed with the General Workers' Union, and for the pressure they put on the Government by a blitz of protest letters. Most especially, I thank the ICFTU and the IFT for submitting on our behalf a complaint against the Government of Malta before the ILO's Committee on Freedom of Association.

But the Government is still continuing with its anti-trade-union stance, and, two months ago, it enacted new legislation withdrawing the right to strike for the airport firefighters, on the grounds that the service is an essential one.

We acknowledged that firefighting is essential at the airport, so much so that during the strike last August we offered a skeleton staff, but our offer was turned down. And when the new legislation came up we appealed, in vain, for the retention of the right to strike, but with the obligation of providing a skeleton staff in the event of industrial action.

Unfortunately, the Maltese Government's attempt to challenge the right to strike is continuing. Currently, we are in dispute with the Government, which in this year's budget imposed a harsh measure resulting in a decrease in take-home pay of the majority of workers. In protest, my union has called partial industrial action directed at the Government by workers employed in para-statal entities.

On Government instructions, these entities have each submitted in the civil court judicial protests in which they are holding my union responsible for any damage that they may suffer by the actions.

The law gives legal immunity to unions from damages arising from industrial action, and we have enough reason to suspect that the Government is attempting to deprive us from this immunity. Furthermore, the Government presented in parliament a motion condemning my union for the actions it is taking. This was the first time ever that such a motion was brought up in parliament, where my union cannot defend itself.

In these circumstances, I appeal to the ILO to monitor closely the Maltese Government's ongoing attacks on fundamental worker and trade union rights, and on democracy itself.

Original Arabic: Mr. AL-BEAJAN (Employers' delegate, Kuwait) — In the Name of God, the Merciful, the Compassionate! I should like at the outset to convey to you the greetings and best regards of the Kuwait Chamber of Commerce and Industry, which represents Employers' organizations in my country, and which I am honoured to represent within the Kuwaiti delegation to your Conference.

I should like to join the other delegates in congratulating the President and the Vice-Presidents of the three groups on the confidence bestowed upon them by the Conference to preside over the session, and wishing them all every success. This 88th Session of the Conference is being held at the start of a new century and a new millennium. As the value of achievements are measured by their results and not by their number of years, I can assure you that the International Labour Organization needs to take action after a long time of stagnation and resistance to change. The ILO, from the very beginning of its existence, has stated its goal and its means to achieve it. The goal has been always to consolidate the pillars of social peace, based on justice and respect for human rights. To achieve its goals, the ILO adopted this unique democratic feature, tripartite representation of the social partners from all member States. These are the fundamental principles which we should consolidate and preserve. Any other issues are variables that should be constantly revised and developed to ensure the Organization's efficiency and performance. The main area of the ILO's activities that needs improvement and reform is the machinery for establishing and following up on international labour standards. That machinery is now outdated and cannot keep up with recent social and economic developments.

The concentration on standards was legitimate during the first decades of the ILO's existence because of the unfair working conditions which prevailed during that era. But now circumstances have changed and labour legislation has generally undergone comprehensive modification. Therefore, standard-setting issues should give way to other priorities which are more important and are more urgent, such as achieving full employment, in accordance with the call issued by the Copenhagen World Summit for Social Development. It is true that securing job opportunities for the unemployed and other job seekers has become the best means to achieving social peace and security, which is the most noble goal of the ILO.

As regards the items on the agenda of the Conference, I should like to highlight two points.

Firstly, this session of the Conference is considering maternity protection in a second discussion. We strongly support reasonable and workable maternity protection standards, but I should like to draw attention to the dangers of granting excessive privileges to women at work, which would make them a burden for employers who apply standards of equal pay and productivity. The end results would be rather unfavourable rather than helpful to women employment questions.
The other item that I should like to highlight is human resources training and development. We consider this topic among the issues of top priority to the ILO. It is the most appropriate approach to solving the unemployment problem and creating productive job opportunities on the labour markets of various countries, especially if we consider the negative repercussions of unemployment on social peace and security.

Permit me to refer to the ILO Declaration on Fundamental Principles and Rights at Work adopted by the Conference in 1998, as the social partners, particularly in the developing countries, still have their justified fears and misgivings. Of great concerns is that such a Declaration should not be misused for protectionist purposes to defend the interests of the developed countries against the less developed ones, especially by the World Trade Organization.

Before leaving, I should like to draw the kind attention of the concerned officials in the International Labour Office to the fact that we had been looking forward to receiving the Report of the Director-General before departing for Geneva. Unfortunately, we waited in vain. We hope that this will not be repeated in the years to come. Delegates of the three parties are keen to receive the Report and annexes in ample time before the Conference in order to study it and make comments about it. We refer in particular to the Report on the situation of workers of the occupied Arab territories, which is often hard to get hold of before the Conference begins.

Original Arabic Mr. AFILAL (Workers' delegate, Morocco) — In the name of God, the Merciful, the Compassionate! On behalf of the workers of Morocco I would like to congratulate the officers of this Conference on their election to accomplish this extremely important task. I am confident that, thanks to their competence and experience, the Conference will go smoothly and be successful, particularly as the Agenda contains some extremely important items for us as workers. We attach particular importance to the item on the revision of Convention No. 103 (1952) and Recommendation No. 159 (1978) concerning maternity protection as well as the subjects of human resources training and development, health and safety in agriculture, and the abrogation of certain Conventions in accordance with the amendment to the Organization's Constitution adopted by the 85th Session in 1997.

In addition to the topics I have just mentioned, we workers attach great importance to the Special Session of the General Assembly on the implementation of the outcome of the World Summit for Development and further initiatives, because these are subjects which are extremely important to us and are essential to achieving the objective of decent work to which the Director-General devoted last year's report. To be more precise, we are committed to the achievement of the four strategic objectives concerning the fundamental principles, rights at work, social dialogue and full employment.

Developing countries are feeling the constant pressure of globalization of the economy, trade, employment, education, training and communication and of patterns of thought and so on. Increasingly the victims of this process are workers. More and more workers are losing their jobs and suffering from the effects of marginalization, internal migration and emigration. This brings in its wake problems of crime and delinquency which have the potential to create serious social disorder.

As members of the working class, we expect the ILO to redouble its efforts to help formulate a strategy for developing countries in the field of employment and recruitment, including through cooperation with each of the countries concerned. The ILO should also cooperate with groups of countries in order to come up with recommendations and devise programmes, aimed at alleviating poverty, while working closely also with other United Nations agencies and the Bretton Woods institutions, in order to reduce debt and encourage foreign investment.

On behalf of the workers of Morocco, and as I have already said, we are particularly interested in this Session's Agenda because maternity protection at work needs to be enhanced in view of the vital contribution of woman to development. It is women who suffer discrimination and injustice, particularly in the rural environment.

Human resources training is also very important in our view, because it is training that enables workers to satisfy the requirements of the market.

The abrogation of a number of Conventions (Nos. 31 (1931), 46 (1935), 51 (1936), 61 (1937) and 66 (1939)) is also a matter of concern. These Conventions have never been applied, and only two or three countries at best have ratified them. We accept this, provided that they are replaced by similar Conventions on the same issues, which are adapted to the circumstances of this changing world.

Regarding the forthcoming Special Session on follow-up to the Copenhagen Conference, we expect it to implement the commitments undertaken in 1995 in the field of social development.

As regards workers' fundamental rights, and this is our constant demand, they must continue to be monitored by this Organization pursuant to its Constitution and the Declaration of Philadelphia.

Workers in Morocco have constantly fought to gain their rights. Most recently, on 23 April 2000, they signed an agreement on the right to hold a general strike scheduled for 25 April and called by the Federation and the Democratic Labour Confederation. The strike was then called off. The agreement has strengthened a declaration made in 1996 concerning recognition of freedom of association and the creation of an unemployment benefit fund for the unemployed. As the central trade union organization, we, together with the Government and employers, are monitoring the implementation of this agreement, since this change will have a tangible, positive impact on the situation of workers and employers in Morocco. This, in turn, will create the conditions for genuine social peace. These are signs new Government in Morocco is working to implement reform.

The working class expects this Organization, particularly of the Turin Training Centre and other centres, to provide more assistance, with training and exchange of expertise. We would like the organization to promote partnership through the Committee on Technical Cooperation of the Governing Body, and call for more protection of workers in Palestine and in the occupied Arab territories.

Mr. ROLEK (Employers' adviser and substitute delegate, Hungary) — Allow me to report briefly on the situation as regards employment, tripartism and
social dialogue in Hungary during the past year, from the standpoint of employers.

Thanks to our stable economic growth I can report basically positive changes. In 1999, the GDP increased by 4.5 per cent and the rate of growth is expected to accelerate, reaching some 6 per cent in 2000. Simultaneously with this, the percentage of those employed increased while the rate of unemployment dropped to 7 per cent. Social stability continues to characterize our country, disturbed temporarily by only very few work disruptions. Economic growth has been linked to the ILO's four strategic objectives.

In our view, it is important that the training and development of the labour force was placed on the agenda of this session on the Conference. In our opinion this is an area of key importance which has a decisive part to play in developing a knowledge-based society and economy. At the same time, it coincides very much with the interests of Hungarian employers. Let me personally welcome the training and development agenda item, as I am responsible for the human resources development of a large bank and perceive the importance of this subject on a daily basis. However, in addition to favourable labour trends in Hungary, there was also a slowing down in cooperation between the social partners. In some areas of the new structure of tripartite reconciliation, coordination and negotiation have become less frequent and, instead of agreement, are limited only to consultation.

A pleasant exception is that of the National ILO Council in Hungary, which was established in 1999. In line with the principles of the ILO, the Council's activity is based on constructive dialogue. A wide-ranging agreement was reached between the social partners on the acceptance and application of ILO recommendations and on the country report. We hope that the activity of the National ILO Council will continue to serve as a positive example for other tripartite forums.

A regretful development in recent weeks is that the Hungarian Government (which is working dynamically to implement its programme) communicated its opinion on the national minimum wage as a final decision and as a fact, without having consulted its partners beforehand.

Organized around the strategic objectives of ILO, the world of labour ought to stimulate the fast growth of the economy, assisting thereby the alignment of Hungary with the practices of Western European countries. This, certainly, is in the interest of Hungarian employers and is closely associated with Hungary's endeavour to gain full membership in the European Union in the near future. We have a lot of progress to make in the field of labour affairs, and Hungarian employers will certainly play an active role in this process. The ILO also supports Hungary through its regional office in Budapest, providing efficient assistance to social partners. Hungarian employers benefited greatly from the recommendations of the conference organized by the ILO on the links between remuneration and productivity.

Finally, I would like to inform you that, in order to become even more unified, the Hungarian employers have organized themselves into one organization for the purposes of international cooperation. The national representative Hungarian employer's organization decided on 28 January 1999 to set up the Confederation of Hungarian Employer's Organizations for International Co-operation (CEHIC).

CEHIC is an umbrella organization covering all branches of the Hungarian national economy, from large business to small and medium industrial and service enterprises, arts and crafts and also agriculture. CEHIC member associations keep their full independence within the Hungarian social dialogue. The main goal of CEHIC is that Hungarian employers, entrepreneurs and business community should speak with one strong voice to the international community and establish joint Hungarian membership in large international organizations. UNICE and BIAC warmly welcomed this long-awaited development among Hungarian employers' organizations and granted membership to CEHIC immediately. CEHIC took over Hungarian membership of the ILO from the member association VOSZ as from 1 January, 2000.

We hope, and will do everything to ensure, that based on this association, the participation of Hungarian employers in the ILO and their contribution to implementing the ILO's objectives will become even more tangible.

Original Portuguese: Mr. DINIS (Representative, Trade Unions International of Workers of the Building, Wood and Building Materials Industries) — On behalf of the Trade Unions International of Workers of the Building, Wood and Building Materials Industries, I would like to greet you all. We represent workers on every continent. Our workers are among those most affected by the neo-liberal policies developed in the context of globalization pursued by the transnational companies, major world powers and regional blocs, such as the United States and the European Union.

Behind the new face of neo-liberalism and globalization, capitalism promotes the excessive concentration and accumulation of capital and has launched a violent offensive against workers and their trade unions in order to weaken their resistance and stop them struggling against these disastrous policies.

It seeks to lessen trade union rights, increases precarious and clandestine work, denies the right to collective bargaining, does not implement rules relating to occupational safety and health, tries to impose longer working hours and make subcontracting and very low wages the order of the day, continues to exploit child labour, and creates social dumping, often at the expense of migrant workers, many of whom live in conditions of virtual slavery. This offensive is felt particularly by workers in construction and public works.

At the most recent meetings of the World Trade Organization, these policies were strongly challenged by workers and by people in general. What happened in Seattle was particularly significant for everyone. In our view, and despite attempts by major capital and several governments to save face, it is increasingly clear to the democratically inclined that today's form of globalization, implemented and geared towards serving the large multinationals and transnationals as well as financial speculators, is only serving to aggravate inequalities and social injustice.

Furthermore, we are certain that the workers' and people's resistance and struggle will be intensified and will hinder and finally defeat these anti-social and anti-civilized projects. In fact, it is increasingly clear to us and to a large portion of the trade union movement, that the holders of major economic and financial power will not give up trying to impose, in future
The past year has been rife with social demonstrations revealing our perspective to defend, as a guiding principle, work, its rights and its social conquests.

On the other hand, neo-liberal policies are harming national programmes, and causing misery and poverty in thousands of households, and once again we would like to point out the shameful uselessness of the blockade against Cuba.

We are convinced that globalization is linked to the intrinsically expansive, economic necessities of capitalist development and is based on colonialist and imperialistic tendencies that are once again being applied under a different guise.

The wave of privatizations has generated unemployment and a breakdown in domestic markets, destroying at the same time cultural and social traditions, and above all breaking down employment and labour trends. Without work, nations fold under the rule of supply and demand. In this sense, we workers are first and foremost human. We have an interest in resisting programmes that undermine employment. We ask that workers and their national and international trade union organizations reflect on the conduct of multinationals as employers or groups of employers in developing countries, and defend the concepts of solidarity and humanity. The respective governments and representatives must also reflect on the true meaning of national sovereignty.

In Davos it was said that we were opponents of globalization. We were called "globalphobes" and social pressure spread over the globe. The phobics went to Seattle and Washington because the neo-liberal wave, lacking any hint of social or human development criteria to promote "decent and productive work" leads to poverty, precariousness, unemployment and social crises everywhere. We, the phobics, propose, above all, conditions of freedom, fairness, security and respect for human dignity, all bound together with work.

The resistance and presence of these "globalphobes" is growing region by region, all over the world. Just last month the CGT dissidence in Argentina and Chile was clamouring for basic respect at work and free expression for all MERCOSUR workers. In Costa Rica, resistance against the "power combo" was widespread-trade unions, students and the public in general imposed national limits on Government action; the debate is only just beginning. In Colombia national feeling is being whipped up, but the Government is doggedly pursuing conciliation and its low-intensity war against drug-trafficking; it feigns confusion.

In Mexico, a presidential initiative to privatize electricity was fought off after a year of intensive debate, but the threat persists. The electricity workers and the general public have not given up the struggle. It is constantly said that it is necessary to open up private capital because demand has grown and there is no public money to finance all this, and if we do not there will be no social policies, no more education, health care or housing. This is obviously blackmail, and the electricity workers are not stupid. But the important thing is not to give way but to resist, in Mexico and all other countries where privatization of this kind is planned.

The consequences of globalization: neo-liberalism, one-tracked thinking, privatization, the deterioration in basic services, labour deregulation — all these things are not felt only in the developing world but...
also in the industrialized countries, although its keenest effects are felt in the most marginal and dependent areas. In the European Union, even this period of economic growth is marked by social precarity. In Galicia, for example, 34 per cent of wage earners have temporary contracts, 17 per cent of workers are unemployed and 60 per cent of all families have difficulties in making it to the end of the month. This has all happened in the overall context of joining the European Union, which has had very damaging effects on agriculture, the fishing industry, shipbuilding and small businesses.

The social effects of privatizations have been negative, as was demonstrated by the international seminar on privatization of the electricity industry which was held in Mexico City in September last year, and in March of this year in India during the 14th World Trade Union Congress. During both events, declarations were adopted based on the idea that the electricity industry is of strategic importance to the economic development of nations and the well-being of peoples. Handing it over to private monopolies will suffocate the economic independence, social development and political sovereignty of peoples, particularly in the developing world.

The ILO proposes a gradual process of privatization so as to maintain a social dialogue among the social partners. Social dialogue must be a fundamental aspect of our shared responsibility and bilateral negotiations, if privatization policies are not to result in greater inequality in the distribution of wealth, both nationally and internationally.

Therefore, we denounce unilateral and authoritarian decisions that disrupt this social dialogue, as well as the promotion of any interests that are contrary to those of the nation and of the working class. For example, emphasis is often placed on respect for workers’ rights and for contractual obligations, and yet they are regularly violated and replaced by a mere compensation for dismissal, which is just another way of deregulating the labour market and substituting individual contracts for collective labour relations. The respect of contractual obligations and for acquired rights, a proper framework for collective bargaining, respect for workers’ rights and for the historical concerns of society are essential if we are to guarantee the health, well-being and employment of our peoples.

Because our country is not for sale, because our country must be defended, we repeat the appeal we made a year ago in this same international forum “Let there be work and national sovereignty for all workers and peoples of the world!” Not more, but not less either.

Original Thai: Mr. KUNANANTAKUL (Employers’ delegate, Thailand) — I believe that in the world of the new millennium, even though economic competition is substantially important, we cannot neglect the considerable significance of man and social development.

During the UNCTAD Conference held in Thailand last February, it was a great privilege for Thai employers to have an opportunity to participate in an informal discussion and to exchange views on labour, economic and social issues with Mr. Juan Somavia, the Director-General of the ILO. This made us not only acknowledge his creative ideas and constructive policies, but also realize his strong visions.

Thai employers need to reach for socio-economic recovery by means of the development of entrepreneurship, industrial relations promotion and by combating child labour, for which the Director-General assures us of the support of the ILO, especially in strengthening the Thai Employers’ Institute.

In 1999, the ILO encouraged Thai employers to launch a two-year action programme to protect working children and to combat and eliminate child labour. This would enable employers to strengthen their capacities of child labour development, by preparing them before entering into the labour market, including the creation of a child-friendly employers’ network.

In addition, the ILO in Thailand organized many activities on various issues, such as, social dialogue promotion, the creation of labour relations creation and small and medium-sized enterprise development in the form of tripartite seminars and meetings which benefit mutual cooperation.

As for the IOE, I think that its lack of activities for members should be resolved and should draw attention on a regional or national level. If the ILO gives more support to the IOE, it could actually facilitate the practice and implementation of its policies.

I do support the modernized reorganization of the ILO with its four strategic objectives, namely, standards and fundamental principles and rights at work, employment promotion by means of human resource development and training, social protection and social dialogue. However, the proper activities and procedures are required to be implemented in accordance with the culture, customs and social situations of each locality at the national level, otherwise, our dreams may not become a reality.

Indeed, gender equality is currently a necessary issue. The challenge set by the ILO could be met by opening up senior management and promotion positions for women in the InFocus programmes. Moreover, I think that an initiative for a first discussion on Safety and Health in Agriculture should be recalled for further support.

Finally, let me express my deep thanks to the ILO and the Director-General for the insurance of kind support and assistance to Thai employers’ operations in the future. Meanwhile, as the delegate of Thai employers, I would like to encourage the ILO’s activities and continue to cooperate with the ILO as it strives to bring about justice and prosperity in the world’s socio-economic development as a whole.

Original Russian: Mr. TUGUSHI (Workers’ delegate, Georgia) — Georgia, and all the transition economy countries which are working towards democracy, greatly value the efforts of the ILO to spread social justice throughout the world. The Report of the Director-General, Juan Somavia, shows a concern to remain faithful to the ideals of humanism and to apply the social guarantees embodied in the ILO’s international labour standards. This is very valuable to the trade unions.

In recent years, the ILO and Georgia have begun to work closely together. Cooperation between the ILO and the Georgian trade unions has been very successful. This has greatly helped the social partners to establish constructive social dialogue at all levels. Our cooperation with the ILO is based on the programme for 1999-2001 which was signed last year in Geneva.
So far, various events have been held under this programme with the support of the ILO Moscow office. These include the national tripartite conference on international labour standards, consultations for the social partners on social security issues and seminars on social partners on social security issues and seminars on social dialogue.

Georgia has become a full Member of the Council of Europe and has undertaken to adapt its legislation to European standards.

Although economic reform is proceeding apace, we have not so far been able to resolve certain critical problems and significantly improve the lot of working people. The situation is further aggravated by the violation of our territorial integrity, as a result of which, more than 300,000 Georgian nationals from the regions of Abkhazia and Tskhinvali have lived as refugees in their own country for seven years. Despite the many United Nations resolutions calling for a solution to this problem, we are at stalemate and the refugees can not go home. Georgia provides assistance to the refugees and this is a heavy burden on the budget of our country. Recently, we have also had an influx of refugees from Chechnya.

Over the past five years the private sector has become dominant in the main areas of the Georgian economy and private land ownership has been introduced. The Government is making considerable efforts to become integrated in the global economy. The idea of a Euro-Asian transport corridor has received general support. The oil pipeline from Baku to Supsa has been built and terminals are being built in Georgia's Black Sea port to ship oil from Baku. The decision has been taken to build the Baku-Tbilisi-Dzhejkhan pipeline.

Despite these positive developments, the current level of the economy and the GDP are insufficient to allow even the most minimal equitable social protection. The average monthly wage is US$34 which is only 60 per cent of the minimum subsistence level. Average monthly pensions are equivalent to only US$7. The employment situation remains difficult. Government policies have not yet brought greater employment or higher wages, mainly because economic development declined after the 1998 crisis. Poverty now affects broad sectors of the population.

A major problem for us is the timely payment of wages. Total wages and pensions arrears for 1998 and 1999 and the first four months of this year amount to about US$125 million.

We also have an energy crisis and because of this each family is left to its own devices when it comes to heating its home in winter. Energy problems are affecting industrial development.

In these difficult circumstances, trade unions have to work and try to reform. We have the support of the ICFTU with which we collaborate very closely. The trade unions can not be passive onlookers while the country suffers from so many social problems and while certain circles are excessively enthusiastic about liberal transformations in the economy. All these things have led to frequent protests by various sectors of the population which are actively supported by the trade unions. The result is social tension.

Unfortunately, over the past two years, trade unions themselves have come under attack. Certain forces wish to take away their property. There are many who do not favour a more active role and trade unions, some politicians no doubt wish to control trade unions as was the practice in the old USSR. There have been instances of interference in trade union affairs, in flagrant violation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). I can not tell you about all our trials and tribulations because there is too little time, but I must state that in all our activities we enjoy the active support of the ICFTU and other international trade union associations, and we are also hoping for assistance from the ILO. I hope that by working together we will be able to defuse the social tensions in our country so that we can establish social justice.

(The Conference adjourned at 6.15 p.m.)
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REPORTS OF THE CHAIRPERSON OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION (cont.)

Original Spanish: The PRESIDENT — We shall now resume the discussion of the Reports of the Chairperson of the Governing Body and of the Director-General.

Mr. SAKTOR (Workers' delegate, Slovakia) — I would like to join the delegates in congratulating the President on his election to chair this Conference, and to pass on the best regards of the Slovak trade unionists.

The agenda of this Conference for the first time contains an item on the Global Report on the ILO Declaration on Fundamental Principles and Rights at Work and on the control mechanisms approved in 1998. This year's evaluation of the above principles and rights at work, which are contained in the ILO's Conventions and Recommendations on the right to associate and collective bargaining, is of key importance in securing a decent life and decent working conditions for workers everywhere.

The Slovak Republic is one of the countries which have ratified all eight fundamental ILO Conventions, including the Worst Forms of Child Labour Convention, 1999 (No. 182), and is proud to be among the first member States that have brought this international standard before their legislature. That said, the problem of child labour in the traditional meaning of the word, is not a particularly burning issue in my country.

The social partnership of the past ten years in Slovakia has a fairly good record from the legislative viewpoint. Ratification of the ILO Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), was ratified last year and is reflected in our Economic and Social Partnerships Act. Relations between the social partners are well organized, though of course not all the problems of society on which they voice their opinions are successfully solved. One serious problem is the high unemployment rate and the deteriorating social situation of our citizens. We concluded the general agreement with the Government for the year 2000, and we hope that every obligation commitment — especially that concerning a reduction in unemployment will be fulfilled.

We greatly appreciate the technical assistance of the ILO. The agreement concluded between the ILO and Slovakia at the beginning of this year provides the social partners of Slovakia with advisory services and training in the area of employment and the labour market (including groups that are particularly at risk), the effectiveness of social protection for all and the strengthening of social dialogue. We appreciate our good cooperation with the ILO multidisciplinary team in Budapest and the ILO's activities in the field of health and safety. The ILO questionnaire on health and safety, and the follow-up education activities based on research conducted by the ILO Team for Central and Eastern European countries in the form of a subregional seminar organized in Slovakia, provided a good chance for trade union representatives in factories to learn how to monitor health and safety and the workplace at the new social situation.

The Conference also has on its agenda the second debate on the revision of the Convention and Recommendation concerning maternity protection. The Slovak Workers' delegation is prepared to support an effective revision of these international standards so as to improve the lot of the growing proportion of employed women in the world. We are also prepared to support the ILO's position on health and safety in agriculture.

In affirming its important role, we wish the ILO good luck and much success.

Ms. ASUGHA (Government delegate, Nigeria) — On behalf of my country it is my honour and privilege to join earlier speakers in congratulating the President and his colleagues to the high offices of the 88th Session of the International Labour Conference. I also commend the Director-General of the International Labour Office on the innovative ideas that have brought about positive restructuring to enhance the effectiveness of the Organization's work.

The International Labour Organization, with its unique tripartite structure within the United Nations system, has over the years served as a veritable instrument for the protection of the down-trodden, the weak and the vulnerable in the world of work. It has provided unquantifiable protection for those who otherwise would have been abandoned, exploited and deprived of the social security benefits which they are entitled to enjoy as a fair share of the wealth that they have helped to generate.

The Conventions and Recommendations adopted at the International Labour Conference have, over the years, helped to promote social justice in consonance with the Declaration of Philadelphia and the ILO Declaration on Fundamental Principles and Rights at Work, which aim at making conditions of employment more humane by ensuring freedom, equity, security, human dignity and social progress.

My country has so far ratified 30 Conventions, five of them are among the eight fundamental labour
Conventions. The present democratic Government under President Olusegun Obasanjo has set in motion the machinery for the ratification of the remaining three core Conventions, especially the Worst Forms of Child Labour Convention, 1999 (No. 182).

I can confirm that the ILO's Conventions and Recommendations have had a positive impact on the laws and practices in member States. For example, in my country, Nigeria, they have exerted a moderating influence in the shaping of all Nigeria's labour laws, such as the Trade Unions Act, the Trade Disputes Act, the Factories Act, the Workmen's Convention Act, the Wages Board and Industrial Councils Act and the National Minimum Wage Act. My country has been a beneficiary of many positive contributions from the ILO, including the implementation of some socio-economic projects undertaken by the National Directorate of Employment (NDE), the National Productivity Centre (NPC), the Nigerian Social Security Trust Fund (NSSTF). The Michael Imoudu Institute for Labour Studies (MIILS). These are good testimonies of some of the benefits derived from membership of the ILO. My country will therefore continue to give every support to all the programmes and projects of the ILO towards the achievement of its strategic objectives, including the ratification and implementation of all the core labour Conventions, including the Worst Forms of Child Labour Convention, 1999 (No. 182).

My delegation, however, wishes to draw the attention of the ILO to some areas which are of great concern to my country: (a) the universal applicability of core labour Conventions and Recommendations so that the benefit of the theoretical standards set by them are given practical effect by all member States; (b) adequate protection of vulnerable groups, especially the disabled, women, children and migrant workers; (c) or representational security for workers at all levels as a means of facilitating the concept and practice of freedom of association and protection of the right to organize and bargain collectively, as a means of actualizing social stability; (d) job security and protection of workers affected by the emerging negative trends in globalization, restructuring, mergers, takeovers and downsizing of enterprises; (e) re-examining, proper staffing, strengthening and easy accessibility of ILO field structures and MDTs; (f) where there is no MDT in the area office, my country suggests the latter should be upgraded to MDT status like the ILO Area Office in Lagos, so as to ensure accelerated involvement in matters connected with ratification, implementation and reporting on the eight core labour standards; (f) actualization of the creation of decent work for women and men, with extra attention and priority being given to ILO activities as an instrument of poverty eradication and social inclusion; (g) the accordence by the ILO, in collaboration with other United Nations agencies, of special attention to direct foreign investment flows, especially as Africa represents 13 per cent of the world population but enjoys only 2 per cent of world trade and global industrial capacity (we believe that this is necessary in view of the endemic poverty, heavy debt burden, unemployment, HIV/AIDS pandemic which we deal with yesterday, social conflict and deplorable economic situations in Africa); (h) in view of the importance of the Jobs for Africa projects in the creation of decent jobs the decision by both the ILO and the UNDP to accord special attention to the provision of adequate funding of their programmes of activity.

In close collaboration with the social partners, the Poverty Alleviation Programme (PAP) of the present Nigerian Government has embarked upon the creation of 200,000 jobs in an effort to reduce unemployment and pervasive poverty. The Government has, in addition, appealed to the organized private sector to make its own contribution to the expansion and promotion of SMEs.

My delegation is hopeful that in the new millennium the ILO will be more proactive, with new ideas, programmes and projects that will make it an instrument of social cohesion and will enthrone partnerships in technical cooperation, promotion of decent work for women and men, eradication of poverty and want, thereby enhancing civil liberties, human rights, representational security at work and social inclusion to the benefit of all member States of the Organization.

Original Lao: Mr. PHENGKHAMMY (Minister of Labour and Social Affairs, Lao People's Democratic Republic) — On behalf of the delegation of the Government of the Lao People's Democratic Republic, it is an honour and a great pleasure to participate in the 88th Session of the ILO Conference. I would like to congratulate Mr. Flamarique on his election as President for the year 2000 session, and I hope that this meeting will be highly successful.

This annual ILO Conference is most important for the ILO member States as it is held while all countries are focusing on human resources development with a view to preparing for socio-economic development in the new millennium and an era of globalization.

The Government of the Lao People's Democratic Republic wishes to express its congratulations to the ILO for its past and present efforts in bringing solutions to the different issues affecting member States, namely in seeking active ways to solve complex issues in the field of labour, and proposing amendments to certain obsolete provisions of international Conventions based on the necessity to protect workers' rights, and especially the rights of women and children, and to provide healthcare for workers in the sectors of agriculture. In addition, proposals were made for the abrogation of international Conventions seen as inappropriate in the currently evolving socio-economic conditions. All these reflect the focus placed by the ILO on protecting the legitimate rights and interests of workers throughout the world.

In recent years, the Government of the Lao People's Democratic Republic actively continues to improve the livelihood of the disadvantaged and isolated groups with the purpose of alleviating pluri-ethnic people's poverty. Policies and socio-economic development plans have been outlined on a periodical basis in conjunction with a consistent rural development programme and projects with a view to generating employment for the Lao people and gradually improving their living conditions.

In the past year, as an ILO Member, the Lao People's Democratic Republic has efficiently performed its obligations. The Government of the Lao People's Democratic Republic has signed a memorandum with the Asian-Pacific ILO Regional Headquarters on the elimination of child labour (ILO/IPEC) and the transborder trafficking of women and children. Other ILO Conventions will be progressively adopted in line with
the conditions of our country. The ILO has provided support and assistance in training Lao labour technicians to build their capacity to enforce the labour legislation and to make sure that the workers' health and safety are properly ensured.

The Lao People's Democratic Republic expresses its acknowledgement to the ILO and the other member States for their support, cooperation and assistance, which were provided to us throughout. It is greatly hoped that the ILO will act as the coordinating centre for technical assistance and will help other member States to understand better our conditions. It is also hoped that such assistance will be further provided by the ILO.

As an ASEAN member, during the past year, the Lao People's Democratic Republic and other member States have held consultative meetings and implemented different projects for the purpose of mutual cooperation and assistance in skills development and employment generation and the implementation of regional obligations.

In connection with Myanmar, the Lao People's Democratic Republic agrees with the content of the ASEAN Labour Ministers' letter addressed to the ILO Executive Council on 12 May 2000 on the occasion of the 14th Conference in the Philippines.

We wish this Conference every success.

Mr. PASARIBU (Minister of Manpower, Indonesia) — On behalf of the Indonesian delegation let me first congratulate the President and the other Officers of the Conference, on their election. I can assure them of Indonesia's support and cooperation in the discharge of their important duties.

This year's session of the International Labour Conference is significant as it has identified many aspects of the implementation of the Organization's strategic objectives. The renewed commitments of the ILO, as contained in the principle of decent work, and also in the Declaration on Fundamental Principles and Rights at Work and its Follow-up, should be implemented appropriately to secure adequate work for all people around the world. My delegation welcomes the first Global Report and the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.

The restructuring, priority-setting and management reforms in the ILO introduced by the Director-General are the strategic objectives of the Organization. I wish to join the previous speakers in welcoming the Report of the Director-General, Activities of the ILO 1998-99 and its review of recent developments in the ILO programme.

Turning to my country Indonesia, its economy is still severely affected by the recent monetary and economic crisis. While other ASEAN countries have reached the turning point for economic recovery, the Indonesian economy has tended to stand still. The monetary crisis has led to economic stagnation, rising unemployment, massive retrenchment and poverty. Economic survival depends essentially on the agricultural sector holding out. Some of the ways to get over the crisis are through human resources training and development, as well as active labour market policy interventions to alleviate the adverse social consequences of the crisis.

The monetary and economic crisis, has not, however, discouraged the Government from fulfilling its commitment to provide decent work for all Indonesians. In order to make the decent work agenda operational and applicable in Indonesia, social dialogue has been intensified as a powerful tool for mobilizing civil society in support not only of the ratification of all eight ILO core Conventions, but also of the implementation of fundamental principles and rights at work.

Since the adoption of the ILO Declaration in June 1998 and the adoption of Convention No. 182 last year, all countries, developed and developing alike, should make adjustments or, if necessary, reform their labour laws, to conform to the principles of the ILO's eight core Conventions. In the context of the recent political and government reforms in Indonesia, we have also begun to reform our labour laws and regulations and have ratified all the ILO core Conventions, including Convention No. 182. The strong political will and commitment of the Indonesian Government, intensive dialogue with the social partners, namely the employers' and workers' organizations, as well as ILO technical assistance have made the reform process possible.

We realize that globalization is inevitable. Harmonization will be given prominence in our common labour policies and strategies. In this spirit let us adopt best practices as our benchmark. Only by doing so will our working people win against global competition.

In the light of the rapid changes taking place in the ASEAN region as a result of economic integration, trade liberalization and globalization, the ASEAN Ministers of Labour, when they met in Manila last May, renewed their commitment and determination to strengthen the social pillars of ASEAN. It is regrettable, however, that the ILO is not pursuing its commitment to support the implementation of two priority ASEAN projects on labour which address issues relating to strategies for the promotion of employment in the recovery process, and which fall within the basic mandate of the ILO. This will undermine our joint efforts to improve and upgrade human resources in the region and to promote cooperation among all the social partners.

We also reaffirm our commitment to improve working conditions in an environment of freedom and equality. All workers in Indonesia enjoy complete freedom in establishing their own unions. There were formerly over 20 federation-type unions, about 60 single, structured-type unions and over 1,000 plant-level independent unions. Indonesia encourages all trade unions leaders, at national, regional as well as plant level, to first acquire experience as workers and understand union organization at all levels.

Our other concern is the problem of child labour. The practice of all forms of exploitative child labour is a moral outrage and an affront to human dignity. The protection of children from abusive labour is a basic and universal human value. Depriving children of their childhood and their right to receive basic education cannot be tolerated and has to end. The prohibition and elimination of the worst forms of child labour must be our main priority.

In accordance with the call of the 14th ASEAN Labour Ministers' Meeting held in Manila, Indonesia welcomes the visit made by the ILO technical team to Myanmar recently, and the outcome of the visit as contained in the report to the ILC. In this regard, the efforts deployed by the Director-General of the ILO to engage in positive and constructive dialogue have paved the way towards an acceptable solution to the
problem. Thus, the commitment by Myanmar to immediately formulate a comprehensive framework with the assistance of the ILO should be regarded as a demonstration of its willingness to comply with Convention No. 29.

In conclusion, let me assure you that Indonesia will continue its commitment to fully implement all eight ILO core Conventions. However, in order to achieve this goal Indonesia needs, more than ever, the support and cooperation of the ILO, both to combat poverty, and to improve labour standards and employment policies, in order to protect the right to work and to decent work.

Original Spanish: Mr. ALBURQUERQUE (Secretary of State for Labour, Dominican Republic) — As the Report of the Director-General submitted to the 88th Conference is intended to record the activities of the Organization during the years 1998 and 1999, we feel that it would be appropriate to report to delegates on the efforts and achievements of the Government and the people of the Dominican Republic in promoting fundamental workers' rights, creating decent jobs and protecting workers, priorities and strategic objectives established the new ILO programme.

The Dominican Republic voted for the Declaration on Fundamental Principles and Rights at Work and for the instruments for follow-up and annual review. Our country has ratified and fully implemented the forced labour, freedom of association, collective bargaining, equality of opportunity and minimum working age Conventions. As regards the Worst Forms of Child Labour Convention (No. 182), and Recommendation (No. 190), the Government, in accordance with the ILO Constitution, submitted both these instruments to the national Congress last November. We are pleased to inform the Conference that the Senate has just approved the Convention, which will shortly be referred to the Chamber of Deputies, where we hope to have a vote in favour.

As regards the matter of child labour, the Dominican Republic signed a Memorandum of Understanding with the ILO which has enabled it to join the International Programme on the Elimination of Child Labour (IPEC). Thanks to this Programme, 150 children who were previously employed to spray pesticides on vegetables have been rescued, and since last September they have been going to school. The plan has continued this year, and in September another 350 children will go to school, which will make it possible to declare that there is no child labour in this area where it was once rife.

In accordance with the IPEC methodology, we are carrying out a statistical survey which will enable us to collect quantitative and qualitative data on all forms of child labour, with a view to establishing the magnitude and nature of the problem.

With the support of IPEC, we shall shortly be launching programmes which will gradually eradicate child labour in the sowing and harvesting of rice, coffee and tomatoes.

With a view to strengthening tripartism and promoting social dialogue, the Government in 1999 passed a decree setting up the Consultative Labour Council chaired by the Minister of Labour and with other members representing the leading workers' and employers' organizations. The Council has been a useful body in harmonizing relations between workers and employers, and in 1999 not one single hour was lost because of strikes.

The Council has also been an excellent forum for analysing the challenges of globalization, looking at the social impact of economic reforms and studying the reforms needed to overcome labour market inflexibilities.

As regards combating poverty, the Government has taken the view that it is only through generating wealth and a balanced financial and fiscal policy that we shall be able to make progress in this area. Thanks to the measures adopted by the authorities over the last four years, the country's economy has grown annually on average by over 7.5 per cent in terms of GDP, and annual inflation has not gone above two digits. This has meant that half a million new jobs have been created and, over four years, unemployment has fallen by 3 percentage points.

A loan agreement with the Inter-American Development Bank for $21 million will enable us to implement accelerated vocational training programmes which will bring into the labour market 37,500 young people aged between 14 and 22 over the next three years, provided that this agreement has been confirmed by the National Congress.

As regards protection of workers against hazards at the workplace, the Government has submitted to the National Congress a bill for the prevention of occupational hazards. This will incorporate into national legislation the principles of prevention and protection embodied in the relevant ILO standards.

The reform of social security is another concern of the Government of Dr. Leonel Fernández. In November 1998, draft legislation was submitted to the Government and initially supported by the social partners, and the ILO provided technical cooperation in its preparation. Unfortunately, the Senate has prepared a different version based on the Chilean model of individual capitalization, which does not comply with the basic provisions of the ILO Conventions in this area.

The activities undertaken by the Government as regards fundamental rights at work, promotion of employment and protection of workers, were in accordance with the parameters established during the last two years by the ILO.

The Ministry of Labour has benefited from a modernization programme for labour administration which is being coordinated by the ILO Office in San José, Costa Rica.

The social partners can confirm the positive transformation of traditional services and the creation of new ones in the Ministry. The civil servants working at the Ministry now have a career structure, labour inspectors have to pass an open examination and, in accordance with the Labour Inspection Convention, 1947 (No. 81), are promoted on merit, and can only be dismissed if they have committed some grave error.

When we leave government, on 16 August next, will have every right to be proud of our achievements in the area of labour administration. We are proud of the changes in labour legislation, which has nevertheless retained its traditional characteristics. There have been changes in the relationships between workers and employers, which has helped us to maintain social peace. Democracy has been consolidated, as have the fundamental principles and rights at work, and we have implemented a policy which has reduced unemployment and increased workers' purchasing power.
We expect new challenges in the light of globalization which must be made to serve social justice and benefit all of humankind.

In conclusion I would like to congratulate the President of the Conference on his election, and to congratulate the Director-General, Don Juan Somavia, on what has been achieved so far under his leadership.

Original Spanish: Ms. MIRANDA DE GALO (Government delegate, Honduras) — Allow me to congratulate the President on his election at this Assembly. I also congratulate the distinguished Officers of the Conference, and I am sure that we shall achieve our objectives.

I shall give you a summary of my statement, and I respectfully request the ILO secretariat to give the complete version in the Provisional Record.

The Director-General's Report, submitted to the 88th Session of the International Labour Conference, reflects the intense activity carried out by the ILO to encourage democracy. This is achieved through the strengthening of the fundamental rights of workers, the promotion of employment in order to reduce poverty, the initiation of the process of reforming and modernizing the Organization, and the promotion of decent work for all.

These activities deserve the heartfelt thanks of my country and, we are sure, those of the international community present at this Conference.

We support international technical cooperation, which my country needs urgently, especially for formulating the policies in programmes aimed at promoting employment and organizing the labour market, because we consider these as effective means of combating poverty.

The support of member States for the polices and standard-setting instruments of the ILO should be expressed in the constant development and full implementation of these instruments.

We realize that serious problems still remain to be overcome, as the Director-General states in his Report, when he says that in promoting social matters, we meet with enormous difficulties in a context of uncontrolled globalization and of short-term political union.

It has, therefore, been encouraging that in the last two years the ILO has made its voice heard and we hope to continue hearing it loud and clear.

Poverty in Honduras, which was dramatically worsened by the natural disaster of Hurricane Mitch, requires a long-term perspective to reduce it to moderate levels. The Government of Honduras has decided to take on a commitment. This commitment is the goal of the Master Plan for National Reconstruction and Transformation, for preparing and carrying out the Poverty Reduction Strategy.

During this process, the broadest sector of civil society has been called upon to join efforts and meet the challenges being posed.

Honduras hopes to announce in the next quarter of this year that it has ratified the Worst Forms of Child Labour Convention, 1999 (No. 182), and immediate action for its elimination.

Since 1998, the labour administration has been designing action to undertake programmes for the gradual and progressive elimination of child labour.

As regards gender equality, women in Honduras have carved out significant niches in the economic, political and social spheres. With pride, I can state that in the present Government, whose President is Carlos Roberto Flores, many women hold decision-making and management offices at the first level in the three powers of the State.

As an example, I can say that in the Executive, women hold 33 per cent of the offices in the government cabinet.

Furthermore, a woman heads one of the three labour confederations and the present president of the Honduran Council of Private Industry is female. In the same way, the Secretariat of Labour and Social Security has started special programmes aimed at working women.

In Honduras there has been social dialogue on labour affairs for several years, and this shall be continued. Specific instances of this include talks on the minimum wage, the proposed reform of the law of the Honduran Institute for Social Security and the tripartite talks on labour legislation reform.

We are grateful for the cooperation that the ILO is giving us to modernize the labour administration and to gradually and progressively eradicate child labour, through projects such as MATAC and IPEC.

The Government of the Republic of Honduras has ratified the fundamental Conventions of the ILO and in this prestigious world forum we express our firm determination and formal undertaking to continue to foster the respect and promotion of the fundamental rights at work.

We believe that human beings should be at the centre of policies and the economy. This is our aspiration and we are therefore working to build a society that is more just, more equitable and which displays a greater degree of solidarity.

Original Arabic: Mr. NEFFATI (Minister of Social Affairs, Tunisia) — In the Name of God, the Compassionate, I would like to begin by offering my sincere congratulations to Mr. Flamarique of Argentina upon his election to the presidency of this Session of the Conference, and also to the other Officers, wishing them every success in their endeavours.

The Reports submitted by the Director-General to this Session of the International Labour Conference contain a wealth of information and additional input on the issues before us. These Reports deal with the fundamental rights of workers in general terms, and more specifically, with freedom of association, collective bargaining and the protection of specific categories of workers in various areas such as training, occupational integration of young persons, maternity protection at work, occupational health and safety for agricultural workers. In addition, we have the Report of the Director-General on the activities of the ILO for the period 1998-99.

The broad range and importance of the questions which have been placed on the Conference's agenda, as well as the positive outcomes of the ILO's activities over the past two years, are a reflection of the key role played by this Organization. Indeed, this Organization as a global social conscience acting in pursuit of the noble principles on which it was founded, plays a crucial and primordial role in helping member States to take up the various challenges posed by globalization, particularly with respect to unemployment; the creation of decent work opportunities for all; social protection; equal opportunity; and the eradication of poverty and social exclusion.
In this context, I would like to emphasize the pioneering role which the Organization should play in promoting better conditions for the Arab workers in Palestine and the other occupied Arab territories by strengthening technical cooperation programmes for their benefit and helping them bring an end to their suffering and its causes. In that regard, I am happy to offer my sincere congratulations also to the fraternal people of Lebanon upon the restoration of their occupied territories. I hope that the remaining occupied territories in Palestine and will soon be liberated too, so that a just and lasting peace may be established in the region and all peoples there may enjoy security and stability.

Ladies and gentlemen, under the leadership of President Zine El Abidine Ben Ali, Tunisia has been striving to achieve sustainable development, through a development strategy based on integration of the economic and social dimensions. It is a strategy which seeks to promote values such as concerted dialogue, solidarity in order to guarantee the citizens to dignity and prosperity, bearing in mind that the human element is an essential and key asset for the people of Tunisia.

In this context, Tunisia has taken care to develop its legislation to ensure that it evolves in harmony with real economic and social circumstances, taking into account the interests of the social partners and the new international labour standards.

At the beginning of this year, Tunisia ratified the Worst Forms of Child Labour Convention, 1999 (No. 182). It has thus ratified all the Conventions covering fundamental rights at work which are set forth in the 1998 Declaration on Fundamental Principles and Rights at Work. Tunisia acceded to this Declaration out of a firm conviction that guaranteeing fundamental labour rights is an absolute precondition in order for there to be lasting and balanced development in any country.

Tunisia has long since ratified Conventions Nos. 87 (1948), and 98 (1949), which are covered by the Global Report published this year, and has also taken care to enshrine the principles of freedom of association and collective bargaining in its own legislation. We have also ensured that these principles are implemented in practice. Tunisia guarantees the right to organize, allowing professional organizations of employers and workers to occupy the privileged position which is theirs by right.

Since the change, contractual policy in our country has been markedly improved and the scope for collective bargaining has been widened to include various aspects of working conditions, public sector employment and the private sector.

I should perhaps mention in this context that we now have 50 sectoral collective agreements, covering more than 90 per cent of workers in the non-agricultural sector. Those workers are governed by the basic statutes. Every three years since 1990, regularly every three years collective bargaining has been conducted with a view to revising collective agreements and the basic statutes. Last year, and during the first months of this year, we had a new round of collective bargaining covering the various sectors of the economy. This had produced a programme aimed at raising salaries over a three-year period, and this is for the fourth time running. Our salaries will have increased each year since 1988, allowing a considerable rise in the purchasing power of our workers.

In its new era, Tunisia attaches particular importance to health and safety as a factor in assuring the well-being of its human resources and protecting our citizens against occupational hazards. To this end, legislation has been developed and a number of schemes and programmes have been established to reinforce prevention of occupational hazards. One such example is the extension of the coverage by occupational health services to cover all workers, including those in the agricultural sector who were excluded from coverage before the revision of the Labour Code was revised in 1996. As a sign of a special interest in this sector, the Head of State referred in his Labour Day speech, to health and safety at work issues, and various teaching and vocational training programmes, as well as study and research in the field.

It is our firm belief that the future of a society is to a large extent determined by the present circumstances of its young people. Tunisia, in this new era, has decided to focus on young persons and their capacities so as to ensure that better conditions for the young are a permanent objective of all our reforms and programmes aimed at preparing for a better future.

This concern emerges very clearly from the programme presented by the President of the Republic at the most recent presidential elections in October 1999: employment and, in particular, youth employment, featured high on the list of priorities. More and more programmes, measures and schemes are being designed to create employment for young people, especially for the benefit of holders of diplomas and vocational training qualifications.

The State has also done everything in its power to promote a new mindset amongst our young people and to instil in them a spirit of initiative, encouraging them to initiate projects in different sectors. Various schemes have been set up to assist young people, including one by the Tunisian Solidarity Bank — a system for providing microcredits run by development associations.

The President of the Republic has also decided to set up a national fund for employment, the “21-21 Fund”, which became operational at the beginning of this year. The Fund is there to supplement national efforts to create jobs for the unemployed and in particularly for those who have special recruitment problems and who find it difficult to take their place in the fabric of a national economy.

Very soon a special session of the United Nations General Assembly will be devoted to charting the progress made in the recommendations adopted by the World Summit in Copenhagen. The session aims at identifying the problems which are impeding the realization of the Conference’s objectives, especially in the crucially important areas of world social peace, employment, social integration and the eradication of poverty. I should like to take this opportunity to appeal to the International Labour Organization and its Members to support and adopt the initiatives put forward by the President of the Republic of Tunisia concerning the creation of a global solidarity fund to help combat poverty and promote development in the poorest regions.

Mr. FAUGOO (Minister of Labour and Industrial Relations, Employment and Human Resource Development, Mauritius) — It is an honour and a privilege for me to address this august assembly for the first
time since I have been entrusted with the portfolio which, now in Mauritius, embraces not only labour and industrial relations but also employment and human resource development. I wish to congratulate the Director-General for his very comprehensive Report on the activities of the ILO for the last biennium.

The Report stresses the will for a reform process which is permeated by the strategies linked with the Declaration on Fundamental Principles and Rights at Work, and the need to promote full employment and human resource development as a necessary pre-requisite for sustainable development.

A development strategy based on this premise, I believe, represents an interesting perspective to address the limits of the standard policy elaborated by the Bretton Woods institutions in the 1980s and to respond to the new product trends of the world market in the context of globalization. It is now generally accepted that a free-market approach does not give sufficient consideration to democratic and social issues and produces social exclusion and poverty, with high human costs. The developing countries also have to manage the pressure arising from the second industrial divide marked by a shift from mass production to flexible specialization, from an industrial to a knowledge- and skill-based society and also marked by an international redivision of labour, with low value-added and labour-intensive production moving to developing countries.

As an emerging economy, Mauritius has to respond adequately to the challenges posed by the new economic environment to maintain its competitiveness. We have a democratic and social welfare tradition and we have not built our economic strategy on the postulate that development should hinge on a trade-off between countries, considerations and social and democratic rights or between upskilling and full employment. Nor do we consider international labour standards as an impediment to economic development. On the contrary, we believe that the different clauses of the Declaration on the Fundamental Principles and Rights at Work contribute to promoting the productive capacity of the labour force of a country, thereby improving its chances for competition through better products and market opportunities, and in the process improving the standard of living of people.

The Declaration on Fundamental Principles and Rights at Work embodies the basic requirements to ensure that economic development is congruent with democratic and social rights. Mauritius has ratified the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and my Government recognizes the principle of freedom of association. The protection of fundamental rights and freedom of association is enshrined in the Constitution, and our Industrial Relations Act recognizes independent trade unions as an essential institution. This allows for social control of the economy to restore the proper equilibrium vis-à-vis the market logic. This is all the more the case as labour institutions are an essential element for social dialogue and collective bargaining. We have also ratified Conventions Nos. 138 and 182 on child labour which, over and above their human rights dimension, also have economic bearings. The elimination of child labour contributes de facto to addressing the problem of children with inadequate schooling and who are ill-prepared for the labour market in a context where the need for a literate and skilled labour force has become an imperative.

Our social approach to development rests above all on our capacity to address the adverse effects of international trade liberalization. It is our economic performance that represents the litmus test. But we believe that our economic action could be reinforced through social dialogue with the social partners, which we are endeavouring to make more effective. This is why we have made guaranteed access to the market and productivity our principal objectives. This implies an approach to international trade that aims at restoring the proper balance between the trade partners, as all countries do not compete on the same level playing field. Let me recall in this context, the constraint faced by small island economies like Mauritius, and indicate that the increasing marginalization of our economies cannot be expected to augur well for healthy industrial relations. The reinforcement of our economic capacity through regional cooperation is also essential, so that we have better chances to reap the benefits of the international market. The reshaping of our production pattern, labour law and industrial relations culture and human resource development strategy with a view to enhancing productivity needs also to be addressed.

We have reached a stage of development where our propensity to compete rests on a strategic shift from labour-oriented capacities to capacities that favour total factor productivity. This principally focuses on the issue of productivity and its corollary — the upskilling of our labour force. In that respect, my Government has recently established a National Productivity and Competitiveness Council with a tripartite composition to address the productivity issue in a more coherent approach, and is presently undertaking a reform of our education system and of the industrial vocational training institutions to better reflect our present manpower needs.

However, we have to bear in mind that this reform is a complex process. On the one hand, training may offer a new guarantee for employability and social inclusion in a context where flexibility and mobility have become the new work icons.

On the other hand, upskilling may produce a segmented labour force, made up of a privileged core and an unprotected periphery, and unemployment may ensue as enterprises go through a process of industrial restructuring and there is a gradual shift from industrial to service activities. This is a matter of concern.

Before I conclude, I should like to commend the International Labour Organization for its enormous contribution in refocusing the economic debate and activities on the social implications of globalization in a context where economic rationalism is the dominant trend and where the infringement of democratic and social rights is a matter of concern.

We have already benefited from the International Labour Organization’s technical assistance to reform our labour legislation. The reform project is ongoing. A tripartite consensus is emerging on a code of practice and on employee participation. This development is crucial as the participation of workers is a sine qua non to make industrial structuring a smooth process and to ensure that social rights are not undermined. We are confident that the International Labour Organization will as usual spare no effort to give Mauritius continued assistance to better address the restructuring phase it is embarking upon.
Mr. PARTAP (Government delegate, Trinidad and Tobago) — It is still timely for me, on behalf of the Trinidad and Tobago delegation, to congratulate the President and the Vice-Presidents on their elections to these esteemed positions and on the fine job they have been doing.

In our view, the period 1998-99 was a significant one in that it launched a programme of change within the International Labour Organization which has had and is continuing to have a profound effect on the Office, the International Labour Organization constituents and indeed the international community. My Government is satisfied that the process has resulted in a re dedication to the ideals of the International Labour Organization.

We are also convinced that the Director-General's initiatives to reform and modernize the International Labour Organization will result in an organization that is better able to service the needs of member States and the social partners. It will also serve to secure for the Organization its legitimate place alongside the Bretton Woods institutions and other international organizations.

The key international players now seem to be acknowledging that many of the problems faced by member States cannot be eliminated through economic solutions alone. The social factors must necessarily be taken into consideration.

On this matter, my Government supports the view that the International Labour Organization is well placed to and capable of assuming the leading role in the global quest for social solutions. Its response to the Asian crisis and its subsequent initiatives to mitigate the harsh effects experienced by member States thrown into crisis as a result of economic and other disasters, demonstrate its ability in this respect.

My delegation trusts that the two major international social conferences this year, the Copenhagen +5 and the Beijing +5 will further underscore and reinforce the role that the International Labour Organization can play in solving our global ills.

At the regional and subregional levels, the Organization continues to provide invaluable assistance to its constituents in the Americas region. For this, we would like to express our appreciation, especially to the ILO Caribbean Office.

During the 1998-99 period, there were two major events held in the region — the International Labour Organization Caribbean Subregional Symposium on Labour Issues in the Context of Economic Integration and Free Trade, held in Port-of-Spain, Trinidad and Tobago, and the Inter-American Regional Meeting of Ministers of Labour held in Lima, Peru.

Mr. President, the positive outcomes of these meetings have been wide-ranging. They have pointed member States to the challenges that lie ahead in the world of work, have contributed to the process of regionalism in the hemisphere and have also facilitated inter-regional technical cooperation initiatives from which my country expects to benefit.

At the national level, my Government is continuing its efforts towards achieving the ratification of the eight fundamental International Labour Organization Conventions. Over the past two years, our ILO Tripartite Consultation Committee has worked assiduously towards the removal of the constraints to the ratification of the Minimum Age Convention, 1973 (No. 138) and I wish to assure the President of our intention to ratify that Conventions and the Worst Forms of Child Labour Convention, 1999 (No. 182) as soon as possible and so achieve full ratification of the core Conventions. In this regard, my delegation would like to congratulate Belize which is the first CARICOM member State to achieve full ratification of the eight core Conventions.

On a related matter, my delegation wishes to record its satisfaction with this inaugural year, so to speak, for the follow-up activities on the International Labour Organization Declaration on Fundamental Principles and Rights at Work. We understand that the annual report was well received by the Governing Body in March of this year and we feel that the Global Report deserves similar kudos from this session of the Conference.

Trinidad and Tobago would like to reiterate its endorsement of the Organization's strategies to promote decent labour standards as reflected by the core Conventions' approach and also by the review exercise being undertaken by the Governing Body through its Working Party on Policy regarding the Revision of Standards. We would like to point out, however, that care must be taken to ensure that such a review does not result in the erection of additional implementation barriers for member States. Ratification processes or reporting requirements that become more complex or time-consuming as a result of the review exercise, would be examples of such barriers.

My Government is also seeking to do its part to ensure the success of the review exercise. We have placed before the 144 Tripartite Committee the matter of the Instrument for the Amendment of the Constitution of the International Labour Organization which was adopted by the Conference at its 85th session in 1997 and which, when it comes into force, would empower the Conference to take decisions to abrogate Conventions that have lost their purpose or no longer make a useful contribution to attaining the objectives of the Organization.

The introduction to the Director-General's Report points out that the 1998-99 biennium marked the "last episode of the ILO's work in the twentieth century", the century in which the Organization was established. It is the view of my delegation that the Organization and its members and social partners can be justifiably proud of its achievements in the twentieth century. Moreover, its strategic approach to fulfilling its objectives, signals its ability and foresight to re-engineer itself and so guarantees its relevance in the twenty-first century.

I thank you, Mr. Chairman, for the opportunity to share these thoughts with the Conference.

Original Arabic: Mr. AL TAYEB (Minister of Labour and Vocational Training, Yemen) — In the name of God, the Merciful, The Compassionate! Allow me at the outset, on behalf of my delegation and on my own behalf, to congratulate the President and his Vice-Presidents upon their election to preside over this important session of the International Labour Conference which is being held in the third millennium.

I have the honour to convey to you greetings from the leadership, Government and people of Yemen. We have this year, just a few days ago, celebrated the passing of one decade since the achievement of our peaceful unification through dialogue between all the social partners concerned.
I should also like to express our gratitude and to salute Mr. Juan Somavia, the Director-General, and his staff for the Global Report entitled *Your voice at work*, which provides a dynamic global picture that allows the Organization to prepare technical cooperation plans and mobilize the necessary resources for their implementation.

Here, I should like to stress the importance of taking into consideration the specific conditions of every member State, including the development of their laws, and the extent to which such laws are compatible with economic and social development. This will enable the Organization to provide the technical cooperation that is needed to strengthen and enhance respect for ILO's international labour standards in every society, thereby serving the objectives of the social partners and interests of peoples as a whole.

On this occasion I should like to commend the cooperation that exists between Yemen, the ILO and its various bodies concerning the Declaration on Fundamental Principles and Rights at Work.

Yemen has long been working, with the requisite political determination, to consolidate the values and principles of the Organization in our laws and practice. It strives to implement these values in a practical way by developing its human resources, improving labour relations between the partners in production parties, promoting freedom of speech, and freedom of association, encouraging the establishment of workers' and employers' organizations, disseminating the concepts of civil society, collective bargaining and gender equality, and working towards the effective abolishment of forced labour. We have also made headway in combating the worst forms of child labour.

Yemen has recently made great progress towards ratification of the Conventions which include the Declaration on Fundamental Principles and Rights at Work. We have ratified the Worst Forms of Child Labour Convention, 1999 (No. 182), as well as the Minimum Age Convention, 1973 (No. 138), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

As for economic restructuring programmes, Yemen has instituted a series of related measures, programmes and economic and social reforms, and it provides new employment opportunities as part of its efforts to combat poverty and unemployment.

This session's agenda is full of important topics. Human resource development and training, targeted at effecting the social integration of young people through employment, serve to reaffirm the importance of human capital as the true determinant of the wealth of nations.

We concur with ILO's view that effective education and training must be an indivisible part of social and economic policies in every country. In this respect, allow me to point out that Yemen has formulated a policy concerning human resources planning and development, education and training, which has already increased training opportunities available to young persons, providing them with a chance to acquire the technical skills needed by the market.

My country has adopted a national strategy focusing on enrolling more students in vocational and technical training and alleviating the pressure on universities. The recently established Supreme Council for Education Planning, under the Chairmanship of the Prime Minister and with the active participation of the social partners and others, has been created to improve the administration of education and training systems.

We support the adoption of new international standards containing fundamental principles on health and safety in agriculture, as well as standards for maternity protection at work.

On this occasion, we also call upon the ILO to strengthen their activities and technical cooperation programmes for the social partners in the Arab world, in cooperation and coordination with the Arab Labour Organization, and to continue its support for the Regional Arab Programme. We call upon the Organization to promote the adoption of the Arabic language, consistent with the practice at the United Nations and a number of other specialized agencies. This would allow more than 260 million Arab nationals to benefit fully from the Organization's publications and wealth of information.

We condemn Israeli policies and practices in Palestine, the occupied Syrian Golan, which contravene the ILO's Constitution with regard to the rights of employers' and workers' organizations. We call upon the Organization to continue to use its good offices to bring an end to these practices.

*Original Spanish: Mr. FLORES POLO (Minister of Labour and Social Development, Peru) — It is an honour for Peru to take part in this world labour forum. We extend greetings of solidarity to each delegation and to the International Labour Office.*

This meeting enables us to focus our efforts, develop consensus and also define our actions in the international framework and also in each of our countries. Productive work, social dialogue, the fight against poverty, social protection and gender issues are subjects of current commitments in the international context, which also affect our domestic policies. Poverty relief and the upholding of human dignity call for resources, institutions, programmes, policies, and particularly a realistic approach to our actions and capacities as labour ministries, employers and workers. They also call for proactive action by the I.O. As the Director-General states in his Report, ministries of labour have adapted so as to be able to establish priorities and allocate resources effectively. Accordingly, in the year 2000 the Peruvian Ministry of Labour set up a national plan, with priority given to: labour protection; the promotion of conciliation as an alternative solution to labour disputes; collective bargaining with a view to contributing to social peace; labour dissemination and advisory services; and skill enhancement and vocational training.

I would like to touch on two aspects of these priorities which are linked with the issues being discussed at this session of the Conference — labour protection, and also skill enhancement and vocational training. As regards labour protection, through our labour inspectorate we continue to provide supervision, guidance and advice and also to prevent disputes without resorting to sanctions. We would like to say that the working mother is all important. Women and development should be inseparable concepts, not only because of the impact on the market, but also the implications as regards family and social matters. Therefore, we believe maternity protection is a part of social development and the development of the labour market. My Government has considered the proposed revision of the Maternity Protection Convention (Revised), 1952 (No. 105), and Maternity
Protection Recommendation, 1952 (No. 95), and we are confident that progress will be made as regards the position of working mothers and maternity.

The second issue is skill enhancement and vocational training. For more than three years now we have been implementing programmes with a view to improving employability on the labour market, particularly for women and young people. We have two priority programmes, the young peoples job training programme (PROJOVEN) which seeks to find jobs for disadvantaged young persons aged between 16 and 25, giving them training and job experience, and the women's job consolidation programme (PROFESE), which seeks to match women seeking jobs with job possibilities on the market.

Now that the recession is behind us, our Government is pursuing an aggressive policy aimed at creating jobs and maintaining social peace. We therefore emphasize the importance of vocational training.

The demands of globalization mean that we have to train competent workers, and not simply give them qualifications. Therefore, we feel that our actions and the actions of the ILO should pay increasing attention to the subject of the quality of employment.

Since the publication of the Report of the Director-General, Decent work, we have seen that document as a benchmark for the activities carried out by our labour administration. We feel that it is necessary to define objectives relating to central themes, with the ILO taking a proactive position with regard to the future, making use of its knowledge of best practices and results obtained in other countries.

Ms. LEEMING (Employers' adviser and substitute delegate, New Zealand) — I would like to offer the President my best wishes in his important role at this year's Conference.

In a recent speech to the 17th World Congress of the ILO, the ILO's Director-General, Juan Somavia, spoke of the need for better jobs for all and stressed the importance of the ILO's decent work agenda. This year his Report on ILO activities reflects the determination to ensure that, at work, employees are treated decently and that their basic rights are respected.

This is all good sense and underlines basic ILO principles that employers wholeheartedly support. However, further consideration must be given to how best to achieve those aims and principles.

New Zealand employers have spoken before at this Conference of what they see as a real discouragement to Convention ratification — the fact that the ILO has its own institutional view of how its standards should be interpreted. This means that the Organization requires countries to comply with Conventions according to the "letter of the law".

However, the written word is always open to interpretation, never more so than in the case of international Conventions. It is true to say that in the face of very varied national circumstances, a "one-size-fits-all" approach does not work. The ILO's rigid attitude to the interpretation of standards is an inevitable barrier to a much wider Convention acceptance.

Two fundamental Conventions illustrate this point clearly. The convention on Freedom of Association and Protection of the Right to Organise 1948 (No. 87) and the Convention on the Right to Organise and Collective Bargaining, 1949 (No. 98), are both freedoms that the ILO prizes very highly. Yet, at the beginning of the twenty-first century the nature of work, in many countries, has greatly changed. Therefore, it has to be asked whether the ILO should continue to interpret these two concepts in the way it has so far.

The ILO's current approach to freedom of association and collective bargaining has developed from what can best be described as a "conflict" view of industrial relations prevalent at the ILO's inception. At the beginning of the twenty-first century, I believe this view is no longer tenable.

Freedom of association is still viewed very much as a freedom to associate with no corresponding freedom not to associate. Consequently, much that is done to promote freedom of association often, intentionally or not, requires employees to associate if they want particular statutory benefits. Far from being true freedom of association, this is simply a form of indirect coercion. Such statutory benefits as national legislation provides should be available to all employees, whether or not they choose to associate.

The same is true of collective bargaining. A regime that promotes collective bargaining at the expense of freedom to choose to have an individual employment agreement, is not a truly free negotiating regime. The notion that employees need collective bargaining if they are not to be exploited is, in too many cases, a paternalistic view. Employees who are free to make personal decisions about other aspects of their lives, should also be free to choose how they will work. Collective bargaining, with or without third party intervention, should be one available form of negotiation, neither undermined, nor promoted by legislation.

The principle is equally true for employers. The promotion of multi-employer bargaining undermines the ability of employers to choose whether or to associate with other employers for bargaining purposes. To foster multi-employer bargaining, is to deny employers both the right of free association and the right to determine whether or not collective bargaining is appropriate for their enterprise. It is unjust to have bargaining rights pre-eminently bestowed on only one bargaining partner.

New Zealand is not the only country to have moved away from a kind of universal collectivism, to an approach that puts more emphasis on individual employee and enterprise needs. Why? Because it provides potential for real employment growth.

By contrast, the conflict model, introducing, as it so often does, a third party element tempted frequently to act more in its own interests than in the interests of the employees it represents, acts as a real disincentive to employ. For this reason, freedom of choice must be the right of employers and employees, alike. It is for employers and employees, in negotiation, to determine how bargaining will proceed. It makes no sense for the ILO, or any other organization, to decide in advance what form of bargaining and representation is best for all bargaining parties.

The Director-General's Report refers to the promotion of employment as a means of combating poverty and notes that the ILO has been building up its capacity to help constituents develop enterprises. It is to be hoped that in doing so, the Organization does not inflexibly insist on adopting the institutional view so evident to date. If it does not become more flexible in approach, then the likelihood is that, rather than generating the employment opportunities
sought, it will find employers shying away from taking on more people and instead, opting for capital development.

In the end, the best promoter of standards and social justice is a stable and prospering economy. Words on paper are no use at all if poverty makes the attainment of standards impossible. To be truly effective, the ILO must move from rigid prescription to the recognition that there is more than one way of putting principles into practice.

(Mr. Moorhead takes the Chair.)

Mr. GONZI (Deputy Prime Minister, Minister for Social Policy, Malta) — Allow me to start by making a brief reference to two points made by the Director-General in the inauguration speech of this plenary session.

Firstly, the Maltese delegation subscribes to the statement made that “the criterion for success is not only growth or financial returns but whether the global economy has been meeting people’s needs”. Malta strongly believes that this is the litmus test of all policies, particularly in this age where technology has removed all sorts of natural and economic barriers, giving birth to what is today known as globalization. Technology is a tool which can help us achieve these aims as long as we understand that this is a tool which must be made available quickly to all peoples around the world. Otherwise we run the risk of creating an electronic chasm which will widen and deepen the differences, rather than bridge the gap.

Secondly, the Maltese delegation joins the Director-General in expressing its firm commitment to cohesive tripartism. National and international experience continues to provide consistent proof that we can get to grips with the social challenges only if each group is committed to this task bringing its own indispensable contribution.

In this context, and in my capacity as Deputy Prime Minister of Malta and Minister for Social Policy, I would like to thank the ILO for its concrete contribution to support my Government’s initiative to strengthen our national tripartite machinery. This is perhaps one of the most important initiatives which we have taken in recent years in order to reaffirm the need to place social dialogue at the basis of our programmes. The challenges are indeed of substance, but my Government strongly believes that the social partners’ contribution in a reformed forum can and will make a paradigm shift. The bottom line will not be limited to benefits achieved by the social partners themselves, it will be reflected in a better quality of life for all our citizens.

In this connection, a high-level tripartite conference of the 13 European Union accession countries will be organized in Malta in late September between the Ministry of Social Policy and the ILO. The objectives of this conference will be to enhance the application of ILO and EU standards in the areas of employment and equal treatment of men and women by improving social dialogue.

Allow me to report also that rapid progress has been made in the critical area of occupational health and safety with the publication of a new bill setting up an Occupational Health and Safety Authority and with the publication of four regulations in the spring of this year. These regulations establish minimum health and safety requirements in the workplace, provide for health and safety signs in workplaces, protect pregnant workers from potentially hazardous activities and ensure adequate protection for young persons at work. The coming into force of these regulations will continue to secure workers’ health, while enhancing the competitiveness and corporate reputation of compliant firms.

The process of updating our national labour and employment laws continues unabated. These laws are being upgraded to reflect the changing nature of work and employment relations, the removal of discrimination, the urgency for increased labour market flexibility, dispute resolution and collective bargaining. It is also proposed that European Union directives in the fields of labour law, worker participation rights, equal opportunities and social protection be incorporated into national legislation by virtue of the same legislative revision.

I reiterate my Government’s belief in the primacy and potency of social dialogue. It is only by engaging in serious, regular and meaningful consultation that the resulting decision-making becomes effective and respectful of the positions of the various interested parties. Employers’ associations, trade unions and constituted bodies, including non-governmental organizations, all have a key role to play in the context of a pluralist democracy, and especially, though not exclusively, in the sphere of social policy. But this role must be guided by some very important principles.

First, social dialogue must lead to those choices and decisions which are truly in the best interest of the country as a whole and not merely in the exclusive interest of one sector. Second, it must subscribe to the rule of law and to the basic tenets of democracy. None of the social partners must ever condone action which is in blatant breach of democratic rules. Third, and most important, when dialogue fails to achieve consensus and resort is made to industrial action, then all parties must follow the accepted norms. Governments and employers must respect workers’ rights as long as these are exercised within the parameters of democratic rules and conventions, amongst which is the workers’ obligation to guarantee the provision of essential services, something which is clearly mentioned in the Report which has been presented to us by the Director-General. Anyone who flouts these basic rules makes a mockery of what this Organization stands for and harms his own cause.
the gulf that separates those who have much from those who have little or nothing, and becoming a weapon used against workers who have lost their jobs or had their wages cut, the ILO has a duty to try to ensure that its principles and aims are upheld by the basic sectors of production, and that through tripartism employers, workers and governments seriously resolve to democratize globalization. It is vital that the ILO promote the application of these principles and that it try to encourage the authorities of the International Monetary Fund and the World Bank to pay attention to social matters, rather than just maximizing profits. Let us recall that as regards the payment of foreign debt, these institutions have been responsible for extremely inhumane public finance management projects that have plunged societies into the depths of poverty. This is a cold and insensitive way of seeing the world. The fact that the ILO participates as an observer in the international financial organizations provides an opportunity to change the mentality of these organizations. For all this work, congratulations to the Director-General.

As regards cooperation activities with Guatemala, which have laudable aims, we take this opportunity to call for greater and better communication between those implementing the programmes and the authorities of the Minister of Labour. The main objective of the Guatemalan Government's plan is to combat poverty, ensure respect for human rights and compliance with peace agreements, and create a developed society in which all Guatemalans and their families have the opportunity to enjoy a decent life and meet the basic needs of their families. Peace will be achieved when every Guatemalan can achieve personal fulfillment and inner peace.

For the Ministry of Labour, combating poverty and achieving sustainable human development undoubtedly requires work that is fairly remunerated, or as the ILO puts, it "decent work". This means improving general living conditions, and for this we have a government programme in the labour sector which encompasses appropriate legislation, vocational training, social security, safety and health at work, the eradication of child labour and discrimination, and care and training for the disabled. The overall aim is to help Guatemalans solve their own problems by their own efforts. In this task we need the ILO's cooperation, but we also need international trade negotiations to lead to greater access for our products to international markets at fair prices.

We recognize the importance of the productive sector in ensuring that we — whether employers offering jobs, workers providing their labour, or a government competent to administer public finances and determined to carry out projects of national benefit — can put our country in the position where all Guatemalans wish to see it.

We are pleased to announce that the process of ratifying the Worst Forms of Child Labour Convention, 1999 (No. 182), is making progress. The worker and employer sectors have been consulted on it and have come out in favour of ratification.

The standard-setting work of this Conference, on revising the Maternity Protection Convention (Revised), 1952 (No. 103), should lead to improved protection for women, and better childcare. The profit motive cannot be the only one guiding this revision work, because this is an integral theme connected to the survival itself of society. We believe that the issue of safety and health at work is important for all sectors, and we therefore attach great importance to the proposed Convention which is having its first reading at this Conference. However, we would emphasize that its aim should be to improve the protection of workers rather than creating covert forms of international trade protection.

Original Portuguese: Mr. SAU (Minister of Public Administration and Labour, Guinea-Bissau) — It is for me a great honour and pleasure to be able to take part in this very important event for the first time today, so that, on behalf of the Government of Guinea-Bissau, I can contribute to the discussion on the labour issues, and challenges which were referred to in the statement made by the Director-General of the ILO, particularly those relating to globalization, development of new information and communication technologies, social exclusion, tripartism, child labour, maternity protection, all of which are the basis of our efforts to enhance the dignity of work and workers.

We member States of the ILO must develop technical assistance mechanisms and mutual solidarity, so that these challenges are not factors leading to social, labour and political instability, unemployment, increasing poverty, and technological and economic marginalization, but rather factors that encourage new business and employment opportunities, that provide the conditions for decent work, employment, technological and knowledge-based development, innovation, and the development of social dialogue to solve social conflicts in our countries.

You will indeed recall that Guinea-Bissau was subject to 11 months of political and military conflict between June 1998 and May 1999. At the end of December 1999 we established a transitional government of national unity which, with the technical assistance of the UNDP, presented an emergency programme here in Geneva at a round table. This was a programme aimed at rebuilding our country after the war and limiting the harmful social and economic effects of that war.

We take this opportunity to express renewed hope that the promises of financial and technical support given at the round table will indeed be implemented by our social partners, and the international financial institutions. We call upon the representatives of the ILO member States to pass on to their governments our appeal for the confirmation of their solidarity and the solidarity of their citizens, by making available the funds which have been promised, because we now have peace. We have a Parliament, Government and President, all of which were elected during an internationally and nationally recognized free and fair electoral process.

The social and economic reality in our country means that our democratically elected government, which started work in February 2000, will be working towards the establishment of social peace, political stability, development of the country and the well-being of our citizens.

These objectives are critical so that we can continue to work within the ILO, in search of answers to the challenges and issues mentioned by the Director-General when he presented his Report.

We hope that we can count on the valued technical assistance of the ILO and international solidarity towards our country, so that we can prepare appropriate
programmes, together with our technicians, to reduce poverty, promote social protection and encourage developments in the cooperative and entrepreneurial sectors, improve training, create jobs and promote dialogue, and work together with the social partners, thereby building the country's capacity as regards labour administration and legislation.

Given the relevance of the issues mentioned by the Director-General, particularly the issue of child labour, I would like to state that child labour is of great concern in my country, particularly in the urban and surrounding areas, because it is in these areas that children work as domestics and street-hawkers; they are not covered by legal provisions and are often exploited in the homes where they work; are involved in street crime or are forced into prostitution.

We need to fight to eradicate child labour, but this means that we must fight against social exclusion and poverty; these are scourges which unfortunately we face every day.

Child labour in my country is not seen as the effective employment of minors, but as an alternative, ensuring the survival of many families where there is no work for the adults, many of whom cannot benefit from training because they are illiterate or have very little schooling.

The ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), is underway because my country recognizes this Convention as being the best way of eradicating child labour in the world. I am pleased to say, also, that Guinea-Bissau has already ratified 30 Conventions and is determined to do everything possible to ensure that they are not dead letters, but that these standards are used to improve the lot of the worker. I refer to the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). These were approved by our Government in 1997 and they are currently being ratified.

As regards maternity protection, the Constitution of Guinea-Bissau and our general labour law protect the rights of working women and provide for two months of pre-delivery paid leave.

I hope that my contribution will help us to find ways of solving the problems facing our societies. In conclusion, I would like to extend warmest greetings to all of you present, and to call once more on the international community, asking them to decentralize and increase their help to post-conflict developing countries, as is the case of Guinea-Bissau, making funds available which will enable us to rebuild our countries and solve our crises. We hope that we shall be able to attain sustainable development in our countries with lasting social peace and social justice.

Original French: Mr. DJILANI (Employers' delegate, Tunisia) — Allow me, on behalf of the CPE, the Pan-African Employers' Confederation, to congratulate the President and the Officers of the Conference for their brilliant election, and to wish them every success. I would like to take this opportunity to thank Mr. Juan Somavia, Director-General of the ILO, and all his colleagues for the great attention they have paid to the organization of this, the 88th Session of the International Labour Conference.

From the items on the agenda, two issues in our opinion, inter alia are of particular interest to our continent, Africa. First, with regard to training for employment, Africa has enormous requirements in this area, for training its workforce and the heads of SMEs in technical management strategies and modern production strategies. These training programmes should focus on strategies for connecting our continent with the global economy and enable Africa to take advantage of globalization, by strengthening the trend of countries joining together to form strong trading blocs.

The second point concerns the follow-up to the Declaration on Fundamental Principles and Rights at Work. I would like to recall our attachment, as an African Employers' group, to the values derived from this Declaration, which can provide support for promoting decent work and productive investment. We would, therefore, like the ILO to further strengthen employers' organizations to analyse and work within the scope of the technical cooperation programmes initiated to support constituents in this area.

I would like to mention, now, the example of my country, Tunisia, which, since the political change brought about in 1987 and the leadership of President Zine El Abidine Ben Ali, has been able to successfully complete a difficult period of its history in economic and political terms, by means of a policy of economic liberalization and social stability, accompanied by a process of freedom and democratic openness. The new Tunisia believes in these principles, and is endeavouring to embody them in our society, in order to ensure the success of its economic and social development. Now let me come to the CPE and its recent activities, its mission, its future vision, and the priority areas in which we would like to develop a strong partnership with both the ILO and the IOE. When it was created back in 1986, our organization set itself a programme with a main social component, along with another component centred on representational activities. These areas are still extremely important in our activities, and I would say, indeed, essential.

I think that in addition to these issues, we should support our members so as to be able to address also the economic and financial issues that are essential to the development of our continent and to the prosperity of our business enterprises and the private sector. Faced with the multifaceted challenges of globalization, only organized, efficient, credible employers' organizations, capable of offering efficient services, can survive. These are the areas in which I intend to focus, together with the support of my colleagues, members of the bureau of the CPE, throughout my term of office. These issues, which are highly strategic for the future of our employers' organizations, were examined meticulously at the high-level symposium which the CPE organized in Tunisia last month, with the support of the Bureau of Employers' Activities of the ILO, and of the OIE. I would like to express my gratitude to them. This symposium initiated a reflection, in strategic terms, about the future of employers' organizations in Africa with a view to positioning itself appropriately in relation to the opportunities, challenges and constraints that characterize the area in which the employers' organizations work. Seen from this point of view, the added value of the CPE should lie in the possibility of defining an employers' vision, on a continental scale, which will enable us to meet its members' current and potential requirements. In order to implement these recommendations, we envisage, to coincide with this Conference,
approving the strategic development plan of our organization.

I would like to take this opportunity to invite the ILO, the IOE and all our partners to assist us with implementing this plan, on which we are pinning many hopes. If Africa wants to put an end to the persistent economic marginalization, with which it is threatened on the international stage, it has no choice but to embark efficiently and effectively on the road of sustainable growth, by promoting the private sector through investment and job creation. The CPE’s mission is now to make its work a part of this new paradigm. It is the duty of all our partners to help us in this task.

Mr. MALLIA MILANES (Employers’ delegate, Malta) — The Report Your voice at work is a key document which provides a sound basis for discussion. As such, it represents but one aspect of reporting under the follow-up procedures to the ILO Declaration on Fundamental Principles and Rights at Work, the other being the annual review for States that have not yet ratified all the fundamental Conventions. The background against which the annual review takes place presents a widening representational gap due in large part to the current expansion of the informal sector and the reduction in traditional union strongholds. Another contributory factor is the increasing participation rate by women in manufacturing without, however, formally joining a trade union.

The ILO’s goal of “decent work for all” is now an accepted fact. However, it can only be wholly realized through people having a say in how it may be achieved, in full respect of representational security in both formal and informal economies.

We as employers are appreciative of the technical assistance which Malta has received in a large number of issues, since independence in 1964. Worthy of special mention have been the annual visits of ILO — provided experts and specialists in labour — related matters to take part in the annual conferences organized by my association over the past 12 years. This form of assistance is deeply appreciated. As a candidate for EU membership, the area of labour market issues covered by the EU’s acquis communautaire has greatly expanded, and with it the potential contribution of ILO experts to our goal of securing early EU membership.

Very aptly, the theme of this first Global Report is freedom of association and the effective recognition of the right to collective bargaining. As stated in the introduction to the Report, Your voice at work gives a perspective of what is happening in countries that have ratified the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), as well as those that have not yet done so. The Global Report goes on to say that this category of rights and principles is the first to be considered because it often holds the key to the realization of fundamental principles and rights in other categories. Yet it is often considered to be most contentious, and respect for these principles not always attracts the same public commitment or identification as, for example, the struggle against child labour.

The key to all other rights at work is the right to organize. It opens the door to the exercise of a range of other rights at work. In our opinion, it also opens the door to a whole list of initiatives under the guise of workers’ rights. Inevitably, if workers or employers are denied the possibility of organizing, they will not have access to these other rights. There are still, in fact, widespread and sometimes serious violations of the right to organize. The most easily identifiable denials of the right to organize are to be found in the laws of certain countries which prohibit the independent formation of any type of organization by all or specified categories of workers, or which limit the freedom of workers and employers to form and join organizations of their choice. Despite the considerable progress registered in the past few years, there still remain a handful of unrepentant regimes which still deny their citizens the benefits of the right to organize and of the right to freedom of association. Less visible but equally pernicious are extra-legal or informal denials, or discouragement, of the right to organize. The only remedy is to create a climate in both the formal and informal economies which enables free organization, and where those engaged in it can act without fear of negative consequences.

Having said this, it must be appreciated that the right to strike cannot be absolute. In any functioning democracy, the freely elected government has rights and obligations towards many other sectors and to society in general. Militancy cannot be allowed to have its way at the expense of the weaker and more vulnerable sectors. If trade unions claim the right to dictate policy to legitimate governments, so must similar rights be accorded to other sectors in full respect of the supremacy of the law of the land.

The Report refers (page 38) to restrictions on the right to strike and mentions Malta in this context. It is not correct to say that in Malta disputes are subject to compulsory, binding arbitration at the request of the public authorities. In reality, either party to a dispute may request the minister responsible to refer the case to arbitration, but only after having exhausted the full conciliation procedure. At no stage in the arbitration procedure is there any restriction placed on the continuation of industrial action. It is only the decision of the industrial tribunal that is binding, for not more than 12 months.

It must be observed that the principle of compulsory arbitration has been in force in Malta since 1948, during all of which time all the interested parties have quite happily lived with it. Obviously, they have done so because they realize that it was beneficial to all. Why then should we seek to disturb the status quo? With all due respect, I would submit that Malta today needs no lessons in democracy.

Original Portuguese: Mr. BELLO VAN ZELLER (Employers’ delegate, Portugal) — First of all I would like to congratulate the President on his election to this high office and wish him every success in his work.

This year’s session of the International Labour Conference has some very important issues on the agenda, and namely the discussion of reports on training for employment, social inclusion, productivity and youth employment; safety and health in agriculture; and maternity protection.

I feel bound in this regard to recommend that we proceed with great caution as regards maternity protection. It would be counterproductive to set a minimum maternity leave above that of the country where such leave does not exist. In others, where it does exist, its duration varies considerably from one
country to the next. This would be an obstacle to ratifying an overly ambitious Convention.

In the short time available to me, I would like to refer to two points which are of particular concern to Portuguese employers — first, problems related to Report III on tripartite consultation concerning international labour standards, and secondly, the need to reform ILO standards. If we look at the way the social partners are involved in questions of concern to the ILO and the way tripartism has developed we can see that the situation varies from country to country. On this subject, Convention No. 144 clearly provides some very important guidance, although it has still not been ratified by a large number of countries. In the final remarks at the end of Report III, part 1B, in paragraph 150, the Committee welcomes the fact that 20 years after the coming into force of the Convention the consultation procedures set out in it have been adopted in one form or another by the majority of member States, including those which have not ratified that Convention.

To be effective consultation of the social partners should not be limited to a written procedure alone, based on the circulation of documents and the fixing of deadlines for the social partners to give their views on different matters. The effectiveness of consultation must be based essentially on the impact of the opinions expressed by the social partners when their governments prepare to answer the questions which arise during their consultations with the ILO.

It is perfectly normal that the positions of employers and governments should differ from time to time, but it is a matter of concern that in some countries, such as Portugal, it is very rare for the Government in its reporting to reflect the points of view of employers in a positive light. It is also extremely rare that the Government’s position with respect to the adoption of Conventions and Recommendations is in line with the position of the employers.

It seems that tripartite consultations need to be improved so that governments can show a greater openness to the contributions of the social partners, and particularly those of the employers. In this way we should be able to enhance the standard-setting activities of the ILO, ensuring that they better reflect reality, and that more Conventions can be ratified.

The second point is the urgent issue of how to strengthen the role of the ILO in improving working conditions by using standards that are balanced and adjusted to today’s requirements. It is true that the ILO’s strategy, particularly as the result of the Declaration on Fundamental Principles and Rights at Work adopted in 1998, has been rethought to ensure more pragmatism and efficiency in the standard-setting work of the Organization. Standards should be effectively and universally applied, particularly as regards the ones which are needed to ensure “decent work”, to use the term employed in the title of the last Report of the ILO Director-General.

But a lot remains to be done by the ILO to modernize the legal framework which it has produced over the last 81 years. We see that the annual increase in ratifications has not risen significantly. In this regard, I would point out that on 31 December 1996 the total number of ratifications was 6,390, and that on 31 December 1999 it stood at 6,683, out of a possible number of ratifications of 32,300, assuming that all Conventions are to be ratified by all member States. This meagre increase in the number of ratifications means that it is really necessary to revise or withdraw many of the ILO Conventions, because they are not in line with the political, socio-economic and cultural conditions in a number of member States. Therefore, we renew our call for the ILO to continue revising and adjusting its standards so that we can ensure a truly effective international labour code is drawn up and applied throughout our world. Thus, and only thus, will it be possible for us to improve the living and working conditions of our populations and ensure more decent work.

Original Arabic: Mr. SAHBANI (Workers’ delegate, Tunisia) — In the name of God, the Merciful, the Compassionate! At the beginning of my address, I would like to congratulate Mr. Flamarique on his election as President of this session. I would like to thank him for the efforts he has made in order to ensure that this Conference is a success.

I would like to take this opportunity to reiterate our support for the Global Report under the follow-up to the Declaration on Fundamental Principles and Rights at Work, which expresses the growing awareness of the need to take economic measures at the international level in order to give a human face to globalization and ensure that humanity can develop in equitable conditions.

We support the Report’s conclusions concerning the need for respect for freedom of association and the right to collective bargaining. This is an indispensable prerequisite if the other articles of the Declaration relating to the elimination of child labour, forced labour and discrimination at work are to be implemented.

Respect for freedom of association, including the right to collective bargaining, is a prerequisite for labour relations based on democracy and dialogue within each society and company. It also paves the way for fairer, and more equitable international relations and for a world based on solidarity in the face of the negative effects of globalization.

The ILO has scored a number of great successes in helping States to ensure respect for the Declaration on Fundamental Principles and Rights at Work. It has shown courage by condemning breaches of freedom of association in some countries and other infringements of the Declaration. The Organization has made the link between respect for these rights and the development of democracy and establishment of legality.

In this context, we would urge that such efforts continue particularly in the Arab region, so as to serve the interests of the social partners, including through coordination with the Arab Labour Organization. Arab countries should also be regarded as a single geographic region for the purposes of implementation of technical cooperation programmes. Despite the efforts that have been made, realization of the ILO’s objectives is a function of the policies adopted by the social partners in each and every country. In my country, Tunisia, we have clearly shown what can be achieved in a country with limited natural resources but abundant human resources, if more equitable distribution of the fruits of growth is assured, providing a more sound basis for overall stability and development.

Following the political change in Tunisia on 7 November 1987, and under President Zinedine Bin Ali, we have remodelled our labour relations on the basis
of collective bargaining and respect for the autonomy of the social partners. This has been a positive experience, allowing us to conclude agreements that have led to an increase pay for all workers in all areas, over the past ten years and for the two to come. We have also revised our labour legislation and collective agreements in order to improve the living and working conditions of all workers.

Equitable development and the dissemination of the values of freedom and equality cannot be achieved without peace and solidarity in the world. In that respect, efforts must be pursued to help the workers and people of Palestine to regain their national rights and establish their own independent State with Al Quds as its capital. The unjust embargo imposed on the people of Iraq should be lifted immediately, since it is causing hardship to workers and to women and children in particular. Decisive intervention is also needed to put an end to the gratuitous wars in Africa and to establish security and stability in the world as a prerequisite for peace, development and solidarity.

The nations of the world are pinning their hopes on this Organization to draw up a new international social contract which will eradicate the differences between North and South and restore the balance between the various social forces with a view to creating new jobs and ensuring development and stability for all.

Original Arabic: Mr. KETTANI (Employers’ adviser delegate, Morocco) — In the name of God, the Merciful, the Compassionate! I should like, at the outset, to congratulate you, Mr. President, on your election to preside over this important session and to wish you every success in your efforts. I should also like to congratulate Mr. Juan Somavia, the Director-General, and his staff, for accepting this enormous task of protecting and consolidating decent work standards in a globalizing environment, which has major implications for job security. This has been confirmed by the findings of the Working Party on the Social Dimensions of the Liberalization of International Trade.

Last year, during the 87th Session, the Worst Forms of Child Labour Convention, 1999 (No. 182) was adopted for the first time by consensus and unanimously. This year, and despite some of the incomprehensible positions of some delegations, the Convention (Revised), 1952 (No. 103) Maternity Protection is being revised, and we are hopeful that this revision will allow the necessary flexibility to encourage the highest number of ratifications.

These Conventions that prohibit child labour and protect working mothers create a burden on the economies of developing countries in their struggle to cope with globalization and the liberalization of trade, which creates unprecedented competition.

Among the solutions put forward by the Working Party on the Social Dimensions of the Liberalization of International Trade is the strengthening of the four fundamental cornerstones of our social work in this area. The first of these is vocational training, and this is considered by the Committee on the Human Resources Training and Development in this session. This confirms the importance of training in helping our enterprises to join in the globalization peace without negative repercussions on the society. The social partners and the Government of Morocco give special importance to training and retraining. The second cornerstone is the creation of a social protection network that aims to strengthen the structure of enterprises and integrate them into the process of social dialogue. The latest tripartite agreement was recently signed by the social partners, in the presence of the Government, on 23 April this year, and provides for the creation of a social protection network. It covers housing, compulsory health insurance and unemployment insurance, as well as providing for the resources needed to set up this network with the participation of all the partners.

The third cornerstone is labour legislation, which must obviously be compatible with the existing system of law in the Kingdom of Morocco. For the first time, there has been discussion and dialogue between the social partners on a new Labour Code, and consensus had been reached on the great majority of its articles. It is currently under discussion before the Second Chamber of Parliament. This new Labour Code takes into consideration new topics which in the past, were a source of conflict, such as freedom of association, collective bargaining, and the setting up of enterprises.

The fourth cornerstone is the effective implementation of international standards and fundamental Conventions. We believe that technical cooperation with the good offices of the ILO, and with the assistance of donor institutions and countries, Morocco will be in a position to ratify more of these Conventions, including the Worst Forms of Child Labour Convention, 1999 (No. 182) in the near future.

The role of the ILO is also to promote enterprises and provide support for them in the interests of creating job opportunities in member States. This is mentioned in the Director-General’s Report, in particular with regard to socially responsible restructuring of enterprises, which should take into consideration different modes of production and infrastructure building and the need to minimize social cost. We look forward to benefiting from the Organization’s projects, in organizing tripartite workshops in various sectors with a view to helping enterprises undergoing restructuring to draw up the legal and administrative procedures needed to enhance their efforts in this regard.

Original Chinese: Ms. QIU (Employers’ delegate, China) — I begin by congratulating Mr. Flamarique on his election to the presidency of the current session of the International Labour Conference. I also wish to congratulate the two Vice-Presidents on their election. I believe that under their leadership the Conference will surely be a complete success.

At the turn of the century the Director-General, in his Report, has reviewed from all perspectives the activities and achievements of the ILO over the past two years. We believe that with the tripartite efforts of the member States we will surely be able to bring into the new century a brand new ILO.

The twenty-first century is full of opportunities and challenges, with the knowledge economy emerging and the trend towards globalization growing. In that scenario the ILO, as the authoritative organization in the international labour field, should take effective and appropriate measures and come up with positive solutions.

We hope that the ILO will take full advantage of its history of over 80 years to show more concern for, and intensify its study of the labour issues throughout the
world in the context of globalization. It should also work out development strategies in the new century to promote employment and eliminate poverty. We hope that in this process, the ILO will take fully into consideration the wishes and requests of the vast majority of developing countries, particularly those of the employers' organizations in these countries, in order to improve steadily the organizational capability of employers' organizations in developing countries.

There is an important item on the agenda of the current session, that is, human resources training and development. It is a matter of concern for all the countries of the world. Under globalization and the knowledge economy, the effective development and management of human resources is an important guarantee for stronger business competitiveness and faster national economic growth. We hope that our discussions will effectively help all the parties to reach a consensus and, at the same time, to identify more clearly the role and responsibilities of the social partners in working out a human resources training and development strategy for the ILO in the new century.

Thanks to its 20-odd years of reform and opening-up, China's national economy has been growing steadily with remarkable progress in foreign economic relations and trade. In 1999 China's GDP amounted to 8,205.4 billion yuan, an increase of 7.1 per cent over the previous year. Foreign trade totalled US$306.7 billion, 11.3 per cent up from the previous year. China used US$56.3 billion in real terms, 40.4 billion of which are in the form of foreign direct investment. Last November, China and the United States signed a bilateral agreement on China's entry into the WTO. Recently, a similar agreement has been reached between China and the EU. This marks a breakthrough and shows that China's economy is entering a new stage of development. Joining the WTO will help promote economic development and deepen market reform in China, optimize the allocation of resources on a broader basis and help establish a more standardized market economic system.

It will also help promote our opening-up programme to attract more effectively overseas capital, technology and managerial expertise, expand both imports and exports and enable China to take an active part in the international labour division and cooperation. It will also help remove discriminatory foreign trade practices against China, reduce frictions, advance foreign trade and enable China to participate in the formulation of international trade rules.

China's membership of WTO means a good opportunity for Chinese businesses to improve their international competitiveness. It also represents a new type of challenge. The China Enterprise Confederation (CEC), as a united organization of China's businesses and entrepreneurs that represents the interests of the employers, regards providing the business community with services as its due responsibility. For over 20 years we have given full play to our advantages in knowledge and talents and served as a bridge between the government and the business community. We have made long-term efforts in international cooperation, inquiry and research, theoretical studies, management training, consultancy and analysis, information dissemination, press and publication, organizing functions for the business community and building up our own organizational capacity. We have provided businesses, entrepre-

neurs and government organizations with diverse and comprehensive services which have been welcomed by the business community.

Standing at the threshold of a new century the CEC will, as always, further enhance our exchanges and cooperation with the ILO and the employers' organizations of all countries, so as to improve the international competitiveness of Chinese businesses, advance the integration of the Chinese economy with the world economy and promote world prosperity and development.

Original French: Ms. AUSSEIL (Minister of Labour and Modernization of the Administration, Niger) —I consider it a signal of honour to be able to address this august assembly. I would like to avail myself of this opportunity to offer my hearty congratulations to the President on his brilliant election to the presidency of our assembly. I am quite certain that, under his enlightened guidance, the work of the Conference will proceed under the best possible conditions.

As we meet at this session, countries such as mine are being confronted with the negative effects of globalization and the weight of structural adjustment policies which are bravely borne by our valiant populations. In our countries, the challenges which have to be taken up in order for there to be prosperity and social justice remain the fight to combat poverty and suffering; the promotion of democracy, human rights and fundamental freedoms; the protection of workers; and, the fight to combat discrimination and exclusion. In this respect, the excellent Report which the Director-General has provided for our consideration clearly illustrates the great issues of the moment.

My country, Niger, is convinced that there can be no development without social justice and equality, without freedom of expression, without the right to employment and social security. Thus, in acceptance of the ILO Declaration on Fundamental Principles and Rights at Work, adopted in 1998, my Government has engaged in promotional activities and partnerships as evidenced by the following.

First of all, the adoption of a cooperation programme between Niger and the ILO under its country objectives, which is essentially based on the four strategic objectives which the Director-General lists in his 1999 Report entitled Decent work. Secondly, the establishment of effective dialogue between the social partners. This has been possible thanks to the setting up of a national commission for social dialogue which in turn is the result of an effort in multilateral cooperation through the Programme for the Promotion of Social Dialogue in French-speaking Africa (PRODAF). Thirdly, the implementation of the International Programme on the Elimination of Child Labour. In this respect, I have great pleasure in informing you that a national committee to provide information and follow-up on the implementation of the Worst Forms of Child Labour Convention, 1999 (No. 182), has just been set up.

With regard to the promotion of democracy, human rights and fundamental freedoms, my country, which over the past three years has been questioned by the Committee on the Application of Standards on the matter of the dissolution by administrative means of the Union of Customs' Officers, has just decided to reinstate that trade union which will thus recover its trade union rights and, more specifically, the right to
strike, which is in accordance with the relevant provisions of our Constitution.

Moreover, to afford better guarantees of and protection for human rights and fundamental freedoms, the National Commission for Human Rights and Fundamental Freedoms, as provided for in the Constitution, has just been officially established.

In addition to the main points addressed by the Director-General in his Report, this session of the Conference will also have to address other matters of great concern to our respective Governments, such as maternity protection, human resources development and safety and health in agriculture. May I express the hope that the deliberations at this Conference will give rise to relevant, realistic and achievable resolutions. This tells you just how much my country expects of this current session of the International Labour Conference.

With regard to maternity protection, an issue to which my Government attaches crucial importance, I would like to mention here that our social legislation already provides for 14 weeks of maternity leave, fully paid for by the employer and the National Social Security Fund.

In conclusion, I should like to recall that Niger has already ratified 30 ILO Conventions, including seven core Conventions. It is planning to ratify the Worst Forms of Child Labour Convention, 1999 (No. 182), in the next few days, thus ranking Niger amongst those countries which have ratified the eight ILO core Conventions. In fact, I have just learned that yesterday the National Assembly ratified this Convention, so that means, in effect, that we have already ratified the eight core Conventions.

The aim, however, is not just to ratify the Conventions, but also to implement them and to do a good job of it. However, the implementation of ILO instruments in practice is sometimes conditioned by problems inherent in the economic context of the country concerned. That is why my Government sincerely hopes that ILO assistance will continue to flow and will be increasingly channelled towards the poorest nations.

Mr. AHMAD (Workers' delegate, Pakistan) — In the name of Allah, the Merciful, the Compassionate! On behalf of the Workers' delegation of Pakistan and myself, it is my great privilege to offer sincere greetings to all the distinguished participants at this 88th Session of the Conference, and to convey our deep appreciation of the items placed on the agenda by the Governing Body, namely, maternity protection, safety in agriculture and human resource development, and the Global Report Your voice at work — ably presented by the Director-General and depicting the state of affairs of human rights prevailing in the various parts of the world.

We hope to have technical cooperation to enable member States to ratify and implement the remaining Conventions.

As the Director-General so accurately described in his address to this house “unless we tackle the growing disenchantment with the present form of globalization, the blacklash will continue”, and “if questions of unfairness and inequality are not addressed by the international community, the policies promoting globalization, with all its potential to generate economic growth, development and wealth, will be rejected by increasing numbers of people and countries”.

This Organization stands for universal peace based on social justice. Labour is not a commodity. We have a world which is increasing in terms of its prosperity, but the number of people living in poverty is also increasing daily. One billion people in the world are either unemployed or underemployed (which is almost one-third of the workforce), 1.5 billion people are living in poverty and three billion earn less than US$1 per day. One hundred and thirty million children, many of them working children, have no time or place for learning in the year 2000. Two hundred and fifty million children are working in the world. Almost 80 million adults worldwide lack even the minimum learning opportunity; two-thirds of them are women.

This is the case not only in other developing countries but also in Asia. More than half the world's population and two thirds of the poor live in South-East Asia; 45 per cent of the population live below the poverty line, which is far higher than the figure of 25 per cent for the Third World; illiteracy is two-and-half times that of the rest of the world, and the number of malnourished children under five is almost three times greater. Access to health and facilities are one-and-half times below that of the developing countries.

International action is necessary to remedy the situation. For example, the international balance of the trade has to be credible, and yet US$200 billion are being spent on agriculture subsidies in the European Community alone. World debt has risen from 100 billion US$ in 1980 to almost US$4,387 billion despite the call for debt relief for the Third World countries. The developed countries should devote 1 per cent of their GDP to the transfer of technology, the protection of workers, respect of fundamental rights, decent schools and security in order to promote social and economic well-being, instead of squandering the money on arms. That would usher in a new and better era. I am telling you this because, as you all know, “poverty anywhere constitutes danger to the prosperity everywhere”.

We congratulate the Director-General and his team on their efforts to carry out the four strategic objectives and to promote the philosophy of decent work and respect for the fundamental rights of workers.

As regards the World Bank and the IMF, we hope that a safety net will be provided for workers so long as the restructuring policy is being pursued which has increased rather than decreased poverty.

The population affected by poverty in Pakistan, according to the International Labour Organization country report, has increased from 17 per cent to 35 per cent, while real wages have been reduced by 20 per cent. As the Director-General's activities show, fatal accidents at work are far higher. We hope that his objective of decent work for all will be achieved in Pakistan.

Whereas previous governments placed a series of restrictions on the exercise of trade union rights, we now have a social dialogue with the Chief Executive. As a result, the Government has restored fundamental trade union rights in Pakistan for 140,000 workers. We hope that the Government will also devote its attention to the violation of ILO Conventions which have been reported to the Committee of Experts.

We urge the International Labour Organization to provide more technical cooperation to the workers' organizations in the current phase of globalization and restructuring of industrial relations, so that the
workers can have access to a safety net, to greater well-being and to better working conditions. We hope that, with the cooperation of the International Labour Organization, Pakistan's legislation will be brought in conformity with the ratified Conventions. At the same time, we welcome the IPEC programme in Pakistan where the Government recently allocated 1 billion rupees for the rehabilitation of the child workers. We also have contributed modestly in these programmes in order to demonstrate our commitment.

Pakistan's workers stand for the unification of the labour movement and for economic, social and democratic reform in the country, whereby a transparent system can be established, land reform can be introduced, human resources development can be ensured for each child, income can be distributed fairly, industrial relations can be established that provide decent jobs for every working man and woman, and an egalitarian society can be fostered that brings social justice and social peace to our people.

We appreciate the work of the various branches of the International Labour Organization and hope they will continually be strengthened, particularly those dealing with employment, social protection, safe work, gender equality and social dialogue as a means of improving the lot of the workers. We also support more technical cooperation for Palestinian workers in order to improve their situation.

We wish this Conference every success in bringing about a better era for working men and women, raising the dignity of workers all over the world and ushering in a better future for mankind.

Original Arabic: Mr. AL AZALI (Workers' delegate, Egypt) — In the name of God, the Merciful, the Compassionate! Before I commence my statement I should like to associate myself with the other speakers in congratulating the President and Vice-Presidents.

I have the honour to take the floor on behalf of the workers of Egypt and their trade union, the Egyptian Trade Union Federation which has a membership of millions of workers in all sectors of production in our country.

Perhaps you know that in Egypt we have for over ten years been undergoing a period of economic reform and adaptation to the changing needs of the market, with all that it might entail, including serious obstacles to the work of trade unions, which are exerting every effort to maximize the benefits of the reform and to minimize its negative effects.

Fortunately, we have a national consensus which supports the social dimension of the reforms and acknowledges the importance of social dialogue and sustainable development. Everyone shares the hope that both men and women will today and in the future enjoy equal opportunity for decent work, so that we can fight unemployment and poverty in a context of peace and freedom.

In the light of such immense and difficult challenges, we have a great deal of interest in the role to be played by the International Labour Organization in the context of globalization and current trends, in protecting and defending workers' rights and achieving a balance between social and economic groups.

We should like to express our support for the Global Report under the follow-up to the Declaration on Fundamental Principles and Rights at Work. Freedom of association must be better integrated into the strategies aimed at achieving justice and alleviating poverty. We believe that trade union rights have a distinguished and unique place among workers' fundamental rights and are an effective tool for social and economic development.

We should also like to express our satisfaction in general with the Report on Activities of the ILO 1998-99 presented by the Director-General. However, we urge the Organization to increase its activities in the north African and African region, by supporting the ILO Cairo Office so that it can fulfil all the tasks which are expected of it in the various fields, and in particular in fostering the right to organize and the right to bargain collectively. The Office should also be provided with assistance for continuous training in human resource development and computer skills and for the campaign against child labour and for the improvement of the situation of women, which are matters of great importance to our Federation.

We are very interested in seeing to it that the Organization should play an important role in fulfilling its noble humanitarian mission; a fundamental role at the beginning of this new century, so as to achieve justice between the developed countries and the developing countries which are threatened by marginalization because of globalization.

We believe that our Organization should stand by the most disadvantaged countries, i.e., the developing countries, and that it must not allow any party to use globalization to their prejudice, or to sanction them under any pretext. Failing that, the workers and rights that the Organization is trying to defend, will be the primary victims. We know that this is an uphill struggle, but we agree on the need for the ratification and proper application of International Labour Organization's labour standards, and especially the core standards.

We must all work earnestly in order to ensure that globalization is a process of progress, and that countries are able to fight poverty and unemployment, develop their human resources, build their capacity for social protection and increase competitiveness in international markets without any barriers.

We must remember that passage in the ILO Constitution which says that poverty anywhere threatens prosperity everywhere.

Allow me to express our deep regret that the Governing Body this year took the decision not to continue holding a special sitting to discuss the deteriorating situation of workers in Palestine and the other occupied Arab territories.

My country has made efforts toward that end, and we are saddened that the sitting will not be held. Israel's abuse continues today. The permanent colonization of Palestine, the violation of fundamental principles and rights at work, and obstacles to the peace process are all continuing. We can only hope that the Resolutions Committee will vote in favour of providing assistance to the social partners in Palestine and the other occupied Arab territories as one of the first resolutions, and thus might send a clear message of solidarity, despite resistance from some quarters.

The Organization must show solidarity and provide tangible support for the workers in Palestine, the Golan and the part of southern Lebanon that remain occupied as long as the Israeli occupation and practices continue.
While we support a revised Convention on maternity protection, we would like to remind the Conference of the sufferings of mothers and women and children in Iraq as a result of the embargo imposed on the people and workers of that country. That embargo must be lifted immediately. We launch an urgent appeal to the ILO to take action for the alleviation of their suffering without delay.

Mr. MAMMADOV (Employers' delegate, Azerbaijan) — Let me extend to you the greetings of the Confederation of Entrepreneurs (Employers) of the Republic of Azerbaijan, representing the employers' organizations of our country for the first time at the International Labour Conference, and wish this session every success.

First of all, I would like to express my appreciation to the Director-General for the activities of the ILO in the period 1998-99 in the areas of the rights of workers and employers to freedom of association, tripartism and social dialogue, the effective recognition of the right to collective bargaining, an activity of interest to employers, labour legislation and labour relations, among others.

It is very important that the ILO is strengthening its activities in priority spheres such as training of staff and promotion of small and medium-sized enterprises. Countries such as the Republic of Azerbaijan, one of the transition countries, consider training employers and creating small and medium-sized enterprises to be very important issues. In my country, for example, there are 80,000 companies registered, 54,000 of which are small and medium-sized enterprises.

I would like to explain to you the importance of the private sector in the development of the economy of our country and the establishment of the Confederation of Entrepreneurs (Employers) of the Republic of Azerbaijan. I would like to stress that its role has already been fully accepted by our society. This is natural because 62 per cent of GDP now belongs to the private sector, whereas in 1993 it was only 24 per cent.

We see the main role of the ILO as strengthening employers' organizations in transition countries such as the Republic of Azerbaijan.

As I mentioned before, this is the first time that official employers' representatives from Azerbaijan take part in the International Labour Conference. The Confederation of Entrepreneurs (Employers) of the Republic of Azerbaijan was established on 5 March 1999 in Baku and it has about 400 direct members, 20 of which are professional associations, unions and 80 per cent of members are small and medium-sized enterprises.

Since its inception, the Confederation has focused on social and economic rights in the sphere of entrepreneurial activity, and has joined the process of tripartite cooperation, representing employers' interests and collaborating with the ILO.

The Azerbaijan Confederation of Entrepreneurs (Employers), together with the ILO, held a seminar on ways to constitute employers' organizations in transition countries in November 1999 in Baku. The representatives of the Minister of Labour and Social Protection, the Confederation of Trade Unions and the ILO Area Office in Moscow participated in this seminar.

We participated in the interregional seminar of the ILO on strengthening employers' organization in transition economy countries in May in Tbilisi, Georgia in the Subregional Conference on Labour and Social Rights for Countries of the CIS in December in St. Petersburg, and in the Tripartite Seminar on Labour Inspection in March in Baku.

I personally participated in the two-week seminar in April 2000 in Tel Aviv, Israel, for the leaders of the employers' organizations in the transition economy countries.

So, you see we have already started to organize a close mutual partnership and cooperation with the ILO. We believe that friendly mutual relations and joint discussions allow us to share our problems and come together to resolve them in a friendly and constructive way.

To strengthen ILO activity in the transition countries, I propose that: the ILO open an office in the Caucasus for the central Asian countries to coordinate its activity in these regions. Currently, the ILO has an Area Office in Moscow only and it is very difficult for our countries to go through Moscow. It would be better for the ILO to have a regional centre for central Asia and the Caucasus, located, for example, in Baku.

Second, the ILO might organize special seminars to improve tripartism with the participation of governments and workers' and employers' organizations from the transition countries.

Third, the ILO might launch a special programme to strengthen employers' organizations in transition countries, taking into account that employers' organizations in these countries are newly created or need to be created.

Original Arabic: Mr. HAMADE (Employer's delegate, Lebanon) — First of all, I would like to congratulate the President and the Officers of the Conference. I would also like on behalf of the employers and the Lebanese Industrialist Association and on my own behalf to greet and thank the friendly States and peoples that have supported Lebanon in its legitimate, human struggle in Southern Lebanon and the Western Bekaa.

The lesson that we have learned from this painful and bitter phase is that we must believe in ourselves and have unshakable faith in order to overcome our difficulties and crises. In this context, we appreciate the ILO's activities over the past two years, and hope to show the same faith and determination in dealing with the consequences of occupation and efforts to ensure the recovery of the Western Bekaa and Southern Lebanon. The ILO should include in its development projects a special programme for the rehabilitation of human resources in the liberated part of the country. These people must not be haunted by the spectre of unemployment, after having lived through the nightmare of foreign occupation.

We also have to rebuild destroyed infrastructure and rehabilitate educational and social civil institutions in the South of the country. We hope to work quickly with national agencies, concerned to devise a working plan that will prevent this disaster from becoming a social catastrophe.

In general terms, Lebanon is strongly committed to fundamental principles and rights at work and to ongoing cooperation with the social partners as a means of achieving prosperity and progress in Lebanese society. The three social partners have to make a quantum leap in terms of working methods and even ways
of thinking, if they are to realize the objectives I have just mentioned.

This quantum leap should contribute decisively to the transformation of Lebanon's economy from a rentier economy to one based on knowledge and productivity. This will enable our economy to cope with globalization and the information technology revolution. Concern about the ability to compete is shared by all countries. If Lebanon does not establish cooperation between the social partners, transcending the framework of individual business enterprises to satisfy our country's interest and develop our competitive edge, we will be adopting a "head in the sand" policy.

Partnership is essential, because economic changes is like quicksand. We therefore have to work rationally together and in new ways to strengthen our competitiveness.

Competence and experience are necessary prerequisites for a knowledge-based economy. Consequently, we have to devise a plan for the training and development of our human resources, including our managers, workers, civil servants and employers. We hope that this plan will focus on key areas such as productivity, improving product quality, total quality management, an export culture in the context of global competition and other essential topics.

Having read the Director-General’s Report, we can only express our approval of the strategic planning activities relating to ILO assistance for employers' organizations with services for their members in their fields of labour relations, human resources development and productivity. We would also like to stress the importance of Recommendation No. 189 (1998) and of the ILO's activities aimed at encouraging a number of countries to adopt partnership methods in order to help SMEs. We would like to mention ISEP, the International Small Enterprise Programme. Here we share the Director-General's view that this is an important event for the years 1998 and 1999 and one that needs to be emphasized. We would like to stress the importance of the Improve Your Business Programme, which we in Lebanon need. We hope that the ILO's efforts and activities will take this into account in the assistance they provide to our country.

We do not share the Director-General's view as regards freedom in Lebanon. We believe that we enjoy democracy and full freedoms, particularly freedom to work in all bodies and agencies both in the public and private sectors. In view of the importance of the Conference's agenda, we also attach a great deal of importance to maternity protection, this being a noble value. However, we hope the Convention will not adversely affect employment opportunities for women. We also need to examine the impact of this convention on small enterprises. With regard to employment and productivity, teaching and education have been adapted to the labour market, particularly in the fields of science and technology, which are changing very quickly. We need to build a productive society whose purpose is productivity.

In conclusion, I wish you every success. I would like to thank the ILO once again for having received, once again, the social partners from all countries to this extremely constructive rostrum for dialogue.

(The Conference adjourned at 1 p.m.)
Fourteenth sitting
Friday, 9 June 2000, 3 p.m.

Presidents: Mr. Agyei, Ms. Bauer

The PRESIDENT (Mr. AGYEI) — I would like to give the floor to the Clerk of the Conference to make some announcements.

COMMUNICATIONS
read by the CLERK OF THE CONFERENCE

The CLERK OF THE CONFERENCE — I have received a communication from the Employers’ Electoral College, dated 8 June 2000, which reads as follows:

The Employers’ Electoral College met on Thursday 8 June at 9 a.m. on the occasion of the 88th Session of the International Labour Conference in accordance with articles 50, 51 and 54 of the Standing Orders.

Mr. R. Thüsing was elected Chairman of the Electoral College. Mr. J.F. Retournard attended as Representative of the President of the Conference.

In accordance with article 54, paragraph 5, the Electoral College confirmed the appointment made by the Employers’ group of the Governing Body on 18 November 1999 of Mr. Lambert (United Kingdom) as Regular Member to replace Mr. A. Wild (United Kingdom).

(The meeting was adjourned at 9:15 a.m.)

The communication is signed by Mr. R. Thüsing, Chairman of the Employers’ Electoral College and J.F. Retournard, representative of the President.

The second communication was addressed in Spanish to the President this morning and reads as follows:

Joint statement by the Workers’ group and the Employers’ group on the situation relating to freedom of association and the right to organize in Venezuela

The President of the 88th Session of the International Labour Conference
Geneva, Switzerland, 8 June 2000

The undersigned wish to inform the 88th Session of the International Labour Conference and international public opinion of events which have been taking place in Venezuela and which constitute a serious risk to freedom of association and the right to organize, which are basic principles for workers and employers, recognized by the ILO in both its Constitution and in international labour Conventions Nos. 87 and 98, which Venezuela has ratified.

On 30 January 1999, the National Constituent Assembly approved a decree entitled Measures to ensure freedom of association, which was published about one month later in Official Gazette No. 36904, dated 2 March 2000. The provisions of the decree contravened Constitutional standards, international labour Conventions Nos. 87 and 98 on freedom of association and the right to organize, and also the National Labour Act.

The ILO, in the light of statements made by a number of Government representatives, in respect of its intentions to restrict the right to organize and freedom association, on 18 January 2000 sent a representative, and later two missions, to discuss these matters with the authorities of the National Constituent Assembly, and to submit a technical memorandum in which it stated that the proposed decrees, which were later published, were incompatible with the fundamental principles of the ILO.

For these reasons, the Workers’ group and the Employers’ group would like to highlight this situation and appeal to this Conference, to the International Labour Office and to the Venezuelan Government delegation to ensure full respect for international commitments assumed by the country with this Organization both in relation to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), and to the Declaration on Fundamental Principles and Rights at Work and its Follow-up. They also ask the Office to make available all necessary assistance in order to achieve this objective.

The Workers’ group and the Employers’ group would appreciate it if this statement could be read to the Conference and published in the Record of Proceedings.”

The Joint Statement is signed by Lord B. Brett, Governing Body Chairperson of the Workers’ group, and Mr. R. Thüsing, Governing Body Chairperson of the Employers’ group.

REPORTS OF THE CHAIRPERSON
OF THE GOVERNING BODY
AND OF THE DIRECTOR-GENERAL: DISCUSSION (cont.)

Original English: The PRESIDENT (Mr. AGYEI) — We shall now resume our discussion of the Reports of the Governing Body and of the Director-General.

Original German: Mr. SÁNDOR (Workers’ delegate, Hungary) — I would like to congratulate the President on his election and wish him, and the other elected Officers of the Conference, every success in your work. The Hungarian workers’ organizations would like to contribute actively to that success.

The calls for of globalization increasingly place a premium on cooperation, social consensus and genuine social partnership in the world of work. Day-to-day practice shows that the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted in 1998, is a valuable instrument. The Report which has now been published focuses attention on the principles concerning the fundamental
right that are necessary for sound economic and social development. In a period of far-reaching social and economic changes, it is in the interests of the trade unions and workers to enjoy the benefits of freedom of association and free collective bargaining.

Governments have a major responsibility for creating a framework for substantive dialogue and for ensuring that basic principles are respected. Social partnership, particularly those aspects that concern processes at the macroeconomic and legislative levels depends not only on the demands of the social partners. In order to fill these structures with content, we need to be sure that the Government clearly intends to reconcile the different interests. Given the destruction of structures for the reconciliation of interests and for consultations, it is important, but not in itself sufficient, that the national ILO Council play a role. The trade unions believe that this Council can help to make international experience and information part of the dialogue within the country and thus contribute to its success.

We consider that the amendments that were made last year to the Labour Code are incompatible with the principles and the spirit of social cooperation. These changes constituted a clear violation of workers' and trade unions' rights, and we have submitted a complaint on this to the ILO.

The Hungarian trade unions hope that the principles to which I have referred will be recognized by all participants in social dialogue, and that in future we will be able to cooperate in the spirit of tripartite consultation adopted by the ILO over two decades ago. The present system of tripartite consultations, and the lack of effective dialogue, can in fact lead to conflicts like those on which a debate was held yesterday in the Committee on the Application of Standards, at the request of the Hungarian workers, which led to a resolution concerning the obligations of the Hungarian Government.

In our opinion social dialogue and effective tripartite reconciliation of interests currently faces several problems in Hungary. Only stronger action by the social partners can compel the Government to bring about meaningful change at the national level. In the interests of more effective representation, talks were held recently between members on the workers' side, and the trade union confederations. In the past we have also found that cooperation with the Budapest Office of the ILO (CEET) is useful. This, and the talks held during the visit of the Director-General to Budapest, are particularly important and help to ensure that the standards and recommendations that have guided the ILO's work to date will be applied in day-to-day practice in Hungary and in the whole region. Thank you for your attention.

Mr. HYGUM (Minister of Labour, Denmark) — On behalf of the Danish delegation, I would like to congratulate the President and the Vice-Presidents on their election at this Conference.

The main focus of this Labour Conference is the Global Report, Your voice at work, under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. I would like to compliment the Director-General and his staff for an excellent Report. The Report touches on many important and relevant issues. It focuses on new challenges, especially sparked off by globalization and economic restructuring. The report favours more flexible modes of employment and rapidly changing systems of production and organization of work. It stresses how good governance in the labour market, based on respect of freedom of association and the right to collective bargaining, will contribute to sustainable development and social stability. In the long run, no country can afford not to build on these principles. This is a fact, and Denmark is proof that it is worthwhile. The model is characterized by widespread collective agreements, the existence of representative, strong and responsible organizations, and efficient tripartite cooperation. For this finely tuned machine to work, it is essential that all parties assume co-responsibility in their efforts to find solutions and, in particular, that all parties also assume responsibility for the implementation of the agreements reached.

The adoption of the Declaration on Fundamental Principles at Work and its follow-up was a defining moment for the ILO. The Declaration is a key instrument in promoting these basic rights and its positive effect is already demonstrated by the growing number of ratifications of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). Therefore, there is no logical reason why these principles should not be adopted universally, or why we still see so many and such grave violations of these basic rights.

With its tripartite structure, the ILO has a crucial role in convincing, not only the member States, but all parties involved, that implementing these rights and principles makes a major contribution to stable economic, political and social development, democracy and to fighting poverty. If we truly want to establish and consolidate these principles, then the slogan should be 'Make agreements, not war'. As we learn from the global picture, there is not only one model. Every country must find its own way, but based on the same valuable principles. However, the commitment of each of the three national constituent groups, is fundamental to the success of any national process. Denmark would not have been the socially stable and sound economic country it is today without these features.

Let me now turn briefly to the other items on this year's agenda. This year, the Conference is, hopefully, going to adopt a revised maternity protection Convention which will be ratified by many countries. The Danish Government hopes that the result will prove to be a modern instrument adapted to working conditions for women. Protection of women during pregnancy and after childbirth is an essential right, in order to protect women during this vulnerable period, and helps develop welfare societies. I also look forward to the outcome of the first discussion on safety and health in agriculture. Half of the world's labour force is employed in agriculture and it is one of the most exposed sectors. An ILO protective instrument is, therefore, badly needed. As far as human resources development is concerned, this is a subject which has a high priority in Denmark, and it is recognized as an important vehicle for continuous development. Therefore, I follow this year's general discussion closely.

Finally, I would like to draw your attention to yesterday's High-Level Meeting on AIDS, during which the ILO's specific role in the global partnership against this terrifying threat to humanity was addressed.
periods and low interest. The process of agricultural diversification and the promotion efforts for export of coffee and an agreement has been concluded for the consolidation of modernization of agriculture in our country and achieve the stability needed to attract foreign investment, which will help to promote economic progress with due respect for the role of law.

At present, the common objective of the countries of Latin America is the achievement of prosperity which depends to a large extent on the use and improvement of labour relations systems to help the social partners reach greater understanding, leading in turn to the full enjoyment of internationally recognized workers’ rights. In this respect, the Government of El Salvador has defined its position. The public sector plus private enterprise will together have to meet workers’ vocational training needs, and at the same time intensify their actions with respect to guidance, advice and training regarding productivity for the benefit of micro, small and medium-sized enterprises. We therefore support the inclusion on the agenda of this session of an item for general discussion on human resources training and development which will give the necessary guidance to the ILO for it possibly to conduct standard-setting activities in this field, leading to the adoption of a Convention or Recommendation adapted to current needs and opportunities and which will encourage entry into the labour market of vulnerable groups requiring greater care from all member States.

I would like to highlight that in our country we have seen the entry into force of the Act concerning equal opportunities for the disabled. This took place on 27 April, and it addresses the needs of people with physical, mental, psychological or sensorial disabilities. At the same time a human resources vocational training system has been set up. This principle is based on our Constitution, the Act regulating the labour sector, and the Labour Code, and it is an irrevocable right of Salvadorian workers that cannot be abolished or diminished in the future. In this regard our Government is carrying out an awareness campaign with the help of the media with the purpose of ensuring that one job in 25 in Salvadorian undertakings goes to a disabled person.

In agricultural policy, we have drawn up a national plan for agricultural renewal which is designed to revitalize the sector, one of the most important production bases of the country, using modern concepts of profitability and efficiency to increase employment, rural income and the quality of life of our workers. The decision has been taken to support efforts to maintain stable economic conditions which make it possible to consolidate the modernization of agriculture in the medium term and assure a constant supply of agricultural products to cover the demands of the population.

Amendments have been made to the special Act concerning protection of the ownership and marketing of coffee and an agreement has been concluded with the Ministry of Finance to facilitate the registration of intermediaries in the purchase of coffee, with information being disseminated through the respective associations. We have also stimulated access to rural credit by granting long repayment periods and low interest. The process of agricultural diversification and the promotion efforts for export and agricultural restructuring also include foreign trade transactions and the elimination of non-tariff barriers.

The Government recognizes that agriculture is a way of life for about half of the population of the country. Faced with this fact, the labour alliance plan is aimed at improving conditions to ensure increased profitability in agriculture, developing mechanisms which will strengthen the sector and ensure sustainable growth and productivity. In addition, it includes the development of non-agricultural productive activities in rural areas to improve the living standards of agricultural workers.

In view of these circumstances, we think it is appropriate for the International Labour Conference to adopt an instrument on safety and health in agriculture to guarantee that all agricultural workers should have protection equal to that given to workers providing services in the other sectors of the economy.

We would like to make some comments on Report IV, which covers the revision of the Maternity Protection Convention (Revised), 1952 (No. 103), and the Maternity Protection Recommendation, 1952 (No. 95), a topic which has been submitted for a second discussion so as to create new legal instruments.

I would like to mention the efforts the Government of El Salvador is making to drastically reduce child labour in its worst forms. We are on the verge of ratifying Convention No. 182, which is in the final stages of approval.

On this subject I would like to express my thanks for the technical cooperation received from the ILO multidisciplinary team based in San José, Costa Rica, which held a tripartite seminar in our country which analysed the importance of ratifying this Convention. There are also initiatives for the ratification of Conventions Nos. 100, 150, 155 and 156. Our Government is pushing for their ratification very soon.

As you can see, El Salvador is strengthening its cooperation and commitment to successfully face the challenges of the new millennium. We aspire to a proper social dialogue through a tripartite body, called the superior labour council, which will ensure a better understanding. That, in turn, will lead to increased well-being and equal enjoyment of social benefits.

Original Spanish: Mr. NIETO MENÉNDEZ (Minister of Labour and Social Welfare, El Salvador) — Eight years ago the Government of El Salvador committed itself to honouring the peace accords signed in Chapultepec in January 1992, which has made it possible for us to consolidate the process of democratization in our country and achieve the stability needed to attract foreign investment, which will help to promote economic progress with due respect for the role of law.

At present, the common objective of the countries of Latin America is the achievement of prosperity which depends to a large extent on the use and improvement of labour relations systems to help the social partners reach greater understanding, leading in turn to the full enjoyment of internationally recognized workers’ rights. In this respect, the Government of El Salvador has defined its position. The public sector plus private enterprise will together have to meet workers’ vocational training needs, and at the same time intensify their actions with respect to guidance, advice and training regarding productivity for the benefit of micro, small and medium-sized enterprises. We therefore support the inclusion on the agenda of this session of an item for general discussion on human resources training and development which will give the necessary guidance to the ILO for it possibly to conduct standard-setting activities in this field, leading to the adoption of a Convention or Recommendation adapted to current needs and opportunities and which will encourage entry into the labour market of vulnerable groups requiring greater care from all member States.

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The Government recognizes that agriculture is a way of life for about half of the population of the country. Faced with this fact, the labour alliance plan is aimed at improving conditions to ensure increased profitability in agriculture, developing mechanisms which will strengthen the sector and ensure sustainable growth and productivity. In addition, it includes the development of non-agricultural productive activities in rural areas to improve the living standards of agricultural workers.

In view of these circumstances, we think it is appropriate for the International Labour Conference to adopt an instrument on safety and health in agriculture to guarantee that all agricultural workers should have protection equal to that given to workers providing services in the other sectors of the economy.

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As you can see, El Salvador is strengthening its cooperation and commitment to successfully face the challenges of the new millennium. We aspire to a proper social dialogue through a tripartite body, called the superior labour council, which will ensure a better understanding. That, in turn, will lead to increased well-being and equal enjoyment of social benefits.

Original Arabic: Mr. AL-FAYEZ (Minister of Labour, Jordan) — In the name of God, the Merciful, the Compassionate! May the peace of God be with you! It is a pleasure for me to congratulate you, on my own behalf and on behalf of my country's delegation for the trust that has been placed in you by your election as President of this Conference. We wish you every success in your task.

I am pleased to be able to express our gratitude and appreciation to His Excellency, Mr. Juan Somavia, the Director-General, for his comprehensive and detailed Report on the activities and achievements of the ILO over the past biennium. We particularly appreciate the Organization's successes, which are the result of its praiseworthy efforts to realize its lofty and noble objectives.

I believe we can be satisfied and optimistic about the future, because we are all convinced by the content of this Report, namely that our Organization is capable of playing a central role in the world economy, thanks to its tripartite structure and to its unique position as an international reference point...
specialized in labour affairs and as a democratic forum for tripartite dialogue between the social partners.

In this scenario, we as Members of this Organization, should work to reinforce this role and the gains we have made in terms of global development achieved over many decades of work.

The Director-General has submitted the first Global Report under the follow-up to the ILO’s Declaration on Fundamental Principles and Rights at Work, dealing in particular with freedom of association and the right to collective bargaining. In Jordan we believe in peaceful dialogue between the institutions responsible for labour relations. We promote the involvement of the partners in decision-making within the framework of consultation and collective bargaining. This helps to improve relations between the social partners. As a result for the first time ever in Jordan, a minimum wage has been determined, so as to guarantee workers an adequate income to meet their needs and to live a free and dignified life.

Jordan is committed to implementing the six core Conventions concerning fundamental principles and rights at work. It is also a pleasure for me to inform you that my Government is considered to be among the first governments to have ratified the Worst Forms of Child Labour Convention, 1999 (No. 182). We have also set up a special department at the Ministry of Labour to assure follow-up to this Convention.

In Jordan we believe that a just, comprehensive and lasting peace has to be based on economic, social and cultural stability for all nations. In this connection, I would like to remind you of the speech given by King Abdullah II Bin Hussein at the 103rd Inter-Parliamentary Conference, held in the Jordanian capital at the beginning of May this year. His Majesty spoke to the Conference in the following terms, “it is time to set aside our differences and conflicts. We have to focus our efforts on investing in the future. It is also high time that we proclaimed that justice and security and recognition of other people’s beliefs and aspirations are necessary prerequisites for the building of a secure future for our peoples”.

Jordan welcomes the efforts made by the Organization with regard to follow-up to the resolutions concerning Palestine and the occupied Arab territories, but we urge the Organization to reinforce its assistance, and technical assistance in particular, in order to strengthen the chances of peace and alleviate human suffering.

We have observed that the portion reserved for Jordan in the programmes and activities of the last two years has not measured up to our expectations. We hope to receive more support from the Organization in the future through regional and local programmes and activities aimed at satisfying our aspirations.

In conclusion, I would like to wish the Conference every success.

Mr. YA TOIVO (Minister of Labour, Namibia) — My delegation’s comments to the Office relate to the progress made to date, and to decent work, taking into account that the operational activities started only in the last quarter of 1999.

In particular, we commend the efforts made by the Office to ensure that regional workshops take place. These workshops are aimed at exposing member States to how to prepare annual reviews and the impact that these would have on the development of their various national strategies towards respecting fundamental human rights at work.

We also support the Director-General for advancing and promoting the principles and values of the ILO. As we sit here today, the ILO has an observer status on both the International Monetary Fund Interim Committee and the World Bank Committee. For us, this is a very significant achievement, and we hope that some of the ILO values will be taken on board by these institutions.

Regarding the application of standards, my delegation finds it highly encouraging that 83 new ratifications have been recorded under the core Conventions, and that 125 ratifications of other Conventions have also been recorded. The amount and rate of ratifications should not, however, deter us from consistently guiding member States to implement the principles of these Conventions and ensure compliance.

One would undoubtedly submit that this would only be possible through the joint efforts of both the ILO and the member States concerned.

Let it therefore be our duty, as member States, to identify our areas of technical cooperation with the ILO and, through the ILO, with the multilateral agencies, as well as with our bilateral cooperation and development partners. We need technical assistance to create employment through localized programmes and projects in developing countries. In our part of the world, technical assistance towards the development and implementation of standards, aimed at the protection of the most vulnerable groups of our society, should be given priority. This would enhance our efforts to create decent work, the concept that we all treasure. We must nourish it in such a way that the youth of today will be able to reap better fruits in the world of tomorrow, than can the adults of today.

I therefore believe that discussions of the Report on training for employment, social inclusion, productivity and youth employment, would bring us one step closer to bridging the gap that exists between the demand within our labour market and the skills and capacity that our human resources training and development programmes are able to produce.

We support the efforts to modernize the ILO and would like to see more of a streamlined reporting structure. We need to react quicker to cases of non-compliance with the standards, especially fundamental Conventions. We, however, feel that the modernization and revision of standards should be aimed at strengthening the ILO values, instead of weakening them.

As part of this modernization effort, we are reviewing two Conventions. One, concerning health and safety in agriculture, and the other, on maternity protection. In both cases, we support the development and review of these standards, provided that these instruments enhance the ILO values. The appeal of my delegation is that the discussions of these Conventions should, in addition, translate into a workable Recommendation which, in practical terms, would assist member States to plan and implement programmes that would help minimize safety-related problems in this sector.

The HIV/AIDS pandemic and its devastating impact on the world of work, is now firmly included in the ILO agenda, and was thoroughly debated during
the special event. We hope that the momentum will not be lost.

I must mention that my Government fully appreciates the support channelled by the ILO to the Southern African Region, through the ILO/SAMAT in Harare, and within the framework of the active partnership policy. We fully recognize the importance of the Office, but we also see the need for improvement. We specifically wish to stress the continuous need to upgrade the capacity and efficiency of both the ILO and SAMAT in the Office in Pretoria.

My delegation and I would like to congratulate the President on his election at this august assembly, and we wish him all the best during the deliberations.

Original French: Mr. ONDOUA (Minister of Employment, Labour and Social Welfare, Cameroon) — It is an honour and a pleasure for the Republic of Cameroon to be taking the floor, through me, at this prestigious rostrum in order to express our opinion on the Report of the Director-General entitled Activities of the ILO 1988-90. Above all, we would like to warmly congratulate President and Officers of the Conference on their election, and we sincerely wish them every success in steering our session.

Cameroon's commitment to the ILO's constitutional goals dates from the time it became sovereign. It is therefore natural that Cameroon should concur with the three main chapters of the Report, namely those relating respectively to democracy and fundamental workers' rights, promoting employment, combating poverty and the protection of working people.

Our agreement is also clear from the fact that we have ratified 47 ILO Conventions, including the seven fundamental Conventions. The Worst Forms of Child Labour Convention, 1999 (No. 182), is in the process of being ratified, after it was adopted by the Conference in 1999.

Similarly, as far as workers' fundamental rights are concerned, freedom of association is a reality in Cameroon in the context of established pluralism. The Minimum Age Convention, 1973 (No. 138), was ratified in 1998 and the Worst Forms of Child Labour Convention, 1999 (No. 182), is in the process of being ratified, as I have already mentioned.

Tripartism and social dialogue are assured pursuant to the law and feature in consultations provided for under the Labour Code as well as in the work of the interministerial committees expanded to include the private sector. These are tripartite consultative bodies created to study the main social and economic challenges facing our country.

With regard to employment and the fight against poverty, a declaration has been adopted on a strategy to combat poverty, while sectoral plans have been drawn up and are in the process of being implemented in different areas. We are pleased to note that a national employment fund has existed for about ten years and that fresh impetus has been given to vocational training geared towards wage employment or self-employment. Strategies are in place to provide micro-financing through this fund and we expect that this in turn will contribute to reducing unemployment, a scourge fuelled mainly by the pressure of population growth and by a mismatch between the education and training provided by the formal educational system, on the one hand, and the qualifications required by the labour market on the other. This process of combating poverty seeks to integrate the categories which are usually excluded, namely women and young people.

Finally, with regard to protection of working people, we are currently reforming our social security system. Promotion of occupational safety and health is now a pressing matter.

Overall, Cameroon unreservedly supports the work of the Director-General as reflected in his Report. However, we would like to specifically highlight some of the challenges we face and state our expectations of the ILO in the areas concerned.

We have just noted that one of the main challenges we face is the fight against poverty. This fight can only succeed if we resolve to promote employment. While Cameroon has shown a genuine interest in the Jobs for Africa programme, we have to recognize that the programme would acquire an operational dimension if it were to create the jobs that are hoped for. Mobilization of financing is posing a problem and the ILO needs to take urgent action if some of the financing is to be provided. Mobilization of the donors has become a matter of extreme urgency, in view of the State's modest budget and the excessive strain which has been placed on it by debt servicing, financing of development and investment programmes, and the running costs of the State.

Another challenge which should be highlighted concerns modernization of judicial and institutional systems. This process is in full swing. The Government of the Republic of Cameroon would like to steer this process at its own pace, without repeated interference with or manipulation of its partners by international organizations such as the ICFTU and OATUU. I am thinking in particular about the ICFTU and OATUU whose destabilization strategies in Cameroon, as led by certain members of the local trade unions, are well known.

At a time when developing countries have their work cut out simply to survive in a globalized world, where poverty is a reality and the precariousness of living conditions is plain to see, Cameroon would like to rely on the ILO to help it to take up and successfully tackle these important challenges, with a view to modernizing the country so that it can survive in a millennium of globalization, but not standardization, where development is based on respect for identity and differences.

Mr. DIOJOSUMARTO (Employers' adviser, Indonesia) — First of all, on behalf of the Employers' Association of Indonesia, we would like to congratulate Mr. Flamarique on his appointment as President of the 88th Session of the International Conference. We would like also to express our appreciation and gratitude for the positive response given to Indonesia with regard to the ratification of the eight ILO core Conventions.

Indonesia, with a total population of more than 200 million, is now the fourth most populated country in the world and therefore commands a potentially influential position in international forums, especially in the field of human resources development and industrial relations.

For APINDO, the fact that the new Government ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), is considered a strategic decision and deserves the support of both the internal and the international parties concerned, including the ILO. This decision is in line
with the reform currently under way in Indonesia. As a result of this new development, we are glad that various labour issues and disputes have now been settled which were previously not in line with the principles of the ILO core Conventions. On the other hand, we are concerned that the current situation is often contrary to the objectives of the ILO core Conventions, particularly where freedom of association is concerned.

From APINDO's point of view we see positive aspects, the first of which concerns the freedom of association and the second the change from a single to a multi-union system. However, it seems to us that the principle of freedom of association is primarily used as a pretext to increase the power of the labour unions by activists. In practice, the freedom of association has gone too far, as if there is no longer any limit. Indeed, no day goes by without mass demonstrations and labour strikes, which tend to be followed by violent and sometimes criminal acts, destruction or looting of company property.

In our opinion the cause of this misconduct, which represents a distortion of the implementation of freedom of association, is mainly due to the fact that for more than 32 years the people have been repressed by the previous “new order” regime.

One of the main aspects of this situation, which requires our special attention, is the lack of understanding, the misinterpretation concerning the letter of the ratified core Conventions, particularly with regard to freedom of association and collective bargaining. We would like, therefore, to avail ourselves of this opportunity to request the ILO to continue to provide technical assistance in the implementation of socialization programmes at the grass-roots level all over Indonesia.

We would like to request that all ILO technical assistance and financial support be implemented by, and through, the ILO Office in Jakarta in such a way as to involve all the abovementioned actors, including APINDO, in the operational implementation of these programmes in the field.

For your information, in the same spirit of bipartite cooperation, we have initiated joint cooperation with NIKKEIREN Japan. I would therefore like to express our sincere gratitude and appreciation to NIKKEIREN for all the support that they have provided to APINDO, and I hope that other ILO members will follow the example of NIKKEIREN.

We are optimistic that if the above programmes can be successfully realized, then so will the commitment of our people to reshape the nation into a harmonious environment, particularly in the field of manpower and industrial relations, and the ratified ILO core Conventions will have achieved their purpose.

Finally, it is our hope that this 88th Session of the International Labour Conference will produce decisions that will benefit humanity in general and the business community in particular.

Original Russian: Mr. MYROSHNYCHENKO (Employers' delegate, Ukraine) — Firstly, I should like to congratulate the President on his election and I wish him every success in his work.

I should like to note that ILO activities in Ukraine over the last two years have been useful and effective. 1999 was a turning point in ILO activities. We are happy that the new ILO programme for 2000-01 concentrates on a limited number of strategic priorities. This will allow national institutions adapt to global economic change and promote the use of the results of globalization to benefit workers.

We support the ILO's efforts to strengthen its regional work, in particular, the work of the Multidisciplinary Advisory Team Central and Eastern Europe and in Budapest. Regional activities are useful in meeting the specific needs of countries and regions.

Items on the agenda of the Conference, including maternity protection at work, vocational training and education, and safety and health in agriculture, require thorough analysis and discussion. We are also very interested in the Reports of the Chairperson of the Governing Body and the Director-General, including the Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.

I would like to tell you briefly about the work of employers' associations in Ukraine. We have been concentrating on economic and social policy, with particular emphasis on wages and the prompt payment of wages, health and safety issues and social protection. Employers' associations are becoming more familiar with the mechanisms of collective bargaining and collective agreements. At the insistence of the employers, General Agreement now includes a section on creating conditions for the development of industry. We are restructuring our employers' organizations of on the knowledge that unless we consolidate the employers' associations and coordinate our activities, we cannot defend our legitimate rights. We have therefore, submitted a bill on employers' organizations to Parliament. This codifies for the first time the status of such organizations and procedures for their establishment.

We are also cooperating more extensively with the ILO and the IOE. This has given us the opportunity to study and draw on international experience in the fields of social and labour relations, social partnership and globalization. We are interested in more active operational and technical support from the ILO for projects within the active partnership programme, which believe will help the Ukrainian employers' organizations in their work.

Mr. KHETAN (Employers' delegate, Nepal) — I have the honour and the privilege of extending my hearty greetings on behalf of the employers of Nepal to the delegates, observers and other participants at the 88th Session of the International Labour Conference. It is also my pleasure to extend our heartfelt congratulations to the President and Vice-Presidents on their election to preside over the 88th Session of the Conference.

I wish to extend my sincere appreciation to the Director-General for his comprehensive Report and the role of the ILO in helping to create a better working world. I would like to congratulate the Director-General on his continued efforts to change the roles of the ILO to meet the challenges of the new century. I hope that we can join the Director-General in pursuing the necessary vision for the coming century.

I would like to start my deliberations by quoting Professor Jeffrey Sachs, the Director of the Harvard Institute for International Development. In a public lecture at the International Institute of Labour Studies, Professor Sachs said: “I do not believe that there is a single issue of greater importance in the world
today than that of understanding the links between globalization, economic growth and employment.” I think this issue requires proper understanding by all three social partners. I also believe that just understanding the issues is not going to help any economy. Firm commitment to all the intricacies in toto is needed from all quarters of society. We hope and wish that at the beginning of the century and the new millennium, this Conference will be able to give new reason, direction and strategies towards fulfilling our dreams for a better future for global society.

We heard the discussion of the Director-General’s Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, but all societies, and particularly those of underdeveloped countries like Nepal, with high rates of unemployment/underemployment, are living in a dilemma: whether to look for and establish the right to work or discuss year in year out issues pertaining to rights at work. We talk of human rights at work, but there is another problem in developing societies: guaranteeing the basic right to work to every citizen. The potential workers are neglected and rather sidelined in the overall development process. In a changed international scenario, can we not, the architects of international policies and strategies, look to and pursue the future with more practical vigour in understanding and managing the issues of growth and employment. I think this particular issue should be the focus of all of our endeavours and efforts.

Here, I would like to remind you of the 1998 Report of the Director-General, which pointed to the need to combat unemployment, underemployment and poverty. I also remind this august gathering of the 1998 Declaration of Philadelphia that “poverty anywhere constitutes a danger to prosperity everywhere”. May I propose that we consider declaring employment as the fundamental right of every “citizen willing to work”.

This Conference has been presented with a proposal concerning the revision of the Maternity Protection Convention, 1952 (No. 98). I would like to state categorically that we are in favour of safe delivery and a sound foundation for a better future for newborns.

Even if nobody is particularly against any provision in the proposed revision, proper care must be given to ensuring that protectionist policies should not defeat our overall goal of attaining gender equality and increased participation of women in the total workforce of all economies. Such provisions, noble in themselves, should not serve to demotivate or deter employers for employing more women. In our present society, employers are being given abundant responsibilities, often more than they can respond to. All the burden of failure of public offices is being piously ignored, and so is the very special situation in many societies, employers are being given abundant responsibilities, often more than they can respond to. All the burden of failure of public offices is being piously ignored, and so is the very special situation in many societies, employers are being given abundant responsibilities, often more than they can respond to. All the burden of failure of public offices is being piously ignored, and so is the very special situation in many societies, employers are being given abundant responsibilities, often more than they can respond to. All the burden of failure of public offices is being piously ignored, and so is the very special situation in many societies, employers are being given abundant responsibilities, often more than they can respond to. All the burden of failure of public offices is being piously ignored, and so is the very special situation in many societies, employers are being given abundant responsibilities, often more than they can respond to. All the burden of failure of public offices is being piously ignored, and so is the very special situation in many societies, employers are being given abundant responsibilities, often more than they can respond to. All the burden of failure of public offices is being piously ignored, and so is the very special situation in many.
countries in transition where professional training, which in former times was of very high quality, is now deteriorating because of insufficient investments.

In the context of globalization, this is a development which causes great concern. The international community has to assume its responsibilities if we want to prevent the growing disparities and marginalization of entire countries and regions. This would endanger peace and social justice and hamper economic development, which is essential if we are to combat poverty, underdevelopment, child labour, inequality and AIDS. The role of teachers and their trade union organizations in this context, cannot be underestimated. The Joint Meeting on Lifelong learning in the twenty-first Century: The Changing Roles of Educational Personnel, was held at the International Labour Organization from 10-14 April last. It highlighted the importance of the topic under discussion. This meeting also stressed that the importance which society attaches to teaching should be reflected in conditions of work, the level of training and opportunities for continuing training for teachers. This should also be reflected in the respect of teachers' rights, as this is the only guarantee of meeting the challenges of our developing world. In many countries and regions of the world, decent work, as dealt with by the Director-General of the ILO in last year's report, is not at all guaranteed for teachers. Far from it. If we want education and training to provide a bright future for our young people and to guarantee their social inclusion, we will have to pay greater attention to the living and working conditions of those who work as the guides and mentors of the young.

The World Confederation of Teachers wishes to continue to work together with the International Labour Organization, at global level and throughout the world, in all programmes for the defence of the fundamental rights of the young, workers in general and teachers in particular.

Original French: Mr. PIRLER (Employers' delegate, Turkey) — On behalf of the Turkish employers' delegation, and on my own behalf, I should like to congratulate the President on his election to lead the work of the Conference.

First of all I would like to express the satisfaction of the Turkish employers at seeing tripartite consultation as one of the central themes of this session of the Conference. We find this very useful and relevant at a time of dialogue and conciliation. Global competition obliges both governments and the social partners to engage in dialogue and to move towards compromise. We believe that the relative calm which characterizes Turkish industrial relations and has done so for some time is attributable to the introduction of tripartite dialogue and consultation. It is with particular pleasure that I would like to point out that this consultation, which started at first between the social partners, eventually came to involve the Government as well. Today tripartite consultation has been institutionalized in Turkey, in the Economic and Social Council. Although for the moment the council still has no legal basis, we are encouraged by the Government's promise to promulgate a law to legalize it in the near future.

I would like to take this opportunity to state that the Turkish tripartite consultation mechanism has developed in such a way that it serves as a model for other countries. This model has been influenced by the international trend towards giving greater importance to non-governmental organizations in the social field and in public administration.

Six Turkish NGOs, including our confederation and the workers' confederations, have thus adopted common positions on several economic and social problems by mobilizing their potentials and proposing alternatives aimed at solving them. They have thus played a decisive role in fostering social solidarity. The best example of the concrete success of this social solidarity is the adoption by the Government, with minor modifications, of the draft law on the economic and social committee, which had been prepared by these bodies.

This group, called "the Civil Initiative", continues unswervingly to carry out activities, and supports the stabilization programme set in place by the Government on 1 January 2000 to combat inflation.

The latest example of this solidarity appeared a few weeks ago in an anti-inflationist declaration signed by the NGOs belonging to this group. There is no doubt that the role of spokesman for public opinion which has so far been played by these organizations will in the future too be one of the most important symbols of social solidarity. We, the Turkish Employers, firmly believe that the intensification of the activities of the NGOs in our country can only consolidate our democracy and facilitate the solution of economic and social problems.

Today we are living in a world which has to face not only the problems created by investment, trade and employment, but also the problem of harmonizing economic, social and political standards with the social fabric of each country. More precisely, this challenge places the essential role of NGOs in social integration in the spotlight as the "glue of society".

These bodies, will no doubt play a fundamental role as the glue of society in the year 2000 and beyond. Governments must realize what is at stake, and behave accordingly. In other words, governments must commit themselves to a healthy application of "visions and missions", both national and international. There is no doubt that international organizations have an important role to play in this context.

With its tripartite structure, the ILO is a valuable model for other international organizations. However, the positive vision we have of the ILO's structures is clouded, unfortunately, by a less enthusiastic view of its functions.

We are pleased to once again have an opportunity at this International Labour Conference to express our opinion on this subject. The ILO should revise its policies and adapt to a constantly changing world, which is developing rapidly.

I would like to remind you that we, the Turkish Employers, are especially opposed to the repeated attempts by the ILO to impose the social standards of the developed countries on the developing countries. These attempts at uniformity tend not to take into account the reality of the social structures and the economic strengths of these countries.

We should make sure that "labour-friendly" approaches do not gradually become "protection-friendly" policies. The ILO and the World Trade Organization should not fall into this trap.

Before concluding, I should like to say that we are firmly convinced that the standards, and above all the Conventions of the ILO, should be general in nature and show flexibility. The standards and Conventions
should have the role of solving fundamental problems of industrial relations. To do so, they should be based on applicable principles and policies. The success of their application depends on their ability to cover subjects on which there is broad consensus. In other words, the ILO should play the role of social glue among countries, taking into consideration the specific conditions of each.

Original French: Mr. DIOP (Workers' delegate, Senegal) — May I start by congratulating Mr. Flamandre on my behalf and on behalf of the Workers' delegation of Senegal for his brilliant election as President of this Conference.

This year's session is without doubt a capital one in that it is taking place at a pivotal time when the ILO has to review more than 50 years of activities and to identify the prospects for the millennium to come.

True, since it was set up the ILO has made great progress in laying down international labour standards and in monitoring their application. Through its technical cooperation, it has also done much to help trade unions to enhance their members' capabilities and to play a more efficient role in collective bargaining and the social dialogue. But it is clear that the globalization of the economy, the liberalization of trade and regional integration are even greater challenges for the ILO.

We therefore welcome the Report of the ILO's Director-General, the main themes of which are democracy and workers' fundamental rights, promotion of employment and the fight against poverty, and the protection of workers, all of which are very much of concern to us.

The fight for democracy and workers' fundamental rights is an ongoing action, for our trade union organizations which, despite declarations of principle, constantly have to face attempts to destabilize them and to call into question the workers' achievements with their enterprises and worries.

The recent change in power alternation in Senegal, following transparent and democratic elections that were held in the whole world, has revived this keenness of the trade union movement of our country to continue its struggle to promote workers' fundamental rights and social dialogue. In this respect, I have to stress the eminently positive role played by the Senegalese press in this struggle. But, as you know Mr. President, poverty and social exclusion are the enemies of democracy.

It is clear that, in a world in which labour no longer exists or, if it does exist, it is no longer capable of meeting people's most fundamental needs and of giving them a decent, dignified life, democracy has no chance of prospering. That is why our trade union organizations remain convinced that the struggle for democracy and workers' fundamental rights is closely linked to that of job promotion and the fight against poverty. Here we have to congratulate the ILO on its Jobs for Africa programme in several African countries. But as the Director-General of the ILO, Mr. Juan Somavia, very rightly points out, what is needed is decent jobs which are capable of providing workers and their families with well-being and security.

Aware of the importance of such an approach, our trade union federations, at the initiative of the National Confederation of Workers of Senegal (CNTS) and with the support of the Workers' Federation of Quebec (FTQ), have set up an unemployment/retirement solidarity fund to combat unemployment and underemployment. This programme, which has obtained the approval of the public authorities and the Senegal employers' organizations, has already started the preliminary phase of its activities. There is no doubt that, as it develops, it will need the technical support of the ILO.

The future of the social security system is another cause of concern for the workers that we are. For years now, the international financial institutions have been constantly demanding that our governments carry out a radical reform of our social security systems. They propose the abolition of inter-generational solidarity, on which they have always been based, in favour of privatization and individualization by means of insurance schemes. It is obvious that workers cannot subscribe to this logic, which could easily jeopardize the achievements that the working class has struggled for.

In Senegal workers and trade union organizations have demanded and obtained the independent management of social insurance institutions. Today the working class of our country is proud to have won this battle and to have financially sound social insurance institutions that are capable of paying regular benefits to their members. Of course, we have to wage an ongoing struggle to keep these institutions alive in the face of the attempts to eliminate them.

The employment situation in the world is set out at length in the Report of the Director-General, who has rightly demonstrated that, in the face of flexibility of employment, the world of work needs to adapt and place particular emphasis on the tapping of sufficient human resources. It is obvious that education and training and the development of new skills and new competences are indispensable if we are to meet the needs of the labour market. Our trade union organizations cannot but support such an approach, in which they hope to play a leading role. They call on the public authorities and the employers' organizations to make their contribution to the achievement of these programmes.

Our tripartite organization, the ILO, has acquired great experience in the field of promoting human rights, trade union rights and social justice. The next millennium will certainly be one in which the aspiration to more freedom, more dignity and more justice will be expressed by hundreds of millions of people. It is the ILO's duty to continue to play the lead role in the achievement of this aspiration. If it succeeds it will have achieved its objective in accordance with the wishes of its founding fathers.

Original French: Ms. ZUNON KIPRE (representative of the International Social Security Association) — It is an honour and a genuine pleasure to greet you on behalf of the President and the Secretary-General of the International Association of Social Security, the ISSA, and the 370 member institutions throughout the world which are all working tirelessly to achieve more efficient management of the social security systems in their respective countries.

May I take this opportunity, firstly, to thank Director-General Somavia on behalf of the ISSA and myself for his support and cooperation in the realization of the objectives which are common to us all. I should further like to focus on some of the priority activities which the ISSA has defined for the forthcoming years.
As you no doubt are aware, social and economic trends in different regions of the world have become matters of increasing concern for our citizens over the last two decades, creating a certain feeling of insecurity. The big question is how to improve and extend social security benefits particularly to cover those who are outside formal systems of protection. And, what should we do to ensure that those who already have a certain level of social security cover maintain their faith in existing systems, and that the individual's sense of security is strengthened? These are the main questions that our association is attempting to answer through the ISSA initiative entitled "Strengthening the security in social security", officially launched on 9 September 1999 in Rome.

The main thrust of the ISSA initiative is to characterize and analyse the situation of persons or categories of persons with either no or only partial social security cover. As you know, lack of cover may be the result of a number of factors, such as the absence of welfare legislation that applies to all or part of the population, failure to apply existing legislation, or other factors such as a shortage of qualified personnel, inadequate infrastructure or deliberate non-participation by individuals in the welfare scheme.

The first phase of the initiative will address the question of whether existing practices and laws do enough to protect the individual with regard to the consequences of individual choices. We will also examine the kind of regulations that should be put in place to guarantee individual security in a context where different types of public and private schemes coexist.

Many of you have learned that for the biennium which has just begun, wider and more effective social protection for all is one of the four strategic objectives of the ILO. We hope that the joint efforts of our two organizations will help us to design appropriate social security schemes which will extend cover to more and more workers, particularly in the poorest parts of Africa and in other developing regions.

More generally, we are looking at the best way of adapting our activities to rapidly changing social and economic conditions throughout the world, and the implications of these changes for social security systems. We will report back to you the results of the ISSA initiative and the progress achieved by our various social security programmes on which our two organizations are working together.

Original Russian: Mr. HANCHARYK (Workers' adviser and substitute delegate, Belarus) — The guaranteed right to work, proper working conditions, decent pay according to generally recognized standards, which must of course take into account national conditions are the core values underlying the standards adopted by the International Labour Organization, and they are what defines its strategy and tactics.

This is extremely important because it is precisely these conditions that are necessary for the harmonious development of people at work. We always have to ask the question: "Are we really getting any closer to this goal? What are the results, and how are they being achieved?" This is precisely why we welcome and support the Director-General's efforts to strengthen the implementation of the Convention and the application of the fundamental Conventions relating to such vitally important aspects of work as child labour, the employment of women, and safety and health in agriculture.

In responding to today's challenges, it is important to achieve solid progress in labour relations which are the basis of stability and social peace. In this context, there is no doubt that we should approve the basic tenets of the Director-General's detailed Report.

It would be fair to point out that recently, contacts between Belarus and the ILO have become more active thanks largely to the ILO Moscow Office. A constant exchange of views, as well as many meetings and seminars have undoubtedly helped to increase mutual understanding on the problems of greatest importance to us, and I hope that this will be a good foundation for joint action in the future.

For the trade unions in Belarus, as in other countries, a pressing problem is the result of ensuring strict application of the ILO Conventions and Recommendations on freedom of association and collective bargaining which have been ratified by Belarus. It is no accident that the ILO attaches great importance to these documents, and this is stated very clearly in the Declaration on Fundamental Principles and Rights at Work and its Follow-up.

Why am I mentioning this from this tribune? In response to demands from the trade unions to correct its social and economic policy, to create more favourable conditions for the economic management of plants of all types of ownership, and to raise wages and ensure their prompt payment — a vital measure in overcoming poverty, which affects 40 per cent of the population — the authorities have taken action which can only be described as a violation of the national laws and ILO Conventions and as interference in internal trade union affairs. During the present round of trade union's elections we face pressure, threats to trade union leaders and attempts to dictate who should be elected to trade union committees. Our federation strongly objects to these actions. There is no doubt that we alone can and must achieve progress in the economy, in the social sphere and in respect for the rights and freedoms of citizens. We see it as our task to strengthen trade unions as organizations of workers, and to convince people of the justice of our cause by our actions. This is the basis for an effective social partnership and for any collaboration with the authorities and the employers' to solve social and economic problems and raise the general standard of living which is of such concern to the trade unions.

Here, we need support and help, for example in staff training in reconstruction and the creation of new jobs. I am sure that this approach will be far more useful than any threats to apply economic sanctions or restrictions on trade with Belarus. This just hurts ordinary people — the workers, whose life and health has in any case been undermined by the nuclear tragedy of Chernobyl.

I think that we are right to adopt this position, and hope everyone will agree.

(Ms. Bauer takes the Chair.)

Mr. MOLOPO (Minister of Employment and Labour, Lesotho) — May I first congratulate the President on his unanimous election to steer deliberations of this Conference. Allow me also to commend the Director-General and his team for presenting a Report that addresses the critical challenges facing this
era vis-à-vis maternity protection, human resources training and development, vocational guidance and vocational training, safety and health in the agricultural sector, tripartism and social dialogue, the application of Conventions and Recommendations, HIV/AIDS, fundamental principles and rights at work, the programme and budget, child labour, and so on and so forth.

May I first express our sincere gratitude and appreciation to the Director-General and his Office for the technical cooperation that the ILO continues to extend to Lesotho. I wish to thank them profoundly on behalf of my Government and on my own behalf as the Minister charged with the responsibility of employment and labour matters.

It would be remiss of me if I did not thank the ILO for the assistance it has provided in various fields, namely employment policy and labour market analysis, dispute resolution and settlement, occupational safety and health. All these programmes have come to an end. These projects have been of considerable help and importance to Lesotho as they brought about significant changes. Several workshops were held to train the social partners and other stakeholders on labour market issues, information analysis and occupational safety and health. A number of government officials were trained at the initiative of the project. Various regulations on occupational safety and health were promulgated at the initiative of the ILO and under its supervision.

In December 1999 a team of ILO experts visited Lesotho with the purpose of advising a board changed with the responsibility of setting up minimum wages in Lesotho. The mandate of the mission was to assist the said board in developing a scientific method of determining the new minimum wages mechanism. The team visited the country at our request as no scientific formula was being followed, which had led to a misunderstanding among the board's members.

The pilot project on dispute settlement and resolution that began two years ago is another innovation in our labour legislation, and I am gratified to apprise this august assembly that a draft Bill introducing a dispute resolution and settlement council has passed through our Parliament.

I would like to commend the ILO for organizing a very informative seminar on tripartism and social dialogue that was held in Botswana in May 2000 and in which we participated. My Government is committed to promoting tripartism and social dialogue among the social partners. In the process we are currently consulting the social partners to include other sectors of the community such as women and the disabled in the already functional structures, such as the National Advisory Committee on Labour, the National Council on Occupational Safety and Health, and the Minimum Wages Board.

The issue of human resources training and development through vocational guidance and vocational training, is very important for the people of Lesotho, and the Government is planning to increase the number of vocational training centres to equip people with the necessary skills and knowledge to reduce an unemployment rate of 40 per cent and to combat poverty.

On the issue of occupational safety and health in agriculture, we endorse the sentiments expressed in the Report of the Director-General. This Conference has decided to discuss this issue with a view to the adoption of a comprehensive international instru-
The Government of Burundi appreciates the strategic approach of the ILO which emphasizes planning by objectives, thus avoiding improvised and ineffective activities. However, the ILO should pay attention to the phenomenon of globalization, which will surely lead to new forms of labour relations. For a number of years now, the liberalization of trade, regional integration and the globalization have introduced social and economic environment changes that affect the world of work, labour structures and industrial relations.

The ILO must vigilantly seek out a proper response, appropriate to the needs and context of the moment.

Through the Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, we can see the ILO's commitment to promoting equity and combating poverty on the basis of freedom of association. The Report also notes that good governance of the labour market, based on the fundamental rights of workers, can powerfully contribute to making economic, social and political development stable.

My country fully supports that principle, and we hope that the workers will develop a responsible, active, constructive and participatory movement that does not just concentrate on putting forward demands and claims. This requires an attitude open to dialogue between the partners so as to promote healthy industrial relations. Workers' education should be given place of pride here.

Burundi has suffered through years of an internal crisis which has been the most serious one in its history. We hope that the negotiations under way under the leadership of President Nelson Mandela will eventually lead to a peace agreement to alleviate the suffering of the population as a whole, and of the workers in particular.

We call for help from the ILO and all friendly countries. The contributions of each of you to my country's reconstruction effort will be a mark of solidarity, a universal value of the Organization.

I would like to take this opportunity to thank the ILO very much for the assistance given to Burundi over the last few years. We would like the ILO to always be by our side to strengthen our ability to meet the multiple needs of a country emerging from a very harsh crisis, especially as regards the creation of job opportunities for young people.

The Government of Burundi will, for its part, continue to carry out all action needed to create a good social climate and a legislative and administrative environment that promotes the respect of fundamental principles and rights at work.

I would not want to conclude without mentioning something that is a serious threat to the world of work, and that is the HIV/AIDS pandemic. We all know that this scourge affects the most active and productive population age groups. Vigorous action should be taken to combat it. The HIV/AIDS pandemic should be a priority and should mobilize all the efforts of the ILO member States. Failing that a catastrophe, the extent of which cannot now be known, will completely disrupt the labour market and social security systems. We consider that this pandemic is also a serious threat to security and development.

Original Portuguese: Mr. SILVA (Workers' delegate, Cape Verde) — On behalf of our organization, the National Union of Cape Verde Workers (UNTC-CS), and on behalf of the Cape Verde workers, may I begin by congratulating the President on his election and wish him success in managing the work of this 88th Session of the International Labour Conference.

In this new millennium and at the beginning of the twenty-first century, the UNTCCS is fully aware of the profound social, economic and political changes which are taking place throughout the planet, and of their impact on the work of labour in particular. There are new international challenges and, consequently, new national challenges too. It is therefore extremely important that we approach this 88th Session with all due seriousness. It is the first of the millennium, and it offers an excellent opportunity to think together, to re-examine, to review the whole problem of development and of social justice in the ongoing globalization process.

The problem of development and social justice is more than ever the outstanding problem in any reading of the dynamics of the world economic and national realities, particularly where there is extreme poverty and mass unemployment, both of which lead to worrying phenomena of exclusion from society.

In Cape Verde's official data, the major indicators of development — whether real or estimated — show that the country has achieved results which are on the whole positive. Economic growth is more than 5 per cent, which should have led to a significant improvement in the well-being of the population and better social justice. But in fact this has not really happened and unemployment is still one of the biggest, perhaps the biggest, concern of Cape Verde society. At the present rate, more than 24 per cent of jobs are precarious. This is a reflection not just of a growing informal sector which is disorganized, which is unsupported, but also of the constantly increasing flexibilization of our labour laws.

There is a high poverty rate (about 30 per cent of the population is below the poverty line) which has not found a proper response in spite of the adoption of a national poverty plan. Inflation is above recommended values, and was running at about 4.5 per cent at the end of last year.

Socially speaking, some things have been done but there is still tension. The real ambitions of Cape Verdians to achieve better development of human resources have led to the planning and design of education and training programmes. However, there are still big bottlenecks in medium and advanced training. Resources are altogether insufficient for educational fees and cannot give everyone access to training programmes. The young people of Cape Verde want to follow training courses, but they look at their future with some anxiety. The country requires a lot of support to solve its problems.

The UNTCCS is firmly committed together with the employers' associations and the Government to contributing in this new century to the search for durable solutions to emerging problems.

Regarding the ILO Declaration on Fundamental and Principles Rights at Work, which is the subject of the Global Report presented by the Director-General to this session, we welcome the fact that the Government of Cape Verde has recently ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), which the UNTCCS has long clamoured for. The federation which I represent has for eight years been demanding the return of
its main asset, the 1 May Social Centre. On a ruling handed down by the Supreme Court on 9 December 1999, our confederation, unable to sell that property was finally recognized; this is a matter of great satisfaction.

We welcome the fact that the Government wholly or partially has changed the laws on demonstrations. These laws, as I think we all know, were a pretext to stop peaceful demonstrations by the workers, as was the case with the Journalists Union, and to arrest union members, which happened to two members of our own confederation. We have to express our disquiet at the persistent violation of union rights in Cape Verde, particularly the systematic use of requisitioning by the Government as a way of banning strikes or deny them any effect and the imposition of a rotation of Cape Verde workers' representatives in the National Labour Conference, in contempt of repeated recommendations by the Credentials Committee of this Conference.

The Government of Cape Verde has used the requisition procedure seven times since 1993. The last time was on 31 January this year when the firemen of the capital went on strike. To make matters worse, two of the firemen (one of whom was on strike), were illegally arrested, as was proven in court later.

In spite of this we are encouraged by recent conclusions and recommendations from the Committee on the Freedom of Association in response to two complaints presented by the ILO to our confederation and by the ICFTU against the Cape Verde Government. The complaints referred to the violation of union rights in Cape Verde, i.e. a ban on demonstrations and the use of requisitioning and imprisonment of union leaders.

We would like to express the wish that the Government of Cape Verde will comply with the recommendations of the ILO, and amend our national legislation so that the workers can, without any restriction, (particularly restrictions as regards, timing) exercise their right to demonstrate, and that it will set up an independent organization to resolve the dispute should there be disagreement as to the minimum service to be guaranteed during a strike.

Mr. TIMBO (Government delegate, Sierra Leone) — I would like to congratulate the President, Mr. Alhaji Dr. Ahmad Tejan Kabbah, the Government and the people of Sierra Leone, wish to express profound gratitude to the governments and people of those countries which, in one way or the other, especially by contributing fighting troops and other military equipment, have come to our aid at a most crucial time. This has given us some ray of hope that at last the cancer, which had eaten so deeply into the fabric of our society, is about to be removed.

In spite of this crisis, initial steps had been taken to meet the challenges of recovery which a war situation inevitably poses. One of these challenges is that of creating jobs, especially for ex-combatants, displaced workers and victims of conflicts. It also involves creating jobs for the growing number of unemployed and underemployed, whose situation is a consequence of years of economic decline, aggravated by the war situation. However, this does not mean jobs of any kind, but rather jobs which restore the loss of dignity and security that result from poverty and unemployment and afford these brothers and sisters the dignity and security that result from poverty and un-

Mr. Timbo then continued his speech, mentioning the steps taken by the Government to address the challenges of recovery and the importance of creating jobs for the growing number of unemployed and underemployed people. He also highlighted the significant role played by the international community in providing assistance and support.

The Government and people of Sierra Leone profoundly appreciate the rapid response to our request for assistance in the recovery and reconstruction of our battered nation. The two ILO missions in December last year and March this year, respectively, have proposed a number of employment promotion, poverty alleviation, and other programmes to address the socio-economic reintegration needs of the various groups affected by the war and to rebuild relevant institutions and damaged infrastructure.
Strategies for development can achieve a more balanced pattern of development if there are appropriate social institutions for ensuring that economic growth is accompanied by social progress. We need institutions that can promote popular participation in the decision-making process at all levels; strong and responsible employers' and workers' organizations which can embark on a democratic and rational dialogue and thus exert a far-reaching influence on social policy; an efficient labor administration capable of promoting improved working conditions and environment, and enforcing labor legislation; viable mechanisms for collective bargaining and negotiations, and for solving problems and disputes; social security schemes to ensure a reasonable degree of income security and to provide against occupational hazards and other social misfortunes. These are important elements to ensure that we live in freedom and dignity.

We therefore wish to appeal very strongly to the ILO to ensure that the programmes which they have formulated are implemented without delay so that the efforts which this Organization has made to bring about a wider measure of human dignity to the people of Sierra Leone are achieved. It is precisely in pursuit of this ideal that the Government has ratified six of the core ILO Conventions and is reviewing the possibility of ratifying a few more, including the Minimum Age Convention, 1973 (No. 138), the Worst forms of Child Labour, 1999 (No.182), and the Labour Relations (Public Service) Convention, 1978 (No. 151).

**Original Arabic:** Mr. DJEMAM (Representative of the International Confederation of Arab Trade Unions) — In the name of God, the Merciful, the Compassionate! Undoubtedly, the activities of the International Labour Office in the preceding period have been very important and diversified, yet Arab workers are still in need of more such activities, especially as the vast majority only speak Arabic. If we want to improve the ILO's output and efficiency, we feel that more major studies and documents should be translated into Arabic, particularly those that relate to freedom of association, collective bargaining, tripartite dialogue and information about the fundamental Conventions and their machinery. In this way, each party will be fully aware of its obligations and rights in an era when rights and freedoms are frequently violated in law and practice.

In fact in some countries these freedoms and rights are totally denied. We shall continue our struggle to gain, safeguard and enhance these rights, reaffirming the position taken by the Workers' group during the discussion of the Director-General's Global Report concerning these rights. We condemn in no uncertain terms the violations identified in that Report.

We look forward to enhanced cooperation with the International Labour Office in order to realize the aspirations of Arab workers in a manner consistent with the objectives of this Organization. At this juncture, we would like to express our concern about a matter that has been brought to our attention, namely that there exists a misunderstanding between the Director of the Regional Office in Beirut and his staff, which is adversely affecting the Office's activities and regional cooperation. The Director of the Regional Office bears a special responsibility in this regard.

Arab workers, aware of the problems facing them, decided at the Tenth Conference of the International Confederation of Arab Trade Unions, in Damascus in 1999 to establish an international trade union centre for freedom of association. They also inaugurated the building which houses the Arab Institute for Labour Studies, in Damascus. We hope that this Institute will become a source of inspiration for Arab workers. We also look forward to further cooperation with the International Labour Office and the Regional Office in Beirut to work together to ease the suffering of Iraqi workers. We also call upon the Governments of Iraq and Kuwait to find a humanitarian solution to the question of prisoners of war and missing persons in Iraq.

We support the ILO's role in searching for solutions to problems that have a negative effect on the situation of workers and on the economic and social development of their countries.

We also affirm that the Declaration on Fundamental Principles and Rights at Work must remain within the framework of the ILO, and should not become a tool for the economic protectionist policies of developed countries.

**Original French:** Mr. BOUTSIVONGSAKD (Employers' delegate, Lao People's Democratic Republic) — On behalf of the employers of the Lao People's Democratic Republic it is my honour to congratulate you on your election. I should also like to thank the Director-General of the ILO for his excellent Report which describes the enormous amount of work that has been done to improve working conditions, create jobs, promote tripartite consultation, combat poverty and eradicate the worst forms of child labour.

The Lao People's Democratic Republic has not yet ratified all the Conventions on the fundamental principles and rights at work. However, all these principles and rights have already been included in our Constitution and legislation.

We, the Employers, fully support consideration by our Government of the ratification of the Minimum Age Convention, 1973, (No.138), the Worst Forms of Child Labour, 1999 (No.182), and others as our country progresses economically and socially.

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Since our country is small, and still very under-developed, we fully support the equality of pay and treatment for men and women, and also equality for ethnic minorities in all spheres of our social life, according to their intellectual and technical capacities.

To achieve these ambitious long-term goals, we would like to receive financial and technical assistance from the ILO and other international organizations to support our efforts to promote basic education in the rural areas of our country, and to support our work in strengthening the employers' organization and promoting tripartite consultation.

We thank the ILO very warmly for having helped us in recent years to elaborate Decree No. 207 on the organization of social security in public and private enterprises. We hope this assistance will continue until this Decree is implemented at the end of this year.

In conclusion, I wish this Conference every success.

Original Albanian: Mr. LEKA (Government delegate, Albania) — On behalf of the Albanian Government, let me please express my best wishes and my congratulations and thank the organizers, for the invitation to this Conference, through which we can express the opinion of our Government in regard to the problems in question.

Great social, economic and political changes have brought about great transformations in the professional, educational and cultural structure of the Albanian population.

The 1990s found Albania in a very difficult social and economic situation. Outdated technologies and inefficient enterprises were inherited from the past. The beginning of reforms led to a complete collapse of production activity.

Currently, 59 per cent of the labour-age population, work and live, in the countryside and are involved in agriculture and animal husbandry. Only 3 per cent of the active labour force from the countryside has a second job. Around 22 per cent of those employed in agriculture seek a second job, while 12 per cent are unqualified and perform physical labour.

Developing economic activities is classified second place, while 32 per cent of those employed are concentrated in activities such as, trade construction, transport, education and health. Nine per cent of all those employed work in industry. Compared to 1990, employment in these activities has decreased by 12 per cent. This reduction is associated with changes in the professional structure of those employed, and it is obvious that there is an absence of varied professions, which means that Albanian industry is in crisis. Eighty-eight per cent of all those unemployed are seeking a job for the first time. In urban areas, mainly in the big industrial cities of the country, many professions are not practiced at all. Meanwhile, the free market economy is spearheading the need for the requalification of workers, according to market demand.

The need to survive taught people to orientate spontaneously towards the labour markets, at first as tradesmen opening up small shops, buying and selling, and in areas such as hotel management, restaurants, transport, gambling, currency exchange, car services, etc.

These professions required knowledge and experience but in the majority of cases this process was not guided by training programmes and took place without legal support.

The free movement of people after the 1990s and the closing of factories resulted in a massive rush of the population towards the big cities such as Tirana, Dureș, Vlora, etc. A majority of them were from the working-age population. These people were spontaneously integrated into the labour market and into urban community life.

At the same time, the labour market does not offer them an abundance of employment opportunities. The professions that they can practice consist mainly of different services, such as ambulance drivers, guards, masons, etc.

The free movement of the active population from the countryside towards the urban areas led to a decrease in agricultural and husbandry production and the disappearance of traditional professions. Therefore, import figures in this sector increased.

Another obvious phenomenon was that of emigration. The main contingent of emigrants came from different social layers, but the majority of them were intellectuals, and those who had been working in agricultural cooperatives and farms. In many cases, they worked in odd jobs, not related to their professions and specialities.

The loss of skilled workers in our country due to emigration is a great problem for our society. The Albanian Government is engaged in programmes and motivating projects to stop this phenomenon, taking concrete measures, such as the approval of the Law on Civil Services of the Public Administration, thus making this administration independent in its work.

One major issue is the fact that Albania needs professional education, which will serve as a technical basis for the future development of the country.

State policies are aimed at employment through the assistance of employment programmes, vocational training, liberalization of labour markets by creating private employment agencies and an increase in state and private capacities.

The Albanian Government has been working intensively to improve and compose the necessary legislation, such as that of education and vocational training, which is a new draft law. The main principles upon which this draft law, which will soon be approved by the Albanian Parliament, is based, are as follows: development of a democratic society; strengthening of the social dialogue; the right of each person to be professionally educated; the principle of lifelong learning; flexibility; decentralization; the links between schools and enterprises; self-financing, etc.

An important part of this law is the creation of the National Council of Education and Vocational Training as an advisory instrument to the Government, with the participation of all the actors in this field.

Due to our conditions, and due to the fact that Albania is in the first steps of development and consolidation of social dialogue, it is very important for the social partners to assume their role and responsibilities. Consciousness of this aspect is increasing on a day-to-day basis.

In this regard, I would like to stress the positive cooperation and serious engagement of the Albanian Government to include and cooperate closely in the future with the social partners, in order to solve the major problems of our country.

In order to achieve this cooperation, social partners must create their own technical and intellectual
capacities, and be a strong social and constructive instrument for developing our societies and the economy of our country.

The strengthening and consolidation of these structures, and qualification of their staff through special training programmes, is necessary. This will make them real and effective partners, and make it possible for them to carryout useful studies, with concrete technical recommendations.

We wholeheartedly acknowledge the commitment of the ILO in such important initiatives within the framework of the Stability Pact, such as instituting the regional table, and adapting international standards to labour legislation, the Social European Charter, the promotion of the social dialogue, the financing of projects for the protection and integration of children and women. We hope that this fruitful cooperation shall continue, and increase in the future. We also hope that our ideas will contribute to the success of this Conference, and we would like to thank you, once again, on behalf of the Albanian Government.

Ms. WATSON (representative of the Commonwealth Trade Union Council) — The Commonwealth is an association of 54 countries which identify themselves as having close historical links. Every continent is represented and the 1.7 billion people who live in the Commonwealth comprise over one-quarter of the world's population. There are rich countries and poor, heavily populated countries and those with fewer than 100,000 people. It is a microcosm of the world and new members are still joining, most recently Cameroon and Mozambique.

The Commonwealth usually hits the news headlines when there is a crisis in a member country: the military coup in Pakistan in 1999; the violence against members of the opposition in Zimbabwe in the run-up to the elections later this month; political instability caused by the Revolutionary United Front in Sierra Leone; the hostage situation in Fiji three weeks ago; and just this week, a similar hostage situation in the Solomon Islands.

Commonwealth trade unionists have been meeting during the International Labour Conference for 51 years, and in 1979 established the organization I represent, the Commonwealth Trade Union Council, or CTUC. The intention was to provide a mechanism for the trade union national centres in the member countries to support each other, exchange information and lobby Commonwealth governments and institutions on labour issues. I am very pleased that for the first time a CTUC representative has been invited to address this Conference in 2000. This is a good start to the new millennium for us.

Trade unionists throughout the Commonwealth are making a vital contribution to the campaign for peace, democracy and social justice. Trade unions in the developed countries have engaged in dialogue with their governments to influence aid programmes with the poorest countries. We have been active in campaigns to raise awareness of the international debt issue and particularly Jubilee 2000. Trade unionists have made a big contribution to the pro-democracy movement, most recently in South Africa and Nigeria, and currently in Fiji, Sierra Leone and Zimbabwe.

Forty-six of the 54 Commonwealth countries are members of the ILO, and the last time we did the calculation they had ratified the core Conventions 214 times. However, only six Commonwealth countries have ratified all seven Conventions, compared with 50 ILO member States. In 1999, for the first time, the CTUC compiled and published the position of the 46 Commonwealth countries in terms of ratification and compliance with the seven core Conventions. We presented the information to heads of government and we intend to produce a progress report every time they meet.

In addition to our advocacy work, the CTUC organizes education programmes in the developing countries of the Commonwealth. We employ a small number of local staff to organize programmes currently in Asia, the Caribbean region, East Africa and West Africa, and new plans are in the pipeline.

Raising the funds to support these programmes is a constant challenge. It is fair to note that since the end of the cold war there has been a scaling down in the resources available to undertake solidarity activities. But if globalization is to improve the lives of working people rather than increase their poverty, then trade unionists in developing countries need resources to campaign for the issues which are important to them. There is a need for greater north-south solidarity to replace the old east-west model.

A new area of work for the CTUC is engagement with business in debate about social responsibility and ethical practices. The Commonwealth Business Council believes in the need for improved labour standards and believes that the ILO is the appropriate body to deal with that area. We are waiting to see how they put that belief into practice. In the CTUC we would like to see closer cooperation between all Commonwealth institutions and the ILO, and we will do what we can to promote that.

Finally, I would ask you to cast your minds back to 1990 when I last addressed this Plenary session. I was a UK representative on the Committee against Apartheid. In my speech I referred to my hope that one day we would see a representative tripartite delegation from South Africa at the Conference. A few years later it happened. Think now of our sisters and brothers experiencing violence, poverty and fear in Fiji, Sierra Leone and Zimbabwe. All of us have an obligation to demonstrate our solidarity with their struggle. One day they may have to do it for us.

Original Spanish: Mr. PRETI JORQUIN (Employers' delegate, Guatemala) — I would like to congratulate the President and the Vice-Presidents on their elections; I am sure that they will guide this Conference to a successful conclusion.

We hope that this session of the Conference in the year 2000 will conclude with as positive results as those from the 87th Session of the Conference in 1999.

As an employer in my own country, Guatemala, I see the ILO taking a new direction which will doubtless encourage governors, workers, and employers to take a new perspective on challenges posed by the changing world order. Globalization, labour flexibility and economic policies have to be tackled on an innovative basis to make possible an economic and social development that will enhance the well-being of all peoples in this world.

The great necessity is that socio-economic development be sustainable and that means that the ILO and the member States have to formulate policies that are fitted to the requirements of a dynamic world in which
technology requires reskilling for the majority of the inhabitants of this planet at a rate so fast that there is barely time to think.

The Declaration on Fundamental Principles and Rights at Work provides solid pillars for the Organization that involve respect for the rights of work and that lead us straight to the concept of decent work.

The principal objectives of the dynamic business world are, among others, good relations between employers and workers, the result of which will be that productive systems will generate the necessary well-being for both. To achieve what we set out to do, the standard-setting activities of the ILO should be the clear objectives and should promote investment, the generation of employment and appropriate conditions in the labour market. Confrontational policies will act as disincentives for investment and generate more unemployment in the developing countries at a time when this is already at an alarming level.

The enterprise is the point where the economy and society converge. It generates jobs and, if the conditions are right, this work can be quality work, which is fulfilling for the workers and such as can provide them with health protection and promote proper education for their children. It is work that can provide the possibility of leaving aside savings for the family’s future.

Investment in human development is vital. Training and education have to be priorities of this Organization if it is hoping for tangible positive results in the short or medium-term. In that way small businesses, which are the driving force of the economy, will no doubt flourish, generate jobs and alleviate the serious unemployment situation in the world.

We face major problems, and development policies, dealing with economic financial and commercial issue, must go hand in hand with social policies, which are indispensable if the development models are to be credible and if the social partners are to work smoothly together.

The urgent need to adapt standards, social programmes and economic development initiatives must be addressed so that together they can enable society to benefit in the short term from better incomes, decent work and proper social protection.

Employers and workers, the former with the obligation of creating wealth and generating jobs, and the latter with that of assuming full responsibility for their work, should bring their interests together to their mutual benefit, and the ILO should facilitate this encounter so that governments can apply the results of dialogue through innovative legislation which is adapted to the new millennium and which can offer a better life for all.

Unfortunately, the trend of the debate on the Office’s reports during the present Conference has been anything but conducive to the enterprise sector investing in business.

We therefore urge the ILO to consolidate its leadership through its actions and through the setting of standards that are practical and, above all, ratifiable, so that they do not in any way destabilize the three supports of the machinery upon which this Organization is based.

Mr. MUSSANHANE (Employers’ delegate, Mozambique) — First of all, I would like to congratulate the President and Officers of the Conference on their election.

Before I begin, I would like to share a very short anecdote with you. While I was working, a colleague of mine asked what I was going to do at the rostrum and I said that my job would be very simple: my job is to talk to you and your job is to listen to me. If you finish first, before I do, will you let me know?

It is a great honour to be here today, on behalf of the Mozambique Employers’ group. The Mozambique Employers’ group sees the ILO forum as an appropriate place in which to discuss matters and issues relating to labour and development. So, we follow developments at the ILO with very special interest and are very happy to say that we will give all the support we can to help the ILO play its role.

We, as Mozambique employers, are very comforted by the support shown by the international community within the United Nations system, and the ILO in particular, during the floods in Mozambique. We now know that Mozambique has acquired a growing number of friends since the dark days of the floods and cyclone and in the process of reconstruction. For this, we are very grateful to the international community.

We see a strong link between tripartism, economic growth and employment promotion. Mozambique was benefitting from a very satisfactory recovery programme before the devastation of its economic and social infrastructures by the floods. Today, we need a workable concept as to how the Mozambique Government, workers and employers can best complete the recovery process. In that regard, we believe that ILO can play a very meaningful role. We therefore ask the Organization to provide assistance with social dialogue so that the social partners can together map out the road to successful wealth creation and enhanced social welfare.

Mr. VANNABOUATHONG (Workers’ delegate, Lao People’s Democratic Republic) — On behalf of the Lao Trade Union Central Committee, I am proud to attend the 88th Session of the Conference of the International Labour Organization and sincerely congratulate the Officers who have led the Conference to success and played an important role in enhancing solidarity, democracy and tripartite independence.

This Conference has several aspects of importance to all sides, such as the activities of the ILO over the past year, and the improvement of the constitutional provisions and regulations relating to the new working methods of the ILOs. They have demonstrated the efficiency of the ILO’s activities. Governments, employers and working people have expanded their roles to contribute actively to the success of the Conference and enhance the tripartite democracy for equality in the various fields of the Conference.

At present, the ILO is the main coordinating organization for the three tripartite partners. It protects the working people throughout the world. During the past years, the Lao Trade Union has received funding from the ILO to open a course for its officials, to help them to gain a better understanding of the ILO’s role and to become more aware of how to protect their interests and social provision, how to make a collective agreement, and how to fulfill their obligation to contribute to national, social and economic development.

The Lao Government is focusing on rural development aimed at creating a household economy for farmers, expanding model families and encouraging cultural economic groups and enhancing agricultural production to create a goods-based economy. As
regards ILO standards, the Government is preparing to adopt the Minimum Age Convention, 1973 (No. 138), and to publicize the Worst Forms of Child Labour Convention, 1999 (No. 182), with the aim of abolishing child labour in all economic and social spheres. It is also paying more attention to human resource development and to creating a new economic management mechanism through an open market policy, and by enhancing craft industries, construction and services which encourage direct foreign investment. This should help to alleviate poverty and gradually improve the living conditions of Lao people of all ethnic groups.

The Lao Trade Union has played an important role in educating, training and protecting the interests of Lao's working people. At present, the Lao Trade Union is focusing on training its officials and workers in the area of policy, law, culture, technology and science, and enhancing their vocational capabilities. However, there is still only limited knowledge of the methods needed to protect construction and industry workers and farmers from the labour crisis. In 2000 and 2001, the Lao Trade Union, together with the ILO Regional Office, will continue to implement a plan to open a training course on social insurance for trade union officials.

Dear friends, I would like to express our deep gratitude to the International Labour Organization and friendly countries for supporting and assisting the Lao Trade Union over the past years.

I have no doubt that this support and assistance will continue in the future.

(The Conference adjourned at 6 p.m.)
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Second item on the agenda: 
Programme and budget proposals 
and other financial questions

Report of the Finance Committee of 
Government Representatives

1. The Finance Committee of Government Representatives met on 5 June 2000 with 
Mr. M.A. Aji (Nigeria) as Chairperson and Reporter and Mr. Ledezma Vergara (Panama) 
as Vice-Chairperson.

Request of the Government of the Republic of Kazakhstan, 
under paragraph 4 of article 13 of the Constitution of the 
International Labour Organization, for permission to vote

2. The Committee had before it a request (document F.C./D.3) from the Government of the 
Republic of Kazakhstan for permission to vote at the Conference. This request was 
referred to the Finance Committee as a matter of urgency in accordance with paragraph 1 
of article 31 of the Standing Orders of the Conference. The text of the request, dated 
19 May 2000, is as follows:

Republic of Kazakhstan
Minister of Labour and Social Protection
Nikolay Radostovets

Astana, 19 May 2000

Dear Mr. Director-General,

I have the honour to inform you that the Government of the Republic of 
Kazakhstan would like to regain its right to vote in the International Labour 
Organization (ILO), and at the same time would like to make a proposal to settle 
its arrears of contributions.

The Government of Kazakhstan hereby reaffirms its commitments to the 
goals and principles of the ILO and would like further to take its full part in the 
activities of the Organization. The Government is intended to take practical 
measures to advance cooperation between ILO and the Republic of Kazakhstan 
by adoption of the programme of cooperation 2000-01, which will help to 
promote and supplement the activities, currently ongoing in Kazakhstan.

I would like to point out that the non-payment of contributions by 
Kazakhstan is due to the following reasons:
- an acute economic and financial crisis after the dissolution of the former Soviet Union;
- profound economic and social transformations, transition to the market-based economy; radical pension and social welfare reforms;
- establishment of new legislative, judicial and administrative institutions that required considerable budget expenses.

Thus, social and economic problems of the years of independence and the period of transition to the global market economy do not permit us to settle the arrears of contribution by a single and immediate payment.

In this regard, the Government of the Republic of Kazakhstan would like to submit to the 88th Session of the International Labour Conference a 20-year plan for settling its arrears to the Organization that have accumulated since 1993. The proposed plan for settlement of arrears is as follows:

(a) Kazakhstan will settle its current year's contribution of 168,079 Swiss francs this year.

(b) The accumulated contributions amounting to 5,146,707 Swiss francs will be settled in 19 instalments of 257,335 Swiss francs, beginning from the year 2001 to 2019, with the last twentieth instalment of 257,342 Swiss francs in 2020.

(c) Kazakhstan is determined to settle subsequent years' contributions in the year in which they become due.

On behalf of the Government of Kazakhstan, I would ask you to submit this proposal to the 88th Session of the International Labour Conference for approval so that my country could regain its voting rights and enjoy other rights as a Member of the Organization.

In the hope that this proposal will receive favourable consideration, I assure you, Mr. Director-General, of my highest consideration.

Yours sincerely,

(Signed) Nikolay Radostovets,
Minister of Labour and Social Protection
of the Republic of Kazakhstan.

3. The Committee noted the provisions of paragraph 4 of article 13 of the Constitution of the ILO, also articles 31 and 32 of the Standing Orders of the Conference, the texts of which appear in Appendix I to this report.

4. The Committee also noted that since becoming a Member of the ILO in 1993 the Republic of Kazakhstan had made no payments in respect of its assessed contributions. The total outstanding at 31 December 1999 amounted to 5,146,707 Swiss francs, covering the assessed contributions from 1993 to 1999. The 2000 contribution of 168,079 Swiss francs had also not been paid.

5. The representative of the United Kingdom noted that Kazakhstan had faced serious economic difficulties in recent years and he expressed support for the special arrangement to be approved so that it could regain the right to vote.
6. The Committee, being satisfied that the failure of the Republic of Kazakhstan to pay its arrears was due to conditions beyond its control, in accordance with the provisions of paragraph 4 of article 31 of the Standing Orders of the Conference, reports to the Conference as follows:

(a) That the failure of the Republic of Kazakhstan to pay in full the amounts owing was due to conditions beyond its control as explained in the letter in paragraph 2 above.

(b) The financial relations between the Republic of Kazakhstan and the Organization have been set out in paragraph 4 above.

7. The Committee accordingly recommends the adoption by the Conference of the resolution concerning the granting to the Republic of Kazakhstan of permission to vote under paragraph 4 of article 13 of the Constitution of the International Labour Organization, the text of which appears at the end of this report.

Request of the Government of Ukraine, under paragraph 4 of article 13 of the Constitution of the International Labour Organization, for permission to vote

8. The Committee had before it a request (document F.C./D.4) from the Government of Ukraine for permission to vote at the Conference. This request was referred to the Finance Committee as a matter of urgency in accordance with paragraph 1 of article 31 of the Standing Orders of the Conference. The text of the request, dated 26 May 2000, is as follows:

Kyiv, 26 May 2000

Dear Mr. Director-General,

I have the honour to inform you that the Government of Ukraine would like to settle the problem of arrears due to the International Labour Organization and retain its right to vote.

The substantial arrears accumulated by Ukraine were due to reasons beyond its control. They result from an outdated system of expenditure apportionment, which during many years was unable to take into account adequately Ukraine’s capacity to pay and deal with its changed economic and financial circumstances. As a result, Ukraine’s contributions due to the ILO budget in 1996-98 are almost three times more than the amounts corresponding to its capacity to pay.

At present Ukraine is undergoing a difficult stage in its development. Accelerated implementation of radical economic reforms and transformation toward a new society, enhancing indications of economic growth, require considerable additional material and financial resources.

We still have to allocate a significant part of the state budget to eliminate the consequences of the Chernobyl nuclear disaster. Furthermore, considerable additional funds are needed for shutting down the nuclear power plant itself.
6. The Committee, being satisfied that the failure of the Republic of Kazakhstan to pay its arrears was due to conditions beyond its control, in accordance with the provisions of paragraph 4 of article 31 of the Standing Orders of the Conference, reports to the Conference as follows:

(a) That the failure of the Republic of Kazakhstan to pay in full the amounts owing was due to conditions beyond its control as explained in the letter in paragraph 2 above.

(b) The financial relations between the Republic of Kazakhstan and the Organization have been set out in paragraph 4 above.

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At present Ukraine is undergoing a difficult stage in its development. Accelerated implementation of radical economic reforms and transformation toward a new society, enhancing indications of economic growth, require considerable additional material and financial resources.

We still have to allocate a significant part of the state budget to eliminate the consequences of the Chernobyl nuclear disaster. Furthermore, considerable additional funds are needed for shutting down the nuclear power plant itself.
Thus, economic problems during the transition period do not permit us to pay all arrears by a single and immediate payment in one instalment.

Nevertheless, the Government of Ukraine confirms its commitment to the purposes and objectives of the International Labour Organization. Wishing to continue fruitful cooperation with the International Labour Organization and full-fledged participation in its work, our Government is currently seeking ways to pay off its arrears.

I would, therefore, kindly request that you submit the following proposal concerning the settlement of Ukraine's arrears of contributions to the Finance Committee of the International Labour Conference at its 88th Session:

(a) Ukraine will settle its current year contribution of 618,347 Swiss francs this year;

(b) the accumulated arrears of contributions amounting to 7,911,805 Swiss francs will be settled, beginning from the year 2000, by payment of 14 equal annual instalments of 527,454 Swiss francs, and a final instalment of 527,449 Swiss francs;

(c) Ukraine is determined to settle subsequent years' contributions in the year in which they become due.

On behalf of the Government of Ukraine, I would ask you to submit this proposal to the 88th Session of the International Labour Conference for approval so that my country could be permitted to vote and enjoy other rights as a Member of the Organization in accordance with article 13, paragraph 4, of the Constitution of the ILO.

I hope that this proposal will receive favourable treatment.

Please accept, Mr. Director-General, the assurances of my highest consideration.

(Signed) Ivan Sakhan.

9. The Committee noted the provisions of paragraph 4 of article 13 of the Constitution of the ILO, also articles 31 and 32 of the Standing Orders of the Conference, the texts of which appear in Appendix I to this report.

10. In examining the financial relations between Ukraine and the Organization over the last ten years, the Committee noted that the following payments in respect of assessed contributions had been made to the ILO:

<table>
<thead>
<tr>
<th>Date of payment</th>
<th>Amount in Swiss francs</th>
<th>Details of payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>13 February 1990</td>
<td>1,798,200</td>
<td>Balance of 1989 contribution and part 1990 contribution</td>
</tr>
<tr>
<td>3 July 1990</td>
<td>1,798,001</td>
<td>Part 1990 contribution</td>
</tr>
<tr>
<td>19 June 1991</td>
<td>1,792,636</td>
<td>Part 1991 contribution</td>
</tr>
<tr>
<td>13 May 1993</td>
<td>187,993</td>
<td>Part 1991 contribution</td>
</tr>
<tr>
<td>11 August 1993</td>
<td>198,185</td>
<td>Part 1991 contribution</td>
</tr>
<tr>
<td>7 October 1993</td>
<td>568,964</td>
<td>Part 1991 contribution</td>
</tr>
</tbody>
</table>
### Contributions Outstanding

<table>
<thead>
<tr>
<th>Date of payment</th>
<th>Amount in Swiss francs</th>
<th>Details of payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 November 1994</td>
<td>5 322 646</td>
<td>Balance of 1992 contribution and part 1993 contribution</td>
</tr>
<tr>
<td>8 November 1995</td>
<td>2 278 783</td>
<td>Balance of 1993 contribution and part 1994 contribution</td>
</tr>
<tr>
<td>30 May 1996</td>
<td>2 510 981</td>
<td>Part 1994 contribution</td>
</tr>
<tr>
<td>31 December 1996</td>
<td>2 454 777</td>
<td>Part 1994 contribution</td>
</tr>
<tr>
<td>6 January 1999</td>
<td>3 162 703</td>
<td>Balance of 1996 contribution and part 1997 contribution</td>
</tr>
</tbody>
</table>

Contributions outstanding at 31 December 1999 amounted to 7,911,805 Swiss francs, covering assessed contributions for 1997-99. The 2000 contribution of 618,347 Swiss francs had also not been paid.

11. The representative of the United Kingdom expressed support for the special arrangement to be approved so that Ukraine could regain the right to vote.

12. The representative of Slovakia said that Ukraine deserved the fullest encouragement in its commitment to the ILO and expressed strong support for the request to regain the right to vote.

13. The Committee, being satisfied that the failure of Ukraine to pay its arrears was due to conditions beyond its control, in accordance with the provisions of paragraph 4 of article 31 of the Standing Orders of the Conference, reports to the Conference as follows:

   (a) That the failure of Ukraine to pay in full the amount owing was due to conditions beyond its control as explained in the letter in paragraph 8 above.

   (b) The financial relations between Ukraine and the Organization have been set out in paragraph 10 above.

14. The Committee accordingly recommends the adoption by the Conference of the resolution concerning the granting to Ukraine of permission to vote under paragraph 4 of article 13 of the Constitution of the International Labour Organization, the text of which appears at the end of this report.

### Request of the Government of the Republic of Liberia

under paragraph 4 of article 13 of the Constitution of the International Labour Organization, for permission to vote

15. The Committee had before it a request (document FC/D.9) from the Government of the Republic of Liberia for permission to vote at the Conference. This request was referred to the Finance Committee as a matter of urgency in accordance with paragraph 1 of article 31 of the Standing Orders of the Conference. The text of the request, dated 6 June 2000, is as follows:
Mr. Director General,

I have the honour to extend my compliments and am pleased to inform you that the Government of the Republic of Liberia would like its voting rights to be restored in the International Labour Organization (ILO), and in the same vein submit to the Finance Committee of Government Representatives, through you for consideration, a proposal to settle the country's arrears due to the organization from 1991-1999.

The Republic of Liberia, especially in view of its status as a founding member of the ILO would like to reaffirm its faith in the principles and objectives of the organization and actively play its role as a member country.

Please be informed that the non-payment of contributions by Liberia, particularly in the last ten years was due to the following reasons:

- the Liberian civil war which lasted for seven years;
- most of the revenue generating sectors in the economy (mining and agricultural concessions) were worst hit and folded up following the war;
- since the 1997 elections, the Government's meagre resources have been directed at resettling displaced people and bringing relief to other victims of the war;
- limited national resources have also been pressured by the resuscitation of major services like health and education, very crucial to the national reconstruction process.

The ILO would agree with the Government that the task of reconstruction, following years of a devastating war cannot allow us to immediately and through a single payment clear our arrears.

Accordingly, I should be pleased, Mr. Director-General, if your good Office could assist the country in submitting the following proposal on the settlement of arrears of contributions to the ILO from 1991-99 to the Finance Committee of the International Labour Conference sitting at this 88th Session for approval:

(a) In 2000, Liberia will fully settle its current year's contribution of 7,152 Swiss francs as a first step in expressing its commitment to its financial obligation to the organization.

(b) The accumulated arrears amounting to 238,377 Swiss francs (from January 1991 to January 1999) will be settled in 20 instalments of 11,919 Swiss francs each.

(c) Liberia is determined to settle subsequent years' contributions in the year in which they become due.

Mr. Director-General, I would like you to submit this proposal on behalf of the Government of Liberia to the 88th Session of the International Labour
Conference for approval to enable my country to vote and enjoy other rights as a member country in accordance with article 13, paragraph 4 of the Constitution of the ILO.

While anticipating the consideration of this proposal, please accept the assurances of my highest esteem.

Very truly yours,

(Signed) Christian H. Neufville, Minister.

16. The Committee noted the provisions of paragraph 4 of article 13 of the Constitution of the ILO, also articles 31 and 32 of the Standing Orders of the Conference, the texts of which appear in Appendix I to this report.

17. In examining the financial relations between the Republic of Liberia and the organization over the last ten years, the Committee noted that the following payments in respect of assessed contributions had been made to the ILO:

<table>
<thead>
<tr>
<th>Date of payment</th>
<th>Amount in Swiss francs</th>
<th>Details of payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 December 1994</td>
<td>4,981</td>
<td>Balance of 1987 contribution</td>
</tr>
<tr>
<td></td>
<td>27,874</td>
<td>Full 1988 contribution</td>
</tr>
<tr>
<td></td>
<td>34,053</td>
<td>Full 1989 contribution</td>
</tr>
<tr>
<td></td>
<td>28,914</td>
<td>Full 1990 contribution</td>
</tr>
<tr>
<td></td>
<td>16,707</td>
<td>Part of 1991 contribution</td>
</tr>
</tbody>
</table>

18. Contributions outstanding at 31 December 1999 amounted to 238,377 Swiss francs, covering the assessed contributions from 1991 to 1999. The 2000 contribution of 7,152 Swiss francs had also not been paid.

19. The Committee, being satisfied that the failure of the Republic of Liberia to pay its arrears was due to conditions beyond its control, in accordance with the provisions of paragraph 4 of article 31 of the Standing Orders of the Conference, reports to the Conference as follows:

(a) That the failure of the Republic of Liberia to pay in full the amount owing was due to conditions beyond its control as explained in the letter in paragraph 15 above.

(b) The financial relations between the Republic of Liberia and the Organization have been set out in paragraph 17 above.

20. The Committee accordingly recommends the adoption by the Conference of the resolution concerning the granting to the Republic of Liberia of permission to vote under paragraph 4 of article 13 of the Constitution of the International Labour Organization, the text of which appears at the end of this report.
Status of collection of member States’ contributions

21. The Committee had before it document F.C./D.2, containing information on the status of collection of member States’ contributions as at 30 May 2000.

22. The representative of the Director-General (the Treasurer and Financial Comptroller) reported that in addition to the information contained in the Office paper, contributions had been received from the following member States:

<table>
<thead>
<tr>
<th>Country</th>
<th>Swiss francs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argentina</td>
<td>89 038</td>
</tr>
<tr>
<td>Bolivia</td>
<td>25 207</td>
</tr>
<tr>
<td>Libyan Arab Jamahiriya</td>
<td>960 927</td>
</tr>
<tr>
<td>Oman</td>
<td>71 559</td>
</tr>
<tr>
<td>Zambia</td>
<td>33 244</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1 179 975</strong></td>
</tr>
</tbody>
</table>

23. In reply to a query from the representative of Lebanon, the Treasurer explained that table A of the appendix to document F.C./D.2 contained details of member States which had paid their 2000 contributions in full, table B showed member States which had paid part of their 2000 contributions in cash, table C showed member States which had not yet paid but had received certain credits towards their 2000 contributions, and table D showed member States which had neither made payments nor received credits towards their 2000 contributions. Footnote 1 to the tables showed that credits for other than cash payments included in the total amounted to 1,448,781 Swiss francs.

24. *The Committee took note of the information in the document.*


26. The representative of the United Kingdom noted that a correction was required to the text of paragraph 33 of the appendix to document F.C./D.5. The last two lines of the English text should be deleted and the sentence ended after the phrase “... code of conduct”.

27. The representative of Japan noted that the report of the External Auditor raised a number of issues, the most important of which was that programme delivery and administrative support for IPEC had not kept pace with the funding available. He expressed the hope that the Office would take steps to resolve these problems and that it would make a progress report to the Governing Body in due course.

28. The representative of the Netherlands was pleased to see that the Office had accepted without reservation all of the recommendations put forward by the External Auditor. Admittedly, there were problems at the moment with IPEC but as the Director-General had mentioned the question of support costs for extra-budgetary activities would be discussed

29. The representative of Hungary expressed appreciation for the report of the External Auditor and commended the Office for the action it had taken in response to recommendations in earlier reports. He expressed support for the adoption of the Financial Statements for 1998-99.

30. **The Committee recommends that the Conference adopt the Financial Report and Audited Financial Statements for 1998-99 in accordance with article 29 of the Financial Regulations, and accordingly that it adopt the resolution the text of which appears at the end of this report.**

**Treatment of 1998-99 cash surplus**

31. The Committee had before it Report II: Information concerning the Programme and Budget for 2000-01 and other financial and administrative questions, containing a draft resolution for the treatment of the 1998-99 cash surplus.

32. The representative of Japan was happy to support the point for decision but reiterated his Government's view, expressed at the March session of the Governing Body, that in principle cash surpluses should be returned to member States and that this proposal should be regarded as a one-off arrangement. He suggested that there should be regular progress reports on the project and asked for some indication when the first might be available.

33. The representative of Lebanon asked for information on how the cash surplus for 1998-99 arose. Was it a result of excessive assessments on member States, underspending on programmes, or both?

34. The representative of Kenya congratulated the Office for achieving a surplus in 1998-99 which seemed to be the result of a combination of over-provision for cost increases and also contributions received in excess of amounts assessed on member States for 1998-99. It was important for the Office to keep up to date with modern technology and he therefore expressed support for the proposal to set up a special fund of 38,250,000 Swiss francs for the purchase of new computer systems. However, this arrangement should not be regarded as a precedent for automatically establishing special funds and in future surpluses should be returned to member States in accordance with the Financial Regulations.

35. The Treasurer, in reply to the representative of Japan, said that work on the project would begin immediately after the Conference if the proposal regarding the use of the cash surplus was approved, and the first progress report would be submitted to the Governing Body at the November 2000 session. In reply to the representative of Lebanon, he explained that about one-half of the surplus represented an over-provision for cost increases in the 1998-99 biennium, and the remainder, as the representative of Kenya had correctly observed, represented payments for arrears of contributions for previous periods received during the 1998-99 biennium.

36. **The Committee recommends that the Conference adopt this resolution, the text of which appears at the end of this report.**
Assessment of contributions of member States

37. The Committee had before it Report II: Information concerning the Programme and Budget for 2000-01 and other financial and administrative questions, containing a draft resolution concerning the rate of assessment for the Republic of Kiribati which had joined the ILO on 3 February 2000.

38. The Committee recommends that the Conference adopt this resolution, the text of which appears at the end of this report.

Scale of assessments of contributions to the budget for 2001

39. The Committee had before it Report II: Information concerning the Programme and Budget for 2000-01 and other financial and administrative questions, and also document F.C./D.6, containing a draft scale of assessments for member States’ contributions for 2001.

40. The representative of the United States recalled that it had sought advance approval for the adoption of the United Nations scale for 2001 as the basis for the ILO scale for 2001 when this matter had been discussed by the Government members of the Programme, Financial and Administrative Committee of the Governing Body. He regretted that the Committee and the Governing Body were not able to support this proposal and recommend it to the Conference for adoption. The United States was giving top priority to the payment of arrears of contributions to all UN agencies of which it was a member, but under recently enacted United States legislation this was conditional upon the adoption of a revised scale of assessments and other reforms in certain agencies, including the ILO. The adoption of the United States proposal would clear the way for the early payment of arrears and this was one of the reasons that the proposal had been put forward.

41. The representative of Cuba supported the point for decision in the English version of document FC/D.6, in which the Finance Committee was invited to recommend to the Conference that “... the ILO scale of assessments for 2001 (be based) on the UN scale for 2000 ...”. In the French and Spanish versions of the document there was a drafting or translation error, as a result of which the text showed a recommendation for the ILO scale for 2001 to be based on the UN scale for the same year. Clearly there was no time for corrected documents to be presented to the Committee, but he asked the Office to ensure that references were correct in the report of the Committee’s discussion.

42. The Treasurer thanked the representative of Cuba and assured the Committee that they would be corrected in the report of the discussion. In reply to a query from the representative of Lebanon he explained that since 1977 the ILO scale of assessments had been based on that of the United Nations, adjusted for differences in membership. The UN scale was decided by its General Assembly on the recommendation of its Committee on Contributions, which had developed a methodology involving an analysis of several years’ data in order to determine for each member State its capacity to pay.

43. The Committee recommends that the Conference adopt this resolution, the text of which appears at the end of this report.
Composition of the Administrative Tribunal of the
International Labour Organization

44. The Committee had before it Report II: Information concerning the Programme and
Budget for 2000-01 and other financial and administrative questions, and document
F.C./D.7, containing a draft resolution concerning the composition of the Tribunal.

45. The Committee recommends that the Conference adopt this resolution, the text of
which appears at the end of this report.

Appendices

46. The provisions of paragraph 4 of article 13 of the Constitution of the ILO, and also articles
31 and 32 of the Standing Orders of the Conference are reproduced in Appendix I to this
report.

47. A draft scale of assessments of contributions for the year 2001 is attached as Appendix II,
and a statement showing the contributions due from each member State for the year 2001
is attached as Appendix III.


(Signed) M.A. Aji,
Chairman and Reporter.
Resolutions submitted to the Conference

Resolution concerning the arrears of contributions of the Republic of Kazakhstan

The General Conference of the International Labour Organization,

Having regard to paragraph 7 of article 10 of the Financial Regulations,

Accepts the arrangement proposed by the Government of the Republic of Kazakhstan for the settlement of its arrears of contributions due for the period 1993-99 to the effect that:

(a) in 2000, the Government of the Republic of Kazakhstan will pay in full its contribution for the year 2000;

(b) in subsequent years, the Government of the Republic of Kazakhstan will continue to pay its current contribution in full in the year for which it is due;

(c) the Government of the Republic of Kazakhstan will settle arrears that have accumulated up to and including 31 December 1999, amounting to 5,146,707 Swiss francs, by payment, beginning in 2001, of 19 annual instalments of 257,335 Swiss francs and a final instalment of 257,342 Swiss francs;

Decides that the Republic of Kazakhstan shall be permitted to vote, in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organization, after the conclusion of the present business.

Resolution concerning the arrears of contributions of Ukraine

The General Conference of the International Labour Organization,

Having regard to paragraph 7 of article 10 of the Financial Regulations,

Accepts the arrangement proposed by the Government of Ukraine for the settlement of its arrears of contributions due for the period 1997-99 to the effect that:

(a) in 2000, the Government of Ukraine will pay in full its contribution for the year 2000;

(b) in subsequent years, the Government of Ukraine will continue to pay its current contribution in full in the year for which it is due;

(c) the Government of Ukraine will settle arrears that have accumulated up to and including 31 December 1999, amounting to 7,911,805 Swiss francs, by payment, beginning in 2000, of 14 annual equal instalments of 527,454 Swiss francs, with a final instalment of 527,449 Swiss francs;

Decides that Ukraine shall be permitted to vote, in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organization, after the conclusion of the present business.
Resolution concerning the arrears of contributions of the Republic of Liberia

The General Conference of the International Labour Organization,

Having regard to paragraph 7 of article 10 of the Financial Regulations,

Accepts the arrangement proposed by the Government of Liberia for the settlement of its arrears of contributions due for the period 1991-99 to the effect that:

(a) in 2000, the Government of Liberia will pay in full its contribution for the year 2000;

(b) in subsequent years, the Government of Liberia will continue to pay its current contribution in full in the year for which it is due;

(c) the Government of Liberia will settle arrears that have accumulated up to and including 31 December 1999, amounting to 238,377 Swiss francs, by payment, beginning in 2001, of 19 annual instalments of 11,919 Swiss francs and a final instalment of 11,916 Swiss francs.

Decides that the Republic of Liberia shall be permitted to vote, in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organization, after the conclusion of the present business.


The General Conference of the International Labour Organization,


Resolution concerning treatment of the 1998-99 cash surplus

The General Conference of the International Labour Organization,

Noting that for the 1998-99 biennium an excess of regular budget income over regular budget expenditure has resulted in a cash surplus of 41,711,581 Swiss francs (equivalent to US$27,262,471 at the 2000-01 budget rate of exchange of 1.53 Swiss francs to the US dollar),

Decides, as an exceptional one-time measure and in derogation of article 18.2 of the Financial Regulations, to finance the establishment of an Information Technology Systems Fund in an amount of 38,250,000 Swiss francs (US$25 million) from the cash surplus;

Notes that, taking into account the above appropriation, the amount available under article 18.2 of the Financial Regulations for reducing the assessed contributions of member States will be 3,461,581 Swiss francs.
Resolution concerning the assessment of contributions of new member States

The General Conference of the International Labour Organization,

Decides, in accordance with article 9, paragraph 2, of the Financial Regulations, that the contribution of the Republic of Kiribati to the ILO budget for the period of its membership in the Organization in 2000 and 2001 be based on an annual assessment rate of 0.001 per cent.

Resolution concerning the scale of assessments of contributions to the budget for 2001

The General Conference of the International Labour Organization,

Decides, in accordance with article 9, paragraph 2, of the Financial Regulations, to adopt the draft scale of assessments for the year 2001 as set out in column 3 of Appendix II to this report.

Resolution concerning the composition of the Administrative Tribunal of the International Labour Organization

The General Conference of the International Labour Organization,

Decides, in accordance with article III of the Statute of the Administrative Tribunal of the International Labour Organization, to renew the appointment of Mr. Seydou Ba (Senegal) and that of Mr. James K. Hugessen (Canada) for a term of three years;

Expresses its appreciation to Mr. Julio Barberis for the services which he has rendered to the work of the Administrative Tribunal of the International Labour Organization over the last five years;

Decides, in accordance with article III of the Statute of the Administrative Tribunal of the International Labour Organization, to appoint as judges of the ILO Administrative Tribunal for a term of three years with effect from July 2000, Ms. Flerida Ruth P. Romero and Ms. Hildegard Rondón de Sansó.
Appendix I


Paragraph 4 of article 13 of the Constitution of the Organization provides as follows:

4. A Member of the Organisation which is in arrears in the payment of its financial contribution to the Organisation shall have no vote in the Conference, in the Governing Body, in any committee or in the election of members of the Governing Body, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years: Provided that the Conference may by a two-thirds majority of the votes cast by the delegates present permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

Articles 31 and 32 of the Standing Orders of the Conference provide as follows:

ARTICLE 31

Procedure where proposal is made to permit Member in arrears to vote

1. Any request or proposal that the Conference should nevertheless permit a Member which is in arrears in the payment of its contributions to vote in accordance with article 13, paragraph 4, of the Constitution shall be referred in the first instance to the Finance Committee of the Conference, which shall report thereon as a matter of urgency.

2. Pending a decision on the request or proposal by the Conference, the Member shall not be entitled to vote.

3. The Finance Committee shall submit to the Conference a report giving its opinion on the request or proposal.

4. If the Finance Committee, having found that the failure to pay is due to conditions beyond the control of the Member, thinks fit to propose to the Conference that the Member should nevertheless be permitted to vote in accordance with article 13, paragraph 4, of the Constitution, it shall in its report:

   (a) explain the nature of the conditions beyond the Member's control;

   (b) give an analysis of the financial relations between the Member and the Organisation during the preceding ten years; and

   (c) indicate the measures which should be taken in order to settle the arrears.

5. Any decision which may be taken by the Conference to permit a Member which is in arrears in the payment of its contributions to vote notwithstanding such arrears may be made conditional upon the Member complying with any recommendations for settling the arrears which may be made by the Conference.
ARTICLE 32

Period of validity of a decision to permit Member in arrears to vote

1. Any decision by the Conference permitting a Member which is in arrears in the payment of its contributions to vote shall be valid for the session of the Conference at which the decision is taken. Any such decision shall be operative in regard to the Governing Body and committees until the opening of the general session of the Conference next following that at which it was taken.

2. Notwithstanding the provisions of paragraph 1 of this article, after the Conference has approved an arrangement under which the arrears of a Member are consolidated and are payable in annual instalments over a period of years, the Member shall be permitted to vote provided that, at the time of the vote concerned, the Member has fully paid all instalments under the arrangement, as well as all financial contributions under article 13 of the Constitution that were due before the end of the previous year. For any Member which, at the close of the session of the Conference, has not fully paid all such instalments and contributions due before the end of the previous year, the permission to vote shall lapse.
<table>
<thead>
<tr>
<th>State</th>
<th>ILO assessments 2000</th>
<th>UN assessments 2000</th>
<th>Draft scale of ILO assessments 2001</th>
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<td>Increase/Decrease (Diff. Between Cols. 1 &amp; 3)</td>
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<td>101.160</td>
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<td>(0.001)</td>
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Note: This refers to the former Socialist Federal Republic of Yugoslavia. Pursuant to decisions taken by the ILO Governing Body on the basis of relevant United Nations resolutions, no State has been recognized as the continuation of that Member.
Appendix III

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2

STATEMENT OF CONTRIBUTIONS DUE FROM MEMBER STATES FOR 2001
(In Swiss francs)

Member States

%

Assessed
Contribution
for 2001
Amount

[
1999
Incentive
Scheme

B
Afghanistan
Albania

Earned Credits Distributed In Respect of :
1998 - 99
50% Net
Cash
Premium
Surplus

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i

,

i

_

0.003
0.003

10 728
10 728

1 183

742

225

M

Total
Credits

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i
1

3

Algeria

0.085

303 972

11304

14 379

4 362

2 150 i
30 045 1

4

Angola

0.010

35 761

1977

1 141

346

3 464 I

5

Antigua and Barbuda

6

Argentina

0.002
1.086

7 152
3 883 694

Armenia

0.006

21458

-

.

7

.
.

8
9

Australia
Austria

1.460

5 221 172
3 318 663

10
11

Azerbaijan
Bahamas

12

0.928
0.011

i

50 522

634 837 i
386 383 i

4 586 335
39 338
46 260

i

0.017

60 794

172

13

Bangladesh

0.010

35 761

2 876 I

14
15

Barbados
Belarus

0.008
0.056

28 609

1034 1

200 264

19 864 1
297 353 |

118 453 1

i

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i

640 i
346 i

2 923 |

57 871

4 363 |

31 398

20 027 I

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6 075 i

1 034 |
45 966 |

27 575
154 298

451 737 j
2 044 1
2 212 |

3 435 533

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25 033
14 305
31 882
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3 887 270 H
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628 1

isl

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7 152

1319 |

685

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22 H Brazil

231 1 Bulgaria

0.011

39 338

24 j | Burkina Faso

0.002
0.001

7 152
3 576

0.001

3 576 1

0.013

46 491
9 619 831 il

251 ¡Burundi
261 ¡Cambodia
271 ¡Cameroon
281 |Canada

291

Cape Verde

301 Central African Republic
311 Chad

1

H
351
Í

i

0.980

Colombia

0.107

382 648 i

Comoros

0.001

3 576

Costa Rica

38 1 î Côte d'ivoire
39 8 I Croatia
40

I]

China

361 Congo

37

7 152
3 576

3 576 1
479 203
3 504 623 1

321 Chile

33

2.690
0.002
0.001

i

Cuba

~?TÍtCypru's
42 j Czech Republic
|
43 | Democratic Republic of the Congo

0.001
0.134

0.003
0.016
0,009
0.029
0.024
0.033
0.105
0.007

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103 708 1
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118
375
25

5 649

838 876
1670

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346

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129 456 1

3 375 167

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3 583 1

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3 633 1

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392 M
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628 í

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433 |

71 523

Dominican Republic

48

Ecuador

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Egypt
El Salvador

51

Equatorial Guinea

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228 873 i
42 914 I

18 383 l I
2 007 i

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42 914
21458
14 305
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8 216 1

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241 920 |

3 576
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2 164 1
1 864 I
156 845 H

913 1
799 |
65 275 jj

19 800 j

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728 693 1

221 039 ¡

6.445

23 048 258 |

1 717 104

581 1 Gabon
596| Gambia

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48 569
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2 129 667

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3 643 |

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319 127

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Denmark

52 1 Eritrea
53 1 Estonia
54 Ethiopia

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57 218 a

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2 392

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21 |S Botswana

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7 382 i

16f Belgium
17 Belize

033
305
761
835

21458

30 929 i

Bahrain

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14
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5 181

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4 779 J

19| Bolivia
20 f Bosnia and Herzegovina

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8 578
273 927

417 762 1

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53 642

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Contribution
for
2001

190 1
952 j
277 1
242 I

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2 666 836 |
1 141 S

39 271

32 231
18 104
11400
1 671 318
20 381 422
52 501

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3 576

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25 033

HAGENUACCPJUNE 2000\FINANCE COMMITTEE^CALE

16/20

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ILC88-PR16-225-En.DOC

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STATEMENT OF CONTRIBUTIONS DUE FROM MEMBER STATES FOR 2001
(In Swiss francs)

Member States

Assessed
Contribution
for 2001
%
Amount

{
1999
Incentive
Scheme

Earned Credits Distributed in Respect of :
1998 - 99
50% Net
Cash
Premium
Surplus

1

i
61

Germany

9.707

62

Ghana

63

Greece

i

Total
Credits

Net
Contribution
for
2001

1

:

34 713 644

1610 819

1 060 659

321 737

2 993 215

0.007

25 033

177

970

294

1441

23 592

0.346

1 237 346

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1 237 346
59 166
10 728
3 576
2 653
7152
9 403
367 558
98 772

31 720 429

64

Grenada

0.001

3 576

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65

Guatemala

0.018

64 371

2 379

2168

658

5 205

66
67
68
69
70
71

Guinea
Guinea-Bissau
Guyana
Haiti

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105

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923

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358
35 240

72

Iceland

0.003
0.001
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0.002
0.003
0.118
0.031

7 553

742
14 721
3 480

225
4 466
1056

1 325
54 427
12 089

73

India

0.294

1 051 387

86 308

33 893

10 281

130 482

74

Indonesia

0.185

661 588

18 743

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642 845

Iran, islamic Republic of

0.158

565 032

565 032

Iraq
Ireland

0.031

110 861

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18 743

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790 328 1

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Honduras
Hungary

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Kenya
Kiribati

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3 576

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Korea, Republic of

0.991

3 543 960

152 475

102 077

30 964

285 516

3 258 444

87
88

Kuwait

0.126

450 594

44 386

18 373

5 573

68 332

382 262

Kyrgyzstan

0.006

21458

Lao People's Democratic Republic

0.001

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Latvia

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Lebanon

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Lesotho

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Israel

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Italy
Jamaica
Japan

5.354
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Jordan

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Kazakhstan

84
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98
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Liberia
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Luxembourg
Madagascar
Malawi

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Mauritius

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Mexico

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169 986

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106

Moldova, Republic of
Mongolia

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107

Morocco

0.010
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Mozambique

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3 576

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Myanmar

0.008

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STATEMENT OF CONTRIBUTIONS DUE FROM MEMBER STATES FOR 2001
(In Swiss francs)

Assessed
Contribution
for 2001
Amount

Member States

1999
Incentive
Scheme

Earned Credits Distributed in Respect of :
1998 - 99
50% Net
Cash
Premium
Surplus

Net
Contribution
for
2001

Total
Credits

121 Bj Papua New Guinea

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122|B Paraguay
123 H Peru

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346 886

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129 B| Russian Federation

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130 B Rwanda
131 WSaint Kitts and Nevis
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133 H Saint Vincent and the Grenadines

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155||Tanzania, United Republic of

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156 H Thailand
157|g|The former Yugoslav Republic of Macedonia

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158 ¡g Togo
159 S Trinidad and Tobago
160 B Tunisia
161 H Turkey

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166 I United Kingdom

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167 I United States
168 Pj Uruguay
169 Hi Uzbekistan
170 H Venezuela

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Note: This refers to the former Socialist Federal Republic of Yugoslavia. Pursuant to decisions taken by the ILO Governing Body
on the basis of relevant United Nations resolutions, no State has been recognized as the continuation of that Member.

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No. 16 — Monday, 12 June 2000
Fifteenth sitting
Saturday, 10 June 2000, 10 a.m.

Presidents: Mr. Agyei, Mr. Moorhead

Ratification of International Labour Conventions

The President (Mr. AGYEI) — Before we resume the discussion on the reports of the Chairperson of the Governing Body and of the Director-General, I would like to give the floor to the Clerk of the Conference for some announcements.

The Clerk of the Conference — The Director-General has registered a series of ratifications of international labour Conventions by the following countries: Mauritius, the Worst Forms of Child Labour Convention, 1999 (No. 182), on 8 June 2000; South Africa, the Worst Forms of Child Labour Convention, 1999 (No. 182), on 7 June 2000; Italy, the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152), on 7 June 2000; the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), on 7 June 2000; and the Worst Forms of Child Labour Convention, 1999 (No. 182), on 7 June 2000. Italy stands among the Members that have now ratified the eight fundamental Conventions. On 6 June the Director-General also registered the ratification by Canada of the Worst Forms of Child Labour Convention, 1999 (No. 182); on 5 June the ratification by Japan of the Minimum Age Convention, 1973 (No. 138); and, finally, on June the ratification by Zimbabwe of the Minimum Age Convention, 1973 (No. 138).

Reports of the Chairperson of the Governing Body and of the Director-General: Discussion (cont.)

The President (Mr. AGYEI) — We shall now resume the discussion on the reports of the Chairperson of the Governing Body and of the Director-General.

Mr. WOJCIEK (Worker's delegate, Poland) — Like previous speakers, I would like to congratulate the President and all the others who were elected to these responsible posts for this 88th Session of the International Labour Conference.

I would like to express my particular congratulations to the Director-General for his annual Report, Activities of the ILO 1998-99, presented to the Conference this year. This Report adequately reflects the changes being implemented in the Organization and its Office. The right stress has been put on the grouped areas of the ILO's activities with a view to improving the clarity of the Report and providing better understanding of the ILO's goals.

It is certain that one of the key goals of the Organization, repeatedly confirmed in a number of the ILO's Declarations and documents, is the promotion of employment and the fight against poverty.

Labour markets in different countries are very difficult to compare, and even sometimes absolutely incomparable, due to the different political and economic systems. Thus, the set of Key Indicators of Labour Markets (KILM) has been established and it seems to me to be one of the most important achievements in this particular area. I believe that further intensive work should be developed in this desirable direction. One can make globalization processes go faster or slower, but the action in the chosen direction should be founded on well-justified arguments. Easy access to the systematically updated KILM data should encourage member States to provide reliable input for these databases and to improve labour market standards. A regular and reliable set of labour market indicators is of exceptional importance for planning and decision-taking on all economic and social issues.

Poland, like all the other Central Eastern European countries is, still struggling to eradicate unemployment, which is not only a burden on the State but also creates social frustration, causes deprivation — especially of the youth — and, lastly, threatens social peace.

It is my deep conviction that the high level of unemployment throughout the whole of the past decade is not solely a result of the transformation from the communist to the market system. It was also caused by naive beliefs that a liberal approach to the economy could overcome all the ailments of the former system and can provide the driving force for economic and social development.

Today, after ten years of transformation, we can say with absolute certainty that this liberal approach has been shown to be absolutely worthless. The State cannot leave its own citizens on their own. The transformation of an economy from the communist to the market system cannot take place in the same way as mankind has gone from the feudal to the early capitalist system.

The role of the ILO is not exclusively to create standards of work, but also to promote them amongst the constituents, and to help member States to avoid crucial mistakes on their way to economic and social development.

I hope that the ILO will actively fulfil its mandate, particularly in the transition countries.

Original Russian: Mr. STOYAN (Workers' delegate, Ukraine) — Allow me to congratulate the Presi-
panies, have forced the Ukraine to implement protest actions. We have stepped up our lobbying in the Supreme Council, and on the initiative of the Federation of Trade Unions of Ukraine has prepared a draft bill which has been adopted by the Supreme Council of Ukraine, and which increases the fine for failure to pay wages promptly to 200 times the minimum wage and makes it a criminal offence.

In acting to defend workers' interests, the trade unions are having to conduct nationwide and regional protest actions. We have stepped up our lobbying in Parliament. For the period of this current session of the Supreme Council, and on the initiative of the Federation of Trade Unions of the Ukraine, working through their national representatives, we have introduced 26 legislative bills dealing with issues of social and economic protection. The trade unions are also following with great attention the situation with regard to the ratification of ILO Conventions. At our insistence, the Supreme Council at the end of last year ratified the Workers with Family Responsibilities Convention, 1981 (No. 156).

We have also introduced proposals to the Cabinet of Ministers on ratifying the Worst Forms of Child Labour Convention, 1999 (No. 182), and the Abolition of Forced Labour Convention, 1957 (No. 105). However, given that international financial institutions, above all the World Bank, the International Monetary Fund, as well as various multinational companies, have forced the Ukraine to implement neoliberal economic policy, it is extremely difficult to deal with the most severe social problems.

Under the circumstances, root and branch reform of the Bretton Woods institutions is needed to reorient their policies to reflect the aspirations of ordinary people, and not just the requirements of big business. Closer links should then be established between these institutions and the ILO. An important step on this path could be the signing of corresponding agreements. The twenty-first century must be a more equitable century than the twentieth.

Mr. MUMUNI (Ministry of Employment and Social Welfare, Ghana) — It is my pleasure to convey to the President, on behalf of the Ghana delegation, hearty felicitations on his election to preside over the 88th Session of the International Labour Conference. His election to this high position is the recognition of his personal qualities and diplomatic skills, which obviously have the full confidence of all the delegations. We have no doubt that, with the diligence of the other distinguished Officers, who also deserve our congrat-
ulations, he will steer this session to great success. The full cooperation of my delegation is assured for the discharge of his onerous tasks.

We gratefully commend the Director-General for a very useful Global Report entitled Your voice at work. The theme reinforces the promotion of rights at work and, together with Decent work, sums up the strategic objectives of the International Labour Organization. The two themes express the determination of the Organization, under the capable leadership of Mr. Juan Somavia, to enforce the labour dimension of human rights. The engine of decent work needs to be lubricated regularly by the voices of the people at work so as to produce an industrial environment conducive to the maximization of productivity for the benefit of all.

Indeed, freedom of association and the right to collective bargaining, used responsibly, have the potential to make a substantial contribution to industrial harmony and socio-political tranquility.

The high hopes of developing countries for the twenty-first century are being seriously undermined by the adverse effects of globalization, a process which is harmful to social cohesion and political stability.

The inescapable and irreversible process of integrating all countries into a new world economy promises generous benefits to some countries and threatens the very survival of the poor majority.

But, if the world has really been reduced to an increasingly interdependent global village, it is essential to ensure a fair distribution of the gains from the new arrangement so as to preserve peace, order and security.

No part of the world should be excluded from this important economic process, for the destiny of a global village is indivisible. In this respect, overabundance in one half of the world and deprivation in the other is not the best recipe for the promotion of shared prosperity and peace. The architecture of globalization should, therefore, be fashioned to benefit the entire global village.

It is from this perspective that we consider the theme of Your voice at work to be superbly timely and appropriate. The producers of raw materials in the South and industrialists of the North should engage in regular dialogue to ensure that the benefits of globalization are shared fairly, in giving substance to human rights and social justice, the core elements of good governance.

The unfolding circumstances leave no doubt that it is difficult to realize the ILO's four strategic goals of promoting workers' rights at work, employment, social protection and social dialogue, if the Organization is denied a more effective role in the implementation of the globalization agenda. Indeed, it is absolutely necessary for the ILO to seek the cooperation of other relevant international organizations, including the World Trade Organization and the Bretton Woods institutions, to initiate immediate dialogue on the construction of social pillars for the emerging global economy. If globalization is to improve the living conditions of workers, and, in a wider context, promote and protect the welfare of all human beings, then this unstoppable process must necessarily have a human face if it is to deserve the embrace of both the rich and the poor in the global village.

Ghana's commitment to the ILO's work remains steadfast. In particular, in support of the Organiza-
tion’s efforts to improve the working environment, Ghana has ratified seven out of the eight core Conventions, including the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the latest Convention, the Worst Forms of Child Labour Convention, 1999 (No. 182). Within the framework of the Conventions on freedom of association and the right to collective bargaining, government-employer-employee relations are cordially maintained through the social dialogue mechanism.

In conclusion, I wish to reiterate the resolve of the Government of Ghana to work closely with the ILO in maintaining cordial industrial relations to foster and safeguard the rights and legitimate interests of all stakeholders. It is Ghana’s hope that the ILO will continue to be closely involved in addressing issues of social justice in the globalized economy, with a view to ensuring that all members of the global community make the best use of their comparative advantages and thereby earn their rightful share of the benefits of globalization.

Herein lie the substance and spirit of social justice and human rights.

Original French: Mr. ABA DJOUASSAB (Minister of Public Service, Labour, Promotion of Employment and Modernisation, Chad) — Allow me on behalf of the Government of the Republic of Chad, to join my voice to those of the illustrious delegates who preceded me, to congratulate the President, Mr. Mario Alberto Flamarique, on his election, and to congratulate also the other members of the Office of the 88th Session of the Conference for the role they will have to play.

I would like to also congratulate the Director-General, Juan Somavia, on his very detailed Report. This Report, which gives the ILO a central place in the international system and strengthens his credibility, has been able to combine novelty and faithfulness to the ideals of our Organization.

This is why my Government fully endorses this in-depth reform and approves the reorganization of the Office as reflected in the draft budget.

It is obviously impossible to deal with all the topics dealt with in the Director-General’s Report in view of their complexity, but I would simply raise the points which concern my Government, in other words, the effectiveness of the labour standards.

In this respect, I fully support the Director-General in his desire to modernize the standard-setting system of the Organization the interests of its constituents.

My country has a special interest in the ILO Declaration on Fundamental Principles and Rights at Work adopted by the Conference in 1998 and highlights its interest for the mechanism established for its follow-up.

This Declaration, we must recognize, is a guarantee for the world community. Moreover, my Government particularly stresses the promotion of social dialogue and effective means to prevent any social conflict and to ensure a sustainable social peace. To this end, a tripartite structure is set up involving the social partners and the Government.

Technical cooperation is just as important with the follow-up mechanism of the Declaration to ensure compliance with these principles.

Finally, a particular point has caught the attention of my country, and that is, child labour. In my country, 52 per cent of the population is young and employment is sadly lacking. There are numerous children who join the labour market to meet the needs of their totally destitute parents. This alarming situation has induced the Government to recently adopt, in the Council of Ministers, the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182). Ratification of these is expected shortly.

Simultaneously with this ongoing process, a wide-angle awareness-raising campaign on the worst forms of child labour, throughout my whole country is being carried out to ensure the population’s total support for suppression of this.

Personally, I remain convinced that with the present support of the ILO and that of the international community in my country, we could conclude successfully this unceasing fight for the well-being of the children of Chad.

Long live international cooperation.

Original Spanish: Mr. FLORES (Workers’ delegate, Paraguay) — I am here to represent the trade union movement of Paraguay. I would first like to express my gratitude to the ILO for the assistance received last year in the framework of the social tripartite dialogue process which began in June last year. We would also like to express our gratitude at this point to the international democratic community for the solidarity and the support they provided at a time when our still fragile democracy was in danger of being annihilated by nostalgic political sectors of authoritarianism associated to economic groups linked to drug trafficking and crime which aspired to political power.

Our country has initiated a modernization and necessary reform process in order to become members of, and ensure our presence in, the globalized world. The trade union movement is highly interested in the necessary reforms being undertaken and in the fact that this process takes place within the framework of social dialogue since we consider it a just and appropriate tool to ensure that decisions adopted serve to improve the living conditions of our people as a whole and to lend legitimacy to the measures to be adopted.

In the past year, the trade union movement has taken part in tripartite social dialogue jointly with the Government and the employers. To date, unfortunately, the expected results have not been attained, mainly due to a lack of understanding on the part of the Government of the true scope of social dialogue. Despite this fact, our trade union organizations continue to advocate that this is the valid tool to profoundly develop democracy through good governance and improvement of economic and social conditions. This is why we insist that Paraguay ratify the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

Unfortunately, this past year violations of freedom of association continued in my country. More than 1,000 leading and militant brothers were dismissed from their jobs for trade union reasons in the face of the indifference from the administrative labour authorities and the judiciary, who did little to ensure compliance with ratified Conventions and Recom-
On behalf of the Employers' Federation of Eritrea, I wish to start by expressing my congratulations to the President, the Vice-Presidents and other Officers of this 88th Session of the International Labour Conference, and by wishing full success to its work under their able guidance.

The Employers' Federation of Eritrea is attending the Conference for the second time only. We have examined this year's Report of the Director-General and the Chairperson of the Governing Body to the Conference with great interest. We find that these Reports raise issues and deal with areas of great importance and concern to our Organization and country. Time does not permit me to underline all of the positive and commendable points that they make. Allow me, nonetheless, to refer to certain points that I would be hard-pressed not to mention.

I have the pleasure to announce Eritrea's recent ratification of the seven fundamental rights Conventions of the ILO (Nos. 29, 87, 98, 100, 105, 111 and 138). This not only testifies to my young country's deep commitment to these rights, but also demonstrates the fruits of the ILO's remarkable efforts in promoting democracy and fundamental workers' rights at work.

We are also pleased to note in these Reports, evolution and results of developments and activities in several areas of concern to Africa. Amongst these, I refer to the results of the 9th African Regional Meeting in Abidjan, in particular with respect to those topics touching poverty alleviation and social justice. Employment promotion, human resources development, enterprise development, assistance to and the strengthening of the social partners, as well as the needs of the informal sector, are also some of the other commendable features I wish to highlight.

I would now like to draw your attention to a short reference in the Director-General's Report, Activities of the ILO 1998-99 regarding conflict-affected countries. The absence of any mention therein of my country is striking. Eritrea only emerged seven years ago from a 30-year war of independence and, as you are all aware, is currently facing an enormous humanitarian and rehabilitation crisis resulting from the recent invasion of my country, which has been fully covered by the world press. This absence is indicative of the need for the ILO to be recalled to duly play its role in helping my country, my Federation and its members, to face the crisis now affecting a quarter of Eritrean society. The situation is critical; workers and entrepreneurs must be helped to return to work rapidly and manage to sow before the incessant rains arrive. The needs of the many war-displaced people are more than urgent.

In my address to the Conference last year, I presented some of my Federation's activities, underlining our commitment to the promotion and implementation of the ILO Declaration on Fundamental Principles and Rights at Work. I stated then that, without peace and stability, the economic and social sectors cannot function properly. I underlined the key role that the ILO has to play to promote and foster peace, stability and social justice. In that respect, I also recall the letters of intent signed with the assistance and facilitation of the ILO, by the employers' organizations of our two warring nations. I now have the sad task of informing you that our neighbouring employers' federation could not obtain the green light, as we did from our own Government, to pursue our common goal of bridge-building for peace. Nonetheless, I take
Mr. ABDOON (Workers' delegate, Sudan) — I would like to greet you on behalf of the Confederation of Sudanese Workers.

I should like to begin by expressing my appreciation to the Director-General and his staff for the Report entitled Activities of the ILO 1998-99, which clearly reflects the activities of the International Labour Organization during this period. While the ILO represents our hope that this Organization can help to improve workers' conditions throughout the world, in keeping with the objectives of the founding fathers in 1919, the world continues to suffer the effects of the hegemonic ambitions of certain influential powers.

Indeed, even the technical assistance provided by the ILO is sometimes determined and distributed in an inequitable manner. Political concepts continue to dominate the thinking of those responsible for technical assistance management. They are unfair in their treatment of those who are not in favour with the superpowers, because their sources of information are both biased and alarmist. We can see this in the way that certain States are treated by the Director-General's Report concerning the Declaration on Fundamental Principles and Rights at Work, which paves the way for the introduction of political pluralism. As many as 14 political parties have been formed on this basis. Freedom of association and our right to collective bargaining have been assured, thanks to the struggle of the workers.

In general, we would like to stress the fact that there have been positive developments under the leadership of the Director-General. We are most hopeful that he will help to compensate for the deprivations that both workers' and employers' organizations suffered in Sudan. We hope to be able to make our voice heard, so that we can safeguard freedom of association and our right to collective bargaining, by ensuring that we have sufficiently strong workers' and employers' organizations that are able to take a stand and resist government interference. In order to truly benefit from the Declaration on Fundamental Principles and Rights at Work, we need to resist attempts to use labour standards in respect to international trade for protectionist ends.

The Director-General's report on the situation of Arab workers in Palestine and the occupied Arab territories, is based on the work of a fact-finding mission, charged with the task of gathering information on the situation of workers in occupied Palestine and the Golan. It is a great crime that Israel has occupied Arab land by force, while Israel benefits from the support of colonial powers and that the mission merely accepted what in fact is an illegal state of affairs. The whole world should exert pressure on Israel to withdraw from the occupied territories immediately and unconditionally, that is from the Golan, Palestine and remaining territory that it occupies in Lebanon.

In accordance with international resolutions, the Charter of the United Nations and of the Security Council, we, through this forum, wish to express our condemnation of Israeli policies and practices, which give rise to violations of fundamental human rights at work, the ongoing expropriation of land and water resources and the expansion of settlements in the Arab territories. We also wish to condemn Israel's repeated acts of aggression against southern Lebanon and the Western Bekaa, aimed particularly at delivering a blow to Lebanon's economic infrastructure. We also wish to express our solidarity with the steadfast people of Palestine and the Syrian Golan. We congratulate Lebanon and its national resistance for having forced Israel to withdraw from parts of Lebanon.

Yet again, we wish to thank the Director-General and appeal to him to resist the hegemony of certain member States of this Organization, so that the ILO can truly play the role that it should for peace and social security.

Mr. NEUFVILLE (Minister of Labour, Liberia) — First of all, permit me to add to the felicitations and best wishes of other speakers by congratulating the President on behalf of my delegation, the people, and the Government of the Republic of Liberia for his election to this honourable office to steer the affairs of the 88th Session of the International Labour Conference. Similarly, I would like to extend warmest greetings and congratulations to the Vice-Presidents and other Officers of the Conference.

The 88th Session of the International Labour Conference, taking place at the dawn of the twenty-first century and the new Millennium and over which you preside, is unique in many respects. Firstly, as the first Conference of the new century, it may very well serve as the catalyst to speed up the reforms already initiated by the Director-General.

Secondly, there could not have been a better platform than this session to reiterate the founding objectives of the International Labour Organization, which we may comfortably summarize as justice, human dignity and respect for fundamental rights. You will
agree with me that our Organization has reached the crossroads where we are faced with the challenges that may require critical decisions and actions to overcome. Just as global conditions of war and misery gave birth to the International Labour Organization in the early twentieth century, global challenges of the twenty-first century, including trade liberalization and globalization, will require the collective resolve of the Organization and the support of its tripartite constituents to overcome.

We have read the Reports of the Director-General and the Chairman of the Governing Body with keen interest, and note the efforts to enhance the process of reform to ensure the achievement of the Organization's dream and strategic objectives.

I would like to express my thanks to the Director-General for the focus and visibility he has given the Organization so far. Our reservation, however, is that a report of such depth and significance was not distributed to delegates on time.

There are issues, both specific and general, in the Report of the Organization that Liberia would like to see addressed. The Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work is a significant step in evaluating the subject in member countries. However, as has been the concern of most countries, while the Declaration is meant to promote social justice, it should not be used for protectionist purposes. As a founding member of the ILO, Liberia had endeavoured to ratify most of the core Conventions and views the Declaration as an essential element in the evolution of its labour and social practices.

On the question of child labour, we are pleased to note that many countries have taken keen interest in the Worst Forms of Child Labour Convention, 1999 (No. 182) and have begun the process of ratification. I am happy to inform this Conference that the Government of Liberia, under the leadership of President Charles Taylor, has taken significant steps to ratify the Convention. In the past few weeks, the House of Representatives of the Liberian Legislature Convention No. 182. The Convention is now before the Liberian Senate for concurrence.

Tripartite consultation has taken a turn for the better in Liberia. Recently, a national tripartite conference entitled "Labour 2000: Meeting the Tripartite Challenge in Liberia" was held for the purpose of enhancing social dialogue. The size of the Liberian delegation to this conference is unprecedented and attests to our resolve to promote tripartism.

Employment is crucial to member countries, especially the developing countries. This is why we welcome the Jobs for Africa programme resulting from the Copenhagen World Summit for Social Development as a means of engendering employment and reducing poverty. However, we would like to ask the ILO to expand the programme to other countries, including Liberia, and to assist in sourcing funding for the programme.

The debt question is crucial. Debt forgiveness or waiver must be addressed more concretely with the Bretton Woods Institutions and the lip service and harsh conditionalities clauses normally set by donors must be eschewed. The idea of creating jobs and reducing poverty becomes a remote possibility when countries are overburdened by debt. It is in this light that we welcome the work of the ILO in advance of many conferences such as the United Nations' General Assembly Special Session on social development as a follow-up to the Copenhagen Summit of 1995. Similarly, Liberia appreciates the fact that it has been realized, and quickly too, that in spite of the consensus of the Uruguay Round Agreement that globalization and trade liberalization would ensure increased growth, this phenomena is fraught with inadequacies and cannot be linked with social progress.

HIV/AIDS is indeed worrying. For Africa it is a troubling reality because it has struck the very core of the productive sector of our population. We call on the ILO and its collaborative partners to step up action in this direction. Realizing the urgent need to combat the HIV/AIDS pandemic, the Government of Liberia has set up a national AIDS commission comprising relevant governmental agencies, including the Ministry of Labour, Civil Society, and other non-governmental agencies.

We also note the role of the ILO on the gender question and the support it is giving in that direction. The Government of Liberia has set the stage for gender mainstreaming national policies. Accordingly, the Ministry of Labour has started working on the establishment of a women's bureau. We call on the ILO to assist us in this endeavour. We would like to mention that the objectives of the ILO in member countries will come to naught if support in all forms, particularly in technical assistance, is not given to countries to help build their labour administration system. It is in this direction that the multidisciplinary teams must be made more relevant and active. This is particularly important for countries, like Liberia, which are coming out of war.

I would like to conclude that the faith of the Government and the people of Liberia in the ILO has not been divided in spite of the Organization's shortcomings. The ILO is still as important as it was in the last century. We still support the ILO and the initiatives of the Director-General to reform the body and make it more relevant to the people of the world. May we all go through the deliberations of this Conference successfully, and may God bless our work.

Mr. KHAN (Workers' delegate, Bangladesh) — I would like to congratulate the President on his election to chair this august congregation of the ILO.

I, on behalf of the working people of Bangladesh, convey my warmest greetings and best wishes to him and to the distinguished delegates, observers and guests of this International Labour Conference.

The comprehensive Report on the activities of the ILO and its review of recent developments in the ILO programme reflect the Director-General's "decent work" approach to fostering a global debate on economic and social policy and an analysis of the challenges posed by globalization, whilst emphasizing the need to see problems through the eyes of the people and to respond to the fundamentals in their lives. This amply demonstrates the Director-General's great concern to save humanity from the onslaught of globalization, as well as to fulfil the ILO's objectives to support democracy and fundamental workers' rights, including the wider observance of international labour standards, promotion of employment and reducing poverty and protecting working people.

Since its founding in 1919 in the aftermath of the First World War, the ILO and its message of peace
and progress through social justice has remained glittering, despite the social and political upheavals during the last century.

I believe that the Director-General's earnest endeavours and hectic preparations for a reform process, restructuring, priority-setting, and reforms, promoting decent work, international policy development and the InFocus programmes as laid down in his review, are of unique significance. The ILO as a whole has had a greater sense of its strategic direction, and I feel a new climate of openness and participation has been created within the Office. In his opening remarks on the ILO's activities, he gave a clarion call to the social partners at all levels for united action to face the adverse effects of globalization, and advocated for the ILO's unyielding support for all of their concerted efforts.

Although Bangladesh emerged as an independent sovereign state in 1971, its history stretches back thousands of years. After the terribly brutal and barbarous assassination of the father of the nation, Bangabandhu Sheikh Mujibur Rahman, together with his family, including his youngest son, Rusel, Bangladesh had to undergo different forms of autocratic rule, sometimes in the name of so-called democracy for about 21 years. Not only that, even the trial of the self-declared killers was made illegal by the promulgation of an indemnity ordinance. That added a new chapter to the history of the most inhuman violation of fundamental human rights.

The present Government, under the dynamic leadership of Sheikh Hasina has started a new democratization of society at all levels. For her keen interest, initiative and drive, there has been an enhancement of the people's participation at the local and national levels and an advancement in the empowerment and integration of women in development activities. Some of the most important achievements have been a visible decline in hard-core poverty, and the minimizing of the consequences of the prolonged catastrophic flood and of the adverse repercussions of the Asian economic crisis. A national awareness has been aroused as regards the elimination of child labour, and especially the immediate elimination of the worst forms of child labour. In the meantime, the tripartite consultative committee has unanimously recommended the ratification of ILO Convention No. 182.

As prescribed by the international financial institutions (IFIs), the privatization of state-owned enterprises is not a panacea for the ills confronting the public sector. Most of the industrial enterprises so far privatized in Bangladesh have either had their activities suspended or have closed down, throwing the workers out of employment without any kind of benefit. But the workers of the public enterprises that have been closed down have been paid compensation by the present Government, in consultation with the trade unions at the national level. The IFIs' policies towards beneficiary countries like Bangladesh lack any connection with reality. Over all, conditionalities imposed are not only too harsh, but also have serious socio-economic implications.

Liberalization of trade and tariffs has had an adverse impact on employment, domestic industry and public revenue, and may possibly lead to de-industrialization, aggravating the already acute unemployment and underemployment situation. The main concerns of the trade unions in Bangladesh are job security and a modest social safety net.

In the wake of globalization, any plan for reform or restructuring requires a social dialogue on complete reliance upon the social partners for policy-making and programme designing, and the monitoring of their implementation; growth maximization correlated with employment maximization and social justice; an active labour market, with free mobility of labour throughout the world and with freedom of association; more transparent and participatory IFI policies; retirement, unemployment and retrenchment benefits; health care; education and sufficient training facilities for the workers and their children; a "decent work" approach toward any social policy; fair distribution of productivity gains; protection of national production structures; planned human resource development; raising the competence of workers; and social equity. Otherwise, globalization will only widen inequalities between citizens at the national level and between nations at the international level, resulting in the amassing of wealth in a few hands and a flow of wealth into the developed countries from the developing countries.

We are certain that the ILO is the only independent international organization able to protect the working people. The workers of Bangladesh highly appreciate the ILO's past activities in different fields and look forward to enhanced assistance and cooperation in all matters to meet the challenge of the millennium. Thank you for your attention. Jay Bangla, Jay Bangabandhu, World Workers Unite.

Mr. SALIMIAN (Workers' delegate, Islamic Republic of Iran) — As the representative of the Iranian workers, I wish to convey the respect of Iranian workers throughout the Islamic Republic of Iran, from the Persian Gulf to the Caspian Sea, to our fellow workers and brothers and sisters at the 88th Conference, and to express our gratitude for the opportunity to voice some of our views.

I wish to submit our endorsement of the Report of the Director-General and recommend the adoption of measures which enables the ILO to fulfil its mandate and secure the progress of social justice in the world of today and that of tomorrow.

The concept of decent work and the role of the ILO in the promotion of opportunities for women and men, in the attainment of decent work in a free, equitable, secure and dignified condition, have our full support. We believe that every human being has the absolute right to decent work and as much an absolute right to a decent life.

We would like to express our concern at the impact of HIV/AIDS, the increasing gap between rich and poor, globalization, trade, the deterioration of the environment and the depletion of resources in the world of work and workers.

As different regions of the globe have different social, economic and cultural structures, globalization as a universal ideology can be taken as a recipe for disaster if pushed to become a tool for all social, economic and political changes.

It is our understanding that the logic of economic and trade liberalization is the logic of one dollar one vote, which has no spirit of humanity, equity and equality. Governments must be warned not to be betrayed by empty slogans. It is time to support the practical creation of equal opportunities for all, and the strengthening of social facilities for poor people based
on principles of social justice and the actualization of human potential.

With regard to the working situation in our country, last year the fifth Parliament passed a bill exempting small workshops from the provisions of labour and social security laws. It was an unprecedented move in the history of our country that a bill was passed for the non-implementation of a law, depriving about three million workers of the rights and protections they enjoyed. Workers protested against this Bill and demonstrations were held nationwide, the largest being on May Day. We believe that it is a blatant violation of the ILO Conventions, especially Convention No. 111.

On another note, while strikes are not prohibited either in Islamic laws or in the Constitution, there is no clear supportive framework for workers to enjoy the right to strike.

Regarding some positive developments, the proportion of women's participation in the workforce, which was 8 per cent before the Islamic revolution, reached 12.5 per cent last year. Of course this percentage is far lower than desirable. Our country needs a comprehensive participation of women and men in the workforce, which should include all human resources for the continuity of development and to enhance the quality of life of present and future generations.

The Workers' House of Iran has been conducting a national research project on the obstacles to women reaching managerial positions, in order to eliminate such negative conditions.

The Islamic Karr/Labour University, which is the research and training arm of the Iranian Workers' House, has been extending its educational and research programmes to include all issues related to work and the workplace, based on lifelong learning and work-based learning. This university is extending its hand for cooperation and networking with similar institutions.

Original Arabic: Mr. ABDUL HUSSAIN ABDULLA (Workers' delegate, Bahrain) — In the name of God, the Merciful, the Compassionate! It is my great pleasure to address this Conference on behalf of the Bahraini General Committee of Labour, the legitimate representative of all workers in Bahrain.

I would like to express my heartfelt congratulations to the President of this session, and I believe that thanks to his guidance and counsel our meeting will be a complete success.

I would like also to express my heartfelt appreciation to the Director-General of the ILO and to commend him on the Report, *Activities of the ILO 1998-99*, which reflects the ILO's compliance with the needs of member States, particularly in the framework of the Declaration on Fundamental Principles and Rights at Work and its Follow-up which has become a new commitment for the international community.

I hope that the Organization will focus its attention on activities in the Arab region, which is facing dire social and economic conditions. I also express the hope that Arabic will become one of the official languages of the ILO.

Our agenda is rich with extremely important items which directly concern the social partners, particularly in those countries that face difficult social and economic problems. In that context we would like to bring to your attention the following points.

First of all, trade union movement in Bahrain believes that women play an important role in the overall development process of societies. This role is reflected in the participation of women in our organization, which amounts to 14 per cent. Given our belief in women's role, we are looking forward to the adoption of a Recommendation and Convention on the protection of maternity at work.

The second point is that the Governing Body was absolutely right to have included an item on human resources development in the agenda. It is particularly timely, and discussion of this item has been of great importance in this session. In particular, we are looking forward to meeting the growing needs of the labour market.

The Director-General's Report on the situation of Palestinian workers in the occupied Arab territories has lived up to our expectations, particularly as the conditions are continuously deteriorating due to Israeli practices of discrimination, confiscation and land and water and settlement-building in Palestine and the Syrian Golan. If we follow closely the situation in those areas, we can see that no progress whatsoever has been achieved since the fact-finding mission in 1984. Participants in this Conference should bear in mind the need to live up to the lofty ideals of the Organization that are embodied in the Declaration of Philadelphia, and decide on appropriate measures to stop the steady deterioration of conditions in that part of the world.

Given the rapid developments in the international situation, we are facing tremendous challenges in terms of globalization, trade liberalization and privatization, which have dire effects on international societies and particularly on workers. It is time for our Arab Labour Organization to live up to its promises and to face the challenge of adopting labour standards that are applied in labour organizations all over the world, particularly as we are facing the dire effects of globalization and rapid scientific progress.

Bearing in mind that the activities of the ILO are in line with the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, we are hopeful that this Declaration will reflect the balance among the social partners. The fact that the Conference is now discussing Conventions Nos. 87 and 98 on freedom of association and the right to organize and collective bargaining is in line with the lofty values of the Organization that call for respect of these rights.

As workers from a developing country, we believe in the importance of the principles of the freedom of association and the right to collective bargaining. To protect our labour rights to be better able to play our national role and to participate better in the development of our countries, we are working closely with our Government to adopt legislation that makes it possible for our organization to work in appropriate conditions.

Ms. BUVERUD PEDERSEN (Workers' delegate, Norway) — In the Report, *Activities of the ILO 1998-99*, and especially in the Director-General's review of recent developments in the ILO, several positive initiatives and developments are to be found. Nevertheless, my organization is concerned about the behaviour of employers and certain governments who continuously attack the ILO's standard-setting
activities. One of the arguments they are using is that Recommendations are more appropriate tools than Conventions, and that too few Conventions are being ratified. What they forget is that adopted Conventions are used by trade unionists worldwide in negotiations with employers and authorities to try to achieve a better level of standards in their daily lives.

Workers are being confronted with political and economic forces in different forms. It is becoming big business to fight and "kill" trade unions. According to the Financial Times, Monday, 27 May, leading employment lawyers are now advising and giving practical training to big United States and United Kingdom companies on how to keep trade unions out of the workplace. Another example: in some Arab countries trade unions are prohibited by law. This shows a complete lack of respect for human rights at work and for the ILO Conventions as such. These facts tell us, trade unionists, and should tell Employers and Governments here at the Conference, that standard-setting activities and standard-setting policy in the ILO is as important as ever.

I do, however, see a great need for the ILO to use more time and energy on information campaigns about its standards and the standard-setting activities. The ILO should concentrate its information and marketing work not only on the fundamental Conventions but on the technical Conventions as well, which are of vital importance to the welfare and health and safety of workers. Other United Nations institutions should be involved in such campaigns, and more pressure should be put on the World Trade Organization, the World Bank and International Monetary Fund, and the Organisation for Economic Co-operation and Development to take responsibility for implementing the content of, especially, the fundamental ILO Conventions, the Declaration, and technical Conventions when appropriate. Such campaigns must, of course, include monitoring and guidance in the process of ratification and implementation. Accordingly, technical assistance aimed at strengthening the application of standards must be given high priority. The resolution passed last year provides a series of guidelines which could further strengthen ILO activities in this field.

One of the main objectives of the ILO's technical cooperation programme is to eradicate poverty. Millions of people never get above the poverty line. Rich countries like my own must share their wealth with those that have less. To obtain understanding and support for such a policy among the people in countries like mine, the recipient countries, on their side, must be willing to make new political priorities. More money should be spent on health and education, and less money on military equipment and warfare. Action must also be taken against corruption and bribery, as in our country, to make sure that money donated does not go into the wrong pockets.

In concluding, I will focus on the situation of the Palestinian workers in the occupied Arab territories. The Report of the Director-General, as well as recent developments in the region, shows the need to follow the situation with keen interest. We have little time for this at this Conference. We should be aware of the internal human and trade union problems in the West Bank and in Gaza, especially the fact that the Palestinian General Federation of Trade Unions has still not been able to hold its legal Congress. Unless some extraordinary political improvements take place, I think it will be quite necessary to keep up our important practice and have a special sitting on the subject next year.

Original Arabic: Mr. IBRAHIM (Workers' delegate, Libyan Arab Jamahiriya) — Allow me to congratulate the President and Vice-Presidents on their election to chair this session of the Conference. We are confident that their skill and experience will ensure that the work of this session is a success.

I would also like to thank the Director-General, Mr. Somavia, for the efforts he has undertaken to strengthen the role and the presence of the International Labour Organization, and for implementing the Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted in 1998. We wish him all possible success in fulfilling the aspirations that he expressed to us a few days ago.

In his annual report entitled Your voice at work, on the Declaration on Fundamental Principles and Rights at Work and its Follow-up, the Director-General describes all the efforts taken to ensure freedom of association and the right to collective bargaining. This Report also invites us to draw conclusions from past experience so as to better protect freedom of association and the right to organize, and to bring underdevelopment to an end and reduce the gap between the developed countries and the developing countries.

The Director-General also speaks of the need for technical cooperation in order to consolidate these principles and strengthen individual and collective rights. We fully agree with the Report's analysis of the negative impact of globalization, especially in the developing countries. We also share the view that the objectives of the ILO can only be achieved if all those concerned, in all parts of the world, enjoy freedom of expression and can define the means with which to guarantee decent work for all.

The Director-General also speaks of representational security, or the freedom to set up organizations to protect the rights and interests of workers and employers. For us, representational security can only be guaranteed if the people realize their rights at all workplaces and if they are able to enjoy the fruits of their own production. If that objective was achieved, surely workers would forever be freed from exploitation.

We must also work to counteract the multinationals which are the driving force behind globalization and which undermine employment security and increase the marginalization and exclusion of many categories of workers. That has a negative impact of freedom of association and the right to collective bargaining.

I would like to highlight paragraphs 93 and 95 of the Report where the Libyan Arab Jamahiriya is mentioned, as are certain other countries, as being a State that denies certain categories of workers collective bargaining rights and practices policies that are not entirely in conformity with the right to collective bargaining. We would like to draw attention to the fact that all categories of producers and workers in all occupational sectors have the right to organize, the right of association and the right to freely take part in collective bargaining and that they are entitled to set up the occupational and trade union entities of their choosing in all places of work and production. We therefore consider the statement in the Report to be untrue. Workers are partners in the production process and constitute the essence of economic develop-
While we welcome the technical assistance that the ILO provides to a number of Arab and African countries, we would ask the Governing body and Director-General to increase the amount of technical assistance and extend it to include both the Libyan Jamahiriya and other Arab and African countries. We also ask that the Organization step up its activities and programmes in technical cooperation offered to the social partners in African and the Arab region. We also appeal to the ILO to make Arabic an official language of this Organization, as is the practice in the United Nations and its other specialized agencies, so that more ILO documents and publications can be made available in Arabic.

We urge the Director-General to continue his efforts to put a stop to Israeli violations of human rights, including the ongoing construction of Arab settlements, the expropriation of Arab land and water resources and efforts to change the identity of Arab Jerusalem.

We condemn Israel's ongoing acts of aggression and occupation of Palestinian land and of the Syrian Golan and call for its immediate and unconditional withdrawal from all occupied Arab territories. We also call for the lifting of the sanctions imposed on our brothers in Iraq.

We would like to express the hope that this Conference is a resounding success, and that it will contribute to the prosperity of all peoples, in a world characterized by security and peace.

Mr. DAVID (Workers' delegate, Indonesia) — First of all, allow me to thank the President for giving me the opportunity to address the Conference today on behalf of the Indonesian workers. It is indeed a great honour for me to stand before this august assembly of delegates from all over the world. I will try to do my best with the time allocated to me to address several major concerns of the Indonesian workers.

As you will have heard, the Indonesian Government has ratified a total of 15 ILO Conventions to date, including the eight core Conventions on fundamental human rights, such as the Abolition of Forced Labour Convention, 1957 (No. 105) and the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and many others.

In this connection I would like to express our sincere appreciation to Mr. Brett, the Chairperson of the Workers' group and Worker Vice-Chairperson of the Governing Body, for his valuable assistance on behalf of the Indonesian workers.

These ratifications must be followed by the next important step, which is to socialize the contents of these Conventions among all the partners concerned, especially the trade unions in Indonesia, to ensure that all workers are fully appraised of their rights at work and what has been declared in the Conventions, as well as of the various laws and regulations which relate to them in Indonesia.

This is a crucial task which must be undertaken not just at the government level, but also at the workers' and employers' level. To this end, we would like to call upon the ILO to provide its assistance — and if possible to finance — this campaign in order to increase national awareness regarding the fundamental principles of the rights of workers at work. We are more than happy to prepare and submit our detailed proposals on this matter for your further review, and hopefully your approval.

Another important issue is the supervision of the ratified Conventions, which needs to be taken into account in order to ensure the proper implementation of the Conventions in Indonesia. In this regard, I would like to recommend the following points. First, an empowerment of the Indonesian trade unions through short seminars and discussions designed to give them a clear understanding of the Conventions and of the role they should play. Second, the trade unions should be able to participate along with the Government in the supervision of the implementation process.

In line with these two points; we would like to prepare a training package for the unions and we would welcome any financial assistance in order to be able to carry out this project. This project is more than ever relevant to today's globalized world since the majority of Indonesian workers are under-educated and consequently have limited skills to enable them to compete with incoming workers from all over the world.

On the topic of job opportunity, the dramatic economic crisis which hit Indonesia in 1997 has had tremendous consequences on the economy, leading to the demise of many companies and the loss of thousands of jobs. Today, the new legitimate Government is making every effort towards economic recovery and to create new jobs, both for the unemployed and for those who are entering the job market.

The Indonesian workers, whom I represent, urge this Conference to concentrate not only on setting up a strong protection system for the workers who are currently employed, but also to think about those who have lost their employment when they are designing schemes to create job opportunities.

To illustrate my point let me give you just one figure. Today there are 36 million unemployed in Indonesia, therefore we desperately need rescue programmes, especially in the informal sector.

Another important aspect that we need to keep in mind, when drawing up Conventions, is the fact that the latter are not counterproductive by overemphasizing the protection of workers in work, but that they also take into account all those who are unemployed or entering the job market.

Finally, I should also like to mention the issue of the vulnerability of workers to non-economic factors such as natural disasters. As you may be aware, the earthquake which hit the western part of Indonesia only last week left thousands of people homeless, including hundreds of workers who have lost their place of work and thus their jobs. To these people any support likely to relieve their plight would be highly appreciated as a demonstration of the international community's solidarity.

I look forward to working with the ILO on the major concerns I have just addressed.

Original Portuguese: Mr. MANJAZE (Workers' delegate, Mozambique) — Mr. President, on behalf of the Mozambican workers' organization, OTM-CS, I would like to join with the other delegates who have preceded me in offering my warm congratulations on his election to the presidency of the 88th Session of the International Labour Conference. I wish the President and Vice-Presidents every success in their work here.
We welcome the timely and well-prepared Report of the Director-General and reaffirm the commitment of the Mozambican trade union movement to the main objectives of the ILO — to promote universal peace through social and political justice, as enshrined in the ILO Constitution and in the fundamental principles embodied in the Declaration on Fundamental Principles and Rights at Work. They are: freedom of association and effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination with respect to employment and occupation.

The OTM-CS is certainly appreciative of the assistance rendered by the ILO in the last few years, particularly in the fields of workers’ education, human resources development, occupational health, the environment, gender and training. The sound collaboration with the ILO and with its multidisciplinary team in southern Africa has contributed significantly to the cause of social and economic development in our country and has strengthened our trade union organization in Mozambique.

The items on the agenda of this session — human resources development, vocational guidance and training, safety and health in agriculture, and maternity protection — are of great significance to the delegates at this Conference that is being held in the new millennium. These items are at the heart of labour-management relations in general, and they must be developed collectively, with a sense of fairness and political resolve, by everybody, particularly at a time in which we face the challenges of economic globalization and trade liberalization, with all the likely consequences on agriculture-based developing countries. These consequences could be devastating if they are not recognized and early action is not taken to mitigate them.

To conclude, economic and social performance and the achievements of the last two decades have been seriously damaged by the recent devastating torrential rains and floods, as the whole world has witnessed. We would like to take this opportunity to express our gratitude to all the international and regional labour movements, and to the international community at large, for their moral and material solidarity and financial assistance to our country in general, and to the affected population in particular.

Indeed, it is at times like this that the ILO and its constituents should come to our aid and assistance because in Mozambique we have reached a point at which we are not fully able to help ourselves.

I wish this Conference every success, and hope that it will produce valuable and binding Recommendations and resolutions that will help to strengthen the work of the ILO and its Members in their efforts to create a better future, in which freedom, democracy, partnership, and social and economic justice shall prevail.

Mr. LODDEN (representative of the International Energy and Mines’ Organisation) — The Norwegian Federation of Oil Workers’ Unions (OFS) is very thankful for the support we have received from the ILO over the years.

Rightly, the Norwegian authorities are criticized for restricting the right to strike, by their misuse of compulsory arbitration, on page 38 of the Global Report, Your voice at work.

The Norwegian authorities have used compulsory arbitration against us several times in the last two decades. The most important issue in connection with our collective bargaining is the pension age. For us, the question of pension age is not primarily a welfare question but, first and foremost, a question of health, safety and the working environment. The pension age is today 65-67 years. Research shows that only 1 or 2 per cent of the workers are still employed offshore at this age. Insurance mathematicians have calculated that 70-90 per cent of the workers will be in a position of ill-health before they reach retirement age.

Nineteen years ago, a report delivered by specialists on work-related medicine already stated that the pension age should be around 60 years of age.

At this time, we are in the middle of collective negotiations; they ended last night at around 2 o’clock with only one demand: lower the pension age, so that we can retire from work with our health still intact. The rough work in the North Sea, with a minimum of 12-hour shifts, day and night, for 14 consecutive days offshore, takes its toll on aging bodies.

The authorities’ misuse of compulsory arbitration, and the Norwegian oil companies’ lack of will to lower the pension age, have given, inter alia, the following dismal results:

Many lose their health licences and are not permitted to continue working offshore, and most of these persons become dependent on invalidity benefit, becoming a burden for their families and on society.

In two companies with approximately 2,000 employees today, 500 lost their health licences during the past 12 years, many at an early age, because of the heavy work involved.

The OFS is pleased with the ILO’s Global Report, which underlines the right to strike. We are fully aware of the seriousness of a strike, but we also feel a responsibility for our members who find themselves in a state of ill-health. The Norwegian authorities’ misuse of compulsory arbitration is actually a threat to health and endangers lives.

The Norwegian authorities have a nasty history of abusing small groups of workers who do not have enough numbers to make a difference during elections. After the war, we heard the tragic story of the seamen on the merchant fleet, who during the war did not receive the pay promised to them. They were then left to themselves in isolation in Norway and abroad, with the health problems that they had incurred as a result of their service to the liberation of Norway, during the war. We also have the depressing story of the North Sea divers who pioneered the oil industry and lost their health in doing so. This resulted in many suicides. The Government’s attitude to the oil workers’ claim for lowering the pension age is exactly along the same lines as these previous stories.

OFS believes that to retire an oil worker on a voluntary basis in his 57th year will save costs for society, with regard to both health and the economy.

The misuse of compulsory arbitration is not only used in the oil sector. Only last Sunday, it was used against underpaid assistant nurses in Oslo.

The authorities are preparing to change the central laws governing collective bargaining. We fear that suggestions will be put forward that will undermine union rights. The Norwegian authorities do not like the repeated criticisms of the ILO. Suggestions were put forward in 1996 with the aim of taking away bargaining and striking rights from unions that had less...
than 100,000 members. These suggestions have not been withdrawn, and are still being contemplated.

When we heard the Norwegian Deputy Minister in this same room, just four days ago, strongly supporting the ILO Declaration on union rights, we had the feeling that we are living in two different countries. However, we hope that he meant every word, and that the authorities will not turn to compulsory arbitration against us, yet again breaking with its obligation to the principles of the ILO.

Misuse of compulsory arbitration is an ongoing conflict, threatening health and endangering the lives of the older offshore workers.

(The Conference adjourned at 11.45 a.m.)

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Presidents: Mr. Flamarique, Ms. Bauer

SECOND AND THIRD REPORTS
OF THE SELECTION COMMITTEE:
SUBMISSION AND ADOPTION

Original Spanish: The PRESIDENT — We start this sitting with the second and third reports of the Selection Committee, which are to be found in Provisional Record Nos. 6/2, and 6/3, respectively. I give the floor to Mr. Alfaró Mijangos, Chairperson and Reporter of the Selection Committee, to submit these two reports.

Original Spanish: Mr. ALFARO MIJANGOS (Government delegate, Guatemala; Chairperson and Reporter of the Selection Committee) — I have the honour to present you the second and third reports which are to be found in the Provisional Record Nos. 6/2 and 6/3. They refer, to the proposal to withdraw the International Conventions Nos. 31, 46, 51, 61 and 66, and to the consideration of the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, with or view to formal confirmation by the ILO. The Selection Committee approved the proposal made by the Governing Body to withdraw the International Conventions in question.

As for the Vienna Convention, the Committee recommends to the Conference that it adopt the resolution proposed by the Governing Body, whereby the Conference authorizes the Director-General to deposit on behalf of the ILO an act of formal confirmation of the Vienna Convention.

In the light of these reports, the Conference may deem it appropriate to take a preliminary decision with respect to the five obsolete Conventions and to authorize the deposit of an act of formal confirmation of the Vienna Convention.

Original Spanish: The PRESIDENT — I propose that these two reports be examined separately. Does anyone wish to comment on the second report which recommends to the Conference that it take the preliminary decision, referred to in paragraph 3 of article 45bis of the Standing Orders of the Conference, for the withdrawal of each of the Conventions.

Can I consider that the Conference adopts paragraph 1 of the report referring to the Hours of Work (Coal Mines) Convention, 1931 (No. 31)?

(Paragraph 1 is adopted.)

Can I consider that the Conference adopts paragraph 2 of the report concerning the withdrawal of the revised Hours of Work (Coal Mines) Convention (Revised), 1935 (No. 46)?

(Paragraph 2 is adopted.)

Can I consider that the Conference adopts paragraph 3 of the report concerning the reduction of Hours of Work (Public Works) Convention, 1936 (No. 51)?

(Paragraph 3 is adopted.)

Can I consider that the Conference adopts paragraph 4 concerning the withdrawal of the Hours of Work (Textiles) Convention, 1937 (No. 61)?

(Paragraph 4 is adopted.)

Can I consider that the Conference adopts paragraph 5 concerning the Migration for Employment Convention, 1939 (No. 66)?

(Paragraph 5 is adopted.)

Can I consider, therefore, that the Conference adopts the second report of the Selection Committee, as a whole?

(The second report is adopted as a whole.)

A record vote will be held on Thursday, 15 June, to confirm these preliminary decisions.

Turning to the report of the Selection Committee, may I take it that the Conference adopts the third report containing the draft resolution with a view to the deposit of an act of formal confirmation by the ILO of the Vienna Convention of 1986?

(The third report and the resolution are adopted.)

REPORTS OF THE CHAIRPERSON OF THE GOVERNING BODY
AND OF THE DIRECTOR-GENERAL: DISCUSSION (cont.)

Original Spanish: The PRESIDENT — The next item on the agenda today is the discussion of the reports of the Chairperson of the Governing Body and of the Director-General.

Original Spanish: Ms. RUIZ DE ANGULO (Government delegate, Costa Rica) — On behalf of the Government, the Minister of Labour and the people...
of Costa Rica I would like to express our wishes for success in our work at this 88th Session of the International Labour Conference. I would also like to take this opportunity of congratulating the President of the Conference on his election.

It is an honour for me to represent my country and my Government. Costa Rica throughout its history has not only maintained close ties with the ILO but has also achieved social development with due respect to labour and to social and labour rights. This has proved to be the cement of our social peace and our 100 year-old democracy. We therefore share the ideas expressed by the Director-General in his excellent Report, in particular with regard to the need to ensure that those responsible for defining macroeconomic and financial policy attach due importance to employment and social issues.

Within this context, the rapid pace of change worldwide and changing conditions in our country have obliged us also to make substantive changes in our manner of government, by defining and promoting a new programme aimed at creating opportunities for everyone to enjoy a decent quality of life.

The Government of Costa Rica at the present time is encouraging the development of an integrated and consistent social policy which will have the same importance as our economic policy and have top priority on our national agenda. It will replace the short-term and paternalistic approaches to issues referred to by the Director-General.

The triangle of solidarity is a government strategy aimed at achieving this integrated development. This should lead to lasting human development involving all our citizens, in programmes and projects intended to benefit their families and communities, since they should have the credit for their own achievements. They will then embrace changes whose purpose is to improve the quality of life. With this new approach, we are trying to give back credibility to people in public office and enable the various institutions to respond more effectively to the real needs of families and communities by modernizing those institutions and promoting effective mechanisms to ensure participation of citizens in the decision-making process. The human being is at the centre of development and our economic policies have taken this into consideration to ensure that human needs are fully met and human rights respected.

Ensuring the greatest possible level of prosperity for our country has been one of the major objectives of the Government. This has been achieved through sustained efforts to support programmes in sectors such as education, health and social security. As a result, we are now in a very favourable position in our region and worldwide in terms of human development, as assessed in accordance with the criteria defined by the United Nations and other specialized organizations.

There is no doubt that the unanimous adoption of the Worst Forms of Child Labour Convention, 1999 (No. 182), on 17 June last year by the tripartite representatives, that is to say the 174 Members of the International Labour Organization including Costa Rica, was an historic event and an unequivocal sign of the universal will to combat child labour and to find the ways and means of achieving this. The best proof of our own wish to take action against the generalized abuse suffered by children in the world of work is the fact that the President of the Republic and the Minister of Labour on 9 September 1999 submitted Convention No. 182 to our legislature for approval, which should be given very soon. This process is reinforced by our commitment to adopt immediate measures to eradicate the worst forms of child labour, including the Plan of Action of the National Committee for the prevention and progressive elimination of child labour and protection of adolescent workers. This is all part of the Government's strategy to diminish poverty in our country and has as its slogan "Work is not a job for children".

Combating poverty has thus for many years been a guiding principle of the Government. We have invested the necessary resources which have given us one of the highest levels of employment in Latin America, thanks to a policy of balancing macroeconomic policies with comprehensive and selective social policies.

Whether we are speaking of physical, intellectual or creative work, the important thing is to ensure that it reflects human needs, thus giving workers a purpose for living. This idea is embodied in our Constitution, which defines work as a right of the individual, as well as a social obligation. Through the creation of decent and well-paid jobs, people will be given the means to improve their standard of living and that of their families. This is our commitment.

Mr. DREVER (Government delegate, Australia) — On behalf of the Australian Government I would like to congratulate the President on his election. I also welcome the opportunity to comment on the Director-General's Report entitled Activities of the ILO 1998-99.

The Director-General's Report to this year's Conference is a useful record of the work of the Organization over the past year. It demonstrates the progress that is being made in modernizing the structure and activities of the Office and the delivery of technical assistance programmes, and in focusing the ILO's activities on achieving its four strategic objectives.

The Report notes that work on reviewing the ILO's existing body of international labour standards, with a view to modernizing and strengthening them, was given added impetus with the call made by the Director-General in his Report to the 1999 Conference Decent work, to reinvigorate international labour standards, by, among other approaches accelerating the revision of outdated instruments, promoting priority standards, stepping up efforts to help countries implement ILO standards, improving the supervision of standards, and reasserting the role of pertinent ILO standards in the broader world context.

The present Report on the ILO's activities for 1998 to 1999, outlines progress achieved in these areas. The Director-General also notes, however, by way of a general observation, that the ILO needs to adapt itself to the changing circumstances presented by the challenges of the new millennium. In this context, Australia believes that the need for comprehensive reform of standard setting is growing ever more urgent. If the ILO is to retain its status as the primary body for establishing and maintaining international labour standards, its members must become much more active in pursuing the renewal of the International Labour Code.

The Governing Body's Working Party on Policy regarding the Revision of Standards has made a useful contribution to standard-setting reform. Following
recommendations made to the Working Party, the Governing Body has approved proposals to revise 15 Conventions (including the Maternity Protection (Revised) Convention, 1952 (No. 103)) and three Recommendations. It has also identified 54 Conventions and 36 Recommendations as being outdated. As a result, the Governing Body has decided to shelve 27 obsolete Conventions immediately, marked five Conventions for tentative abrogation, and decided to propose to the Conference the withdrawal of 11 that have not entered into force.

These are important achievements. However, Australia believes that the current approach to revising the International Labour Code is inadequate to meet the challenges presented by the rapid changes occurring in the world of work; changes that are being driven at an ever increasing pace by advances in technology.

Given the pace of change in recent times, it is not surprising that areas of the Labour Code have fallen into disrepair. Standards and processes developed to meet the needs of a previous era can quickly lose relevance in the modern world. The LILS Working Party has approached the task of reviewing labour standards by generally examining instruments on a case-by-case basis. However, the Australian Government believes that, if we are to develop a comprehensive and coherent framework of international labour standards, we need to examine all aspects of the ILO's normative arrangements in a more holistic way. The outcome of this process must be a set of revitalized labour standards that are sufficiently flexible to accommodate ongoing workplace change.

The need for reform is urgent. Indeed, Australia considers that standard-setting reform is so important that it should take precedence over the development of new standards, unless exceptional circumstances demand that a particular new standard be established. It is imperative that members reach a consensus on how such reform might be achieved in a timely manner.

Australia calls upon the members of this Organization to embrace the need for more rapid reform of the normative arrangements and to approach this task in a positive way. The clear objective should be for a fundamental review of the existing Labour Code, with a view to establishing, within an agreed framework, an appropriately integrated, coherent set of standards that is relevant to today's society. In order to achieve this objective, we will need to examine the existing processes for the setting and revision of standards to ensure that they do not unduly impede the timely achievement of comprehensive reform.

Australia is encouraged by the fact that the issue of standard-setting reform itself is now firmly on the Governing Body's agenda. However, it is imperative that this process now be driven by the Governing Body.

In conclusion, it is vital that the ILO actively pursue reform of normative arrangements in order to ensure that it is equipped to face the ever growing challenges of the new century. To this end, Australia urges the members of the Governing Body to accept the challenge now before it, and to bring these matters before the Conference as a matter of urgency.

Mr. NGWE (Minister of Labour, Myanmar) — It is a pleasure for me to extend our warmest congratulations to the president and the Vice-Presidents on their unanimous election to the presidency of the 88th Session of the International Labour Conference. This Conference is meeting at a time of change and transformation. I wish them every success in the discharge of their heavy responsibilities.

I had come to this meeting — the first International Labour Conference of the new millennium — with an open mind and high expectations. Since the ILO predates the United Nations and has always upheld its noble ideals, I had hoped to be able to express support for the way in which the ILO had been seriously attempting to address the daunting challenges of achieving decent work for all.

I was pleased to note that Global Report stresses that “each national situation is unique, and that pre-fabricated or stereotyped action plans at the country level are unlikely to address adequately the specifics of each”. It also underlines the significance of national ownership and places emphasis on the fact that actions which are perceived to respond to external pressures are less likely to succeed.

I am happy to note that the Report recognizes that political will cannot be imposed but needs to grow within a country. This important fact cannot be stressed enough.

At the same time, I find it disturbing that the ILO should try to introduce cross-conditionalities with other international agencies. It is true that the ILO has a certain mandate under article 12 of the Constitution. However, the spirit of article 12 is to promote cooperation in the Organization's relations with international organizations. It is clearly meant to be a positive article and should not be interpreted negatively and allow the ILO to call upon other bodies to cease cooperation with a member State.

In this regard, a most unfair and unwarranted action was taken against Myanmar in the Selection Committee on 9 June 2000. In the deliberations of the Committee, a wide range of countries, including China, Cuba, India, Indonesia, Japan, Malaysia, Pakistan, the Philippines and Sudan, repeatedly objected to this unfair action and counselled the utmost caution against invoking article 33, because to do so would, in effect, not only place sanctions on Myanmar, but would also set a dangerous precedent for the entire membership. Their appeal that all avenues be explored before taking such drastic action, was completely ignored. In the end, those who had the power to impose their will slammed through a resolution that in one stroke snuffed out the promising cooperation between the ILO and Myanmar.

The report of the Technical Cooperation Mission underlines that Myanmar rendered full cooperation to this Mission, and that it had complete freedom of action to carry out its work.

The Secretary No. 1 of the State Peace and Development Council apprised the Mission of the unique situation of the country and explained the measures that the Government has taken, and is taking, to ensure that there are no instances of forced labour in Myanmar.

I personally went the extra mile to indicate our serious commitment to continuing our cooperation, to ensure that Myanmar's domestic legislation would be in full conformity with the Forced Labour Convention, 1930 (No. 29). I regret that the goodwill on our part was ignored, and those advocating drastic measures prevailed in the Selection Committee. It is indeed a sad
day for the ILO when a punitive approach, rather than a promotional approach, is adopted.

Members of this august assembly will have an opportunity to consider the resolution on Myanmar when it comes before the Plenary later this week. I urge you to consider the letter and the spirit of the resolution most carefully. I ask you: does the resolution promote the desired objectives; do you believe that the cause of workers can be best served through coercion rather than dialogue, do you believe that the ILO, being a social organization, can, and should, assume the role of the United Nations Security Council; do you believe that the cause of workers should be sacrificed for political expediency; and do you believe that article 33 should be invoked as long as the avenue of cooperation is kept open?

If the answer is no, then you should reject the unfair and unjust proposed resolution thrust upon this assembly.

It is our firm belief that this unwarranted state of affairs arose because of politically motivated actions by certain powerful countries and groups who are opposed to Myanmar. It arose because of a lack of knowledge of the actual situation in our country.

There are groups opposed to Myanmar, insurgent organizations and individuals or institutions that have close contacts with them, and bogus workers' organizations that are politically oriented, rather than looking after the interests of workers.

Naturally, the information received from such groups is politically biased and one-sided. Undoubtedly, a fair and balanced perception cannot be obtained if the analysis is to be based on such wrong and biased information.

I wish to reiterate that Myanmar has taken, and is taking, necessary measures to ensure that there are no instances of forced labour in Myanmar. We have also assured the ILO that we would take into consideration appropriate measures, including administrative, executive and legislative measures, to ensure that there be no instances of forced labour in the future as well.

It is my hope that the very first International Labour Conference in the new millennium, will be able to produce results that will further the cause of workers, a cause that must be foremost in our minds.

Original Portuguese: Mr. SEBASTIÃO LUKIN-DÁ (Deputy Minister of Public Administration, Employment and Social Security, Angola) — On behalf of the Angolan delegation, I would like to welcome all the members of the delegations present and I am certain that together we will devote all our experience to a successful outcome to our proceedings.

It is well known to everybody that my country has waged, for some decades now, a battle to achieve peace that will open up doors for its development. Many efforts have been made in this field where constant attacks on us destroy not only material goods but our most important resources and that is the loss of the lives of many of our people.

However, life goes on and the labour world continues to do its best to see that labour relations take place with a greater sense of social justice. In this connection I am gratified to announce the recent approval and entry into force of a new general labour law that contains provisions that are more in keeping with the design to construct a market economy that my country embarked upon some years ago. We are going to undertake the necessary steps to forward it to the ILO.

The agenda of this session, as we see it, is in keeping with the needs of modernization. More and more attention must be paid to women, and in particular to motherhood. The Conventions that are no longer in keeping with the current situation should be withdrawn from the list of Conventions in force. One must modernize.

I am going to conclude by reiterating my best wishes to the President and Vice-Presidents of this session of the Conference and express the hope that our proceedings will be as smooth as possible.

(Ms. Bauer takes the Chair.)

Mr. KOHLI (Employers' delegate, India) — We are confident that under the inspiring leadership of the President this session will reach momentous decisions coming, as it does, soon after the launch of the Global Compact and five years after the Copenhagen Social Summit, for the benefit of humanity.

I believe all of us should strongly support the ILO in making a success of the fundamental principles for which this Organization stands. For if we — the tripartite constituents from the member States — fail the ILO in this critical area, both the ILO and we lose our legitimacy. This will hurt the interests of employers and workers most because the ILO is the only forum within the United Nations system which is based on the principles of tripartism.

Let me first express our deep gratitude to the Director-General who visited our country earlier this year to discuss various issues relating to employment in the unorganized sector. Wage employment in the organized sector cannot absorb the teeming millions of unemployed and underemployed in the developing countries. The unorganized sector and self-employment hold the promise. Countries like India missed the opportunity provided by the industrial revolution. The new ICE economy — that is information, communication and entertainment — occasioned by the information revolution seems to offer the potential to India and many other developing countries to catch up, at least partially, with the industrialized countries. Yet, in the aftermath of globalization, not only the gap between the north and the south, but also between the old and the new economies, within countries is increasing with the attendant consequences for social harmony and social justice.

The ILO has embarked on a massive reorganization within the Office. It is logical to carry these steps further and rationalize the ILO Conventions and focus more sharply on the core Conventions that constitute the bedrock of the ILO's mandate. In this context I consider it very significant that the withdrawal of Conventions Nos. 31, 46, 51, 61 and 66 is being considered as part of the agenda. In the emerging new world order the ILO's work should reflect new work, the new workplace and the new workforce. One critical challenge in this regard concerns the shift, in several cases, from employment contract to service contract. The new forms of employment need to be effectively dovetailed with concern for basic core labour standards.

This Conference is discussing the revision of the Maternity Protection Convention (Revised), 1952
(No. 103), and Recommendation, 1952 (No.95). With the increasing participation of women in organized-sector work, even in the developing countries, there is a need to pay special attention not only to issues like maternity protection and paternity leave, but also to seek a much better balance between work and family than what exists today.

I am happy that "Human resources training and development: Vocational guidance and vocational training" is included as an item on the agenda of this Conference. As past President and past Chairman of the International Federation of Training and Development Organizations (IFTDO), I am pleased that this subject is receiving renewed attention at the beginning of the new millennium. With the transition from industrial to information revolution, many of the old industries and old skills are giving way to new industries and new skills. We cannot continue to prepare our youth for tomorrow's jobs with yesterday's skills and techniques. Today's virtual organizations need web-centric open learning systems, with better, stronger linkages between industry and institutions, similar to what exists between producers, vendors, dealers and customers in some of the high performing organizations. The new knowledge-based services have opened a new vista where developed countries are looking for skilled personnel from developing countries. This is a welcome beginning which should lead to greater inter-country mobility of workers. Even without physical mobility there can be mobility of "skilled time" by outsourcing secretarial analytical data processing and by performing jobs using the Internet.

The ILO’s work in the field of human resource development and vocational training should focus on anticipating the future and providing technical cooperation to prepare those member countries which need such assistance to meet the emerging challenges and successfully bridge the gap between acquired and required skills in the market place. It should offer assistance to prepare young people in developing countries for the skills required in the new economy. Preparing for entrepreneurship and unorganized sector jobs needs a different orientation and method of delivery in skills development.

Let me also briefly refer to item VI on the agenda, "Safety and health in agriculture". In my country, 25 per cent of the labour force is still engaged in agriculture. In this context, standards which are typically followed in industrialized countries cannot be imposed on developing countries. Furthermore, practices adhered to in developing countries should be taken into account when determining such standards.

Before I close, I would like to reiterate that the Director-General's Report and the agenda for this session highlight a number of important issues. I am confident that it will be possible for this Conference to reach consensus on the ways and means to tackle the new challenges. On this historic occasion of the first session of the International Labour Conference of this oldest United Nations institution in the new millennium, let us reaffirm our commitment to the ideals for which the ILO stands and work unreservedly to resolving the complex issues through consensual decision-making in a tripartite framework.

Mr. SEBELE (Government delegate, Botswana) — Let me join others in congratulating the President on his election to preside over the 88th Session of the Conference. On behalf of the Botswana delegation, I welcome the opportunity for discussion of the Director-General’s Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. I would like to commend the Director-General for a concise but very informative Report in this regard.

In a world teeming with unemployment, poverty, destitution and hunger, the realization of the full potential of globalization to raise living standards is contingent upon well functioning mechanisms of social dialogue. It is fitting, therefore, that after laying the foundation for decent work in the previous Conference, we should build upon this achievement by creating an environment in which the respect for fundamental principles and rights at work is enhanced.

Concluding his Report, the Director-General observes that respect for basic human rights of freedom of association and collective bargaining is indispensable in the context of international economic integration and the promotion of democracy worldwide. Furthermore, he deems respect for the fundamental principles and rights at work to be providing a critical social dimension to the global economy and its governance. We cannot agree more. My delegation supports the comprehensive view of society and, in particular, the world of work presented in the Director-General's Report.

In Botswana there is overwhelming consensus to the effect that unless development results in the improvement of the human condition, it would be considered as having failed in its objectives. Consequently, the promotion of social justice and equity constitutes a fundamental component of our national development plans. During the preparation of these plans, government, employers’ and workers’ organizations and the community at large establish priorities and make trade-offs between competing interests and demands, and make an assessment of future prospects in the light of prevailing circumstances.

All this underlines Botswana's commitment to the principle of social dialogue, which is the hallmark of fundamental principles and rights at work. Social dialogue has always been, and is still, at the centre of our macroeconomic policy formulation. It is a principle we do not tire of promoting because not only has it served the country well, but it also lies at the very heart of our participatory democracy. In view of the fact that effective tripartism and social dialogue cannot take place in an atmosphere where inequality among the social partners prevails, efforts have been made over the years to provide a suitable environment for the growth of the labour movement and the promotion of work-based democracy. In this respect, extensive legislative reviews have been undertaken since 1992 to remove aspects of labour laws that impeded the growth of the labour movement and the development of collective bargaining. The ratification of 12 ILO Conventions, including the Conventions on freedom of association, the right to organize and collective bargaining in 1997, is intended to buttress these efforts. The full benefits of these ratifications are yet to be realized and wait upon the completion, by the end of this year or early next year, of the process of realigning our laws with the provisions of the ratified Conventions.

I would like to conclude by commending the ILO for its efforts in pursuing the promotion of fundamental principles and rights at work. We also share the
view that the priorities for technical cooperation aimed at reinforcing these individual and collective principles and rights outlined in the Report can be translated into practice provided the political will to embrace them prevails.

Let me end by reiterating Botswana’s commitment to the realization of the ideals and objectives of the ILO. I wish the Conference fruitful deliberations.

Mr. OKUDA (Employers’ delegate, Japan) — Let me begin by extending heartfelt congratulations to the President on his election. I also want to express my admiration for the excellent work done by Mr. Somavia over the past year, focusing this Organization on important challenges.

Now let me bring you up to date about circumstances in Japan. Our economy finally is beginning to recover gradually, but a strong and sustainable recovery will require a lot more vigour in the private sector.

Capital spending is rising in leading-edge sectors, such as telecommunications. But consumer spending, which accounts for 60 per cent of Japan’s GDP, remains weak and people are reluctant to spend because of concerns about job security and about provisions for post-retirement income.

With more elderly people and fewer children, we need to move quickly to implement social security reforms to reassure people about their post-retirement life.

An even bigger challenge is the task of alleviating concerns about employment. Unemployment in April was 4.8 per cent. And things could get worse before they get better. Last year, a government white paper reported that Japanese companies have nearly 2.3 million more employees than they need.

Creating and maintaining jobs are core responsibilities for corporate management. We in the private sector have a responsibility to generate rewarding employment by developing valuable products and services and cultivating new markets. That includes investing vigorously in information technology and other strategic resources, and spending vigorously on research and development.

Cooperation between labour and management is also essential in addressing employment issues. Last October the Japan Federation of Employers’ Associations (NIKKEIREN) joined the Japanese Trade Union Confederation (JTUC-Rengo) in issuing the Declaration on Employment Security. That declaration expresses a strong joint commitment by labour and management to fulfil their roles fully in promoting stable employment.

I became chairman of NIKKEIREN in May last year. From the outset, I have been calling for Japan to put a human face on the market economy and to become a society that is rich in choices. Those themes will combine NIKKEIREN’s traditional emphasis on people-oriented management with the vitality of market principles and free competition.

Japanese business needs to be competitive in the global marketplace, and we need to attain competitiveness in a socio-economic environment where people enjoy fulfilling work and fulfilling lives.

Ensuring stable employment is an important element of human-oriented management, but people naturally expect more than mere jobs. Providing people with a broad range of appealing choices is the true essence of people-oriented management in this day and age.

Our stance in Japan thus meshes closely with the goal that our Director-General calls “decent work”. I welcome the growing focus at the International Labour Organization on the role of corporations in contributing to social stability, as in generating employment.

Meanwhile, we in business need to become more sensitive to values in the global community as we operate more globally. The International Labour Organization can help us by highlighting relevant values and by presenting best practices for honouring those values. By doing that, the International Labour Organization will become more familiar and useful to enterprises. An especially important step in that direction was the ILO Declaration on Fundamental Principles and Rights at Work.

All of us in the International Labour Organization should recognize the tremendous importance of that Declaration. The principles it contains are exactly the kinds of guidelines to be shared universally. At the same time, in applying these principles, we need to address the special circumstances that prevail in individual nations. The International Labour Organization also has a big role to play in supporting moves toward positive change in each nation.

A moment ago, I emphasized the importance of dialogue and cooperation between labour and management. That cooperation is absolutely essential in tackling the important issues around the world. That makes the International Labour Organization all the more valuable as a tripartite forum.

However, I must note in closing that an unfortunate lack of visibility is hindering the effectiveness of the International Labour Organization. This Organization stands on firm principles and is correctly based on tripartism, but it lacks a readily recognizable voice and a clear identity in the international community.

We can, and should, make this tremendous Organization speak out boldly on real social issues and take dynamic measures to tackle them. That is the clear and pressing duty for all of us who have the honour of participating in the International Labour Organization.

Mr. JATIYA (Union Labour Minister, India) — At the outset, I would like to congratulate the President on his election as President of the 88th Session of the International Labour Conference and also the Vice-Presidents of this session on their election. I must also thank the Director-General for his Report on the activities of the ILO for the period 1998-1999.

We welcome the fact that the portfolio of proposals for new standard-setting activities is regularly updated in the light of recent developments and of the opinions expressed by constituents. We also believe that at this stage more attention should be paid to the consolidation of existing standards rather than new prescriptive standards in undefined areas.

We also note with interest the ILO-IPEC Statistical Information and Monitoring Programme on Child Labour (SIMPOC) which aims, inter alia, at helping the member countries to undertake surveys to assess the magnitude of the problem of child labour. Comprehensive door-to-door surveys conducted by the national census authority will offer a reliable source for accurate assessment. We have invited the head of the ILO Bureau of Statistics to visit us and help us to design the modalities.
We support the strategic objective approach and the emphasis currently being placed on promoting employment and combating poverty. We believe that these areas should continue to be the focus of the next biennium.

The Government of India is fully committed to the ILO Declaration on Fundamental Principles and Rights at Work as well as the core labour standards. We firmly believe that the best way to promote ILO Conventions is to ensure their ratification and implementation. On 18 May 2000, we deposited the instruments of ratification for the Abolition of Forced Labour Convention, 1957 (No. 105), thereby taking the total number of Conventions ratified by India to 39.

We continue to review our laws, regulations and practices and are engaged in consultations with our social partners concerning ratification of the remaining core Conventions.

Social justice is an enduring theme in our Constitution. It is also the cardinal principle behind the ILO Constitution and the Declaration of Philadelphia. We have striven to promote and sustain a democracy in which the rule of law and social justice prevail. Workers and their organizations have played an important role in the national liberation struggle, helping to preserve a healthy democratic tradition and system and to develop our post-independence economy. We therefore, attach great importance to the protection of their rights and promotion of their welfare.

Globalization has created unprecedented economic opportunities. Simultaneously, it has also deepened social inequalities both within and amongst countries. Globalization has manifested itself in the form of acute unemployment and underemployment. While the role of capital has gained in importance, workers increasingly face uncertainty because they have no income security, social security or welfare. The ILO’s World Employment Report has documented this. These problems are posing challenges to the development of developing countries. The ILO should play an important role in evolving and implementing a proactive and development-oriented approach with the emphasis on employment and social security for all. We will have to create a climate that is conducive to the globalization of labour as well as of capital. Under no circumstances should capital be given more importance than human labour.

The concept of decent work and the ILO’s strategic approach seek to address many of these social and economic concerns. This can also be seen in the adoption of the ILO Declaration on Fundamental Principles and Rights at Work, as well as the Worst Forms of Child Labour Convention, 1999 (No. 182). The wider issue of the social dimensions of trade liberalization continues to be discussed and researched by the ILO Working Party on the Social Dimension of Globalization established by the Governing Body six years ago.

In this context, we note with great concern the recent attempts made at Seattle to raise non-trade issues with a view to undermining free trade agreements. The Government of India believes that the promotion of international labour standards is squarely in the mandate of the ILO, and therefore it sees no merit in the WTO taking on this role, whether directly or jointly with the ILO.

The process of globalization and trade liberalization should be accompanied by the free movement of natural persons. Yet, there are still restrictions on the international mobility of the workforce. Despite these restrictions, international migration continues apace. The ILO should encourage member States to take measures to protect the rights of migrant workers, particularly their fundamental human rights.

Original French: Mgr. BERTELLO (Apostolic Nuncio, The Holy See) — The Report of the Director-General on the activities of the Organization is an important instrument to draw up a balance sheet of initiatives undertaken, and to exchange and evaluate experiences at the national, international and regional level. It also makes it possible to find a new dynamism so that we can accept the challenges and analyse the perspectives and new possibilities which are offered to us today in order to affirm the priority of work, in its personal, family and community dimensions in the face of the almost unquestioned glorification of the market.

In looking at this situation, one cannot but underline the massive unemployment which exists in many countries, the widespread use of child labour, the oft-insufficient protection of workers, the consequences of globalization, and the introduction of new technologies. There is an ever-widening gap which exists between the rich and the poor countries, as well as within each country, between the minority able to draw certain benefits from globalization and the others, most of whom are workers who have few qualifications and who find themselves marginalized in this economic process.

This situation shows very clearly the importance and the topicality of the Declaration on Fundamental Principles and Rights at Work and this is something which the Holy See has recognized. The first follow-up Report, Your voice at work, thanks to putting into perspective the global dynamism of the problems encountered and the solutions found, suggests directions and specific actions which could be taken in the field of cooperation. This cooperation would contribute to diminishing the discrepancies which still exist and, at the same time, also remind the trade unions, the employers’ organizations and the governments of their specific responsibilities in implementing these actions.

“Through their work”, the Pope wrote in a message to the World Movement of Christian Workers, “men and women have the mission of building a just and fraternal world, where workers see their rightful place and dignity recognized”.

Today’s united approach to achieving these labour rights is negated by the scourge of unemployment, above all when it affects large sections of populations and is endemic. This is also due to the inefficiency of the economic system and is an important factor contributing to marginalization and exclusion which can lead to despair, moral confusion, and sometimes to delinquency.

However, work gives value to the skills and capacities of the workers, it makes it possible for them to take part actively in the society of which they are a part, and it creates certain freedoms which go beyond the economic sphere to encompass the entire personality.

On the other hand, the continuing change in the quantitative and qualitative structure of work, powerfully propelled by globalization, demands new strategies for training staff that will be qualified and therefore able to meet the challenges of the production systems.
The experience of the last few years has indicated that while we seek workers with the necessary skills to meet the requirements and management of this change, the possibilities of employment for those who have not been able to qualify or retrain themselves are shrinking.

Therefore, one should ask whether the programmes and priorities of our educational systems are able in fact to shape the minds of our young people and to give them the skills and the knowledge which would prepare them to meet the challenge of new types of work where there is great flexibility and change over time. In order to achieve this, there is a need for synergy amongst all the players involved in order to create a new supply which meets the requirements of the labour market — not only the local labour markets but also the production systems. Commitment with a view to solving these problems is something which is of importance and concern to all of us.

“It is essential” the Pope said in the message already cited, “that everybody be mobilized for the integration and reintegration of people who are at the age to have a profession, and to see that situations of poverty and misery, which offend their dignity, are overcome by an ever more active solidarity”.

Original Spanish: Mr. RODRIGUEZ SALCEDO (Employers’ adviser, Dominican Republic) — The delegation of the employers from the Dominican Republic warmly congratulates the President of this 88th Session of the Conference, Mr. Flamarique, on his election, and we wish him every success in his work. We also welcome all the delegations present here, and commend the work done by the Director-General, Mr. Juan Somavia who, in his Report for the period 1998-99, tells us about all the activities carried out by a new ILO, open to the world and at the service of its constituents. These activities clearly reflect the transition undertaken by the ILO.

The Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work once again demonstrates that the ILO is resolved to carry out its mandate and to improve its management systems in order to improve and promote the values of work and democracy, and its own supervisory system.

We welcome the fact that Your voice at work gives high priority to freedom of association and collective bargaining as a first step towards observance of fundamental principles and rights at work.

The Dominican Republic has already ratified seven of the eight core Conventions, and the Government has submitted instruments of ratification to the National Congress for the Worst Forms of Child Labour Convention, 1999 (No. 182), which will soon be ratified by the legislature. This step was fully supported by the Dominican employers. We have also endorsed the strategic plan of the ILO involving eight programmes and projects which are under way. We are aware that more and better jobs are a guarantee of social peace, of the achievement of national development goals and of a strong democracy in our country, which the presidential elections held on 16 May consolidated and renewed.

We have a labour advisory council, which is tripartite and discusses all labour issues under its mandate. We also hope that this tool will eventually become a kind of active economic and social council which will deal with the social changes taking place in the country and will be associated with the macroeconomic policy adopted by our authorities. It is our hope that social dialogue and consultation can produce a model of harmonic development in a context of globalization and new labour market structures and characteristics, in order to improve competitiveness and productivity.

We have reiterated our political will to contribute to social change, to support a legislative initiative for the establishment of a system of social security, with broad coverage, able to meet the needs of its beneficiaries, and which is economically and financially viable and competitive. We agree with the Director-General, who wrote in his Report that the “most urgent challenge to be addressed is the need to extend social protection systems to cover the large proportion of the population which does not have access to social security systems”. We are a country which has made tangible progress in its labour legislation and has strengthened its institutional mechanisms to guarantee full labour freedom.

We have an excellent range of export processing zones (EPZs) with a labour force of 200,000 people, where labour legislation is observed. We thank the Director-General, Juan Somavia, for mentioning the innovative measures which we have adopted in our new EPZs, and specifically for stating in the Global Report that “the measures taken by the Dominican Republic to set up a specialized unit in the labour inspectorate to protect freedom of association in the zones is a positive example for improving labour relations and the conclusion of collective agreements”.

Last, but not least, we have the standard-setting activities of the ILO, which must provide the world with viable and appropriate standards which take into account the economic, social, technological and political changes that come with globalization. We believe standards must be flexible, and we support the International Organisation of Employers’ position on the ILO’s, new standard-setting policy. We are aware that a new approach will make possible the changes required by our markets in goods and services, and will strengthen the desire of all for a less uncertain world, one which enjoys peace and true social justice.

Ms. EKSTRÖM (State Secretary, Ministry of Industry, Employment and Communications, Sweden) — I would like to congratulate the President and his colleagues upon their election as the heads of this year’s Conference.

The ILO Declaration on Fundamental Principles and Rights at Work is a milestone in the ILO’s work for social justice and human rights. It gives us the means, and also the responsibility, to promote the universal respect and realization of basic principles and rights at work.

Freedom of association and the effective recognition of collective bargaining are crucial rights for the realization of the other three sets of core labour standards. They also have an obvious gender dimension. Almost regardless of category, women form the majority of the lower ranks of every hierarchy. Women are often in unorganized and unprotected jobs which lack security and decent conditions.

The Global Report is the foundation for decisions on further action. I take it for granted, like the Expert advisers, that priority will be given to those countries who are genuinely committed to the Declaration.
Furthermore, it is important to encourage all member States and the social partners to discharge fully, and in good faith, their reporting obligations. This is crucial for ensuring that the Declaration becomes widely accepted in the international community as a credible instrument for developing a social foundation of the global economy.

Good reporting is also necessary for the Global Report to fulfil its intended role as an authoritative assessment of changes in the labour rights situation across the world.

In a few days, the follow-up of the Copenhagen Summit will start. The preparatory process has not been an easy one. However, research from the ILO, the World Bank and other institutions shows that worker participation, solid labour market institutions and basic civil and political rights, including labour rights, can make a strong contribution to competitiveness and productivity.

Basic civil and political rights are decent and profitable. Solid labour market institutions promote welfare and growth. Worker participation gives an added value when it comes to solidarity and productivity. Economic, social and institutional inequalities prevent poor and disadvantaged groups from having access to, and indeed influence over, policies and intervention. To address this issue is a good idea, not only for the poor, but for efficiency, development and growth in society as a whole. Equality and competitiveness do walk hand in hand. The ILO has an extremely important role to play in developing the conceptual framework and policy instruments to capture fully the benefits of these policies, and to transform and implement an integrated approach to achieve practical policy tools for member states.

To demonstrate that there are economic benefits of social policies in a broad sense, and to put the issues of rights, institutions and participation on a par with more conventional economic issues, we need research. Research into fields in which the ILO, unfortunately, has neglected for many years.

I make this plea for intensified thinking, analysis and research within the ILO for three reasons. First, in a globalized and fast-changing world, there is a continuous need for analyses to be able always to address the right issues and the roots of the problems. Second, no other organization has the perspective enjoyed by the ILO. Third, no other organization has the solid foundation in civil society, as has the ILO.

Through strategic research in the relevant fields of policy-making regarding economic employment and social matters, the ILO can assist member states and support and influence both donors and other international organizations. In terms of policy outcomes the results will be multiplied and the ILO would thereby show concrete solidarity with the working women, men and children of the world.

Original Vietnamese: Ms. NGUYEN (Minister of Labour, Invalids and Social Affairs, Viet Nam) — I am honoured to speak on behalf of the Government delegation of the Socialist Republic of Viet Nam at this important Conference. May I congratulate the President, and say that I believe that under his able guidance this session of the International Labour Conference will achieve great success.

We welcome and support the initiative to include on the agenda of this session the item "Human resources training and development: Vocational guidance and training". The process of globalization and the rapid progress of information technology have created new challenges that require each and every country to adjust their strategy on human resources development with a view to becoming more adaptable to the changing world. While the developed countries focus their efforts on human resources development to cope with the ever-challenging demands of the knowledge-based economy, the developing countries, including Viet Nam, are trying to improve the quality and competitiveness of their human resources to avoid lagging behind. In the last year, 700,000 of our workers have had the opportunity to participate in different forms of vocational training. However, there are still a lot of things that need to be done to increase the rate of skilled workers in our labour force.

Regarding the issue of safety and health in agriculture, we view this as an issue that deserves a great deal of attention. As in many developing countries, the farming methods in Viet Nam are still simple and largely manual. In Viet Nam, 75 per cent of the population and 67 per cent of the labour force are in rural areas, therefore improving the working conditions in agriculture would accordingly mean improving the protection of the majority of our labour force.

Employment creation and poverty reduction have been, and remain, the priorities throughout the Vietnamese Government's strategy on socio-economic development for the next decade. Last year, 1.2 million jobs were created thanks to efforts to promote investment from different sources — domestic and FDI — and different sectors — state to private. A large proportion of these new jobs was created in the non-state sector, especially in agriculture, small and medium-sized enterprises and in the informal sector. It is foreseen that the non-state sector will be the one where most new jobs are created in the years to come. In addition, the Government creates favourable conditions for the development of traditional occupations, non-agricultural work and labour-intensive projects, such as infrastructure development. Our employment programme also gives priority to special groups in the labour market such as people with disabilities, those on low incomes, those suffering gender-based discrimination and other vulnerable groups.

In the area of poverty reduction, despite natural calamities and economic difficulties, Viet Nam has been able to achieve meaningful success. The poverty rate, according to our standards, has decreased from 26 per cent in 1993 to 13 per cent in 1999 and is expected to drop to 11 per cent this year, 2000.

Regarding the Worst Forms of Child Labour Convention, 1999 (No. 182), over the last year we have taken the necessary steps in consultation with the authorities concerned — employers' and workers' organizations, other social partners and NGOs — towards the possible ratification of the Convention. So far, the responses from these authorities and organizations have been positive to the ratification of the Convention. Being the second country in the world to ratify the Convention on the Rights of the Child, Viet Nam is preparing itself to ratify Convention No. 182 in the near future.

We highly appreciate the technical assistance granted to Viet Nam during the last few years in areas such as development policies for women workers, social security training and development, a higher capacity to implement the Labour Code and the promo-
tion of sound industrial relations in multinational enterprises. The ILO's technical assistance has greatly contributed to the improvement of labour policies and labour administration in Viet Nam, and also to the promotion of the participation of all social partners — employers' and workers' organizations — in the discussion and formulation of labour or labour-related policies.

In the years to come, we hope to continue receiving technical assistance from the ILO in the areas of poverty reduction, the promotion of sound industrial relations in export processing zones, the development of labour market information, the improvement of labour inspection systems, reviewing the Labour Code which originally benefited from the ILO's technical assistance and which was passed by the Vietnamese National Assembly in 1994, with a view to obtaining further amendments in the light of new developments in our economy which is in transition. We especially hope to obtain the ILO's expertise in helping the number of workers who become redundant as a result of the reorganization of state-owned enterprises.

Finally, I would like to express our appreciation to the Director-General and his Office for submitting the first Global Report under the Follow-up to the Declaration on Fundamental Principles and Rights at Work. We share the position that the Global Report should have pointed out the priorities for the next period in the form of action plans. We would also like to reiterate the position that while ensuring the implementation of fundamental principles and rights at work we need to respect the right of each country to pursue its political and development goals.

Original French: Ms. MISSAMBO (Minister of State for Labour, Employment and Vocational Training, Gabon) — The Government of Gabon and the delegation which it is my honour to lead would like to extend to Minister Mario Alberto Flamarique and to the Vice-Presidents our congratulations on their election as Officers of the 88th Session of the International Labour Conference. I can express to you my feeling of full satisfaction with the work of this important session.

I should also like to thank and congratulate the Secretary-General of the Conference, Mr. Juan Somavia, on the relevance of the strategic objectives which he has defined for the ILO and for the calibre of his Reports, which reflect the dynamism of this Organization and its standard-setting role.

The Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, entitled Your voice at work, reveals a general trend towards a "widening representational gap in the world of work". In Gabon however, we are seeing the opposite — an increase in the number of trade unionists and trade union organizations. Our Government favours the development of genuine freedom of association and therefore wants to see these organizations established and given proper support in order to stimulate and develop a trade union ethos. In order to strengthen its democratic institutions, the Gabon Government, wishing to put into effect a true social democracy, has made social dialogue the guiding principle in the management of the country's affairs. This is because we are very conscious of the fact that in the new global economy, which is characterized by the globalization of trade, greater competition and rapid advances in technology, the developing countries must adapt to change. We have to avoid becoming marginalized and must join the global village by making our enterprises competitive, strengthening our human resource capacity and reforming our administrative machinery to create public services that genuinely promote development.

These reforms are right and they are certainly timely, but they require caution. They should not be seen solely from the point of view of improving the economic and financial environment; they must also take into account the social effects of globalization.

In Gabon social peace is the heart of all political action, because we regard it as the indispensable foundation for any reliable and viable development. The involvement of the President of the Republic and Head of State, El Hadj Omar Bongo, in the settlement of regional and subregional problems is an example of this. That is why my country is so much in favour of tripartism and social dialogue, which we believe leads to social integration. We are convinced that the participation of the whole of civil society in the formulation of economic, social and cultural strategies will allow us more easily to identify the means that will ensure a smooth development curve for our countries.

We are also convinced of the need for social dialogue in the prevention and settlement of social disputes. I would like to extol the efforts made in this area by PRODIAF, an ILO project to promote social dialogue in French-speaking Africa.

The second objective of the ILO's 1998-99 programme concerned the promotion of employment and combating poverty. On this subject, in accordance with the commitments entered into at the World Summit for Social Development in Copenhagen in 1995, the Government has included the reduction of unemployment among its priority activities.

The progressive increase in unemployment, particularly youth employment, in the developing countries, calls for the mobilization of all available resources and concerted action by all partners in development, in order to reverse this trend. Unemployment in sub-Saharan Africa is now fraught with incalculable social consequences. In Gabon, unemployment is essentially the result of a lack of training and/or a mismatch between training and employment. The Government, in consultation with the development partners, has therefore decided to reorient vocational training in order to adapt it to the real needs of the economy. An emergency plan for employment and vocational training has taken shape with the signing by representatives of the Government, employers and workers, of a national covenant for employment. With all these measures, the State and employers' and workers' organizations have committed themselves to acting together to reduce unemployment. For this reason, while expressing our gratitude to the ILO for its support of our broad programme of reforms, we also hope that the Organization will increase its technical cooperation to help with these initiatives, which will certainly take time. We also hope that the ILO, which is now an observer on the IMF Interim Committee and on the IMF/World Bank Development Committee, will bring Gabon into the Jobs for Africa programme.

As regards the fundamental rights and worker protection, we would invite the countries concerned by the problem of trafficking in children to respond to the "Libreville Appeal" issued after the subregional
consultation on strategies for combating child trafficking, which took place at the end of February 2000 and to implement the recommendations of the “Platform for Action” adopted on that occasion.

As regards maternity protection, the official seal of the Gabonese Republic is a nursing mother, and you will therefore understand how fervently we support maternity protection at work. Our legislation already provides for 14 weeks’ maternity leave. The Gabonese Government, which has a policy encouraging births, is encouraging the adoption and ratification of the revised Maternity Protection Convention.

To conclude I should like to reaffirm our commitment to work to apply the rules laid down by the ILO, and we think that the tripartism gives them true legitimacy.

(Mr. Flamarch takes the Chair.)

Mr. Edström (Workers’ delegate, Sweden) — Representing the Swedish trade unions, I am grateful for the opportunity to address this Conference, which is the most important international forum where workers all over the world can freely express their views and concerns.

I congratulate the Director-General for his efforts to promote fundamental human rights and decent work in the workplace. Nonetheless, much more remains to be done to secure universal respect for the right to organize and to collective bargaining.

The concept of decent work has received considerable interest among enterprises, with many of them adopting ethical codes of conduct or signing international agreements with trade unions on the matter. A growing awareness can also be seen in relation to public and private procurement policies. In this regard, I suggest that the ILO makes a greater effort to promote decent work, especially in relation to the public procurement that takes place nationally in member States at local, regional and state level, as well as at international level; for instance, at the various United Nations and Bretton Woods institutions.

In addition to the fundamental human rights Conventions of the ILO, particular emphasis should be placed on promoting and obtaining respect for the ILO Labour Clauses (Public Contracts) Convention, 1949 (No. 94). This Convention is relevant for both workers and employers in the public and private sector. It effectively aims at preventing social dumping of working conditions and, at the same time, securing fair market competition between public and private enterprises in their efforts to obtain contracts.

Some governments fiercely attack the standard-setting activities of the ILO, as well as the existing supervisory machinery that monitors the application of obligations voluntarily entered into by governments. The impression given is that these governments want to reduce the overall level of protection of the workers, as formulated in existing ILO standards, and that the same governments want to escape from any criticism against them and, therefore, want to restrict the ILO supervisory activities. Furthermore, they no longer accept the fact that ILO standards are of a universal character. If this impression is wrong, I ask these governments to clarify their real intentions. Otherwise, I fear that we will be in a difficult situation with regard to our efforts to obtain the mutual trust and consensus that is necessary as a basis for future work in this area.

Let me say that I think we have already done a considerable amount of work in the Governing Body relating to the revision of labour standards. In this respect, I would like to give credit to the employers and Government representatives for their active and valuable contributions. This work by the Governing Body has resulted in a number of recommendations, including the withdrawal at this Conference of some outdated Conventions. The document concerning the policy regarding the revision of the standards, submitted by the Committee on the Application of Standards, summarizes all these achievements, based on a consensus view. Yet, there is an apparent lack of action by governments to implement these Recommendations nationally, to ratify up-to-date and revised Conventions and, at the same time, to denounce outdated ones. This situation makes it necessary for the ILO Office to conduct intensive promotional efforts in this regard, aimed at member States.

On many occasions I have stressed the importance of member States ratifying the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). This priority Convention, which was adopted 24 years ago, has received only 94 ratifications which, of course, is not satisfactory. However, as the Director-General’s Report Activities of the ILO 1998-99 indicates, ten new ratifications were recorded during 1998-99. In my view, this encouraging result was obtained partly because the Office, in its context with member States, has promoted more actively the ratification of this Convention. I hope that the fact that this year’s Convention also has been the subject of a general survey, will result in many more ratifications being recognized at the Conference next year. I would also like to stress that a national tripartite ILO Committee would be a suitable forum in all member States to discuss matters concerning standard-setting activities.

Original Spanish: Mr. Daer (Workers’ delegate, Argentina) — My first words are to greet the authorities of this session of the International Labour Conference, extending to all delegates my best wishes for the common task which has brought us together and which unites us.

We wish to highlight our satisfaction with the achievements the Director-General has outlined in his Report, globally promoting the full application of democracy and the fundamental rights of workers, encouraging employment and combating poverty. We emphasize the assertion in the Report regarding the advantages of tripartism, both nationally and internationally, in building social consensus and making it possible effectively to promote the achievement of common objectives. This together will lead to a more just society, which the Report says is the way forward for shared governance in a globalized world, nevertheless sees many countries facing extremely rigorous social policies which, in spite of the efforts of the ILO and regular contacts by the Director-General, continue to be imposed by the international financial bodies. Our national and regional experience tells us that no important changes are being made to the policies of the International Monetary Fund or of the World Bank. Both these institutions continue in Argentina to put pressure on workers, trade unions and the popular savings. They demand a reduction in social expenditure, high consumer taxes, a lowering of wages, a reduction in pensions and trade union frag-
The CGT of the Argentine Republic has always made these international organizations. The ILO has to supervise and actively guarantee these principles of the Organization and, as requested by the Director-General, the respect of dignified conditions, the preservation of trade union services and social security regimes. The ILO should ask political and financial organizations to act in accordance with the basic principles of the Organization and, as requested by the Director-General, meet the demands for decent work to govern the programmes and objectives of these international organizations. The ILO has to be out there where the workers need assistance and through the Office, it will have to help governments to abandon these shameful policies. Governments must respect the workers and their organizations by allowing them to participate. If we do not stop this process, our society will become unstable, and freedom of association and democratic society as a whole will be under threat. The 1998 Declaration should be the instrument for change, not for external impositions. The CGT of the Argentine Republic has always made a profession out of social dialogue and consensus. The ILO has to supervise and actively guarantee these rights so that tripartism can be a reality and contribute to the effective democratization of public life, thus banishing uncertainty and insecurity, and guaranteeing liberty and dignity. This is what we are hoping for and what we are asking for.

Mr. OSHINOWO (Employers' delegate, Nigeria) — On behalf of the employers' community in Nigeria, I want to join others in congratulating the President on his election to preside over the 88th Session of the ILO Conference.

The Reports of the Governing Body and, of the Director-General, have certainly touched upon issues of concern and interest to the employers' community in Nigeria. The employers in Nigeria surely share the ILO's vision of promoting and actualizing the principle of decent work in the workplace. They are, however, confronted with two basic challenges.

The first challenge is that of survival in a globalized and liberalized economy. Survival has become crucial in view of the failure of the WTO, the IMF and the World Bank to take account of the weaknesses of the economy of the developing countries, their inherent disadvantages and their inability to compete and protect their turf of the world economy. In the light of the problems of worsening unemployment and capital flight which globalization and liberalization have caused for the developing countries, we share the Director-General's view on the need to balance the economic imperative of globalization with a deep consideration of its social consequences. In these ways, we are counting on the ILO to champion the cause of the developing countries in the discussion with the WTO and the Bretton Woods institutions on the need to allow less developed countries to have the freedom to adopt and execute fiscal and monetary policies that will shield their product markets from the onslaught of the stronger economies of the North and emerging industrialized nations.

The second challenge is in the effective promotion of the declaration. In the past 12 years, following the adoption of structural adjustment programmes, there has been a significant change in the structure of the economy of most developing countries. While the formal sector has shrunk, the informal sector, micro and small enterprises have flourished. Since most workers' organizations and employers' organizations are often successful in organizing the formal sector, it is not unlikely that the promotion of the principle of decent work may be limited to the formal sector of the economy. We would therefore expect the ILO to take account of this issue in packaging technical support to the social partners in an attempt to promote the Declaration. Any project on the promotion of the Declaration should contain an element of what the government, workers' organizations and employers' organizations plan to do to facilitate the transformation of the informal sector into the formal sector and enrollment of micro and small-scale businesses as part of the organized private sector.

By the time this is done the ILO's vision of decent work would have assumed a hight potential of leaving the Conference room for the reality of the workplace and factory, and also set the framework that would ensure that decent work can be obtained, not only in established business organizations, but in all enterprises where human capital is utilized.

Original Arabic: Mr. FATHALLAH (Employers' adviser, Egypt) — I speaking on behalf of Mr. Mazhar,
Employers' adviser and substitute delegate, and I represent the Egyptian Employers.

The 88th Session of the International Labour Conference is being held at a time when more and more countries are paying attention to globalization and free trade and their effects on economic development and employment, particularly in developing countries.

With regard to labour relations under this is the first discussion by the Conference of the first ever Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Your voice at work. As employers in Egypt, a country which is moving towards a free market economy, we would like to make it clear that we are doing all we can, together with our social partners and in accordance with the principle of tripartism, to apply the principles enshrined in the Declaration and in other related Conventions, because we employers believe that these principles are inseparable from human rights. This is why we have consistently responded in a positive way to all related Conventions.

However, we are somewhat concerned that certain developed countries are trying to use international labour standards for protectionist purposes. We therefore appeal to countries to take account of the socio-economic situation of developing countries. This does not mean that we are not committed to the fundamental principles of the Declaration or to the ILO Constitution and the Declaration of Philadelphia, but we do affirm the need, consistent with article V of the latter Declaration, to take account of the stage of social and economic development reached by each people with regard to application of the principles set forth therein.

This may be the general view of Members, as reflected in the Report of the Director-General to the 81st Session and the constant calls for a review of international labour standards. The inaugural speech given by the President of the Conference at this session and a number of draft resolution concerning ILO's role in standard setting and in the context of globalization are also cases in point. This suggests to us that there is an urgent need for action within the Organization to promote the principle of tripartism as the basis for dealing with these problems. The ILO Declaration on Fundamental Principles and Rights at Work seeks to encourage the efforts of the ILO member States in promoting the fundamental rights enshrined in the Constitution and Declaration of Philadelphia, and states that international labour standards should not be used for protectionist trade purposes. In keeping with the spirit of the Declaration, we therefore make a plea for an immediate end to the practice pursued by certain countries of penalizing developing countries which do not meet international labour standards.

International labour standards can sometimes damage developing countries, depriving them of new employment opportunities and adversely affecting their development. We ask that the technical assistance role of the ILO be stressed, offering help to developing countries so that they can achieve a level of socio-economic development. We should recognize that a number of standards, in particular those relating to child labour, are functions of the general standard of living, and particularly of family income. We need to give particularly poor developing countries with a modest level of human development time to adapt to the implications of globalization, while submitting periodic reports on social development.

We want to point out that we should not penalize countries which have not yet fully complied with international labour standards because this contravenes the goals and objectives of the Organization and the Declaration on Fundamental Principles and Rights at Work itself. Such an approach only hampers the economic development of such countries, arresting social progress and ultimately undermining human dignity and freedom.

Original Spanish: Mr. ATANASOF (representative of the Latin American Union of Municipal Workers) — Firstly I would like to associate myself with those who recognized the honour given to my country, Argentina, when our Minister of Labour was designated as President of this Conference. I would thereafter, like to wish Mr. Flamarique and the other Officers success in their presidency.

The agenda of this 88th Session of the Conference provides continuity for the objectives and programmes of the Organization. The Director-General has reaffirmed these objectives and programmes in his examination of the recent evolution of the ILO’s programme. The Governing Body has drawn up the agenda for this 88th Session, which strikes a balance between various items. These include a document of particular importance, which is devoted to the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, which we consider as an ideal way of implementing those principles and rights. It also includes revision of the Maternity Protection Convention (Revised), 1952 (No. 103). We would oppose any reduction of the level of protection currently in force. Another agenda item addresses human resources training and development. That general discussion is, we think, a valid alternative with which to attenuate the effects of growing unemployment and adjust trade union and labour strategies to the requirements of the new context of globalization.

As for the first discussion with a view to adopting a new Convention on safety in agriculture, we support any initiative which would improve the level of occupational safety.

This Conference will also pay attention to subjects of prime concern, such as the programme and budget, information and reports from governments on the application of Conventions and Recommendations, and the withdrawal of Conventions Nos. 31, 46, 51, 61 and 66, which have lost their purpose as they never entered into force, and which do not contribute to achieving the objectives of this Organization.

The follow-up to the Declaration on Fundamental Principles and Rights at Work adopted by this Conference in 1998 is of great importance, and has been recognized as such by the Director-General, who has made it a priority in the InFocus programmes.

That document sets out the fundamental rights of workers in a globalized world. Substantial changes have come about with globalization, regionalization, interdependence and the impact of the scientific and technological revolution on the world of labour and enterprises.

We all agree that this is a new era, marked by globalization.

Central to our analysis of this situation is the positive assessment of this new historical period. We are
counting on the political, economic and scientific and technological achievements that it brings.

However, we are also conscious of the fact that this historic change has led to massive unemployment and precarious jobs, and that it has worsened social exclusion, particularly in the countries of the south. As the Declaration says, a new “world system” must be adopted — goals and standards which make it possible for the globalized world of work to have a social, humanitarian and progressive dimension.

This is a political undertaking, because unemployment, precarious working conditions and social exclusion can only be eradicated if we attack the negative effects of globalization. These include: automation of banking and financial investments, which has led to a veritable casino mentality in the financing world; the brutal concentration of financial and technological resources in mega-enterprises, at the expense of balanced development between national economies; and the promotion, through globalized means of communication, of individualism, social Darwinism, and discredit for unions.

As the Declaration says, it is necessary to counteract the negative tendencies of globalization with: the development of positive socio-political trends, and a strengthening of workers’ and employers’ organizations; the participation of informal sector workers’ organizations; and the growth of institutions for social consultation and the promotion of social dialogue.

The Latin American Union of Municipal Workers is very concerned about the increase in the use of child labour in Latin America and, together with the ILO, is taking part in eradication programmes.

As regards conditions of work in the municipal public sector in Latin America, we still face the same issues as those we raised at the 86th Session of the International Labour Conference.

Privatization in the region, although it has slowed in recent years, has still led to many social and labour conflicts and has given rise to corruption. The administrative reform, which focuses on accountability, is leading to dismissals, deteriorating working conditions and worsening public services.

Job security in the public sector is still a target that neo-liberal policies in many countries are aiming to restrict or destroy. Our union believes it is necessary to provide public employment with the same protection and guarantees as private employment. This is consistent with Conventions Nos. 87, 98 and 151.

Turning to cases of specific countries, we must refer to Brazil, where the situation of municipal workers has worsened considerably because of cuts in spending and salaries, and because of working conditions which have deteriorated as a result of devaluation of the currency.

In El Salvador, we have seen that in the majority of municipalities there are violations of trade union and labour rights.

In Colombia and Venezuela we have seen cases in which trade unions have been fettered in their activities by mechanisms which block workers from joining and which block leaders from carrying out their activities.

In my country, Argentina, we are mobilizing trade unions and their organizations against fiscal and budgetary adjustment policies, against unemployment and against useless attempts to make the Argentine economy competitive on the basis of a drop in wages.

Surely, the only thing that could achieve would be a worsening of the social crisis and a deterioration of Argentine democracy, and we do not wish that to happen.

For our organization, the need to move ahead incorporating social and labour considerations in the regional economic integration process is still a concern, and one which recently became still more important owing to the serious effects of the international and regional financial crises.

Consequently, establishing a social core for integration processes, as proposed by the ILO, with minimum standards for non-discrimination, the prohibition of forced labour, freedom of association and the elimination of child labour, can serve as an essential basis for sustainable and viable integration.

Original Italian: Mr. CEDRONE (Workers' delegate, Italy) — This Conference is taking place at the dawn of the new millennium, and we can undoubtedly state that today we need a much stronger ILO.

If we were to take stock of the effectiveness of the ILO, we would realize that it might be desirable to update the procedural rules as well, in order to make them more substantial.

The Italian trade unions feel that the main questions before us are two. The first concerns the question of democracy and rights of citizenship. We can continue to approve important Conventions but the main issue is that of the freedom for workers and employers to enjoy such rights. Indeed, in many countries they are denied, whereas in others they are diminished or wiped out, on the pretext that everything should be left to the market.

As far as we are concerned, respect for democratic rules is a necessary and indispensable condition for the respect of any labour right, and it is a necessary premise for economic and social development in all countries. Only in this manner will the idea of decent work be achieved, a concept that was mentioned by Director-General Somavia in his presentation.

We therefore need to strengthen the role of the ILO to face the risks it runs today of being weakened.

Today, even the most extreme prophets of liberalization recognize that economic and financial globalization needs basic rules that are respected.

This Conference, therefore, should send out a very clear message: together with economic and financial globalization, there should be a globalization of rights, and the ILO should be the guarantor.

For this reason, and this is the second matter that I wish to raise, the ILO needs instruments in order to make the Conventions that it adopts operational.

The policies pursued by the ILO should be integrated, as we are beginning to do, into international organizations such as the World Bank and the International Monetary Fund. We need also to improve our relationship with the WTO.

The trade union movement rejects protectionism.

On the contrary, we ask that the World Trade Organization incorporate into its trade agreements a respect for fundamental principles defined by the ILO Conventions. We believe that this is a necessary condition in order to ensure their fairness and effectiveness, and this role of the ILO needs to be recognized at an institutional level.

We certainly cannot stop where we are; we have to move on from the stage of good intentions, which has lasted far too long, to concrete facts.
No longer can we allow people’s needs and fundamental rights to be played with, nor can we allow the workers to suffer.

We have all got to work in order to strengthen the normative role of the ILO. We must make maximum use of the potential of the ILO, including the Turin Centre, at all levels.

Concertation and tripartism, of which the ILO is an example, should become instruments in all countries in order to make progress with our proposals for development and social justice. In Italy, excellent results have been produced for workers and for employers using these means. The common declaration signed between the Ministry of Labour and the Director-General of the ILO, respecting fundamental rights of the workers, is an indication of this.

To conclude, I would like to add that the revision of the Maternity Protection Convention (Revised), 1952 (No. 103), is a discussion on a symbol of life and is another important example of the work that can be achieved. Let us all show that we are up to the situation by approving it and undertaking to implement it in all countries.

Ms. BARBARO (Workers’ delegate, Myanmar) — Allow me to extend my congratulations to the President on his election to preside over this session of the Conference. I am sure that under his guidance this Conference will be brought to a successful conclusion.

I would like to take this opportunity to welcome the Global Report of the Director-General. I fully share his concern for the welfare of workers as an elected representative of the Nurses Association of Myanmar.

Allow me to inform this assembly of some of the constructive measures taken to promote the cause of workers in Myanmar.

With the introduction of the market-oriented economic system in Myanmar in 1988, the private sector has been developing at a very fast pace. Many private trading and manufacturing enterprises have been established, both by local and foreign entrepreneurs, thanks to increased investment by the private sector. In addition, extensive infrastructure development projects, undertaken both by the State and by private sector enterprises, have created further employment opportunities.

In addition, the emphasis by the Government on agriculture, which is the mainstay of the economy, has led to increased absorption of labour by the agricultural sector.

The employment situation in Myanmar having improved greatly compared to the period prior to 1988, workers’ wages have also increased. Recently, public sector wages increased nearly fivefold. The situation of workers has improved much. They also enjoy rights and privileges under the labour laws at present in force.

The welfare committees at the enterprise level, of which there are 2,239, look after the welfare of the workers and see to it that they are not deprived of their rights and benefits.

The relevant department of the Ministry of Labour also ensures that workers enjoy their rights and privileges under the labour laws, and at the same time actively conciliates industrial disputes so as to maintain good relations between employers and employees.

Under these circumstances it is regrettable that the Governing Body of the ILO has proposed actions under article 33 of the Constitution for what it terms “non-compliance” with the recommendations of the Commission of Inquiry on forced labour in Myanmar.

Any such action by ILO constituents and international organizations will surely slow down the economic gains made in the past decades and, in the final analysis, be detrimental to the interest of workers.

We would therefore like to urge the Conference to continue the process of consultation and technical cooperation within the framework of the ILO’s Recommendations in working toward the resolution of the matter.

Mr. LEATHER (representative of Public Services International) — I wish to thank you for the opportunity to speak on behalf of public service workers worldwide.

I should like to start by congratulating the Director-General and his staff, for clearly recognizing the problems faced by public service workers in terms of the considerable limitations placed on their rights. As stated in the Global Report, “In the public service, collective bargaining, and sometimes freedom of association remain out of reach for many.”

These restrictions on rights do not necessarily follow the well-worn fault line between rich and poor countries — they are everywhere.

In the United States, public service workers in 20 states do not have collective bargaining rights; in Kenya, the civil servants’ union was banned 20 years ago; in the Republic of Korea, 1 million government workers are not allowed to join a trade union; in Turkey, civil servants are constantly victimized for organizing their unions.

Throughout the world, there are severe restrictions on the rights of police and members of the armed services. The list is endless. Many of these violations have been the subject of complaints to the ILO, and we will continue to voice these complaints until the employers recognize their responsibility.

When we refer to the public service, we are talking about a significant proportion of the formal workforce. In the industrialized countries it comprises 20-25 per cent; in countries in transition 40 per cent; and even more in many developing countries.

The work they do is critical to the functioning of any country. They are the lifeblood of a nation. They are the first on the spot in terms of emergency; they are the health and education workers whose contribution to development is so vital; they are the so-called faceless bureaucrats’ who slog away at tax and social security forms. These are the people who put into practice the plans of the politician and the ideals of the nation.

If the flow of lifeblood is constricted or cut, the basic services that are a framework for social and economic development will grind to a halt. Sadly, this has happened in a number of countries.

So, why are public service workers in many countries treated so badly? Is it because they are taken for granted? Is it because so many are women? They will turn up for work whatever happens. They believe in caring for others.

Sadly, this is not the case with many of their employers — both governments and private employers. If governments and private employers cared, health workers in the Russian Federation and Ukraine, many of whom have not been paid for a year, would
receive their salaries. If they cared, those salaries would not fall below the recognized minimum income for survival. If they cared, the statistics for infant mortality rates and life expectancy in many countries would not be rising as the health services fail for lack of support. Millions have died prematurely, but the perpetrators of this violence against humanity will never be brought to justice.

It is important to add at this juncture that the Bretton Woods institutions and neo-liberal think tanks have determined much of the policy regarding the public sector. The financial stranglehold that they have over large parts of the world has enabled them to determine much of government policy towards the public service, including the legislation that determines their rights. This has resulted in hardship for millions of citizens following stringent cuts in public services, as well as steps to ensure that the public service workers do not have a voice at work.

Governments should be setting an example in terms of labour rights, wages and working conditions, and not avoiding their responsibility as employers.

Two years ago, from this platform, we urged the new Director-General to put his own house in order in terms of making sure that his staff had the same rights that the ILO stands for internationally.

We are very pleased to acknowledge that he has signed the first collective agreement with the ILO Staff Union. This should be an example to others, but there is a long way to go.

International civil servants are still among those public servants not enjoying basic rights. They are often expected to undertake difficult — sometimes life-threatening — tasks, but with no recourse to the basic rights that are enshrined in the Declaration of Philadelphia.

The peacocks that strut around the grounds of this building have more protection and security than the United Nations staff who work inside it. There are no short-term contracts for peacocks, they have tenure.

It is in the hands of the governments of member States to make sure that their nationals have basic rights when they work for the United Nations and the various specialized agencies. The presence of the same governments here at the ILO, should be an indication of their commitment to the rights of their nationals whether they work at home, or abroad.

In conclusion, I can confirm that Public Services International believes in an efficient, well managed and accountable public service.

We are in favour of reforms and restructuring to achieve this aim, as long as public service workers, their unions and consumers have a voice in the planning and implementation of such changes. It is, therefore, essential that the ILO devotes considerably more resources to understanding what is happening to the public sector as a result of globalization.

In comparison to the private sector, the ILO devotes minimal resources to analysing developments in the public sector. More resources are required for advising ministries and parliaments on labour law and promoting legislation that gives public service workers their basic rights to participate in social dialogue and collective bargaining. We have every confidence that the ILO will respond with imagination and commitment.

(Ms. Bauer takes the Chair.)

Original Spanish: Mr. NEGRÓN TEJADA (Workers' delegate, Dominican Republic) — Madam President, I would like to congratulate you on your election and the Director-General for his detailed Report on the activities of the ILO in the period 1998-99, and also on the way he has managed and the example he has given to this Organization.

The Dominican Republic has just concluded an important political process with the election of a new President and a Vice-President who will take office on 16 August of this year. Among the most important characteristics of this process is the resolve of the Dominican people to advance in consolidating democracy and, furthermore, with the election of a woman as the second office-holder in our country, the development of an awareness of gender equality and the increasingly important role played by women in our society.

This new Government also offers a possibility of the Secretariat of Labour in the Dominican Republic being occupied by a new official. That would mean the departure from this post of our friend Dr. Rafael Albuquerque who, during recent years, has been present here at the Conferences of the ILO as representative of the Government of the Dominican Republic and as Minister of Labour. We workers recognize the efforts and the positive attitude of Dr. Albuquerque in carrying out his difficult task, and we would like to put that on record at this Conference.

The Global report submitted to the Conference on the ILO Declaration on Fundamental Principles and Rights at Work shows the importance which this Conference attributes to collective bargaining and the right to work.

In a world which is changing so fundamentally in terms of technology and globalization, it is vital that there be a link between proposals and action and the regulations imposed by multinationals and international credit organizations. The ILO can promote respect for agreements and recommendations so that trade unions and collective bargaining can function in a framework of globalization and thus ensure fairer socio-economic development and combat inequality and social exclusion.

This Conference has all our support in its examination of the Convention on maternity and fundamental rights of working women and the commencement of a discussion on a Convention to protect the health and safety of agricultural workers. All this is very much of interest to the union movement.

The programme of structural changes and the reform being conducted in the Dominican Republic as a result of the schemes imposed by international organizations such as the IMF, the World Bank and the IDB are widening the unbearable gap between the poor majority and a minority which benefits from the unjust situation created by globalization and the new international orders in which nations and regions develop their social and economic relationships.

These reforms, which are promoted by those in these international organizations who see the economy and trade as something separate from the social needs of workers and the poor majorities, have in recent years caused the direct loss of some 30 million jobs in State Enterprises that have now been privatized.

The structural changes have increased the number of violations of the right to organize and to bargain
collectively of workers in such economic growth sectors as tourism, free zones, telecommunications and trade.

The National Council of Trade Union Unity (CNUS) which comprises the CNTD, CTU, CGT and CASC, is continuing with its programme of action with new methods and strategies. The employers' and workers' organizations have developed a programme to tackle issue of national interest which are directly related to the world of work, involving a reform of social security, employment policy, financial and tax reforms, economic integration, etc.

The WTO will continue to be challenged by workers and other sectors unless it establishes a social dimension in the liberalization of trade.

From the viewpoint of the workers, the structural reforms which have been implemented have resulted in the deregulation of labour, more unemployment, precarious employment in basic services such as water, health, education and electricity, and greater impoverishment and social exclusion for millions of workers and their families.

Lastly, the CNUS and the CNTD will support unre- servedly the efforts of the ILO to promote economic growth based on social justice and compliance with the fundamental rights and standards of labour in the world economy.

Original Russian: Mr. LYAKH (Minister of Labour, Belarus) — First of all, I would like to thank the Director-General for his Report which contains an in-depth and detailed analysis of the Organization's activities over the last two years.

The last biennium will take a special place in the history of the ILO. During these years, the Organization has taken a number of important decisions which to a considerable extent will define its activities in the twenty-first century.

A decisive step towards strengthening democracy and the observance of human rights was the adoption in June 1998 of the Declaration on Fundamental Principles and Rights at Work. The Declaration was a worthy response to the growing fears of the international community concerning the possible negative impact of economic globalization on the observance of human rights at work. The effective follow-up mechanism will ensure that the Declaration itself is effective. We should in this context take note of the annual reports of countries that have not ratified the fundamental Conventions. The Global Reports of the Director-General draw on new sources of information, and will help us identify new technical assistance activities aimed at helping Members to implement the fundamental principles and rights.

In June last year, delegates to the Conference unanimously supported the adoption of a new Convention prohibiting the worst forms of child labour. We consider that ratification of this instrument by all the Members of the Organization would be a considerable break-through in the elimination of child labour, particularly in its worst forms. In our country, the Government and the social partners have unanimously advocated the immediate ratification of this Convention. At the present time, the necessary internal procedures are being followed and I am sure that very soon we will be able to inform the Director-General that Belarus has ratified the Convention.

Belarus became independent at the beginning of the 1990s and has chosen the path of becoming a developed, democratic, market-oriented state. In the light of the profound social, economic and political transformations taking place in the country, it is a matter of capital importance to us that we can benefit from active cooperation of the ILO and make effective use of the Organization's accumulated experience in the field of social reform.

We have to note that in its cooperation with the International Labour Organization, Belarus has in recent years taken significant steps forward. This is the second year that we have had a programme of cooperation with the ILO. This is the result of joint efforts by the social partners, the Government and the ILO's Moscow office. The results are encouraging. Within the framework of the programme we are carrying out technical assistance project in supporting pension reform, combating poverty and developing employment and creating a modular training system. We have also organized a number of international seminars.

Nevertheless, greater attention needs to be paid to our Republic by the Organization, because the problems now facing Belarus and other countries that were members of the former USSR are unique. For many years, Belarus has had to expend enormous material and financial resources to eradicate the consequences of the Chernobyl disaster. Under these circumstances, we hope that the International Labour Organization will enhance its cooperation with our Republic to solve the key questions in the social and labour field, particularly with regard to developing and improving our legislation and system of occupational safety and health. We need to define new approaches to our employment problems and to the development of an effective system of social partnership.

In 1999, we took an important step towards modernization of the ILO. We introduced a new system of budgeting for the Organization. We adopted four strategic objectives: respect for fundamental rights at work; guaranteeing decent employment and pay; ensuring effective social protection; and developing social dialogue. The Organization has yet again shown its unique capacity for adaptation and renewal. In our view, the focusing of the Organization's efforts on its basic mandate will assuredly have a positive impact on the effectiveness of its activities and will improve the quality of the services it provides to its constituents.

In conclusion, I should like to reaffirm the dedication of Belarus to the aims and principles of the International Labour Organization, and I should like to thank the staff of the ILO in Geneva, ILO's regional representative, and the Director-General for their hard work in carrying out the difficult job which is the guarantee for the success of the Organization.

Original Russian: Ms. KUANYSHBAEVA (Government delegate, Kazakhstan) — On behalf of the Government of Kazakhstan, allow me to express our thanks to the organizers of this Conference and to the International Labour Organization for its ongoing activity in the area of social justice.

Since the ILO was founded at the beginning of the century, the effectiveness of the Organization has encouraged many governments and States to join, a sign of the trust which they place in this Organization. The Republic of Kazakhstan became a full member in the 1990s.
The reforms we have implemented in Kazakhstan have made possible our work with the ILO, in addressing issues characteristic of all countries of the former Soviet Union. Over the last two years, we have established close contact with the ILO and have drawn on its expertise to help us solve such problems as employment in the social sector and to initiate activities aimed at strengthening our relations with the Organization.

In close cooperation with the ILO, we have ratified a number of basic Conventions relating to the protection of workers' rights including the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Workers' Representatives Convention, 1971 (No. 135). The Minister of Labour, having secured the agreement of all other ministries, submitted a proposal to the Government for the ratification of a number of other Conventions, including Conventions Nos. 29, 100, 105, 111 and 138. These will soon be ratified by the Parliament.

Since unemployment is a very serious problem in Kazakhstan at present, ratification of the Employment Policy Convention, 1964 (No. 122) has been of particular importance. In order to implement its main provisions and in view of the seriousness of the problem, we recently introduced a programme to combat poverty and unemployment. In June this year we will convene a tripartite committee including labour union and employers' representatives, as well as Government representatives to steer the programme. An agreement concluded for the year 2000 has produced a document, for approval by the social partners, aimed at strengthening social dialogue and resolving serious problems in our society.

At the end of next year, we will enact a new labour law based on the principles of market relationships. The Ministry of Labour will appoint a labour inspection committee to ensure that all parties concerned comply with the law. In June this year the Parliament will consider a bill relating to social partnership, drafted in consultation with employers. With this we hope to establish the legal status of all parties and of important agreements of significance for future labour relations.

The Confederation of Employers was established in Kazakhstan last year. Its chairman is a member of our delegation here.

In May we signed an agreement on technical cooperation between Kazakhstan and the ILO which will make it possible to overcome social problems in our country. We are grateful to Mr. Scharrenbroich, the representative of the Director-General, and to the entire Organization for the help we have received. For its part, Kazakhstan will make every effort to meet its obligation towards the ILO. I would like to inform you that we are paying off our debts to the Organization, and in this connection we hope to regain our voting rights during the present session. We are convinced that future cooperation with the ILO will have positive results for everyone concerned.

(The Conference adjourned at 12.45 p.m.)
Seventeenth sitting
Monday, 12 June 2000, 3 p.m.

Presidents: Mr. Flamarique, Mr. Moorhead, Mr. Agyei

Original Spanish: The PRESIDENT — Before starting this sitting, as President of this 88th Session of the Conference I would like to express my great sorrow at the death of His Excellency Hafez al-Assad, President of the Syrian Arab Republic, on 10 June. I should also like to extend the sympathy of many tripartite delegations and all the members of the Chair. We all wish to express our sincere condolences to his family, to the people and Government of Syria and to the Syrian delegation to this Conference, on the death of the Head of State.

REPORT OF THE FINANCE COMMITTEE
OF GOVERNMENT REPRESENTATIVES:
SUBMISSION, DISCUSSION AND ADOPTION

Original Spanish: The PRESIDENT — We shall now proceed with the first item on the agenda, the report of the Finance Committee of Government Representatives, which is contained in Provisional Record No. 16.

I call upon Mr. Aji, Government adviser, Nigeria, Chairperson and Reporter of the Committee, to submit the report.

Mr. Aji (Government adviser, Nigeria; Chairperson and Reporter of the Finance Committee of Government Representatives) — I have the honour to submit to the 88th Session of the Conference the Report of the Finance Committee of Government Representatives. The report is published in Provisional Record No. 16 and contains the recommendations of the Committee on matters it considered. The resolutions proposed by the Committee for adoption appear at the end of the report immediately before the appendices.

The first three items in the report concern requests for the right to vote received from the Republic of Kazakhstan, Ukraine and the Republic of Liberia. In all cases the Committee was satisfied that their failure to pay contributions was due to circumstances beyond their control and that acceptable proposals have been put forward for settlement of the arrears.

The Committee recommends three resolutions for adoption which propose that, in accordance with paragraph 4 of article 13 of the ILO Constitution, these three member States should be granted the right to vote.

The next item for consideration was the Financial Report and Audited Financial Statements for 1998-99. The Committee was pleased to see that the external auditor had given an unqualified approval in his audit opinion and had put forward a number of recommendations in his report, all of which were accepted by the Office.


In relation to the 1998-99 cash surplus, the Committee expressed itself in favour of a proposal to establish an information technology system of US$25 million to upgrade the Office's computer systems and a resolution to this effect is recommended to the Conference.

The Committee also considered papers proposing a rate of assessment for a new member State, the Republic of Kiribati, a scale of assessment for the member States for the year 2001, and, lastly, a paper on the composition of the Administrative Tribunal of the ILO. The resolutions in respect of these matters are set out at the end of the report.

In conclusion, I would like to express my thanks to the Vice-Chairperson, Mr. Ledezma Vergara, and to the members of the Committee, and also to the members of the secretariat, all of whom helped me greatly in this task.

Original Spanish: The PRESIDENT — The general discussion on the report is now open.

If there are no requests for the floor we shall proceed with the adoption of the report, i.e. the summary of the Committee's debate in paragraphs 1-47, the eight resolutions at the end of the report and the three Appendices. If there is no objection, may I take it that the report itself — paragraphs 1 to 47 — and Appendices I, II and III are adopted?

Resolution concerning the arrears of contributions of the Republic of Kazakhstan

Original Spanish: The PRESIDENT — We now move to the adoption of the resolutions. If there is no objection, may I take it that the resolution concerning the arrears of contributions of the Republic of Kazakhstan is adopted?

(The resolution is adopted.)

Resolution concerning the arrears of contributions of Ukraine

Original Spanish: The PRESIDENT — If there is no objection, may I take it that the resolution con-
Concerning the arrears of the contributions of Ukraine is adopted?

(The resolution is adopted.)

Resolution concerning the arrears of contributions of the Republic of Liberia

Original Spanish: The PRESIDENT — If there is no objection, may I take it that the resolution concerning the arrears of contributions of the Republic of Liberia is adopted?

(The resolution is adopted.)

In accordance with article 13, paragraph 4, of the Constitution, there will be a record vote on the resolutions concerning Kazakhstan, Ukraine and the Republic of Liberia tomorrow afternoon at the time indicated in the Daily Bulletin.


Original Spanish: The PRESIDENT — If there is no objection, may I take it that the resolutions concerning the Financial Report and Audited Financial Statements for 1998-99 is adopted?

(The resolution is adopted.)

Resolution concerning treatment of the 1998-99 cash surplus

Original Spanish: The PRESIDENT — If there is no objection, may I take it that the resolution concerning treatment of the 1998-99 cash surplus is adopted?

(The resolution is adopted.)

Resolution concerning the assessment of contributions of new member States

Original Spanish: The PRESIDENT — If there is no objection, may I take it that the resolution concerning the assessment of contributions of new member States is adopted?

(The resolution is adopted.)

Resolution concerning the scale of assessments of contributions to the budget for 2001

Original Spanish: The PRESIDENT — If there is no objection, may I take it that the resolution concerning the scale of assessments of contributions to the budget for 2001 is adopted?

(The resolution is adopted.)

Resolution concerning the composition of the Administrative Tribunal of the International Labour Organization

Original Spanish: The PRESIDENT — If there is no objection, may I take it that the resolution concerning the composition of the Administrative Tribunal of the International Labour Organization is adopted?

(The resolution is adopted.)

Reports of the Chairperson of the Governing Body and of the Director-General; Discussion (cont.)

Original Spanish: The PRESIDENT — Let us now resume the discussion of the reports of the Chairperson of the Governing Body and of the Director-General.

Mr. MARIN (Workers' delegate, Romania) — On behalf of Romanian workers and myself, I congratulate the President and Vice-Presidents on their elections to the 88th Session of the International Labour Conference. At the beginning, I would like to express our members' hope and conviction that in this forum we will all take decisions that will be useful for those who care about and respect work.

From all the discussions we have had with our members from all over the country the following aspects have emerged. In the last few years, a great deal of so-called restructuring of companies has taken place. Unfortunately, this has resulted in the dismissal of many employees, but little else. No new technology has been introduced, nor have company activities been revitalized. Very soon after the first wave of dismissals, more employees lost their jobs. The Government paid these workers compensation payments, but did not offer them another job or facilities to help them start their own businesses or small or medium-sized enterprises, nor did it involve or encourage employers to invest in training programmes.

In each of the last two years, an average of 225,000 people lost their jobs. Although all trade union confederations called on the Government to establish a comprehensive development programme, the Government did nothing until a few months ago when a government-led tripartite commission was established thanks to the World Bank.

Another important problem is that the Romanian Government is not interested in ratifying new Conventions despite the fact that Romania is going through a process of legislative reform. At the beginning of this year a new Labour Disputes Law was introduced, which makes it illegal for workers to strike except during collective bargaining negotiations. Although all the partners are interested in tripartite dialogue, the Government violates the law and does not submit reports on its economic and social legislation for consideration by the Economic and Social Council.

Another example which shows how human rights and the right to collective bargaining are violated is the recent adoption by the Government of a law which suspends collective agreements in about 130 companies. On this occasion, the Government modified an agreement on hazardous work and diffi-
cult working conditions. The majority of employers violate collective agreements, try to get rid of shop stewards and take no account of trade union demands.

Over the years, we in the trade union, all of our members have understood that we have to make sacrifices and accept dismissals. However, we would like to know how long we must continue to make these sacrifices, before our country's economic situation improves.

Finally, on behalf of Romanian workers, we thank the ILO for the programme which it has signed with Romania concerning the training of legal experts in implementation of ILO Conventions and Recommendations.

(Mr. Moorhead takes the Chair.)

Ms. MUKWAYA (Minister of Gender, Labour and Social Development, Uganda) — Allow me to congratulate the President on his election to the presidenc-y of this Conference. My congratulations go equally to other members of the Office. I am convinced that under your leadership we will have fruitful deliberations.

Let me also use this opportunity to congratulate the Director-General for his inspiring and user-friendly Report, Your voice at work. I fully subscribe to his aspirations on "decent work". It is a people-oriented concept, which is difficult to realize but not impossible. I believe that the ILO, with its unique tripartite arrangement, is better placed to spearhead this change.

The world today is faced with major challenges: globalization, international competition, the burden of debt, global unemployment and the worldwide spread of poverty, and now the HIV/AIDS pandemic.

Africa today remains the continent least integrated in the world of information technology, with a heavy burden of debt, a low investment rate, low productivity, rapid population growth and high incidences of unemployment and mass poverty. The negative economic and social consequences for developing countries, especially the least developed countries like Uganda, are particularly drastic. These complex challenges posed by globalization can only be addressed by instituting the right policies, with a human face. As the Director-General stated in his remarks when presenting his Report last week, if existing rules cannot be applied, then there is a need for radical new solutions to deal with these challenges.

The Director-General has given us the key to decent work in the Global Report under the Follow-up to the Declaration on Fundamental Principles and Rights at Work, Your voice at work. This Report underscores the crucial role of freedom of association and collective bargaining rights in achieving decent work for all. In today's globalizing world the onus is on us — Governments, employers and workers — to develop viable policies to turn the key correctly in order to open the door to decent work.

I should like here to reaffirm Uganda's commitment to the respect and promotion of fundamental principles and rights at work. These principles are embodied in our national Constitution of 1995 and in national legislation on trade unions and industrial relations.

In Uganda we believe in the promotion of effective tripartite and bipartite social dialogue at various levels between the Government, employers and workers and between employers' and workers' organizations. The Government has adopted consultation, education and social dialogue as a long-term strategy for promoting industrial relations in the country.

However, there is a need for more cooperation and greater understanding by all the parties of the changed socio-economic situation in the country. There is a need to strengthen institutional monitoring mechanisms, especially the labour inspectorate at national and district levels; to strengthen the technical capacity of all the social partners; and to raise awareness of the fundamental principles and rights at work.

We realize that market liberalization and privatization have created new market forces which call for new approaches in packaging and marketing ourselves. Economic reforms and liberalization have also led to a reduction of the workforce, which presents serious challenges to labour-management relations. In order to meet these challenges, the Government has embarked on the development of policies and programmes to reduce unemployment and promote productive employment in all sectors of the economy.

We appreciate the Director-General's initiative for gender mainstreaming within the ILO. Over the past decade, our Government has adopted policies and programmes to overcome gender inequalities in our society through the empowerment of women, especially in the areas of political participation, education and access to decent work. It is worth noting that the majority of women in the labour force work in the informal and private sectors, which means that there is a need for extra training facilities to equip them with the skills they need to participate effectively.

Permit me to comment briefly on a few items on the agenda. With regard to maternity protection the adoption of the proposed new Maternity Protection Convention would be a major step towards the empowerment of women. As regards the problem of HIV/AIDS, it is recognized that HIV/AIDS is a threat to decent work and productivity. The Government of Uganda has had an open policy and a strong commitment to combating the HIV/AIDS pandemic.

Let me express the Ugandan Government's appreciation to the ILO for its financial and technical assistance in various forms. In particular, we welcome the ILO/UNDP technical cooperation in the review of our legislation, the ILO/UNDP Jobs for Africa programme, and the assistance with the transformation of the National Provident Fund into a pension scheme.

Finally, I wish to reaffirm the Government's commitment to the goals and aspirations of the International Labour Organization, to respect for the fundamental principles and rights at work, and to the pursuit of decent work for women and men everywhere.

Mr. ITO (Workers' delegate, Japan) — On behalf of the Japanese trade union confederation, JTUC-Rengo, it is my honour to be given the opportunity to take the floor.

I sincerely welcome the statement made by the Director-General, Mr. Somavia, on 5 June. The Director-General has chosen the realization of "decent work" as a primary objective from the start of his office. He has been taking concrete measures for its realization. I esteem highly these efforts of the Director-General; I support also his statement that freedom of
association is the strongest means by which to high-
light the value of the ILO.

The ILO was established in 1919, after the First
World War, to improve the living conditions and social
status of workers. Based on a belief that the eradica-
tion of poverty should lead to the stability of the
world and thus prevent world wars, the ILO has
worked very hard for the improvement of the social
status of workers by adopting international standards
for the protection of workers, and for the reduction of
working hours.

Less than 20 years after the creation of the ILO, the
Second World War broke out. During this war, many
governments were aware that the lack of a democratic
system for the improvement of working conditions
was a cause of this war. This is why the ILO Confer-
ence of Philadelphia in 1944, just before the end of the
war, declared that the existence of a democratic sys-

tem in every country should be the most effective
means to achieve world stability and peace, and
agreed that the trade union should be an essential ele-
ment for the development of a democratic society.
The Conference stated also, that there should be a
clear commitment to guarantee freedom of associa-
tion for workers. This commitment is the Declaration
of Philadelphia, a Declaration for democracy in the
world.

In response to the Declaration of Philadelphia,
Conventions Nos. 87 and 98 were adopted in 1948 and
1949 respectively; the other core Conventions con-
cerning the elimination of discrimination, forced la-
bour and the elimination of the worst forms of child
labour were adopted after the Second World War.

Some 50 years have passed since adoption of the
Freedom of Association and Protection of the Right
to Organise Convention, 1948 (No. 87). Although the
world has not seen war break out again, we have seen
the continuation of local conflicts that are caused by
starvation and poverty.

After the Declaration of Philadelphia, and after the
adoption of seven core Conventions, the ratification
of these core Conventions has not made much
progress; nor have these Conventions been fully
respected, even by the ratifying countries. In order to
break through this difficulty, the ILO Conference, in
1998, adopted the Declaration on Fundamental Prin-
ciples and Rights at Work and its Follow-up. The new
Declaration has incorporated a mechanism to pro-
mote the application of these Conventions — the
mechanism that was absent in the Declaration of
Philadelphia.

In the last 80 years, the ILO has been working, not
only to establish standards for better working condi-
tions, but also to apply them. In this respect, I think
the recent important achievement has been the adop-
tion of the Worst Forms of Child Labour Convention,
1999 (No. 182), concerning immediate action for the
elimination of the worst forms of child labour.

By demanding immediate and concrete action to
abolish the worst forms of child labour, this Conven-
tion may have opened new possibilities for ILO Con-
ventions. I think that what is expected of the ILO to-
day is concrete and effective action, such as that seen
with respect to Convention No. 182.

This session of the Conference has examined the
Global Report, which covered the Freedom of Asso-
ciation and Protection of the Right to Organise Con-
vention, 1948 (No. 87), and the Right to Organise and
Collective Bargaining Convention, 1949 (No. 98); it
was presented under the follow-up to the new ILO
Declaration. The discussion of the Global Report will
be analysed at the ILO Governing Body in November
this year, and concrete measures will be proposed to
promote the application of these two Conventions. It
may reveal the need to establish a new supplementary
instrument that would guarantee the effective appli-
cation of these two Conventions, such as that for Con-
vention No. 182.

As said by the Director-General, the ILO was
created for workers with a view to ending starvation
and poverty. In order to achieve these objectives, the
full application of the core Conventions is a vital
need.

I would end my speech by emphasizing again that
the freedom of association should be fully respected
in every country.

Original Spanish: Mr. MORAGA CONTRERAS
(Workers' delegate, Chile) — I would like to begin by
extending my congratulations to the President on his
election, and also to my compatriot, the Director-
General, Juan Somavia, for the excellent job that he
has done as the head of the ILO.

We have temporarily left Chile, and nascent tripar-
tite social dialogue, in order to come here to this very
important world forum. We would have liked to be
here to announce to you some specific achievements
of Chilean tripartism, and an optimistic vision of its
future. However, given our own reality and the expe-
riences of workers in other countries, we can only be
balanced in our assessment, and responsibly cautious
in the expectations that normally arise from social
dialogue.

Only a few weeks ago, the Government of the
President of Chile submitted a Bill to the National
Congress on unemployment insurance. This was the
imperfect result of precarious tripartite discussions
which were unable to overcome the very deep imbal-
cances that continue to exist among the social partners
as a result of the fact that the Government is still wed-
ded to the new liberal socio-economic model, a sys-
tem which has done so much damage to the national
majorities in our country. This, of course, reflects the
weakness of our trade union organizations which, de-
spite the amount of time that has gone by, is the deflec-
tion of the criminal repression to which we were sub-
jected during the dictatorship of Agusto Pinochet,
who has now been brought before the courts.

When the State of Chile ratified the Freedom of
Association and Protection of the Right to Organise
Convention, 1948 (No. 87), and the Right to Organise
and Collective Bargaining Convention, 1949 (No. 98),
of the ILO, which came into effect last February, the
Chilean workers saw it as the historic redress that
would allow us to re-establish the balance that demo-
cratic governance urgently needs. However, if the
truth be told, the previous, and now the current Gov-
ernments have resisted, and continue to do so, apply-
ing and ensuring respect for these standards, the fun-
damental provisions of which are violated daily by the
practices of employers, particularly the larger em-
ployers, who try to prevent the formation of trade
unions and who deny them the established right to
bargain collectively, thus violating trade union rights,
restricting collective bargaining to the sphere of the
enterprise and putting unacceptable restrictions
on the right to strike. The existing Labour Code in
Chile limits the State's fiscal powers, and, at most,
establishes fines of a fiscal nature for employers who violate the fundamental rights of workers, which means that, in our country, if you have money you can violate the Constitution.

Organized Chilean workers are calling for the full implementation of the Freedom of Association of Protection of the Rights to Organise Convention, 1948 (No.87), and the Right to Organise and Collective Bargaining Convention, 1949 (No.98), without having to go through the courts or having to submit thousands of judicial and international requests to the government authorities, as it was Parliament itself that approved the ratification of these Conventions, and the government which made them law.

We would like to ask the ILO, particularly the Committee of Experts, to take a very careful look at the Chilean experience and to help the Government and the Employers understand that the ILO Conventions ratified by the State should be fully implemented and that it should have the political will to harmonize labour legislation through administrative channels. We do not want to repeat the experience of the Argentine people of having labour reforms implemented without the involvement of the trade union organizations. We, the workers of Chile, want to enrich social dialogue through our necessary and timely struggles and unity. This is the only way to ensure that social dialogue does not become an elegant way of tying the hands of the trade unions.

Finally, we cannot fail to express our solidarity with the Colombian trade union movement, whose members are being murdered before the indifferent gaze of those who have the moral duty to prevent it.

We call for the elimination of child labour, the protection of maternity, freedom of association and the right to bargain collectively. We want these to become a reality instead of just words so that we can move towards a better world.

Original Spanish: Mr. MÉNDEZ (Workers' delegate, Panama) — In the past few years, the workers of Panama have suffered from the havoc wrought by so-called "globalization", which has brought about an increase in unemployment and poverty in our country. The policies of the military leaders and of Guillermo Endara, Ernesto Perez Balladares and of the current office-holder, Mireya Moscoso, far from ensuring job security, better working conditions, and freedom of association as stipulated by international labour Conventions, the country's Constitution and the law, undermined the conditions of employment of the Panamanian worker.

We in the workers' movement are now facing the havoc of an economic, political and social situation which to a large extent we have had to bear on our shoulders, without the least bit of sacrifice on the part of the employers, who have greatly benefited from the labour policies adopted by the Government. The poor distribution of wealth has become even worse, with a greater concentration of wealth in the hands of the few. Our country has the second worst distribution of wealth in the Americas.

In order to explain the labour situation in Panama, we should like briefly to describe the labour legislation which has been enacted in recent years and certain measures taken by the Government which affect the working population.

Since the Labour Code was adopted in 1972, the employers and the Government have on numerous occasions called for its reform. The Code has been subjected to five major reforms, respectively under Acts No. 95 (1976), No. 8 (1981), No. 1 (1986), Nos. 25, 13 and finally Act No. 44, of 1995. Other standards which amended the Code include decrees concerning export processing zones and the Executive Decree that established binding arbitration.

We can thus see that over a period of 23 years, the law was amended a number of times, each change tending to provide for greater labour flexibility.

Unemployment is the main concern in the country. It has increased steadily on an annual basis by some 6,350 persons.

According to our Constitution, the minimum wage must be adjusted periodically. It has not been. It was only in 1991, after over ten years with no adjustment, that the wage was raised, by six cents.

The Panamanian people are awaiting the findings of the Minimum Wage Commission, a forum in which the workers have proposed an amount of 500 balboas per month. That would cover the basic family shopping basket. Our proposal has been rejected by the employers and the Government. We have in Panama 143,000 public servants whose careers are governed by the Administrative Career Act, which should ensure job security for them.

In October 1999 the Government of President Moscoso issued resolution No. 122, which effectively paralysed the Administrative Career Act, resulting in 12,340 dismissals between September 1999 and May 2000. The workers concerned had between ten and 37 years of service. And the dismissals are continuing.

There has been a wave of persecution of trade union leaders. Some 49 have been dismissed. We should mention that public servants in Panama do not have the right to form trade unions.

The Ministry of Labour has undertaken to suspend legal recognition of workers' organizations. This has been very detrimental to the unions, which have their legal status suspended whenever they put forth claims. It has directly affected the right to strike and the right to bargain collectively. This leaves workers in the lurch, in a legal limbo that is of benefit to employers.

In various cases claims have been filed, for instance with Bilfinger & Berger de Panamá; Ricobloc; Hotel El Panamá and Compañía Marítima de Panamá; and the current Ministry of Labour has violated the provisions of Convention No. 98.

Panamanian workers see the future with much concern. In the light of what I have just said and the discouraging information at our disposal, we can foresee a hard road ahead to secure recognition of the rights achieved by the world's working class, and which we must try to achieve despite the anti-worker measures imposed by employers, governments, the Supreme Court and the rest of the Panamanian state apparatus.

Nonetheless we will do all that is possible to fight to ensure respect for our rights and for those of the workers.

In closing let me say that we wish to express our solidarity with the Mexican aviation workers who are now on strike and who are threatened with mass dismissal.

Mr. ITH (Minister of Social Affairs, Labour, Vocational Training and Youth Rehabilitation, Cambodia) — First of all, I would like to warmly congratulate the President and Vice-Presidents on their election to
preside over the 88th Session of the International Labour Conference. I am confident that this session will come to a fruitful conclusion under their experienced and capable leadership.

In July 1999, pursuant to implementation of the ILO Declaration on Fundamental Principles and Rights at Work, Cambodia ratified seven more ILO Conventions, six of which are core Conventions. By so doing, Cambodia became the second country in the region to have ratified all ILO core Conventions. Presently, we are working to translate all the core Conventions into practice through dissemination of the contents of the Conventions, the strengthening of labour inspection mechanisms, and the formulation of other related labour regulations.

Employment promotion constitutes a priority for Cambodia. According to a 1997 survey, the Cambodian labour force grows by 13.9 per cent every year. On 4 May 2000, the Ministry of Labour, the Cambodian Garment Manufacturers' Association and the ILO signed a declaration of intent to implement a project aimed at ensuring that working conditions in the textile and apparel sector of Cambodia comply with internationally recognized core labour standards and Cambodian labour law. This project, which enjoys financial assistance from the United States, the Royal Government of Cambodia and the Cambodian Garment Manufacturers' Association is being implemented by the ILO. In addition to promoting the application of labour law, and enhancing the skills of government officials and the social partners, this three-year project will provide new jobs for at least 10,000 Cambodians.

In the field of social protection, a draft social security law dealing with old age, invalidity and pensions for the victims of accidents at work was submitted to the Council of Ministers in late 1999 for consideration. We firmly believe that this bill will be adopted by the National Assembly and Senate in the near future. Tripartism and social dialogue, which are clearly provided for under Cambodian labour law, have been enhanced through the creation of the Labour Advisory Committee in April 1999. Although only recently set up, this national tripartite committee has already provided advice on several important issues relating to occupational safety and health.

With regard to other items on the Conference's agenda, I would like to express my full support for the proposed Maternity Protection Convention, 2000, and for the withdrawal of Conventions Nos. 31, 46, 51, 61 and 66 concerning hours of work for some categories of workers.

We are still in need of the ILO's indispensable assistance with implementation of the Organization's strategic objectives.

I am also very glad to inform you that I represented the Ministry of Labour at the 14th Conference of ASEAN Labour Ministers held on 11 and 12 May 2000 in Manila, where the Ministers adopted many interesting documents, such as the ASEAN Labour Ministers' Vision and Mission Statement, and the joint communique of the 14th ASEAN Labour Ministers' Meeting.

In conclusion, I would like to express my deep gratitude to the ILO for its assistance in the past, and wish the Conference splendid results.

Original French: Ms. KAYITÉSI ZAINABO (Government delegate, Rwanda) — It is an honour and a privilege for me to address this august assembly, the 88th Session of the International Labour Conference. On behalf of the delegation of Rwanda, and on my own behalf, I should like to associate myself with previous speakers in congratulating Mr. Flamariq upon his election as President of this session. Our congratulations also go to all the elected Officers. We would also like to extend our congratulations to the Director-General of the International Labour Office on his stimulating Report, which is concise but rich in information. It is a Report that we can fully endorse.

I should like to seize this opportunity to inform you that on 30 September 1999, my country, Rwanda, ratified the Worst Forms of Child Labour Convention, 1999 (No. 182), and immediate action with a view to their elimination. This bears witness to the firm will of the Government of Rwanda to save from the worst forms of labour the thousands of children who are breadwinners and at the same time orphans of the genocide and who are forced into labour for their very survival.

When it comes to industrial relations, my country is profoundly attached to the promotion of ILO standards, development of human resources, promotion of employment, tripartism and social dialogue. In addition to bringing the legal and institutional framework in our country into line with these ideals, Rwanda has ratified 26 Conventions, including seven of the eight ILO Fundamental Conventions. A revision of the Labour Code, dating back to 1967, is now before Parliament; it is the result of tripartite consultations between the State, the employers and the workers.

However, as a country which is still trying to cope with the harmful consequences of the genocide that we witnessed in 1994 and with the inevitable impact of globalization and the implementation of structural adjustment policies which started in 1997, the resources at my country's disposal fall far short of our ambitions terms of human resource development and employment promotion. This is why special support for the development of our human resources and the extension of the Jobs for Africa programme to our country are an absolute necessity.

Maternity protection is one of the major concerns of my country. Nevertheless, this protection should not be solely a matter for the employer or for the government. The costs should be borne by the employer, the worker and the State. I am therefore pleased that the present session has decided to hold a second discussion of this issue.

In conclusion, I must repeat that Rwanda is profoundly attached to the ideals of peace, democracy, equality and justice, and also to dignity in the workplace.

Original Spanish: Ms. CASTRELLÓN (Employers' adviser, Panama) — When we look carefully at the Report of the Chairman of the Governing Body and the Report of the Director-General, we can clearly see the work of the International Labour Organization and the power that this Organization has to make transformations, thanks to the strategic union that arises from tripartism, which promotes economic and social well-being in the world of work.

We in the productive sector, composed of employers, workers and governments, are agents of change with unlimited potential, when we work together on the same agenda, objectives, commitments and dreams. Without any doubt at all, I can clearly say
that we all want to have a better world, with fairer, wealthier and more democratic societies. Therefore, we encourage the efforts of the ILO and its constituents to promote social dialogue in a world in which there is a very close link between economic and social issues. We must urgently institutionalize and consolidate the tripartite spirit of the ILO. We should do this at a local level, in order to fight against poverty, unequal distribution of wealth, and the social ills that afflict societies throughout the world, and which affect us daily, forming an ongoing challenge.

We insist upon the need to combat poverty through the creation of jobs, and through the promotion of more and better enterprises, which then lead to human development and well-being. For this to occur, we governments, employers and workers all have crucial roles and responsibilities to act out in a world where the one constant is evolution and change.

We have the responsibility to lead, and this means that in practice we must be examples of the results of social dialogue which have an economic and social impact.

Exemplary leadership will be a powerful tool for implementing the results of social dialogue in key areas, such as the promotion of equality for women in the world of work. In the case of Panama, women have attained very high positions; nonetheless, there continues to be a gap between the wages of men and women, as well as between the earnings of women in the cities and rural areas, and wealthy and poor women. These poor women are often members of the informal sector, with all the economic and social consequences that that entails, together with the tremendous and unpardonable waste of human potential.

Equally, the obsolescence of knowledge and technology requires us to find answers, and we therefore call for technical cooperation with the ILO, in order to meet this continuing challenge consisting of belonging to the era of knowledge.

There is also the HIV/AIDS pandemic, which requires that we, the social partners, join together, with the support of the ILO, for prevention and protection against this scourge.

The great challenge of the millennium is to involve the individual in the economic, social, political and cultural development of our people. We must create the foundations to ensure sustainable human and social development, in the context of socially responsible market economies.

The ILO that we would like to see must be ever closer to its constituents and must come up with innovative, creative responses to meet the needs of the situations in each country, and the expectations and needs of its constituencies.

Organizations live with change, and must bring about change. We, therefore, invite governments, employers and workers to reinvent ourselves together and reinvent the ILO. We must be dynamic, creative and committed, and become real organizations which learn and pass on this knowledge. We should adapt and grow, and enthusiastically face up to the challenge by making ourselves part of history as genuine agents for change.

Mr. TAN (Workers' delegate, Philippines) — Mr. President, in the last decade of the millennium, we have all witnessed the accelerating tempo of radical shifts in the world of work.

Abetted by economic globalization, non-standard forms of employment are on the rise. The organization of work keeps changing in the face of the harsh realities dictated by global competition.

While giant transnational corporations are running the race to the top, labour standards the world over tend to follow the so-called "race to the bottom".

Unemployment rises every time some fast-changing "new" technology is introduced, making many jobs obsolete as fast as they are made and creating very few opportunities for decent work, and then only for those who are well-educated and trained.

In these times of uncertainty, one expects important institutions, such as the ILO, to serve as bastions of consistency and as fortresses against the vagaries of anarchic change. For this reason, we must oppose the proposal to withdraw several Conventions on working hours in specific sectors, and one concerning migration. In our view, it is better to improve instruments than to withdraw them during times of uncertainty.

On the other hand, the report on human resources training and development commendably shows why and how human resources development becomes a strategic tool in the search for social policies that are both proactive and attempt to mitigate the effects of purely economic globalization.

Given the comprehensiveness of the report, we propose only four points to be taken into account regarding possible future standard-setting activities in this area.

Firstly, the development of human resources through education and training is better seen as an investment rather than as a cost. It is, in fact, a social investment that redounds to the best interests of society, since its members will thus have the opportunity to improve themselves through work and study.

Secondly, the rapid changes in human knowledge, skills and behaviour call for lifelong education and training.

Thirdly, the governance of vocational education and training should be based on the principles of subsidiarity, self-governance and transparency. Furthermore, we should allow social dialogue and negotiations to work their wonders, not only in governance but also in the financing, provision and monitoring of all types of relevant, user-defined vocational education and training.

Fourthly, and lastly, human resources development and vocational education and training are the strategic key and should be recognized as such. They create the possible nexus where productivity and social inclusion meet.

When everything else is said and done, even new technologies creating artificial intelligence are subject to human will and intervention. The will and ability to intervene are gained through a lifetime practice of freely chosen careers, through lifelong education and training for all.

Original Portuguese: Ms. SPENCER (Government delegate, Cape Verde) — Allow us to express, on behalf of Cape Verde, our wishes for success in the work of the 88th Session and to address our congratulations to the President on his election. We would also congratulate the Director-General for his Report, with which we are very much in agreement.

We note with satisfaction that topics of indisputable importance have been put on the agenda this
session and should help us to find the best solutions for the various problems that afflict our countries. We are sure that the discussions and the exchanges of experience will lead to the best solutions conducive to greater equity and social progress.

Human resources training and development is one of the topics of unchallenged relevance to the economy. Changes in the context of globalization have led to constant change in the content of work and the skills required by workers, thus creating a need for training policies appropriate to the technological developments necessitated by increased competition. Training provides a guarantee of survival and success, in an age marked by ever greater competition. The labour market therefore needs to be structured on the basis of models which allow it to respond to technological change.

In order to face up to these challenges, new skills need to be promoted at all levels. A qualified labour force is essential to economic and social growth. Not only does training provide people with a means to earn a living, it also enables them to improve their position in society, and has positive consequences on a country's social and economic system.

Obviously, we are thinking essentially of a system intended to transmit knowledge, endow skills and influence attitudes. With this in mind, all the various factors that can influence the development of personality have to be considered, since for most occupations, an individual's values are important; today's world of work demands not only new skills but also new attitudes and a willingness to adapt to the new labour environment.

Special consideration must be given to the most vulnerable sectors of the population, who must have opportunities to enter the labour market on a basis of equality. Social policy needs to be devised so as to prevent negative discrimination, investment must be made in education and training, and job opportunities must be expanded. The aim of this is to ensure competitiveness in an ever-changing economy. Countries need to invest in education and vocational training, because these are the foundations of autonomy and employability.

The new strategy will have to focus on policies to promote a more equitable world order in which job opportunities are secured on a non-discriminatory basis. Public authorities need to implement positive action in favour of the most vulnerable sectors of the population, including women. Social integration may be extended if new ways forward are found, new options chosen and new attitudes assumed. For the many young people who are, for the first time, joining the labour market in the developing countries, it will be very difficult to obtain high-quality vocational training. Women in these developing countries do not have access to training, and rarely have the skills needed in the modern sector. The problem is particularly acute in the rural areas, where women constitute the greatest source of labour and produce most of the food, and yet they are discriminated against because of illiteracy and misinformation. There is a need for measures to raise public awareness of the principle of equal opportunities and treatment for men and women.

We know that finding a balance between the supply and demand of skills is not easy, since the new patterns of technological progress are not reflected in existing systems of training. Globalization is a source of particular concern for the countries that are not able to keep pace with changing skills requirements. These countries have the problem of adapting to this accelerated technological change, but lack the necessary means for developing ongoing training systems.

Like other countries, Cape Verde is faced with constraints making it difficult to develop the right vocational training policy. The absence of an adequate training system, and the inadequacy of financial and human resources for training, are the realities which hold back the development of training in Cape Verde. The number of vacancies resulting from a lack of qualified workers is a clear sign of the urgent need to create a modern training system.

Although the system has an institutional framework, there is much room for improvement, especially in the area of coordination with companies and training institutions. In order to overcome these weaknesses, we would like to establish a national training scheme, but our resources are scarce, and international cooperation is indispensable.

We hope that the work of this 88th Session of the Conference will attain its goals and will contribute to building a world where training and developing human resources will be at the foremost of efforts.

Original Spanish: Mr. FERNÁNDEZ (Workers' delegate, Uruguay) — I should like to greet the Office of the Conference presiding over the 88th Session of the International Labour Conference.

In recent years globalization and trade liberalization have brought about profound changes in the economic and social situation of the world. Neither can one forget, of course, the role played by new technologies in this regard.

The Report of the Director-General last year, Decent work, as well as this year's Reports, Activities of the ILO 1998-99 and Your voice at work, clearly show that the ILO is concerned about the social repercussions of the above mentioned changes. It is a question of becoming aware of the problem and of informing everyone. I think it is very easy to see that the socio-economic policies which are being applied — fundamentally in the underdeveloped countries have led to a lack of social protection, marginalization, unemployment and violence and, on the other hand, an enormous concentration of wealth in the hands of a few which is absolutely shameful.

As a representative of the workers of my country I have to ask myself, is it really worthwhile making speeches before this plenary? Are our words read, thought about, assessed by those who are responsible for the international financial bodies? The views of the poorest countries about not being able to compete on an equal footing are well known. Free market policies inexorably lead to the triumph of the most powerful. Today multinational corporations are more powerful than any State. They go around the world offering their capital in exchange for deregulation, and the lifting of workers' protection; the relinquishment of national resources through privatization; and the violation of the most basic standards of protection for workers and for those receiving their well-deserved pensions. All this is done, of course, with the blessing of the governments that approve instruments which allow these monsters of modernity to generate what they generate, that is to say, the concentration of wealth and marginalization to an extent never before
Many of the specific challenges of this new age were lucidly outlined by the Director-General in his address in April of this year to the 17th World Conference of the ICFTU and also in his Report to this Conference. We congratulate the Director-General on his analysis of the impact of the work of the ILO, which is presented in his main Report to this session of the Conference, and on the innovation of the Global Report under the Follow-up to the Declaration on Fundamental Principles and Rights at Work.

We of the Employer community are satisfied that the ILO has successfully undertaken the necessary introspection to ensure its relevance to our changed world. The agenda items for this session, particularly the subject for general discussion — Human resources training and development: Vocational guidance and training — are indeed timely and relevant. We are pleased to congratulate the Office on the comprehensive Report on the subject of human resources training and note that it accurately reflects the universal challenge to match the skills, competencies and world view of working people to the requirements of this new age. For developing countries, such as Trinidad and Tobago, this requirement is particularly urgent as it is determinative of whether our society can realistically aspire to compete as a world player, or whether it will be relegated to the status of dependent nations for the foreseeable future.

Since the oil shocks of the 1980s, and the subsequent dismantling of protectionist trade regimes, employers of our small islands have successfully answered the call to transform themselves for the new world economy. This transformation has had to occur in a legislative and policy environment which has not always been as supportive of the need for flexibility as it could have been. With this experience we are compelled to sound a note of caution as to whether the subject of human resources training is appropriate for regulation by way of a Convention. We are satisfied that a general discussion is the appropriate treatment for this dynamic subject, rather than any regulatory instrument. Moreover, we are certain that the small Caribbean island States will stand to benefit from technical assistance from the ILO towards bringing the region to the state of preparedness for performance in a world fundamentally changed by the pervasive new communication and information technologies.

On the question of technical assistance, we recognize the useful work of the ILO's Caribbean office and of its directorate in answering the complex needs of our region. We look forward to the strengthening of this office and its work.

Before closing, it is fitting to address the relevance of the Follow-up to the Declaration on Fundamental Principles and Rights at Work. This follow-up will determine the vigilance with which we seek to preserve basic human rights of working people everywhere. Indeed, it is vital to whether as a "one world" society we will enjoy peace and justice. Having experienced attempts at extra-constitutional challenges to duly elected governments, our nation's employers are mindful of the need to build an equitable and just society where citizens benefit from the rule of law. For this reason, we are particularly keen that social dialogue is maintained as a mechanism for ensuring balance among the social partners.

It is left only for me to close by wishing the President much success in bringing this session of the
Regarding the Director-General's Report on the employment sector, we are happy that the International Labour Organization places much emphasis on decent work. In our view, the best solution to poverty is decent, well-remunerated, durable and pensionable work. The provision of this type of decent work should be the cornerstone of any poverty alleviation programme. The OATUU insists, as it has consistently done, that the informal sector has not, and will never be, the engine of development in Africa or anywhere in the world, in spite of the right-wing ideological promotion of the sector by the promoters of the market economy. It is the failure of the market that has led to the growth of the informal sector. OATUU activity in this sector is designed to organize and transform most of it into the formal sector.

The OATUU is proud to have initiated the "Entrepreneurship and small business development within African trade unions" project with the financial and technical support of the United Nations Development Programme (UNDP), the International Labour Organization's African Regional Office and the employment sector of the International Labour Office. With the evaluation of the pilot project, which has been judged successful, we want to expand it to cover more African countries. It is our desire that the project, in spite of its sources of funding, will remain an African trade union project. We are happy to note that the pilot project covering ten African countries has started to yield positive results in workers' and trade union entrepreneurship. We intend also to initiate programmes covering workers' and trade union cooperatives.

On social protection, covered by Chapter 3 of the Report, we want to express our appreciation to the International Labour Organization activities in this sector. The rate of work-related accidents, particularly in mines and agriculture, have increased, and there is the need to strengthen the International Labour Organization's tripartite partners in occupational safety and health. We are particularly gratified by the International Labour Organization's recognition of HIV/AIDS as a developmental problem, and its action to combat the scourge, particularly in Africa and other affected areas of the world.

The OATUU started workers' education programmes on HIV/AIDS in Africa over seven years ago as part of OATUU's occupational health and safety and environment project. As part of this programme an OAAATUU/UNAIDS/ILO high-level seminar on trade union action against HIV/AIDS in Africa will be held in Accra, Ghana, in July this year for top African trade union leaders from 50 African countries. We express our profound gratitude to UNAIDS, the International Labour Organization and the World Health Organization for the financial and technical assistance to host the seminar.

The adoption of social dialogue and strengthening of tripartism as one of the strategic objectives of the International Labour Organization is very commendable. Following the success of the tripartite high-level workshop on social dialogue held in Addis Ababa (Ethiopia), the social dialogue sector should assist the OATUU and its affiliates in Africa to strengthen our capacities through training on social dialogue techniques, assist in organizing subregional and national workshops on social dialogue in African countries, and help promote the ratification and application of
the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

Our organization has benefited immensely from the financial and technical assistance of the Bureau for Workers' Activities and the African regional bureau of the International Labour Organization in our workers' education programmes.

Our priorities in the current biennium include the human resource development of African trade union leaders and workers, and capacity building of African trade unions, to enable us and our members to meet the current peace, democratic and development challenges facing Africa. We would like to count on the support of the International Labour Organization in meeting these challenges successfully.

Before concluding, please permit me to refer to the speech of the Honourable Minister of Labour of Cameroon on Friday. He accused the ICFTU and OATUU, our organization, of repeatedly interfering and manipulating our members in Cameroon. This is not correct. We are happy that it is ICFTU and the Organization of African Trade Union Unity that have been accused of interference just for demanding the right of our members to independent action in Cameroon, without the interference of the Cameroonian Government. It is that interference that has led us to submit a complaint to the Committee on Freedom of Association against the Government of Cameroon.

Mr. VARELA (Employers' delegate, Philippines) — We wish to extend our sincerest congratulations to the President on his election at this 88th Session of the International Labour Conference. I should also like to congratulate the Director-General on the timely issuance of the first of a series of Global Reports in fulfillment of the mandate under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work adopted earlier.

While the Director-General introduced Your voice at work as the first of a series of Global Reports designed to serve as a basis for assessing the effectiveness of the assistance provided by the Organization, and for determining priorities in the form of action plans for technical cooperation, this series in my view has an even more significant implication. It may be noted that this series will focus its coverage on Conventions recognized as fundamental, both inside and outside the Organization, namely, freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour, and the elimination of discrimination with respect to employment and occupation.

It goes without saying that these are the irreducible labour standards, the absence or violation of any of which constitutes an egregious impairment or deprivation of basic human rights that would be fatal to the sustenance of a humane and civilized society.

That is why this series of Global Reports goes far beyond its institutional importance to the Organization, inasmuch as it deeply implicates its constituency, both individual and collective, in the promotion and preservation of the fundamental rights. In effect, the series assumes a critical role in terms of an objective and empirical accounting of, as well as a sensitizing call to, the social conscience of the ILO's tripartite constituency in terms of progress achieved, as well as setbacks encountered in honouring the spirit as well as the practical application of fundamental rights.

As indicated in the seminal Report, Your voice at work, the last part of the twentieth century was characterized by the emergence of relentless globalization that has brought in its wake vast and volatile changes in markets, technology and social and political systems. There is a continuing debate over the pros and cons of globalization that has drawn contentious lines between and among developed economies and the developing and underdeveloped economies, between the rich and the poor, between the haves and the have-nots. I have no wish to be drawn into this debate in this short brief, but an objective and honest assessment would indicate that, by and large, while globalization has produced a range of benefit, it has also brought a number of social costs, which are more pronounced in the poorer economies. As pointed out in the Report, many economies are integrating into a global economy, but others are becoming marginalized, and global inequalities are growing. The simultaneous inclusion and exclusion of people, regions and economic sectors is a significant characteristic of globalization and presents some of its greatest challenges.

As far as workers and employers are concerned, these changes are profoundly changing the world of work in which they function, and affecting the exercise of freedom of association and collective bargaining rights.

The crux of the issue is that there has arisen in the world of work not only a widening representation gap, but also continuous threats to, if not actual diminution of, security and representation. In the context of my own country, the last Asian financial crisis and the continuing impact of globalization have exacerbated unemployment and increased the number of workers dislocated from the formal sector and thrown into the informal sector, thereby further reducing union and institutional representation.

The combined effects of these developments have brought to a head the stark realities of the representation issue for employers, unions and workers alike.

My organization, the Employers' Confederation of the Philippines (ECOP), has initiated a programme of action in tandem with its social partners, government and labour, to address effectively the representation issue.

At the legislative level ECOP has proposed widening the coverage of our Labour Code to include the informal sector. Since the Philippine labour laws were codified into a Labour Code way back in 1974, the underlying premise has been the existence of a formal employer-employee relationship. Thus, effectively excluded from the Labour Code is some two-thirds of the labour force, most of whom belong to the informal sector. As a result the majority of workers are deprived of representation in the world of work.

The whole question narrows down to how to extend and widen representation to include the rest of the workforce, particularly the unorganized in small and medium enterprises and those in the informal sector. This requires a high degree of creativity and close coordination and cooperation with government as well as unions, inasmuch as new approaches may be required that are a departure from traditional forms of union organization.

At the same time, the existence of a large informal economy, often referred to in our country as the underground economy, which is composed mostly of small entrepreneurs, micro enterprises and cottage industries, has elicited proposals from ECOP for legal
institutional forms that would enable them to surface into the mainstream of business. With these reforms ECOP envisions that those in the informal sector would be able to organize themselves into trade and business associations, as well as cooperatives for better and stronger representation.

At another level, ECOP has brought the concept of representation beyond the traditional tripartite partnership of government, workers and employers in labour relations to the community concerns itself.

Inasmuch as the creation of a social climate that is supportive of the creation of jobs and business is a multisectoral concern, ECOP has advocated the forging of an expanded social accord involving all major stakeholders, namely, employers, trade unions, local government units, civic associations, non-governmental organizations and local communities.

Through the community social accord, the major representatives in the community commit themselves to help in creating an environment congenial to the creation and sustainability of jobs and businesses. The community representatives will operate in their respective areas in addressing those obstacles to businesses and employment generation which are within their competence to solve.

All of these initiatives that promote representational security in general and freedom would not have been possible in the absence of so much democratic space.

The success of our country in achieving respect for fundamental rights at work runs parallel to the ILO's success in helping countries achieve respect for such rights in societies that have demonstrated the political will to embrace them. We share the universal concern of the ILO that respect for rights at work is best upheld where there is full respect for basic civil and human rights.

Ultimately, it is the preservation of democratic institutions that ensures the proper recognition of, and respect for, fundamental rights at work.

(Mr. Agyei takes the Chair.)

Original French: Mr. CORDEIRO (representative of the Federation of International Civil Servants' Associations) — The Federation of International Civil Servants' Associations (FICSA) is proud to appear before you on behalf of the International Civil Service.

If your tripartite assembly, as constituted, is in a position to meet in optimum conditions, it is thanks to the women and men who, in a very professional way, are working for you behind the scenes. These men and women are part of an enormous group comprising the international civil service.

Indeed it is the international civil service, the natural extension of the national civil services, which provides the secretariat for several hundreds of inter-governmental international organizations, ranging from large worldwide institutions to small bilateral or regional bodies. These organizations are so valuable that States continue to create them in all fields.

Allow me to quote Mrs Bertini, Directress of the World Food Programme, who said recently that "since 1994 there have been 59 instances of hostage taking, involving 228 of our colleagues, and that, over the past 8 years, 184 United Nations staff members have been killed, of whom 98 were murdered". It is in response to this situation that the Commission on Human Rights adopted at its most recent session a resolution in which it, and I quote "urges all States to take the necessary measures to ensure the full and effective implementation of the relevant principles and rules of international humanitarian law". Yet paradoxically, although through you and to the four corners of the world, the United Nations preaches workers' rights, including the rights to collective bargaining, it is nevertheless unable to apply these to its officials.

This Conference has the authority, and indeed the right, to adopt an instrument calling for compliance with the applicable principles and standards of international labour law in respect of officials of the international civil service.

I shall digress to pay tribute to the efforts of the International Labour Office, whose staff union and Director-General have signed a text recognizing the initiation of bargaining. The time has come to breathe this ILO spirit into all the intergovernmental organizations. Globalization fever is sweeping through our societies and in its progress often completely disregards the social dimension of labour. The international civil service, just like the national civil services, cannot escape the consequences of globalization. In addition our rules and regulations are riddled with affirmations of the discretionary powers of the directors and secretaries-general of our organizations who shelter behind member States pointing to them as having final responsibility. The delegates of the member States, preoccupied by geopolitical issues, pass back management matters to the organizations themselves. Within the organizations, the right to bargaining is not recognized and consequently we come full circle. The basic labour principles and rights are not applied.

FICSA considers that the time has now come to put an end to this situation. The intergovernmental organizations can no longer claim that they are not bound by the ILO Conventions and Recommendations. The members of the international civil service urge this Conference to exercise its authority and to shoulder its responsibilities by deciding to include in its work programme the adoption of an instrument under which international civil servants will be guaranteed basic labour rights including the right to collective bargaining.

Original Russian: Ms. BYKAVA (Employers' delegate, Belarus) — The International Labour Organization, as one of the specialized agencies of the United Nations, has made a unique contribution to establishing a legal foundation in the area of labour and labour relations in all countries of the world, including Belarus. The founding principles of the ILO, especially the principle of social partnership in dealing with problems and shaping development policy, should be the basis of economic policy in all States. It is precisely the degree to which these basic principles are observed by any State that is the main indicator of the country's progress towards a market system and democracy.

Belarus has not been on the path of democratic reform for very long, and unfortunately, the movement along that path cannot be called consistent and dynamic. Nevertheless, cooperation with the ILO has already yielded concrete results. I would like to very briefly describe the work that has been carried out by the Association of Employers of Belarus with the support of the ILO.

One of the most promising of the ILO's recent activities has been its participation in efforts to assist
renewal and restructuring in transition economies. In addition to theoretical and methodological research in this area, pilot projects are under development. This should lead to a better understanding of the problems, as well as the benefits, of enterprise restructuring, improve knowledge and skills, and allow an assessment of the reforms by all participants (Government officials, employers and workers). In 1999 the ILO, together with the Association of Employers, initiated a series of practical and theoretical research projects. On 1 February in Minsk, a tripartite forum was held on “Socially responsible restructuring of enterprises”. Some one hundred people took part in this forum, including industrialists and representatives of trade unions and Government. The forum was a kind of “round table” which kicked off a kind of constructive dialogue between the social partners on compromise approaches to dealing with the country’s most pressing problems, including enterprise restructuring with minimum lay-offs, ensuring protection for the most vulnerable groups, and the creation of new jobs.

The practical implementation of these new approaches has required the development of new skills by national experts. With the financial support of the ILO, representatives of our association have taken part in a training programme on restructuring at the Turin Centre. Currently our Association is working on the establishment of a special consultative department which will assist enterprises in their restructuring. This year, two Belarus enterprises will be given similar assistance in the framework of this project and in the future this will be extended to other enterprises. In this way the experience gained by the ILO in the area of enterprise restructuring in transition economies will be enriched and adapted to the specific conditions of Belarus. This will become an important contribution by the ILO to the process of reforming my country’s economy, taking into account the interests of all social partners, and to promoting democratization.

Mr. BOLDBAATAR (Government delegate, Mongolia) — On behalf of the delegation of Mongolia, I express our congratulations to the President and Vice-Presidents of the 88th Session of the International Labour Conference on their election. I am confident that under your able guidance this Conference will be a very successful one.

We gather here at a historic moment in the sense that this is the first session of the International Labour Conference in the new millennium. Globalization, the revolution of information technology and environmental degradation are a few of the global issues that create new challenges for employment and the labour market worldwide. This situation requires more common effort and cooperation between our nations, and we believe that the ILO and its member countries can respond effectively to these new challenges in this new century.

The Government of Mongolia fully supports the process of reform and modernization initiated by the Director-General, Mr. Juan Somavia, within the ILO. My Government also supports the four strategic objectives as the basis on which the ILO will devise programmes and policies to facilitate the achievement of the ultimate goal — providing decent work for everybody.

I would like to underline that the Declaration on Fundamental Principles and Rights at Work, adopted in 1998, was a remarkable achievement in the history of the Organization. This Declaration is an international consensus on core labour standards and we are very satisfied that we have already discussed here a Global Report on one of the four categories of fundamental principles and rights defined in the Declaration, namely, on freedom of association and the right to collective bargaining.

Mongolia has changed much in the past decade. Ten years of social and economic transition has put Mongolia on a new path of development and given it new momentum. A new market economy has been formed with its relevant systems. We believe that the most relevant and efficient way to ensure the right of people to decent work and regulate labour relations in this market economy is through tripartite dialogue and cooperation with the social partners. In this context, my Government pursues a policy of developing a system of labour management and monitoring, “of administration and management” of tripartite and bipartite consultation machinery. The creation of a legal framework for the establishment of a national tripartite committee has been an important step in this regard.

Unemployment is one of the major issues to be tackled in Mongolia. Substantial measures still need to be taken in order to create more jobs and improve social and economic conditions of the working population.

As a long-standing Member of the ILO, Mongolia has committed itself to ILO Conventions, amongst them to four core Conventions and almost a dozen other basic instruments of labour standards and norms. At present, the Government is preparing to submit the Forced Labour Convention, 1930 (No. 29), and the Worst Forms of Child Labour Convention, 1999 (No. 182), to Parliament for ratification at its next autumn session. Moreover, the ILO agreed to render technical assistance to the Government of Mongolia for adherence to ILO Conventions such as the Labour Administration Convention, 1978 (No. 150), and the Labour Statistics Convention, 1985 (No. 160).

I would like to take this opportunity to thank the ILO and the Asia and Pacific Regional Office for the continued support and assistance they accord to Mongolia’s tripartite organizations in realizing their objectives to reform national labour standards, to improve the labour market, to develop our human resources and training, to create decent jobs, to increase the participation of women in the labour market, and so on.

In conclusion, I wish this Conference the best of success.

Original Arabic: Mr. OMER (Employers’ delegate, Sudan) — In the name of God, the Merciful, the Compassionate!

Allow me on behalf of the employers of Sudan to express our heartfelt congratulations to the President and his Vice-President on their election to preside over the 88th Session of the International Labour Conference.

We, as representatives of the employers in Sudan, would like to express our sincere appreciation of the efforts of the Director-General to follow up the activities of our Organization in a scientific and precise manner, as reflected in his Report entitled Activities of the ILO 1998-99, and in the stress which the Director General has placed on the implementation of the
Declaration on Fundamental Principles and Rights at Work adopted by the Conference in 1998. We would also like to commend the Director-General for his work concerning the revision of the approximately 30 Conventions which have not been ratified or which have been ratified by only a few States. These Conventions no longer reflect the contemporary requirements of labour standards and fail to provide the flexibility demanded by the changing world of work today.

Mr. President, we in Sudan, as part of the developing world, are suffering from the dire effects of globalization and world trade liberalization on the world of work. International donor institutions have put us under pressure to adopt policies in accordance with these trends. This in turn has had a negative impact on the labour market. Countries which do not have the necessary new skills, developed in a structure and powerful financial institutions, will experience massive job losses, and the closure of their industrial institutions opening up the way for an influx of goods from developed countries. The net result of this process will be a widening gap between the countries of the North and those of the South and a world characterized by unrest, disorders and a lack of basic humanity.

Therefore, Mr. President, it is imperative that the ILO and other international organizations make concerted efforts to close this gap building the capacities of institutions and individuals in developing countries to adapt to the fast pace of change and alleviating its negative effects on the structure of society in developing countries, as a sign of solidarity and unity between all States.

We employers in developing countries are more in need of technical assistance from the ILO to help us develop skills and adapt our structures so as to provide information and advice to our members that will help overcome their problems. Our ultimate aim is to create the conditions in which employers can develop their businesses, generating prosperity and employment for all developing societies.

I would like to call on the Organization and all the member States, to spare no effort to improve the working conditions of Arab workers in the occupied Arab territories, and of workers in Iraq, who have been languishing under the embargo for ten years.

Finally, I would like to confirm that we have full respect for all international labour standards and that we are reading and willing to continue our work with the social partners to create the ideal conditions for fruitful dialogue.

Original Spanish: Mr. RAMÍREZ LEÓN (Workers' delegate, Venezuela) — May I begin by congratulating the President on his election to conduct the 88th Session of the International Labour Conference. I would also like to extend my congratulations to the two Vice-Presidents who are assisting him in this task.

Speaking on behalf of the Venezuelan workers, we would like to congratulate the Director-General for the excellent quality of his Report, Activities of the ILO 1998-99. It is, without any doubt, a step towards meeting the commitments that were undertaken at the World Summit for Social Development in Copenhagen, and the commitments to all the members of this Organization. The Report summarizes the activities undertaken by the ILO in the period 1998-99, and highlights the major objectives of promoting democracy and basic worker rights; overcoming unemployment and poverty; and seeking to increase the levels of social protection of all workers. These priority objectives are ones that we fully share, and to which we give our full support.

The number of activities undertaken, and the wide spectrum of issues that the Organization has focused on, show the Organization's commitment to providing services to all of its constituents to becoming a centre of excellence and a point of reference in the world of work. We would not like to miss this opportunity to make special reference to the cooperation received from the ILO Regional Office, the technical team based in Lima, the Bureau for Employers' Activities and the Turin Centre.

We would like to make special reference to Chapter 1 of the Activities Report on promoting democracy and workers' fundamental rights. As the Report says, the adoption of the Declaration and its Follow-up is a new universal commitment to basic rights and principles. This commitment, built on the basis of a consensus, should be strengthened and developed in order to effectively guarantee that human rights are respected, both individually and collectively. We cannot forget that trade union rights are a fundamental element of democracy, and that social solidarity is the factor that harmonizes economic development and minimizes authoritarian temptations. Freedom of association is a central part of democratic culture. The Venezuelan trade union movement has been one of the pillars of the democratic system and a decisive force which has led us through many difficult periods. In the past, we have overcome many difficulties in order to establish fluid labour rights and protect the social and labour rights of workers using a constructive social dialogue. For more than 40 years, Venezuela has been characterized as a country that respects freedom of association and ILO Conventions. However, to our great regret, it now figures in the list of countries with cases pending before the Committee on Freedom of Association. The defence of the rights of workers, contained in international labour standards is, therefore, particularly relevant for us now, at a time when there has been a tremendous impoverishment of the population, growing unemployment, a step backwards in collective bargaining, and weakening of workers' participation in defining social and labour policies.

Freedom of association and collective bargaining are essential requirements for establishing genuine social dialogue. Venezuela workers are demanding tripartite dialogue on the major themes that are affecting the country in the world of work, employment and social security, and for the changes that are required in our new Basic Labour Law, in order to bring it into line with our constitutional mandate. Venezuela is experiencing profound and accelerated changes, to which the trade union movement is not opposed and, in fact, we were behind many of the changes without any interference from the State. However, something which we cannot, and will not accept under any circumstances, is the violation by public bodies of the ILO International Conventions, and the achievements of Venezuelan workers which were attained through many years of democratic struggle.

As the Director-General said in his Report, "It is changing the pattern of development itself, shifting long-term growth paths and skewing patterns of income distribution. If present trends continue unchecked the greatest threat we face is instability."
The harmony between economic growth and social development is a major concern for the ILO and the trade unions. In the same way that the economy has been globalized, we must now globalize social justice. The ILO studies indicate the tremendous potential, in terms of long-term benefits of globalization of the economy, but also draws attention to the fact that political changes are required if we are going to minimize the negative impact on the labour market, and particularly in terms of the quality of employment, working conditions, wages and growth in the informal sector, growth in atypical forms of employment, under-employment and the unequal distribution of resources.

Another central topic is that of maternity protection. We support the adoption of a new instrument, which has not been revised since 1952, and which must take into account changes in the world of work, and greater benefits and possibilities for all women who work and in all sectors of the economy.

May I conclude by thanking the Director-General of the ILO, Mr. Juan Somavia, for his extraordinary sensitivity and his willingness to undertake action, mediate and continue to support the workers of Venezuela in their struggle for justice and defence of freedom, as a central value in human existence.

Original Spanish: Mr. GÓMEZ EZQUERRA (representative of the Latin American Central of Workers) — We have taken very careful note of the Report of the Director-General and of the Chairperson of the Governing Body. Given the fact that our time is quite limited, we would like to give you our views on those documents.

CLAT, the Latin American Central of Workers, can only express its deep concern at the appalling data on poverty and social exclusion, which now seriously affects dozens of millions of Latin Americans.

While there is much talk in the world about the benefits of globalization, in our countries what we see is a tremendous growth in the rates of unemployment, poverty and the indignity to which most of our people are subjected.

How can we talk about development, about achieving peace, and about prospects for a better world, if a majority of the people of the world do not yet enjoy even minimum conditions of a dignified life; if millions of young people, women and men, are seeking work without any possibility of actually finding it? How can we talk about social progress when millions of human beings suffer from the scourge of hunger?

The Director-General at the last Conference spoke to us about decent work and protection for all, and gave us a wealth of details about the position of the ILO, all of which was quite relevant. But in Latin America what do we find one year later? Well, simply unemployment, more indecent jobs, greater lack of protection, more wealthy people and many more poor people, a growth in repression, criminalization of the social struggle, more murders of trade unionists and, in general, few possibilities of improving the living standards of the majority of humanity.

History imposes on us the challenge of deciding not on whether we are going to globalize capitalism but whether we are going to globalize wealth, development and prosperity and to fight against hunger, unemployment and inequality.

The ILO must review its role in all of this, and must take on the responsibility of the historic task of fighting for justice and building a better world. Let me give you the example of Latin America. It is not the poorest region of the world but it is there that we see the worst social inequalities, and this forces us to demand of our governments policies that are quite different from the policies they are following at present. The structural adjustment programmes which have been blindly followed at the demand of the IMF, the World Bank, the IDB and the WTO have forced the developing countries to continue in the midst of violence and civil wars, whether or not they are declared as civil wars, and to see new generations condemned to poverty and abandoned. We cannot forget that, in all those countries where we now have armed groups involved in uprisings — in countries such as Colombia, Guatemala, El Salvador, Nicaragua and other places in Latin America and the world — the origin of it all was social injustice, concentration of income and the egotism that results from capitalism.

The ILO must be strengthened. We must promote tripartism, and we must be sufficiently creative to find the road to peace and to get there through social justice and solidarity.

I would like to at this point express a tribute to Emilio Máspero, who was the guide and leader to CLAT for 50 years, and who unfortunately passed away on 31 May in Caracas, Venezuela. With his death trade unionism in Latin America and the entire world has lost a giant in the fight against injustice.

Original French: Mr. MUSIOL (Employers' delegate, Poland) — It is an honour for me, on behalf of the Confederation of Polish Employers, to extend our greetings to the participants of the 88th Session of the International Labour Conference. The Confederation of Polish Employers is the only organization authorized to represent the interests of Polish employers at international forums.

The current session is taking place in the last year of the second millennium, a jubilee year. I am convinced that at this very special time, all of us must prepare new and lasting values for the benefit of the people of the third millennium.

I would like to share with you the experience of the Polish employers and the problems which our organization considers as most important.

We believe 'that social dialogue is essential. We think that regular bilateral discussions between employers' and employees' organizations often make it possible to strike a balance between the aspirations of employees and economic constraints, between the needs of employers and their management with respect to maintaining the right of governance and the wishes of workers to take part in the decision-making process.

This has made it possible to hold comprehensive discussions on social and economic issues linked to the policy of the European Union, such as for example the criteria for entry into the Single Market, the establishment of a single currency and the integration into the European Union of new members.

As a result of dialogue, we are able to anticipate the problems linked to these issues which may arise in the future.

The involvement of the social partners at the highest level of the State, including the participation of the Government, employers and workers, may help to chart future economic, macroeconomic and social policies.

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The most difficult part is ensuring consensus among the partners. Polish employers have come up against this problem as well. This is quite natural and understandable, given the opposing interests involved and the fact that trade unions often adopt a very militant position. Nearly all of us are under time constraints, and this of course complicates things for our members. Finding a compromise within our association is thus made harder still. Despite constant efforts, this problem is very difficult to solve.

Social dialogue is a long-term process that requires constant concentration and specific attention. We think that the consultation and negotiation process should be subscribed to as a rule by all the parties to this dialogue.

The Polish employers hope to maintain good relations with international institutions and organizations, and in particular with the World Bank, the World Trade Organization (WTO), the United Nations Educational Scientific and Cultural Organization (UNESCO) and the United Nations Children's Fund (UNICEF). As Poland prepares to become a member of the European Union, it is even more important to establish very close relations with the business communities of the Union.

The Confederation of Polish Employers has taken an active part in the work of all the committees of this session and will lend its support to all the efforts aimed at preparing Conventions and Recommendations which will be adopted in a spirit of dialogue and international cooperation.

Given the challenge which stands before our societies at the beginning of the third millennium, employers must first and foremost think of creating new jobs, based on human resources and good ethics.

We think that it is important to plan a reorganization and better redistribution of work, in a spirit of human solidarity. That is why all of us—employers and employees—should each share part of the responsibility for the common good of the enterprise and for the good of society as a whole.

Employers must be aware of the need to base their activity on human resources and ethical values, and above all on human respect and respect for the unquestionable right to work and to benefit from the fruits of one's labour.

The economy, work and the enterprise must first and foremost serve the interests of individuals. We cannot take strategic decisions which are against the interests of those who work in the enterprise.

It is necessary to ensure that everyone has a job in order to ensure that work is equitably and responsibly distributed.

In concluding my statement, I should like to express the hope that the views that I have just expressed will be well received by the delegates participating in the last session of the International Labour Conference at the end of this second millennium. I would like to thank you for having allowed a representative of the Confederation of Polish Employers to speak at such an eminent Conference.

Original Spanish: Mr. BERNAL CAMERO (representative of the Permanent Congress of Trade Union Unity of Latin American Workers) — I would like to express my appreciation for this opportunity to speak here. Our sincere respect for the principles underlying the ILO and for the delegates attending this Conference lead me to express some opinions. The ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up defines itself as a promotional instrument and states that labour standards should not be used for protectionist purposes. The Report tells us that in 1999 the Governing Body adopted certain positions in order to implement the follow-up, and here at this Conference, for the first time, we have examined the Global Report under the follow-up to the Declaration. This is an excellent contribution to strengthening freedom of association and collective bargaining and other fundamental Conventions. That said, the Global Report expresses political judgements which appear to exceed the mandate of the ILO as defined in its Constitution, the Standing Orders and the Declaration itself. Whatever might have been the political repercussions, now or in the future, of ILO activities, the ILO should adhere strictly to the Constitution and to the international Conventions without attempting to substitute one political system for another.

I think it is relevant to remind you that all member States have equal rights and obligations, irrespective of their economic, political or social system. Moreover, I feel that in the future it would be a good idea in the report of the Organization, and in particular in the Reports of the Director-General, to avoid referring to countries in ways that differ from the official title of the countries in its own Constitution.

In the Report, Your voice at work, the side-heading of paragraph 10 is “The role of the ILO in a new architecture of global governance”. If you then look at the next to last sentence of that same paragraph, it says: "a new architecture of governance of globalization". Now, in my humble opinion, it is not the same to equate global governance with governance of globalization and in any case neither of these two concepts is very clear in the context; so I would suggest that these concepts be clearly defined, if indeed they are going to be used at all.

As is well known, and as is clearly stated in the Report, a third of the economically active population of the world — nearly 1 billion individuals — are unemployed or underemployed. As unemployment is a chronic ill that insidiously and perniciously affects the whole social fabric of the world, I think it is essential that we find more effective ways to promote and create employment. But the impression is that the ILO has been very ineffective and weak in taking such action.

If we look at the Report of the Director-General on the 1998-99 biennium, we can read on page 89: "The unemployment rate in Latin America and the Caribbean rose steadily and job insecurity increased." Now this, I believe, is a clear expression of the fact that new liberal policies have been imposed on our people in recent decades.

The ILO and the entire United Nations system have not managed to bring to all countries, peoples and individuals the so-called benefits of globalization. It is urgent that we adopt more effective decisions to change this trend toward concentration of wealth and expansion of poverty which ensures that there will be instability and lack of security.

It is not enough just to proclaim justice, equity, liberty and democracy. There has to be a material underpinning, and this would be possible if we were only to devote part of the fabulous wealth and income of the most developed countries to the rest of the world that they are trying to govern, countries to whom they owe
an unpayable social debt on account of exploitation, slavery, mistreatment, lack of respect and abuse of human beings, and devastation, aggression and contamination of the environment.

Mr. NYUNT (Employers' delegate, Myanmar) — It is my pleasure to have the opportunity to congratulate the President on behalf of the Union of Myanmar Federation of Chambers of Commerce and Industry, and on my own behalf, upon his election to the high office of President of the Conference. We are confident that, under his wise guidance, the Conference will come to a successful conclusion.

The Union of Myanmar Federation of Chambers of Commerce and Industry is Myanmar's leading business organization, representing the nation's 41 chambers and trade associations and more than 8,000 members. Last year marked the 80th anniversary of its foundation in 1919. It is a member of the Paris-based International Chamber of Commerce and of the ASEAN-CCI. It also has a close relationship with other chambers of the region promoting bilateral trade and investment.

I am honoured to be the Employers' delegate to the 88th Session of the International Labour Conference. The employers of Myanmar have traditionally maintained good relations with their other social partners and resolved problems in the spirit of cooperation, which I believe will also be the practice at this Conference.

It was of concern to us that, at its 87th Session, a resolution was adopted recommending certain actions against Myanmar on the grounds that it had not complied with the recommendations of the Commission of Inquiry on forced labour in Myanmar.

We, as employers, have never had the need to resort to use of forced labour in our various industrial, commercial and business activities, because labour is abundant in Myanmar, and wages, compared to other countries, are very reasonable. In all our projects, whether on a private basis or in joint ventures with Government, labour requirements have usually been met through recruitment of workers from the areas in which the projects are implemented. Thus, there has not been any need to forcibly require any person to work, or to recruit workers from other regions against their will.

We, as social partners in the national development process, have always and will always continue to ensure no use is made of unfair labour practices, and that all workers enjoy their rights and privileges under the existing labour laws.

Mr. MELENDEZ (Workers' delegate, Belize) — It is indeed a great honour and privilege to participate in this very important session of the International Labour Conference.

I take the proactive step at this time to share some of my thoughts with you about the struggles of the trade union movement and that beautiful jewel of ours — Belize.

My contribution today relates to our discussion of the issues highlighted in the Report Your voice at work.

For everyone's information, Belize is located in the heart of the Caribbean basin and at the centre of Central America. We are the only bridge that can unify our region, since we are a bastion of peace, democracy and good governance.

On behalf of the workers of Belize, I echo the congratulations expressed by Mr. Valdemar Castillo, our Minister of Sugar Industry, Labour and Local Government, on the election of the President and Vice-Presidents.

I also congratulate the Director-General for his powerful Report and a vision which we also claim as our own.

I am also very proud to be the catalyst that has enabled the Belize tripartite delegation to remain united throughout this entire Conference, and to participate in the very important voting process. This is in compliance with the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

I know that successful outcomes are the result of consensus, social dialogue, tripartite collaboration and the determined efforts of the tripartite delegations present here today. This Conference sets the stage for the realization of ILO principles and objectives through confidence building and strategic alliances for the benefit of all.

Proud to be one of the first countries to have ratified the eight fundamental Conventions, Belize could serve as a benchmark for successful tripartism which paves the way for peace, prosperity and global social justice.

Thanks to our collective and innovative conflict resolution strategies and creativity, we have positioned Belize at the forefront of countries that comply with the prerequisites of fundamental rights and freedoms required of Members of the ILO.

In order to be competitive internationally and regionally, Belize is focused on the new paradigm of peaceful coexistence and the high-road approach to economic development. Gone are the days of confrontation and unnecessary and unreasonable strife. It is time for more collaborative efforts between the social partners through consensus, confidence building, and social dialogue, aimed at ensuring competitiveness with equity and social justice.

With a view to globalizing social justice through the creation of social safety nets, I call on all members of the Governing Body, and the titular and alternative members of the tripartite delegations present here today, to vote in favour of the revised Maternity Protection Convention.

Conscious of the fact that women make up the vast majority of the world's working population, we need to give them the place they deserve in society and world affairs. This principle has been translated in an ongoing process in Belize. Women are represented and actively participate in all sectors of Belizean society.

Maternity protection is a fundamental right of all women. Colleagues, sisters and brothers, what would we do without women workers? It is thanks to the suffering of women, our mothers, that we exist and are able to be present here today.

The women of the world need more respect, more protection, more rights, and the ability to nurture our children in a decent and enabling environment so as to ensure more peace in our diverse regions and the world.

Let us collaborate closely to eliminate discrimination against women workers!

Let us allow all women workers to live in peace, harmony, honour and dignity!

Let us ensure that women workers are allowed to work and live in an environment of decency, free from manipulation and discrimination!
I call upon each and every one of you to vote for the Maternity Protection Convention as revised. Just say "Yes" to maternity protection.

*Original Spanish: Mr. ASTURIZAGA (Workers' delegate, Bolivia) — Speaking on behalf of the workers of Bolivia, I greet you all at this International Labour Conference.*

Here at the 88th Session of the International Labour Conference, which is discussing fundamental principles and rights at work, freedom of association, the right to organize, and the effective recognition of collective bargaining; the Bolivian Workers' Central, faced with the globalization of the economy, find ourselves without any hope at all. The situation described here in this tripartite meeting has been distorted by the fact that there are fewer actors involved. What we find facing us are representatives of employer governments, or employers in the Government, while we workers, who have just entered the third millennium, find ourselves submitted to the most inhumane exploitation and are shamefully deprived of our rights.

There is absolutely no doubt that the labour situation in my country is not just an exception to the capitalist system in which we live. The only difference in Bolivian reality is that it is a more intense example of the results of structural adjustment. Ever since 1985, Bolivian workers have been between purgatory and Dante's inferno, because the voracious capital system has chewed up the state enterprises and, under the euphemistic title of "relocation", has simply thrown thousands of workers into the street.

The IMF and the World Bank have condemned the leaders of my country to reforming, or making flexible, the labour laws with the sole purpose of abolishing the rights and attainment of the workers. They suggest that those who are unemployed should simply become micro-entrepreneurs.

In this pernicious economic and social framework the rights of workers are no longer rights because, in practice, the whole system of legal protection for workers has been taken apart. The same is happening with pregnant workers; either they are not given work, or the unfair competition between capitalists in the region has created conditions for closing factories and increasing unemployment. They have destroyed the system of social security and eliminated family subsidies, while we find ourselves in this horrible situation of poverty, misery and privatization, deprived even of water. The Latin American workers have rejected this neo-liberal model. In Bolivia, in April, the Government had to resort to a state of siege and to murderous marksmen in order to repress the protests of the people and the workers. The protest movements we have seen in Paraguay, Peru, Ecuador and Bolivia are a clear sign of our discontent with this model. Governments proclaim that globalization will solve all our problems; but all that globalization has achieved is to widen further the gap between the rich and the poor. This ILO Conference should also provide a copy of the various resolutions and specific objectives for the next three years. We have also, in fact, drafted an appeal to the Government of the Republic. As there is not enough time to read these out, we have provided a copy of the various resolutions and appeals to the secretariat. We would like a copy of these to be made available to the participants of the Conference.

In these texts there is a special emphasis placed on the relationship between the Confederation of Employers and the ILO. On 23 March this year our association, together with our Government and the ILO, and also with the participation of the trade unions and the Confederation of Employers, signed a special programme of joint activities and this programme is based on the principles of tripartism which many speakers mentioned today.

I would just like to reassure you that today, in Kazakhstan, we have established a mechanism of dialogue between the three partners and our main objective is to comply with the various provisions of this mechanism.

I have come to this podium to reassure the representatives of the ILO that the Confederation of Employers, together with the Government and trade unions of Kazakhstan, are, for the first time, represented in a single delegation at the ILO. We have developed this mechanism of tripartism and we are ready to put it into practice.

(The Conference adjourned at 5.45 p.m.)
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Report of the Resolutions Committee

1. The Resolutions Committee, set up by the Conference at its first sitting on 30 May 2000, was originally composed of 170 voting members (84 Government members, 32 Employer members, 54 Worker members). An appropriate weighting system ensured equality of voting strength.

2. The Committee first elected its Officers. On the proposal of Mr. Gailiunas (Government member, Lithuania), speaking on behalf of the Eastern and Central European Governments, Mr. Csaba Óry (Government member, Hungary), seconded by Ms. Boccoz (Government member, France), was elected to the Chair. In accordance with the Committee's usual practice the Chairperson was also elected Reporter. The Committee elected as Vice-Chairpersons Mr. Bokkie Botha (Employer member, South Africa) and Ms. Patricia O'Donovan (Worker member, Ireland).

3. The Committee had before it 16 resolutions submitted in accordance with article 17 of the Standing Orders of the Conference. In keeping with the same article, these were introduced by one of their authors in the following order: (a) resolution concerning international labour standards; (b) resolution concerning HIV/AIDS and the world of work; (c) resolution concerning the worst forms of child labour; (d) resolution concerning information and communications technologies; (e) resolution concerning gender equality at work; (f) resolution concerning achieving sustainability and decent work in export processing zones; (g) resolution concerning the role of the International Labour Organization in the twenty-first century; (h) resolution concerning the promotion of gender equality; (i) resolution concerning the consolidation of efforts by the social partners in Palestine and the other occupied Arab territories; (j) resolution concerning normative policy; (k) resolution concerning export processing zones; (l) resolution concerning the 50th anniversary of the Equal Remuneration Convention, 1951 (No. 100); (m) resolution concerning labour courts and similar mechanisms; (n) resolution concerning the support of efforts by the social partners in Palestine and the occupied Arab territories, including the occupied Lebanese territories; (o) resolution concerning the ILO's role in social development; (p) resolution concerning international employment strategy.

4. After the introduction of the resolutions and before the vote held in accordance with the procedure laid down in article 17, paragraph 5(a), of the Standing Orders, the following resolutions were combined by their authors:

(a) the two resolutions concerning export processing zones:

the first of which had been submitted by the following Worker members: Mr. Abou-Rizk (Lebanon), Mr. Agyei (Ghana), Mr. Ahmed (Pakistan), Ms. Anderson (Mexico), Mr. Attigbe (Benin), Mr. Basnet (Nepal), Mr. Blondel (France), Lord Brett (United
Kingdom), Ms. Buverud Pedersen (Norway), Mr. Cedrone (Italy), Mr. Edström (Sweden), Ms. Engelen-Kefer (Germany), Mr. Etty (Netherlands), Mr. Ito (Japan), Mr. Kara (Israel), Mr. Matheson (Australia), Mr. Murangira (Rwanda), Ms. O'Donovan (Ireland), Mr. Parrot (Canada), Mr. Patel (South Africa); Mr. Ramirez León (Venezuela), Mr. Rampak (Malaysia), Mr. Sahbani (Tunisia), Mr. Trotman (Barbados), Mr. Wistisen (Denmark), Mr. Wojcik (Poland), Ms. Yacob (Singapore), Mr. Zellhoefer (United States) and Mr. Zindoga (Zimbabwe), and the second by the following Worker members: Mr. Afilal (Morocco) and Mr. Cortebeeck (Belgium);

(b) the two resolutions concerning gender equality and the resolution concerning the 50th anniversary of the Equal Remuneration Convention, 1951 (No. 100):

the first of which had been submitted by the following Worker members: Mr. Abou-Rizk (Lebanon), Mr. Agyei (Ghana), Mr. Ahmed (Pakistan), Ms. Anderson (Mexico), Mr. Attigbe (Benin), Mr. Basnet (Nepal), Mr. Blondel (France), Lord Brett (United Kingdom), Ms. Buverud Pedersen (Norway), Mr. Cedrone (Italy), Mr. Edström (Sweden), Ms. Engelen-Kefer (Germany), Mr. Etty (Netherlands), Mr. Ito (Japan), Mr. Kara (Israel), Mr. Matheson (Australia), Mr. Murangira (Rwanda), Ms. O'Donovan (Ireland), Mr. Parrot (Canada), Mr. Patel (South Africa), Mr. Ramirez León (Venezuela), Mr. Rampak (Malaysia), Mr. Sahbani (Tunisia), Mr. Trotman (Barbados), Mr. Wistisen (Denmark), Mr. Wojcik (Poland), Ms. Yacob (Singapore), Mr. Zellhoefer (United States) and Mr. Zindoga (Zimbabwe), the second by the Government delegations of Denmark, Finland, Iceland, Norway and Sweden; and the third by the following Worker members: Mr. Afilal (Morocco) and Mr. Cortebeeck (Belgium);

(c) the two resolutions concerning Palestine and other occupied Arab territories:

the first of which had been submitted by the Government delegations of Jordan, Syrian Arab Republic and Yemen, and by Mr. Asfour (Employer delegate of Jordan) and Mr. Al-Kohlani (Worker delegate of Yemen), and the second by the Government delegations of Lebanon and Syrian Arab Republic;

(d) the resolutions concerning the role of the ILO in the twenty-first century, the ILO's role in social development, and international employment strategy:

the first of which had been submitted by the following Worker members: Mr. Abou-Rizk (Lebanon), Mr. Agyei (Ghana), Mr. Ahmed (Pakistan), Ms. Anderson (Mexico), Mr. Attigbe (Benin), Mr. Basnet (Nepal), Mr. Blondel (France), Lord Brett (United Kingdom), Ms. Buverud Pedersen (Norway), Mr. Cedrone (Italy), Mr. Edström (Sweden), Ms. Engelen-Kefer (Germany), Mr. Etty (Netherlands), Mr. Ito (Japan), Mr. Kara (Israel), Mr. Matheson (Australia), Mr. Murangira (Rwanda), Ms. O'Donovan (Ireland), Mr. Parrot (Canada), Mr. Patel (South Africa), Mr. Ramirez León (Venezuela), Mr. Rampak (Malaysia), Mr. Sahbani (Tunisia), Mr. Trotman (Barbados), Mr. Wistisen (Denmark), Mr. Wojcik (Poland), Ms. Yacob (Singapore), Mr. Zellhoefer (United States) and Mr. Zindoga (Zimbabwe), the second by the Government delegations of Canada, Chile, Germany, the Netherlands and the United Kingdom, and the third by the Government delegations of Canada, Finland, Ireland, Sweden and the United Kingdom.

5. In accordance with the procedure laid down in article 17, paragraph 5(a), of the Standing Orders of the Conference, and using the traditional system of balloting, the Committee convened at its third sitting to determine the first five resolutions to be considered among the ten resolutions remaining before the Committee and their order of priority.
6. Owing to a change in the composition of the Committee there were at the time of voting 170 voting members (90 Government members with 1,519 votes each; 31 Employer members with 4,410 votes each; and 49 Worker members with 2,790 votes each).  

7. The first five resolutions and the votes cast for them were as follows:

   (1) Resolution concerning HIV/AIDS and the world of work: 1,145,341 weighted votes;
   (2) Resolution concerning the ILO’s role in social development in the twenty-first century: 835,839 weighted votes;
   (3) Resolution concerning the consolidation of efforts by the social partners in Palestine and the other occupied Arab territories: 750,834 weighted votes;
   (4) Resolution concerning gender equality: 734,516 weighted votes;
   (5) Resolution concerning normative policy: 695,001 weighted votes.

8. The Vice-Chairpersons declined to take the Chair as there was an evident risk that their active participation in the debates could be prejudicial to the proper conduct of the business of the Committee, particularly having regard to the perception of impartiality required with respect to the direction of the debates. In these circumstances, the Committee, in accordance with article 57(4) of the Standing Orders, requested Mr. Zoltán Varga (Government adviser, Hungary) to preside over the debates for the fourth and fifth sittings. In accordance with article 17, paragraph 5(b), of the Standing Orders the Committee, at its 4th sitting, set up a working party to make recommendations as to the order in which the remaining resolutions before the Committee should be examined.

9. The Working Party was composed as follows:

   **Government members:**
   - Mr. Melas (Austria)
   - Ms. Nghiyoonanye (Namibia)
   - Ms. Sarmiento (Philippines)

   **Employer members:**
   - Mr. Cester (Spain)
   - Mr. Dahlan (Saudi Arabia)
   - Mr. Mazhar (Egypt)

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1 Subsequently, further changes were made in the composition:

Fourth sitting on 5.6.00, 177 voting members (96 G, 31 E, 50 W);
Fifth sitting on 6.6.00, 172 voting members (97 G, 30 E, 45 W);
Sixth sitting on 7.6.00, 168 voting members (96 G, 27 E, 45 W);
Seventh sitting on 8.6.00, 160 voting member (96 G, 23 E, 41 W);
Eighth sitting on 9.6.00, 153 voting members (96 G, 21 E, 36 W);
Ninth sitting on 10.6.00, 146 voting members (96 G, 21 E, 29 W).
Worker members:

Mr. Del Rio (Dominican Republic)
Mr. Pizzaferri (Luxembourg)
Ms. Zettervall-Thapper (Sweden)

10. At the Committee’s sixth sitting, the Chairperson announced that the Working Party had met and had favoured the following order of priority:

(6) Resolution concerning information and communications technologies;
(7) Resolution concerning the worst forms of child labour;
(8) Resolution concerning international labour standards;
(9) Resolution concerning achieving sustainability and decent work in export processing zones;
(10) Resolution concerning labour courts and similar mechanisms.

11. The Committee took note of the information given.

Resolution concerning HIV/AIDS and the world of work

General discussion

12. The Employer Vice-Chairperson thanked those who had placed the issue of HIV/AIDS high on their list of priorities for Conference resolutions. This marked the first time that the International Labour Organization had given such high-level attention to HIV/AIDS and its effects on the world of work. The ballot recognized that HIV/AIDS was indeed a global problem and that workers and enterprises in industrialized countries were also affected by issues that appeared predominant in the third world. He quoted the United States Surgeon-General in pointing out that of the 33.4 million HIV-infected people in the world, there were an estimated 22.5 million in sub-Saharan Africa, 6.7 million in South and South-East Asia, 1.4 million in Latin America, and 665,000 in the United States of America. Globally, more than 14 million people had died of the disease, including 2.5 million last year. The ILO had been slow to respond to the mushrooming pandemic. The culture of denial in many countries and by many political leaders had been responsible for a severe lack of information and insufficient focus on factors that could reduce the spread of HIV infection. Greater attention by the ILO could help develop political commitment at the highest levels, and in ensuring that debates on causes did not retard political action. Employers, enterprises and managers had also been slow to address the pandemic which had been mounting for almost two decades, although some multinational enterprises had led the field by developing policies and codes of practice to deal with the human effects, the mounting costs, and the many consequences for management and workers. While employers’ organizations were well situated to advise their members, the culture of denial had sometimes manifested itself among them as well. Nor had workers’ organizations and trade unions always afforded highest priority to the problem, which was often seen as the responsibility of other institutions, such as departments of health or employers. In many countries HIV/AIDS was the single most important issue facing enterprises. The effect of AIDS, unlike floods and other natural disasters, was exponential and cumulative. The economically active population was hardest hit with profound effects on the world of work and on prospects for securing decent work. The increasing burden of
AIDS orphans and retired people would have to be supported by a smaller economically active population. Illness, absenteeism and AIDS-associated conditions all affected productivity and the delivery of services to such an extent that the manner in which managements addressed AIDS in the workplace would determine which enterprises would survive the first decade of the twenty-first century. The ILO could play a significant role in assisting employers' and workers' organizations in managing the disease, rather than avoiding it. But the pandemic could not be dealt with by individual institutions; it was indeed everybody's problem. The Employers' group had placed this resolution before the Conference because they wished it to endorse their concerns about HIV/AIDS, to recognize that it was a global issue; to assist political leaders in overcoming denial; to assist the social partners in addressing the pandemic and guide them in dealing with complex dilemmas; and, ultimately, to reduce the spread of this universal threat and deal constructively with its consequences. While they did not propose to deal with technical aspects, they did wish to mobilize the best available resources in order to make a difference in the world of work. The Employers' group looked forward to a comprehensive and determined debate that would lead to a serious and meaningful resolution.

13. At the invitation of the Officers of the Committee, a representative of the Joint United Nations Programme on HIV/AIDS (UNAIDS) presented an overview of the worldwide impact of HIV/AIDS and summarized the UNAIDS programme. HIV/AIDS was an unprecedented global catastrophe that affected up to a quarter of the adult population in some countries. Ninety-five per cent of those affected lived in developing countries. Africa had been hit the hardest; it had 10 per cent of the world's income, 70 per cent of the infections and 90 per cent of the deaths. Other countries had been affected too. There were some 6.5 million in Asia and 1.7 million in Latin America. Although Eastern Europe had appeared to be relatively unafflicted in 1990, its infection rate was now growing rapidly. HIV/AIDS reached all levels of society and had undermined the gains in development and health that had been achieved in five decades. The macroeconomic impact was severe; the pool of unskilled and skilled labour had been reduced and it would take a long time to rebuild the human resource base. The UNAIDS programme had been created as a result of an ECOSOC resolution (1995). It had begun operations in 1996 with six co-sponsors (UNICEF, UNIDO, UNFPA, WHO, UNESCO, the World Bank). In 1999, the UN Drug Enforcement and Control Programme had become a co-sponsor. Cooperative agreements had been concluded with the UNHCR and the FAO. Its purpose was to organize a multi-sectoral response and to facilitate coordination at all levels. There were two main issues in the world of work: to prevent discrimination and to improve training and awareness-raising. Global and national business councils had already been established. An ILO/UNV project in the Caribbean had been ground-breaking. This resolution would serve as a landmark and ensure full support to effective and timely ILO action. On 8 June 2000, the Director of UNAIDS and the Director-General of the ILO would sign a cooperative framework agreement that would bring the ILO to the centre of the struggle against the epidemic.

14. The Worker Vice-Chairperson remarked that, unusually, and probably uniquely, the Workers' group supported a resolution sponsored by the Employer members - in clear recognition of the importance of the issue. She believed there was a clear role for the ILO to play in addressing the issue, including through its existing instruments on occupational safety and health, and discrimination. Moreover, the Conference would devote a full day's discussion to HIV/AIDS. But the draft resolution provided an opportunity to move further, towards a specific programme of practical action focused on the world of work, which could be delivered on a tripartite basis. As the resolution was presented from an employers' perspective, she intended to improve its balance through the introduction of amendments that would reflect the interests of workers and those who lived with HIV/AIDS. Although HIV did not discriminate or recognize any boundaries, it was quite
clear that poor people and those who were socially and economically disadvantaged, notably women and young people, were disproportionately affected because of their limited access to the necessary education and care. In many developing countries public health programmes and institutions had been undermined by structural adjustment programmes, thus limiting access to preventive care and treatment. It was necessary, inter alia, to lower the cost of treatment and, in this context, she saw an important role for multinational pharmaceutical enterprises. The resolution should recognize the importance of involving trade unions in designing and administering programmes at the workplace, such as information programmes, condom distribution, negotiation to protect workers’ rights and those unfairly dismissed. Some good work was already being achieved by trade unions, for example by developing and agreeing with employers on codes of practice and safeguards on the right to privacy and health screening. An important question was the practical measures employers would be willing to take and the resources they would be willing to commit to them. The resolution should set out a clear strategy for the ILO that it could implement through its technical assistance programmes at the regional level, including programmes to assist employers’ and workers’ organizations.

15. The Government member of Canada, speaking on behalf of the Government members of the Group of Industrialized Market Economies (IMEC) (Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, San Marino, Spain, Sweden, Switzerland, Turkey, United Kingdom and United States), thanked the representative of UNAIDS for the information provided. As the report – *HIV/AIDS: A threat to decent work, productivity and development* – prepared for the special high-level meeting taking place at the Conference later in the week indicated, HIV/AIDS was a threat to workers’ rights, to development, to enterprise performance, and to gender equality. Moreover, it increased child labour. In short, it was a major factor undermining the ILO’s principles of decent work. The impact of HIV/AIDS on the labour force, however, went far beyond the workplace – to families, to communities, to nations. It was therefore appropriate that the Conference adopt a strong resolution demonstrating the ILO’s commitment to play its role, in partnership with others in fighting this global epidemic. The IMEC governments supported the text of the resolution, which was concise, to the point, clearly focused on the world of work and the comparative advantage that the ILO – through its tripartite structure, its advocacy role in promoting fundamental rights at work, and its wealth of knowledge on workplace practices and relationships – could bring to the global partnership against HIV/AIDS. There were four areas that IMEC wished to see highlighted in the resolution. First, the fight against HIV/AIDS required national and global partnership with other organizations. The ILO could add distinct value in areas of advocacy by working through the social partners in providing knowledge and information on the impact of HIV/AIDS in the workplace, and in combating discrimination. The resolution clearly articulated the ILO’s role and the IMEC governments looked forward to increased collaboration between ILO and UNAIDS. Indeed, the ILO should consider becoming a UNAIDS co-sponsor. Second, HIV/AIDS was a cross-cutting issue that should be taken into account in the ILO’s major programmes in conjunction with both gender and development issues, as well as the four strategic objectives of decent work. Third, gender considerations for the impact of AIDS were very important, and the IMEC governments wished to see this clearly reflected appropriately in the resolution, including empowering women economically, socially, and politically in order to reduce their vulnerability to HIV/AIDS. Finally, the full impact of HIV/AIDS on children, including AIDS orphans, children exposed to infection and child labour, should also be strongly reflected in the resolution. While the IMEC governments were prepared to adopt the resolution as it stood, they were ready to discuss strengthening it along the lines indicated.
16. The Government member of Namibia, speaking on behalf of African government members, noted that Africa had been hardest hit by the HIV/AIDS pandemic and he looked forward to a comprehensive and strong resolution. But it was not solely an African problem; it was a global problem that needed global responses to contain it. Moreover, it was not just a health problem; it was a multi-faceted and multi-dimensional development problem. The ILO Regional Meeting in Abidjan (December 1999) had adopted a resolution which, inter alia, called on member States to collect statistics on HIV/AIDS, to launch multimedia information and education campaigns, and direct assistance to industry and communities to stimulate and support action at all levels. The meeting had advocated the promotion of a culture of fairness and ethics to embrace the weak, vulnerable and diseased; and the development of legal and social security systems which would provide protection to victims and society at large. The resolution should clearly state that HIV/AIDS threatened decent work and contain recommendations for each of the ILO’s four strategic objectives. With regard to labour standards it was necessary to focus on non-discriminatory practices. The promotion of social dialogue should include awareness and education campaigns. Social protection should target vulnerable groups, particularly women and children, and ensure that social security programmes took account of the needs of victims of HIV/AIDS. Data collection and research were also important. Strategies for poverty reduction and employment creation should take full account of the pandemic. Two further aspects should be covered in the resolution namely, funding and cooperation between funding agencies, and research on a cure and affordable medication.

17. An Employer member from Austria stated that it was essential for the ILO to address this global social problem. First, it had to ensure that people were well informed about dangers and risks so as to avoid the spread of infection. Second, it had to ensure that those who were infected with HIV, but were not suffering from AIDS, and might be capable of working for ten years or more, were protected in the workplace.

18. An Employer member from the United Kingdom noted that, since the ILO’s mandate was work, decent work and decent working conditions, it was appropriate for the Committee to discuss the subject in that context. He referred to the fear, resulting from ignorance, that many people had about working with others who had HIV/AIDS. This fear needed to be combated and overcome in humane and practical ways. Some industries and professions, such as the health-care sector, were particularly sensitive. The ability of workers suffering from HIV/AIDS to secure employment could be seriously impaired and attempts should be made to find solutions to their problems. The ILO should ensure that workable solutions were applied universally, wherever it was practical to do so. To this end, the resolution should call for a register of best practice. Governments could give a lead, particularly in countries where they were large employers. Trade unions were also employers, and all employers were responsible for what happened at the workplace. Provided they were fit for work, HIV/AIDS sufferers should be equal participants in the world of work.

19. The Government member of France fully supported the resolution, which should have two main objectives: to give rise to an ILO strategy and programme of action; and to raise the alarm about the threat of AIDS to society. As the Director-General had stated, this was a real-life situation, an ongoing drama that men and women were faced with in the workplace – one that required tripartite support. It was important that the Employers’ group had taken this initiative. He stressed the importance of including the ILO standards on discrimination.

20. An Employer member from Saudi Arabia, speaking on behalf of employers’ organizations of West Asia, said that HIV/AIDS was an important global issue. He emphasized the role of education in combating the disease and requested that countries intensify their efforts in
this respect by allocating the necessary resources for education regarding the dangers of the disease. Arab countries exported many foreign workers who were vulnerable to contracting HIV and he recognized the need to protect the health of these workers. He appealed for accurate data and transparency in reporting on AIDS and highlighted the need for additional research on HIV/AIDS.

21. The Government member of the Netherlands said it was essential that knowledge of this universal threat was enhanced rapidly so that action could be taken. She reiterated the statement on behalf of the IMEC governments that the consequences of HIV/AIDS on child labour and gender should be reflected in the resolution. Due consideration should be given to the consequences of other changes in the labour market, such as the retention of older persons in the workforce due to economic necessity.

22. A Worker member from Guinea said that no one had been spared from the scourge of HIV/AIDS as it affected everyone, particularly Africans. Whole populations were left with no hope of a cure because they were poor. He questioned the need for more meetings and called for more research and strategic thinking to combat the problem. Workers' organizations in Africa were making every effort, despite meagre resources, to raise awareness among workers and others, such as rural women. He emphasized the need for prevention. The ILO represented a source of great hope for Africans not only as regards this problem but, more broadly, in tackling poverty.

23. A Worker member from Italy said that the resolution should fully reflect the needs of the tripartite constituents, but focus on the special concerns of workers. Moreover, it should be an effective tool for action, not merely an expression of goodwill. While HIV/AIDS was a threat to all, its impact depended on socio-economic conditions, with those at the bottom worst affected. She agreed with previous speakers, especially the representative of the Government of Namibia, on the need for an effective reorientation of international efforts towards affordability of treatment. There was also a need to consider how to deal with the risks that HIV/AIDS posed for future development in developing countries. While ensuring effective health care and social protection was a government responsibility, the social partners could play a major role since it was at the workplace where responsibility had to be translated into action, particularly in SMEs and in the informal sector. The social partners should cooperate closely in the design and implementation of programmes of action. However, unless they were well organized their efforts would be in vain. It was therefore important that workers were fully represented if trade unions were to play their role. The ILO should play a special role – and have the requisite tools – in combating this new form of discrimination against infected workers which had the potential to undermine basic rights.

24. A Worker member from Brazil noted the widespread support for the draft resolution which, in its final form, should reflect the wishes of each group and contribute to finding solutions to the problem, taking into account that, while HIV/AIDS affected productivity, it was above all a health problem.

25. A Worker member from Paraguay agreed that HIV/AIDS had to be addressed through a concerted effort from governments, employers, trade unions and civil society. This meant that each had to have sufficient resources, not just good intentions, to play its role. The importance of education, from primary to tertiary levels, could not be overstated if the fear that HIV/AIDS engendered was to be overcome.

26. The Government member of India was pleased that this resolution had been selected and welcomed the degree of unanimity in the desire to deal with the problem in the light of the fact that 95 per cent of the 33 million infected people were in developing countries.
HIV/AIDS affected all. It had a major impact on all aspects of the world of work, including the age, skills and experience of the workforce, and on the rights of those infected or living with it. He agreed with other speakers that the seriousness of the HIV/AIDS pandemic meant that the resolution should be all-embracing and include the affordability of treatment and the mobilization of adequate resources and strategies to deal with abject poverty and improve the living and health conditions of those most affected – the poor.

27. The Government member of Poland agreed with the Government member of France about the need for a specific strategy that focused on essential issues. An ILO resolution should not try to provide an exhaustive list of proposals for action but focus on areas within the Organization’s competence.

28. The Government member of China was pleased that, by selecting this resolution, the ILO was placing great importance on dealing with this issue. The spread of HIV/AIDS and related problems were no longer merely health issues; they directly affected the quality and quantity of labour resources. A lack of information about the disease led to social panic and an incorrect understanding which, in turn, led to discrimination against those who were HIV positive. Although discrimination was contrary to national legislations in the world, it existed and it was incumbent on employers’ and workers’ organizations to act together to counter it. He looked forward to the adoption of a comprehensive resolution that would help prevent the spread of HIV/AIDS and address the problems it was causing in the world of work.

29. A Worker member from Argentina said that the degree of unanimity expressed meant that the resolution would be a practical, concrete tool that would enable the social partners to progress in assisting workers and their dependants, particularly the poor and needy. Any policy that took power from workers and impoverished them should be condemned since it increased the risks they were exposed to.

30. The Government member of Finland supported the position of the IMEC governments and looked forward to the ILO forming an important part of the international partnership to deal with HIV/AIDS and its elimination. It was important to address the issue of discrimination through programmes of education and information at the workplace, with full cooperation between employers’ and workers’ organizations. This resolution provided the ILO with a unique opportunity for action that would make a real impact on the problem of HIV/AIDS.

31. The Government member of Sudan said that African members of all three groups had fully supported the resolution in view of its importance in their region. But HIV/AIDS was not confined to Africa; it was important for all workers and humankind. A strategy to eradicate the disease was needed, including sensitizing all sectors of society to the issue. It was important to develop appropriate ethics and moral codes so that people’s lives could be influenced in a positive way. Resources – at the national, regional and international levels – were the key to giving priority to the elimination of HIV/AIDS.

32. The Government member of Lesotho called on all members of the Committee and the Conference to be steadfast in controlling then eradicating HIV/AIDS. The time was right to take up arms against it and the resolution should provide the stimulus for a collaborative approach, including through the ILO’s technical cooperation programme, to dealing with HIV/AIDS.

33. The representative of UNAIDS responded to issues raised by a number of speakers. She welcomed the emphasis on dealing with workplace and other discrimination and said that
UNAIDS was keen to collaborate with the social partners in addressing the needs of vulnerable groups, notably women and young people. HIV/AIDS was not age-neutral and ravaged the young, most productive sectors of society. The development and dissemination of best practices at the workplace were key aspects of the secretariat’s work but recent initiatives by trade unions and employers meant that they needed to be updated. Concerns about treatment and care, in addition to prevention, were receiving more attention, including at the recent World Health Assembly, where the availability and delivery of drugs, the development of vaccines and strengthening of health systems had been discussed. In response to a request from the Worker Vice-Chairperson for examples of UNAIDS’ activities that involved the social partners, at the workplace, country or regional levels, or for impediments to such collaboration, she said that UNAIDS welcomed partnerships. She referred to the International Partnership Against AIDS in Africa which commenced in 1999 and was the first of its kind. It involved five sectors: African leaders, developed countries, the UN, the private sector and the community, and focused on country-level activities as an input to coordinated national, regional and global responses. She also referred to specific programmes with social partners, including in Thailand, India and the Caribbean. Moreover, the ILO had contributed in a substantive way to the work of theme groups and country teams. Unfortunately, resources had not kept pace with the expansion of the disease despite increased national efforts. She looked forward to increased cooperation with ILO following the signing of a Memorandum of Understanding between ILO and UNAIDS during the Conference which, together with a strong, action-oriented resolution, should be a precursor to close ILO-UNAIDS cooperation.

34. The Employer Vice-Chairperson concluded by thanking the representative of UNAIDS for her contribution and her encouraging remarks about the ILO’s work in this field. He was heartened by the strong support expressed for the resolution, particularly regarding discrimination, social exclusion and gender, notwithstanding different emphases from time to time. The resolution had been submitted from the Employers’ point of view and he looked forward to amendments that would address the particular concerns of governments and workers and lead to a final text that focused on the ILO’s areas of competence, without trying to be a means to address all the problems. He gave examples of specific measures that employers’ organizations and individual companies had implemented. These included discussions, collective agreements, codes of practice and policies concerning recruitment, confidentiality, counselling of workers and management, voluntary testing, support for hospices, special leave arrangements and participation in national conferences – all of which required resources. It was important to take a practical approach, bearing in mind that there was no single answer. Different issues were important depending on national circumstances. Prescriptive approaches should be avoided and emphasis placed on policy and strategy that encouraged a climate of national and local problem-solving.

35. The Worker Vice-Chairperson said the discussion had been useful and she appreciated the additional information on practical programmes with the social partners provided by the representative of UNAIDS. She agreed that the scope of the resolution should not extend beyond the ILO’s areas of competence. The Workers’ group was seeking a specific dimension to the HIV/AIDS problem that could be addressed by governments, employers and trade unions through focusing on the world of work. It was also important to explore means for greater collaboration between ILO and UNAIDS and other relevant organizations, and to pinpoint where ILO could make the most impact. The ILO should therefore be part of the long-term strategic planning process on how HIV/AIDS should be addressed. The resolution should not, however, address questions of ethics and morality in the light of the many different views that obtained.
Consideration of amendments

36. Sixty-two amendments to the draft text, numbered D.7 to D.68, were submitted for examination.

Preamble

37. The Workers' group submitted an amendment (D.42) to replace the second part of paragraph 1 with a phrase that identified groups – women, young people, migrant workers and other disadvantaged and excluded groups – that, according to published data, were disproportionately affected by HIV/AIDS. The purpose was not to single them out but to acknowledge their vulnerability. It was the Workers' group's intention to ensure that the text reflected the reality that socio-economic situations mattered.

38. The Employer Vice-Chairperson said that his group sought a focused, meaningful statement from the International Labour Conference through a clear, concise resolution that would have an impact on the promotion of the fight against HIV/AIDS. There were a number of similar amendments to different parts of the text and it would be helpful if there was some consultation over them. There were also several amendments which sought to draw attention to particular groups or regions. The problem with this approach was that those not included could feel their concerns were not considered to be important. He was prepared to support the amendment, notwithstanding his view that the text as drafted was all-encompassing.

39. The Government member of India also favoured a focused, meaningful statement in an all-embracing resolution. He agreed with the amendment and noted that the most disadvantaged groups were in developing countries. He proposed a subamendment that took this into account by mentioning people in developing countries.

40. The Government member of Canada announced that she would be speaking throughout on behalf of the IMEC Government members. They too wanted a concise, focused resolution that centred on the world of work and the comparative advantage the ILO could bring to the global partnership fighting against HIV/AIDS. Some of the amendments went beyond this and were more suited to other international forums; some overlapped and could be merged; and some contained lists with inevitable exclusions. The original text should be retained since a more general approach was better. If there were to be a list, however, children and older workers should be added to it.

41. The Worker Vice-Chairperson could accept the subamendment, which was a factual statement.

42. The Government members of Argentina, Malaysia and Pakistan supported the amendment as subamended, with the latter proposing the further addition of indigenous people. The Government member of Mexico agreed and proposed to add a reference to the Caribbean region.

43. The Employer Vice-Chairperson did not support any of the subamendments and reiterated his concerns about long lists.

44. The Government member of Nigeria considered the original text to be all-embracing; HIV/AIDS affected everyone. There were risks from having a clumsy wording.

45. The Worker Vice-Chairperson reiterated her group's concern for a global focus recognizing that HIV/AIDS had a disproportionate impact on disadvantaged groups.
wherever they came from. She did not favour a list of affected groups. She proposed a subamendment to refer to economically as well as socially disadvantaged and excluded groups that overcame the need for a long list while retaining the important point that socio-economic status was a deciding factor. This was accepted by the Government member of Canada.

46. The Government member of India, supported by the Government members of Pakistan, Malaysia, Mexico and Indonesia, stressed that the resolution had to recognize the special circumstances faced by developing countries by mentioning them in the paragraph. Their plight was regardless of social and economic conditions not because of them. He would also agree to including references to the other groups previously mentioned, whereas badly affected regions would be covered in a subsequent paragraph.

47. The Employer Vice-Chairperson said the discussion illustrated his group’s concerns, and it would recur if the Committee failed to realize that all groups were implicitly included. The latest proposal from the Workers’ group was a way forward and he appealed to governments to accept it.

48. The Government member of Namibia, speaking on behalf of the African governments, had no problems with the original text. If the preamble looked at global issues, specific situations, including those of developing countries, could be dealt with later.

49. On the recommendation of the Chairperson, amendment D.42 was adopted as subamended by the Workers’ group.

50. The Government member of India, seconded by the Government member of Mexico, submitted an amendment (D.21) to add a new paragraph after the first paragraph in the preamble to highlight the disastrous impact of HIV/AIDS on developing countries, including statistics from a resolution of the recent World Health Assembly.

51. The Worker Vice-Chairperson supported the thrust of the amendment and wondered if it could be combined with elements of two others (D.26 and D.27), submitted by the Government member of Pakistan, that also sought to add new paragraphs.

52. The Employer Vice-Chairperson agreed, while not wishing to get into the same situation as before by having long lists.

53. The Government member of Pakistan, seconded by the Government member of Mexico, presented the two amendments referred to above and proposed to include in the first of them the second part of D.21 that referred to the spread of HIV infection in Asia and, on the suggestion of the Government member of Mexico, in the Caribbean.

54. The Government member of Brazil was concerned about quoting data that could soon be out of date and thus detract from the impact of the text and proposed a subamendment to use “millions” and “vast majority” instead. In the light of the source of the data, the subamendment was not supported.

55. The Worker Vice-Chairperson accepted the proposed merger of D.21 and D.26 and wondered if the reference to regional sustainability in D.27 could be incorporated too.

56. Several Government members (Argentina, Canada, Cuba, India, Liberia, Namibia) and the Employers’ group supported the merger, with some agreeing that adding elements of D.27 would further strengthen it.
57. On proposals from the Government member of Mexico and the Worker Vice-Chairperson to delete the first part of D.27 to avoid duplication and add a reference in the second part that in the rest of the world a complacent attitude could not be adopted nor efforts for prevention reduced, this text was added to the other and the amendment was withdrawn.

58. A new paragraph after the first paragraph of the preamble was adopted.

59. The Government member of Namibia, on behalf of Government members of the African group, submitted a three-part amendment to paragraph 2 (D.34) to replace “considering” by “recognizing” and “potentially ominous” by “disastrous”. Both received widespread support and were adopted. The third proposal was to add “especially of developing countries”.

60. The Employer and Worker Vice-Chairpersons said that the issues concerning developing countries had been resolved and another specific reference was not necessary. This view was supported by the Government members of Cuba and Malawi, whereas the Government members of Pakistan, India, Libyan Arab Jamahiriya felt the reference should be made.

61. In the light of the discussion the Government member of Namibia withdrew the third part of the amendment, which was then adopted unanimously.

62. Two amendments submitted by the Workers’ group (D.43 and D.44), to retain the focus on the health aspect of HIV/AIDS while continuing to recognize that it was also a developmental crisis, were supported by the Employers’ group, the Government member of Namibia on behalf of the African governments, and the Government member of Canada who said they strengthened the text. The amendments were adopted unanimously and paragraph 2, as amended, was adopted.

63. The Government member of India, seconded by the Government member of Pakistan, introduced an amendment (D.22) to refer to the adverse effects of HIV/AIDS on enterprise performance in paragraph 4. The proposal reflected the summary of the ILO report *HIV/AIDS: A threat to decent work, productivity and development*.

64. The Employer Vice-Chairperson did not support the text and the Worker Vice-Chairperson understood the intention but preferred her group’s proposed amendment.

65. The Government member of Argentina wondered if paragraph 4 was a more appropriate place since it referred to enterprises while paragraph 3 referred to those at work.

66. The Government member of India agreed to reconsider his proposal during the discussion on paragraph 4 and withdrew the amendment.

67. The Government member of Canada introduced an amendment (D.7) submitted by IMEC Government members to include a reference to the retention of older persons in the labour force in order to make the link between HIV/AIDS, the problem of child labour and the impact on older workers who might have to work longer to counter labour shortages.

68. The Employer Vice-Chairperson supported the amendment.

69. The Worker Vice-Chairperson had had some concerns that the amendment could send the wrong signals to older workers. She realized that this was not the case and supported the amendment on the understanding that older workers would not be discriminated against because of their age.
70. The amendment was adopted and paragraph 3, as amended, was adopted.

71. The Government member of Namibia, on behalf of the African governments, introduced an amendment (D.35) to replace paragraph 4 with a sentence that recognized that HIV/AIDS threatened decent work in an all-embracing manner. The purpose was to communicate the meaning covered by decent work and give the text a tighter focus.

72. The Worker Vice-Chairperson agreed with the linking of the concept of decent work to the discussion of HIV/AIDS and suggested incorporating the amendment in one she had submitted (D.45) to replace the paragraph with one spelling out the impact of HIV/AIDS on economic growth and employment in all sectors of the economy.

73. The Employer Vice-Chairperson preferred the shorter text, as did the Government member of Canada who added that it might be better to be more explicit about decent work for the benefit of a wider audience. There was therefore scope for some combination of the two amendments.

74. Following consultations between the authors of the two amendments, the Worker Vice-Chairperson subamended D.45 so that it started with the text of D.35, which was then withdrawn. In addition, the Worker Vice-Chairperson proposed to delete the references to specific sectors and identified health systems as one of those challenged. She considered that in the light of these changes the resolution (D.32) submitted by the Government member of Pakistan was no longer necessary. The Employer Vice-Chairperson agreed. The amendment as subamended was adopted.

75. The Government member of Pakistan felt that her amendment to split the paragraph in two and add references to developing countries could have been included, but she agreed to withdraw it and the replacement text for paragraph 4 was adopted.

76. The Worker Vice-Chairperson proposed an amendment (D.46) to add a new paragraph that stressed the need for low-cost medicines which went to the heart of the ability of countries to meet the cost of dealing with HIV/AIDS. Prohibitive costs closed off options for treatment. The preamble was an appropriate place to mention this issue, since the primary responsibility rested with WHO. She noted, however, that there was a similar amendment (D.36) and was prepared to withdraw in favour of it.

77. The Government member of India agreed that lack of affordable drugs was a serious handicap for developing countries. It was an important issue that was missing from the original text and he felt it should be included in the operative part too since the resolution should be all-embracing. He also preferred the text submitted by the Government members of the African group.

78. The Government member of Canada, speaking on behalf of IMEC governments, endorsed by the Government member of the United States, supported the substance of the amendments, but noted that this issue was within the mandate of WHO not ILO. Provided that this was the sole reference to the topic in the resolution, she would recognize the consensus and support the second amendment.

79. The Government member of Egypt supported the amendment proposed on behalf of the African governments and the Workers’ group withdrew their amendment.

80. The Worker Vice-Chairperson introduced an amendment (D.47) to paragraph 5 to provide a precise reference to preventive action at the workplace which was the focus of the resolution, subamending it by the addition of “including”.

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81. The Employer Vice-Chairperson had been concerned that the original amendment was too specific for the preamble, the purpose of which was to set the scene, but he accepted the text as subamended, as did the Government member of Namibia on behalf of the African governments. The amendment, as subamended, was adopted.

82. The Workers' group had submitted an amendment (D.48) to add “integrated and sustained” instead of “multidimensional” in paragraph 5 since the original text did not signal these two important issues; ongoing action was needed on a range of fronts. The Worker Vice-Chairperson would also accept part of the text of a two-part amendment submitted by the Government members of the African group.

83. The Employer Vice-Chairperson did not think the amendment improved the text and preferred that of the African governments’ group.

84. The Government members of Canada, India, Pakistan and Namibia, on behalf of the African governments, believed that the two amendments could be combined.

85. The Worker Vice-Chairperson proposed a subamendment to retain “multidimensional” and add “and a coordinated international response” from amendment D.37.

86. The new text was supported by the Employers’ group and the Government members of India and Egypt and the amendment, as subamended, was adopted.

87. The Worker Vice-Chairperson introduced an amendment (D.49) to include a reference to families and communities in paragraph 5. HIV/AIDS did not just affect infected people and the wider implications, which could influence the type of response, should be recognized.

88. The Employers’ group was also concerned about communities and families but felt they were already covered in the text. The spokesperson added that much time was being spent on adding text when the issues were already covered.

89. The Government member of Canada, speaking on behalf of IMEC governments, agreed that a concise text was the objective but believed the amendment was appropriate and supported it.

90. The Government member of Pakistan agreed and suggested replacing “including” with “especially”. The two proposals were supported by the Government member of Egypt who appreciated the Employers’ group’s point of view but felt this was a welcome addition. The Government member of Ecuador agreed.

91. The Worker Vice-Chairperson did not wish to single out the two groups and preferred “including”, as did the Employer Vice-Chairperson. The amendment was adopted.

92. The Government member of Namibia, on behalf of the African governments, recalled that the first part of the amendment (D.37) had been dealt with earlier and she withdrew it. She proposed, through the second part, to refer to those who could not afford to combat the disease.

93. The Worker Vice-Chairperson did not support the proposal, the essence of which was covered earlier in the text. The thrust of paragraph 5 was to ensure that it focused on all victims.
94. The Government member of India, supported by the Government member of Pakistan, proposed to refer “particularly” to those who could not afford to combat the disease. The Government member of Finland felt that the reference was a good idea but could weaken the text unless it was contained in a separate paragraph.

95. The Employer Vice-Chairperson appealed again to Committee members to avoid adding lists to general statements in the preamble. He did not support the second part of the amendment, which was not adopted.

96. The Government member of Brazil, seconded by the Government member of Argentina, had proposed an amendment to add a new paragraph that referred to several relevant Conventions. He withdrew it in favour of a more comprehensive one that had been submitted by the Workers’ group.

97. The Government member of Israel, seconded by the Government member of Nigeria, proposed to add a new paragraph (D.17) to refer to the work of the International Partnership Against AIDS in Africa which was an important collaborative initiative in response to the grave problems in the region.

98. The Workers’ group appreciated the intention but felt that by singling out this initiative others could be overlooked. The spokesperson proposed a broader text in a subamendment that referred to a number of initiatives being undertaken by organs of the United Nations and the specialized agencies.

99. The Employer Vice-Chairperson agreed that it was best to recognize initiatives in a general way. The Government member of Ecuador, however, preferred to keep to specific references.

100. The Worker Vice-Chairperson proposed a subamendment that included UN and specialized agency initiatives since the partnership mentioned was technically not a UN initiative. This proposal was supported by the Government members of Egypt and Israel and by the Employers’ group and was adopted.

101. The Government member of Namibia presented an amendment (D.36) that had been submitted by the Government members of the African group to add a new paragraph that recognized the problems of not having access to affordable drugs and treatment. She recalled that the Workers’ group had withdrawn an amendment (D.46) in its favour.

102. The Workers’ and Employers’ groups and the Government member of Pakistan supported the amendment. The Government member of Finland pointed out that while he could go along with the consensus, the paragraph could now give an impression that the spreading of HIV could be prevented with the help of drugs, which was not the case. The Government member of Mexico added that while the lack of drugs and access to treatment increased the human suffering and social cost of HIV/AIDS, it did not accentuate its spread. The amendment was adopted.

103. The Worker Vice-Chairperson introduced an amendment (D.50) to insert a new paragraph that recalled the adoption of several Conventions and the Declaration on Fundamental Principles and Rights at Work. It was appropriate to refer to existing ILO instruments that could be helpful in the fight against HIV/AIDS. Moreover, it was usual practice in such texts to make the link with the ILO’s existing work. She noted that amendment D.16 had been withdrawn in favour of this one.
104. The Employer Vice-Chairperson wanted to know whether the Declaration was an “instrument” and whether it was appropriate to include it and Conventions in the same reference. What was the effect, if any, of including references to ILO instruments in a resolution? He noted that some of the Conventions listed had few ratifications.

105. In reply, the Representative of the Secretary-General said that the term “ILO instruments” referred not only to Conventions and Recommendations, but included all decisions that were normative in nature, including resolutions and the ILO Declaration on Fundamental Principles and Rights at Work. The fact that the reference was in the preamble showed that the sponsors of the resolution were aware of the instruments and were taking them into account.

106. The Government member of Egypt noted that the Declaration was a political document based on principles contained in Conventions. His proposal that it be referred to separately was widely supported and the references were separated in a subamendment proposed by the Worker Vice-Chairperson. The new paragraphs, as amended, were adopted.

107. The Worker Vice-Chairperson submitted an amendment (D.51) that proposed a new paragraph concerning the impact of structural adjustment programmes on a number of public services. She said that structural adjustment programmes in many developing countries had undermined the capacity to provide proper health and other services. It was important to acknowledge that the manner in which such programmes were introduced and pursued affected the ability of governments and the social partners in many developing countries to confront the challenges of HIV/AIDS.

108. The Employers’ group appreciated the problems with the implementation of some structural adjustment programmes but could not support such a general statement since some programmes had been successful.

109. The Government member of Canada, speaking on behalf of IMEC governments, said the statement was factually incorrect and did not support it. It was a controversial issue that had been widely debated in other forums and the broad statement, which lacked balance, was outside the thrust of the resolution.

110. The Government member of Sudan proposed to refer to “the negative effects” of the programmes.

111. The Government member of Namibia agreed with the thinking behind the amendment and, in light of the position of the Employers’ and the IMEC groups, proposed that the text refer to “the effect of some structural adjustment programmes”. This subamendment was supported by the Workers’ group and the Government members of India, Argentina and Sudan.

112. The Employers’ group and the Government member of Canada said it was still not even-handed and did not support it.

113. The Worker Vice-Chairperson acknowledged that the proposed text set out a controversial point of view but said many Worker members from developing countries had been adversely affected by structural adjustment programmes. Thus they should be referred to. In an attempt to meet the concerns of the Employers’ and IMEC groups, she proposed a subamendment that the programmes “may” have an effect.

114. The Government member of India supported the proposal but the Government member of Canada said it was still not neutral. She proposed to start the paragraph with “Noting the
effect of some structural adjustment programmes” and was strongly supported by the Employers’ group.

115. The Government member of Egypt suggested referring to “negative side-effects”, to which the Employer Vice-Chairperson replied that there were positive effects too.

116. The Government members of Ecuador, Nigeria and Cuba wanted “effects” to be explained.

117. The Worker Vice-Chairperson said it was not just workers who felt strongly about the negative effects of structural adjustment programmes but, in recognition of the limited support for the Workers’ group’s proposal, she would support the subamendment of the Government member of Canada. The reference to structural adjustment programmes made it clear they should be looked at from a national perspective in the context of the fight against HIV/AIDS.

118. The new paragraph was adopted as amended.

119. The Worker Vice-Chairperson submitted an amendment (D.52) to insert a new paragraph that focused the resolution on specific workplace issues and the role of employers’ and workers’ organizations working with governments in the fight against HIV/AIDS. In other words, bringing the role of the social partners to the fore.

120. The amendment was supported by the Employers’ group and the Government members of Ecuador, Pakistan and the United States. While also supporting the amendment, the Government member of Namibia wondered whether a reference to “civil society” should be added.

121. The Worker Vice-Chairperson appreciated the fact that everyone had to be involved in the fight against AIDS but since the reference here was to the workplace, the focus had to be on the role of employers’ and workers’ organizations.

122. The Employer Vice-Chairperson agreed and noted that the term “civil society” had different meanings in different countries. The Government member of Cuba concurred, saying that the pandemic required concerted action by the social partners.

123. The amendment was adopted and, with it, the preamble as amended.

Operative paragraphs

124. The Government member of India, seconded by the Government member of Egypt, introduced a two-part amendment (D.23) to operative paragraph 1(a) to insert a reference to the involvement of civil society and to refer to preventing the spread of HIV/AIDS. He reiterated the important role of civil society in health matters that was not confined to any particular segment of national life: In regard to his second proposal, it was important to start at the beginning, with the prevention of the spread of the disease.

125. The Employer Vice-Chairperson restated his concerns about the use of the term “civil society”. National awareness included all society so there was no need to single out any segment. The second part of the amendment detracted from the emphasis on the workplace – eliminating discrimination and dealing with the culture of denial – that was the central thrust of the resolution. He did not support the amendment.

126. The Government members of Mexico and Pakistan supported the amendment saying that civil society played an important role in awareness-raising; governments and the social
partners could not do everything. The second part strengthened the text. The latter speaker proposed to remove any ambiguity about civil society by referring to relevant non-governmental organizations (NGOs).

127. The Worker Vice-Chairperson was still concerned about referring to civil society, including NGOs. It was for employers’ and workers’ organizations to focus on the workplace. While it might be appropriate to include relevant NGOs from time to time, she did not favour a specific reference to them. She supported the second part of the amendment which was consistent with earlier considerations.

128. The Government members of Argentina and Cuba supported the amendment saying that awareness should be developed now and involve all of civil society, which meant NGOs.

129. The Government member of Canada, speaking on behalf of IMEC governments, recalled a similar discussion during the development of Convention No. 182 and suggested using “other concerned groups as appropriate” which had been agreed at that time.

130. The Employers’ and Workers’ groups accepted this formulation. The Employer Vice-Chairperson suggested inserting “and thereby” at the end of paragraph 1(a) and then inserting the second part of the amendment which then avoided undermining the issues of culture and denial.

131. The amendment as subamended was adopted. Paragraph 1(a) was adopted as amended.

132. The Worker Vice-Chairperson, having regard to the slow rate of progress to date and in the interests of securing a resolution, the global importance of which her group recognized and supported, announced the withdrawal of 11 of the remaining amendments that had been submitted to the operative part of the text (D.53, D.54, D.55, D.56, D.57, D.58, D.62, D.64, D.66, D.67, D.68).

133. The Government member of India pointed out that under article 63.8(2) of the Standing Orders it was possible for another member to reintroduce without previous notice an amendment that had been withdrawn. He said that he saw value in some of the amendments that had just been withdrawn and may move some of those in the course of the discussion. He introduced an amendment (D.25), which was seconded by the Government member of Pakistan, to replace paragraph 1(b) with a text that included a reference to all other relevant organizations, including civil society. All had a role to play in addressing the pandemic.

134. The Worker Vice-Chairperson did not support the amendment for the reasons that had been put forward earlier in relation to including civil society in the text. This view was shared by the Employers’ group.

135. The Government member of Lebanon supported the amendment since the more parties that were involved in the fight against HIV/AIDS the better.

136. The Government member of Canada said that the focus in this paragraph was on the social partners. She did not support the amendment and noted that a majority of the Committee held the same view.

137. The amendment was not adopted. Paragraph 1(b) was adopted unchanged.
138. The Government member of Pakistan, seconded by the Government member of Egypt, moved an amendment (D.28) to paragraph 1(c) to replace “groups” by “those”. The draft text was too restrictive because it excluded individuals. “Those” included everyone.

139. The Worker Vice-Chairperson opposed the amendment. The draft text was all-inclusive and she felt that there was nothing to be gained in changing text if the outcome was substantially the same. Everyone affected was covered in the paragraph as drafted.

140. The Employer Vice-Chairperson agreed that the text was clear; it referred to all groups and he opposed the amendment. He added that the original text strengthened occupational health and safety systems to the benefit of all.

141. The Government members of India, Sudan, Tunisia, Lebanon, Syrian Arab Republic, and Namibia – on behalf of Government members of the African group – supported the amendment on the grounds that “groups” was too restrictive. Moreover, it was not necessarily groups that were at risk; it could be individuals. Were there any groups who were not at risk? The Government member of Tunisia suggested mentioning both persons and groups.

142. The Government member of Canada, speaking on behalf of IMEC governments, and the Government member of Poland opposed the amendment.

143. The Government member of Pakistan appealed to the Committee to accept the amendment, particularly if it made little difference to the meaning but extended the coverage.

144. The Worker Vice-Chairperson reiterated that the meaning of the text was clear and the Committee should move forward in the light of the majority views expressed against the amendment.

145. After the Chairperson had declared the amendment lost since the clear majority of those who had taken the floor had opposed it, the Government member of Pakistan called for a record vote.

146. After several procedural points were made concerning the merits, procedure and practice of voting – by show of hands and by roll-call, including reference to article 63.7 (2)(a) of the Standing Orders – the Chairperson proposed that the amendment be decided by a show of hands.

147. There were 579 votes in favour, 4,377 votes against, with no abstentions and the amendment was rejected.

148. The Government members of the IMEC group had submitted an amendment (D.8) to add the words “in particular women and children” to the end of paragraph 1(c). In the light of the discussion and vote on the previous amendment, the Government member of Canada withdrew it.

149. The Government member of India, supported by the Government member of Egypt, reintroduced it.

150. The Worker Vice-Chairperson opposed the amendment, as did the Employer Vice-Chairperson who added that he would oppose any amendments that had been withdrawn and were subsequently re-introduced.
151. The amendment was not adopted and paragraph 1(c) was adopted unchanged. There were no amendments to paragraph 1(d) which was adopted unchanged.

152. The Government member of Canada, speaking on behalf of IMEC governments, had proposed an amendment (D.9) to insert a new paragraph after paragraph 1(d) which called for the putting in place of workplace anti-discrimination policies for people living with HIV/AIDS. She noted that a similar amendment had been submitted for later in the text and withdrew her group’s amendment in its favour.

153. The Government member of Argentina, seconded by the Government member of Brazil, proposed an amendment (D.33) to insert a new paragraph after paragraph 1(d) to promote the inclusion of the problem of HIV/AIDS in workers’ training programmes. She too was keen for the adoption of a sound resolution and pointed out that since ignorance was a major cause of discrimination, its inclusion in training programmes, especially workplace training, would lessen the incidence of discrimination against HIV/AIDS sufferers.

154. The Worker Vice-Chairperson appreciated the sentiment behind the amendment but said it was covered in an amendment from her group, which she preferred. She opposed the amendment.

155. The Employer Vice-Chairperson understood and appreciated the need for training but considered the amendment to be too prescriptive. Research and a meeting of experts would recommend more appropriate measures. He opposed the amendment.

156. The Government member of Egypt supported the general principle of the amendment, but appreciated the Employers’ group’s point of view. HIV/AIDS could benefit from further research and he would prefer a more general statement.

157. The Government member of Argentina replied that it was not intended that the text be prescriptive; she merely wanted to increase awareness and knowledge of the disease at the workplace. She was prepared for the topic to be considered later in the text and withdrew the amendment.

158. The Government member of Namibia introduced an amendment (D.38) on behalf of Government members of the African group to replace paragraph 1(e) by a text that addressed the resource constraints faced by heavily indebted countries when trying to combat HIV/AIDS. She proposed to subamend the text by linking debt relief directly to the allocation of resources for combating HIV/AIDS instead of referring to debt cancellation.

159. The Employer Vice-Chairperson sympathized with the issue but felt that the original wording had a wider meaning. Moreover, the question of debt was not one for the ILO. He opposed the amendment.

160. The Worker Vice-Chairperson also recognized and appreciated the problems of developing country debt. She believed, however, that the text should be read to include all resources for fighting HIV/AIDS, not just debt relief. The existing text was appropriate and she opposed the amendment.

161. The Government member of Canada, speaking on behalf of IMEC governments, agreed that the current text was flexible and general. As debt relief was being discussed in other forums it was not appropriate to include it in the resolution. She opposed the amendment.

162. The Government members of Egypt, Malawi, India and Pakistan supported the amendment in view of the prevalence of HIV/AIDS in countries saddled with huge debts and the
burden of servicing them. Debt relief was being discussed in other forums, including in WHO which acknowledged that developing countries lacked the resources to fight HIV/AIDS. While the focus was on the world of work, the text made no mention of how resources should be mobilized.

163. The amendment was not adopted and paragraph 1(e) was adopted unchanged.

164. The Worker Vice-Chairperson again expressed concern about the rate of progress and reiterated her group's desire to adopt a resolution. She moved that the discussion be closed.

165. The Employer Vice-Chairperson supported the motion. He too was concerned about the rate of progress and wanted to achieve the objective of adopting a resolution. An Employer member from Austria said time was running out. The Committee had a duty to develop a sound resolution. Failure to adopt a resolution would give the ILO a bad image in the eyes of the world.

166. Following several points of order and questions about article 64 of the Standing Orders, the right to speak and the fate of undiscussed amendments and the text of the resolution, the Committee sought the advice of the Legal Adviser.

167. The Legal Adviser said that a motion of closure could be moved on the resolution under discussion provided that one-fifth of the members present supported it. A simple majority decided whether or not closure occurred. The sponsor, or one of the sponsors, of the resolution was entitled to speak on it following closure, after which the text of the resolution – as amended so far and in its original form for the text that had not yet been discussed – would be put to the vote. If the motion for closure was rejected, the discussion would continue. Any amendments that were under discussion when the motion for closure was moved would be voted on first. The Legal Adviser understood that this was not the case on this occasion. Any amendments that had not been discussed at the time of the moving of the motion for closure were no longer considered. In response to a question the Legal Adviser confirmed that once the voting procedure was under way, it continued to its conclusion regardless of the normal closing time of the sitting.

168. The result of a vote by show of hands on the motion to close the discussion was 4,557 votes in favour, 483 votes against, with no abstentions. The Chairperson declared the motion carried.

169. The Government member of Egypt disputed the validity of the result and called for a record vote.

170. The result of a record vote on the motion to close the discussion was 4,641 votes in favour, 504 votes against, with no abstentions. The Chairperson declared the motion carried.

171. The text of the resolution concerning HIV/AIDS and the world of work as amended was adopted by consensus.

Resolution concerning the ILO's role in social development in the twenty-first century

General discussion

172. The Worker Vice-Chairperson was very pleased that this resolution was given a high priority by the Committee as her group believed that it was the right time to restate the
fundamental and important role the ILO played. The resolution provided a valuable opportunity to acknowledge the changing role of the ILO as it responded to new challenges presented by globalization and its consequences, particularly for working people. The time was right also in view of the forthcoming Special Session of the United Nations General Assembly to be held in Geneva later in the month. This resolution was a comprehensive statement emphasizing the role of the ILO in addressing the economic and social dimensions of globalization. The concept of decent work was at the centre of the ILO’s efforts in this respect. She highlighted several important issues. The resolution encouraged governments to reassess their macroeconomic policies with the aim of greater employment generation and a reduction in poverty levels. It endorsed the ILO’s global programme on decent work as a strategy for the better integration of economic and social policies. It called on governments and international institutions to support the ILO fully and to cooperate to provide opportunities for all women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity. This could best be achieved by creating employment, improving social protection, promoting social dialogue and promoting human rights at work. The resolution requested the ILO to initiate a coordinated exchange of best practices in the field of employment policies, in order to reduce unemployment, to enhance the quality of work and employment, and to ensure the right of men and women to equal pay for equal work or work of equal value. The text recognized the importance of the ILO Declaration on Fundamental Principles and Rights at Work and urged governments to promote its implementation. It also encouraged ratification and application of other ILO Conventions, including the new Convention No. 182 on the worst forms of child labour, and those on employment policy and providing protection to migrant workers. Of core interest was the question of safeguarding and promoting respect for basic workers’ rights, in particular the prohibition of forced labour and child labour, freedom of association and the right to organize and bargain collectively, and non-discrimination in the workplace. Greater coordination among multilateral organizations was needed so that the international system could pursue its policies and activities in support of country efforts to respect, promote and realize fundamental principles and rights at work. The resolution called upon the private sector to develop and implement initiatives to enhance the quality of employment through, inter alia, adhering to the Global Compact initiative of the United Nations Secretary-General. Finally, the resolution stressed the importance of strengthening employers’ and workers’ organizations with a view to developing more effective social dialogue for the formulation of labour, social and economic policies.

173. The Government member of Canada, speaking on behalf of IMEC governments, said that the present resolution was similar to that on HIV/AIDS since it affected the ILO’s four strategic objectives and provided an opportunity for the ILO to play a key role in partnership with other multilateral agencies. She was pleased it had been accorded a high priority. It reaffirmed commitment to the basic principles and values of the Organization. It contributed to a wider global cause, namely the realization of the ambitious goals of the World Summit on Social Development – placing people at the centre of development, eradicating poverty, promoting full and productive employment, and fostering social integration to achieve stable, safe and just societies for all. This resolution was balanced. It was a merger of three separate resolutions on social development, employment and implementing decent work. The merged version better reflected the ILO’s contribution to the platform of action that was expected to be adopted by the forthcoming Special Session of the United Nations General Assembly. The resolution encompassed the ILO’s special responsibilities for employment generation and the protection of basic workers’ rights stipulated in Copenhagen in 1995. However, rapid globalization had changed the world of work since 1995 and this resolution carried forward the ILO’s commitment to lead in the areas of its competence and comparative advantage. As the Director-General had noted on many occasions, there had to be an integrated approach to social and economic
development if it was to be sustainable. The four elements of decent work were the essential ingredients to achieve social justice and it would be fitting for this Conference to adopt a resolution confirming the confidence of ILO constituents in the promotion of decent work as an integrating framework to be adopted by the international community at the Special Session later this month. As the Director-General had noted in addressing the Conference there was no organization better placed than the ILO to take a lead on social development. The Organization had unique tools and instruments at its disposal to lead the international dialogue and programme of action to achieve social development roles in a globalizing world: its tripartite structure, an extensive knowledge base, empirical research on socio-economic aspects of globalization and its normative work. This resolution brought the concept and the tools of decent work together and presented a programme of action for the ILO to promote decent work at the country, regional and global levels. It required commitment and partnership between ILO constituents and a shared commitment with other national and international organizations.

174. The Employer Vice-Chairperson appreciated the introductory presentations and noted the strong support of workers and some governments, but the Employers’ group did not support the draft resolution, which was not sufficiently self-critical. They did support and were proud of the fundamental principles and values on which the ILO had been built. The achievement of social justice, the creation of conditions of freedom and dignity, of economic security and equal opportunity and the focus on decent work, were objectives which, although not yet reached, they too strived for. They were also proud of the ILO’s tripartite structure, its achievement of international standards, its global and empirical database and its research capacity, which together gave it its unique character. Employers wanted to see the ILO as the leader in the global debate on responses to globalization. They felt, however, that the new millennium was an occasion to examine core activities and identify those aspects of performance which gave cause for concern. Did the ILO have sufficient credibility in a dynamic world? If not, why not? Were all its activities relevant? The Employers’ group favoured the discipline of zero-based budgeting – asking, when taking stock, what should be done if starting from scratch. The draft resolution was not sufficiently self-critical in this regard. While there was much in the operative part with which they would agree, they would do so merely because they had previously agreed to it. The Employers’ group had for a long time raised its concerns about standard-setting, particularly the poor ratification rate by member States, the time-consuming supervisory mechanisms, the focus on prescription rather than on the development of policy, and the cumbersome sometimes incomprehensible nature of the work of Conference committees. They would have preferred the text to focus on reformation rather than reaffirmation, and on the initiation of fresh approaches rather than the continuation of past practices. His group strongly supported the proposal to establish a coherent international strategy on productive employment as one indication of new, forward-looking activities. They noted that an attempt had been made in the merging process to incorporate text from the draft resolution regarding normative policy and looked forward to amendments from the sponsors of that draft resolution. Other areas where the text could be enriched by the inclusion of a far-sighted approach included human resources and skills development. The resolution could be an opportunity to include more than aims and objectives; it could review working methods and procedures. The Employers’ group would submit amendments which recognized that existing structures and processes had not always served the ILO well, that flexibility was the key to meeting the challenges of the twenty-first century, and that any resolution on this issue should acknowledge the conditions necessary for the ILO to adjust to a rapidly changing world.

175. An Employer member from Bangladesh commended the initiative, through the proposed resolution, to identify the role of the ILO in social development. While the preamble was well-intentioned, the operative part did not show how the objectives could be achieved.
Human resources were more than ever at the centre of social and employment policies. Market liberalization, globalization and the need to remain competitive, had placed increasing demands on training systems. Human resources development should be the focus of development in line with employment requirements. The Human Resources Development Convention, 1975 (No. 142), had been adopted when social conditions were different; its principles now needed reconsideration. The ILO should also focus on the even flow of development resources. Countries with higher productivity and growth rates had attracted investment but the fate of countries lagging behind could not be ignored since the bulk of the world’s population lived in these countries. Impediments to investment should be examined. These were a few of the areas which the ILO, with assets like the Turin Centre and a vast pool of expertise on different socio-economic issues, needed to look into.

176. An Employer member from the United Kingdom said it was perhaps a little ambitious to look too far ahead. The dustbin of history was full of five-year plans and the good intentions they contained. Rapid and significant change was certain and if the ILO was not to be overtaken by events, its procedures and working methods should be sufficiently streamlined, flexible and efficient. The intention of this resolution was to use the advent of the twenty-first century as an opportunity to review, renew and possibly to create afresh the objectives of the ILO. But it said little or nothing about organization. He hoped that, as the discussion unfolded, the Committee would also look at the way in which the ILO went about its business.

177. An Employer member from Germany said that the resolution should be seen as an opportunity to strengthen the recognition of the ILO as key player in shaping the future of social policy. The resolution should be a message to the world. So far, this message was about ILO values, about the ILO continuing to do as it did at present and about others, in particular other organizations, recognizing the role of the ILO. But this was not enough and to leave the resolution as it stood represented a missed opportunity. It should highlight that productive employment was the most important means of fighting poverty, that market-oriented training was the most important condition for productive employment and that since enterprises played a key role in creating productive employment they needed a conducive environment. The resolution should also address the preparedness of the ILO to adapt its means of action in response to changing circumstances.

178. An Employer member from Austria recalled that the World Summit for Social Development in Copenhagen in 1995 had stated that international organizations, including the ILO, should be the guiding force regarding social policies. This would be confirmed at Copenhagen plus five, giving the ILO greater responsibility. The main aim of the resolution was to fight unemployment, which was an essential duty of all three groups and the ILO itself. However, the text of the resolution should include methods for achieving the aims. Past attempts at reducing unemployment had often failed and unemployment remained high in many countries. A way had to be found to combat unemployment. He recalled the words of Albert Thomas that world peace would be achieved through ensuring social justice.

179. The Government member of the United Kingdom fully associated herself with the statement on behalf of IMEC governments. The merged resolution sought to reaffirm and, more importantly, strengthen the ILO’s mandate through the continued promotion of its fundamental principles and rights at work, a commitment to improve its standard-setting activities, and the strengthening of its role in social policy development at the international level. The resolution highlighted the ILO’s pivotal role in Copenhagen plus five later this month. One of the key issues to emerge from this Special Session of the United Nations General Assembly would be the recognition of the need for a coherent and coordinated
international strategy on employment. The resolution recognized that the ILO should lead in defining such a strategy. As the Director-General had stated in his report *Decent work*: “without productive employment, the goals of decent living standards, social and economic development and personal fulfilment remain illusory”. The key elements of this strategy should be to: encourage entrepreneurship and job creation, particularly in the expanding sectors of the knowledge-based economy; to provide not only a safety net against income loss during unemployment but a springboard to new skills and jobs; to reform education and vocational training so that young people were equipped with the necessary skills at the beginning of their careers; to create a culture of lifelong learning, enabling those already in employment to update their skills or acquire new ones; to tackle discrimination in employment of all kinds and encourage those who had become detached from the labour market to re-enter employment; and to ensure that men and women had genuine equality of opportunity to develop their working lives. Such an international employment strategy would underpin efforts to secure universal observance of core labour standards.

180. A Worker member from Argentina supported the resolution and commended the authors of the merged text. He stressed the need for strengthening social dialogue to solve problems such as those associated with employment and social security.

181. A Worker member from Portugal said that the resolution had come at the right time and that the ILO was the appropriate forum for discussing these matters. Rules and measures were needed to prevent economic development without social development. Employment and training represented major challenges and the ILO had a fundamental role in combating child labour, illegal immigration and forced labour. This resolution would strengthen the ILO’s hand in implementing the Declaration of Philadelphia as well as the ILO Declaration on Fundamental Principles and Rights at Work.

182. An Employer member from the Syrian Arab Republic agreed that the ILO as a tripartite organization must play a role in social development. This role was not spelt out in the text of the resolution and it should be clearly defined. The meaning of several subparagraphs had to be clarified, including those dealing with ratifications, supervision and human resource development and training.

183. An Employer member from Switzerland stated that the effectiveness of the ILO was of concern to all groups. The present text was overly ambitious as it attempted to cover all of the twenty-first century and called for the submission to the 89th Session of the International Labour Conference in 2001 of a coherent international strategy on employment. In a globalized economy with widespread use of new technologies all had to adapt to changes. While the resolution called for the promotion of productive employment, it merely mentioned enhancing the role of the public sector in this respect. This seemed contradictory as productive employment should be created in the private sector. He welcomed priority being accorded to the ILO as the main organ to deal with social issues. He noted that it was for national parliaments to ratify ILO Conventions. The resolution should be re-examined in the light of texts of the different drafts. In concluding, he referred to difficulties that arose when new standards were developed. Time was an important factor in the process of ratification. What was valid for one country was not necessarily valid for a country at another level of development.

184. A Worker member from Brazil said the merged text referred to a long-term strategy since it was impossible to solve all problems at once. Structural changes and the liberalization of trade had brought back past discussions. He referred to the statement by Nobel Laureate Amartya Sen during the 1999 Conference on the need to insist on the fundamental liberties people must have as a guarantee for survival. He also emphasized the need for technical
cooperation. While the present proposals would not solve all problems, they should be considered by all, Governments, Employers and Workers, in a frank debate.

185. A Worker member from the Dominican Republic agreed that the text set out a clear policy for future ILO activities in defending workers and achieving peace through social justice. In the search for a stable society, flexibility and democracy had to lead to decent work that recognized the dignity of each person. The twenty-first century was already characterized by globalization and neoliberalism that was based on human selfishness. The resolution would propel the ILO into the future as the organization which promoted social development as the means to achieving a stable and just society for all.

186. A Worker member from France fully supported the resolution, which was particularly appropriate when the gap between rich and poor was widening. The role of the ILO had to be reaffirmed and the resolution would send a powerful political message rather than merely reflecting on technical activities. She emphasized three key points: the integration of social and economic factors that underlined the concept of decent work; the reassertion of the international role of the ILO, reaffirming the importance of social issues, with the ILO to the fore in defending fundamental rights; and the reinforcement of social dialogue at every level by increasing the capacity of the social partners to engage in it.

187. A Worker member from India pointed out that the free market ethos of the new century meant that only the fittest countries would survive. The impact of the World Trade Organization, globalization and neoliberalism was greater poverty and unemployment in developing countries. The gap between rich and poor was expanding, especially after the Social Summit, because of the policies of the international financial institutions and the WTO. Thus a new approach was needed in order to achieve the objectives of the Social Summit. The ILO should not cooperate with agencies whose policies led to unemployment and poverty. It should act as a watchdog and play a larger role so that the obligations of the ILO Declaration on Fundamental Principles and Rights at Work were met together with those of the Social Summit.

188. The Government member of Germany referred to a speech by the German Minister of Labour to the Conference in which he had reaffirmed the ILO’s basic principles and roles. But he had also appealed for all parties to take advantage of the results of the Social Summit and recognize the important progress that had been made in the areas of workers’ rights and the content of the ILO Declaration on Fundamental Principles and Rights at Work. Moreover, governments should set themselves meaningful goals, such as ratifying the basic labour standards. The resolution contained the necessary impetus for the Special Session of the United Nations General Assembly too. It was not static and recommended that the ILO play a stronger role in social policy-making and establish partnerships with other agencies to further the objectives in the ILO Declaration on Fundamental Principles and Rights at Work and undertake activity and research on social integration and gender equality. He supported the position of other IMEC governments.

189. The Government member of Lebanon also welcomed the resolution which should meet member States’ technical, social and economic concerns about developments in the world of work. It was also important to intensify research on the social impact of globalization and to review standard-setting policy. The ILO needed to adopt an international strategy on employment that enabled changes to be coped with, and it should increase technical assistance in achieving productive employment to countries that were most affected by change. The InFocus programmes would be important means for the ILO to achieve its strategic objectives and the resolution took this into account. It was also important to respect and realize the principles embodied in the ILO Declaration on Fundamental Principles and Rights at Work.
190. The Government member of Namibia, speaking on behalf of the African governments, welcomed the inclusion of employment issues in the resolution. The ILO was best suited to promoting its values and the concept of decent work. Because of the prevalence of the poor and unemployed in developing countries, there should be more emphasis in the resolution on employment strategies and the involvement of the informal sector. He was concerned that the text raised the possibility of linking trade and labour standards. This should be removed. As far as normative activities were concerned, the ILO's current activities and approach could be improved. But he did not support a review process that would jettison the ILO's core values. The emphasis had to be on strengthening them. Technical cooperation was equally important. Developing countries desperately needed to catch up in order to create a more level playing field. Technical cooperation that focused on local programmes in developing countries rather than on creating jobs in industrialized countries was needed.

191. The Government member of China pointed out that poverty had been exacerbated by globalization and there was a continuing need to address workers' rights and achieve social justice for all. He hoped that the ILO would increase its efforts in the field of employment, poverty alleviation and improving social security systems, and the ratification and implementation of labour standards. Thus decent work could be realized, thereby achieving the aims of the Copenhagen Social Summit.

192. The Government member of France said that the resolution reflected on the role of the ILO in social development, employment and decent work that arose from the strategic objectives. It would form the basis for future ILO action in ensuring that globalization had a human face through the promotion of decent work and poverty alleviation. This would be an important message to the Special Session of the UN General Assembly in Geneva. In times of change there was a need for new guarantees so that all could benefit. The resolution provided the means for all parties to meet the challenges together and he urged its adoption.

193. An Employer member from Saudi Arabia, speaking on behalf of Arab employers, wanted to see the ILO play a role in dealing with the multidimensional challenges of globalization. The resolution would enable it to improve its activities in this regard. It should, however, avoid any political involvement and concentrate on the creation of productive employment.

194. The Government member of Poland drew attention to the need for the title of the resolution to reflect its content and objectives. As drafted, it went well beyond its title. It would be a mistake for the resolution to be too ambitious. If the ILO's role were to be defined, there were several relevant documents that should be mentioned in the preamble.

195. A Worker member from Chile fully supported the resolution, the operative part of which was based on the ILO Declaration on Fundamental Principles and Rights at Work and set out what needed to be done to implement and improve it. He drew particular attention to the need to deal with the effects of globalization.

196. A Worker member from the Islamic Republic of Iran said the resolution would give the ILO a mandate to work at the national level to enhance workers' quality of life. The text should address the issue of child labour in its broadest sense - beyond the worst forms contained in Convention No. 182 - since it was getting worse in poorer countries. There was a need for more education, research and networking among member States.

197. A Worker member from Israel highlighted the crucial role of the ILO in social development, particularly in view of widespread unemployment, social exclusion and a lack of decent work. It was not enough to increase employment; the ILO should be
strengthened so that it could advance the principles and values which were the basis of the core Conventions, which must be fully implemented. Stronger social dialogue was needed if the ILO’s objectives were to be realized and greater cooperation between the social partners was a key to achieving this. Special efforts were required in workers’ education and training, particularly in high technology topics and the ILO should continue to promote gender equality in all aspects of working life. His organization had always supported these principles and had helped develop legislation and ensure that the terms of collective agreements were carried out. In times of globalization and change, workers needed to be able to adapt: vocational training and education were necessary for this.

198. The Government member of Argentina agreed that, while there was no intention to reduce the role of the ILO, it should be questioned, reviewed and updated so that future action was in line with needs, particularly regarding employment and social dialogue. The outcome would underpin the fundamental tenets of the ILO – standard-setting, research and technical cooperation – and enable a more flexible approach to meet changing needs. Nonetheless, the ILO would still be to the forefront in improving social justice and the resolution should suggest the best means for it to do so.

199. The Government member of Egypt said that the resolution was too ambitious and would require some major amendments. In spite of some controversial aspects he supported many of its points, particularly the importance of ILO drawing up a comprehensive employment policy as proposed by the G-15 Summit in 1999. He was, however, concerned about the risks of linking trade and labour standards, and stressed that there was no international consensus on a global structure that linked social and economic institutions. The different levels of development in different countries should be taken into account. Certain aspects of the ILO’s supervisory mechanism needed to be reviewed with a view to their improvement. Moreover, the importance of technical cooperation should be stressed as an essential component of the resolution.

200. The Government member of Denmark agreed with the statement on behalf of the IMEC governments and with those of her French, German and United Kingdom colleagues. Her Government set great store by the fact that the ILO had demonstrated it was the appropriate organization to pursue analytical work and compare best practices on employment policies. Comparative country employment policy reviews had proved to be very useful. Full employment was an important target arising from the Social Summit, but unemployment was still too high. The ILO should continue to take the lead in assisting member States formulate and improve employment strategies in the context of the decent work agenda. She supported the proposal for the submission to the International Labour Conference in 2001 of a coherent international strategy on employment. Another core issue was gender equality. She hoped that gender discrimination would be eliminated in the twenty-first century, but there was still a long way to go. The convening of “Women 2000”, which would renew the international focus on gender, was welcomed. She strongly supported the paragraph concerning gender mainstreaming but cautioned that success depended on it being based on results not plans. It was therefore necessary to have benchmarks and systems of accountability to ensure the systematic integration of gender-sensitive considerations into all activities.

201. The Government member of Brazil stressed the importance of incorporating the normative dimension in the discussion on the ILO’s role in social development in the twenty-first century which would provide an integrated approach to addressing current and future challenges facing the world of work.

202. A Worker member from Sweden strongly supported the resolution which could promote and improve the ILO’s work. It was important to recall the uniqueness of the ILO and its
mandate to defend and promote the freedom and dignity of all. The concept of decent work had a key role to play when global prosperity was being sought. The ILO could play an even more active role in the future in elaborating and contributing to the "new economy" and giving it a truly social dimension. He stressed the importance of the operative paragraphs on the need to ratify and implement the core Conventions, the need to intensify research into the social dimensions of globalization, and the promotion of social dialogue.

203. The Government member of New Zealand associated herself with the statement on behalf of the IMEC governments and welcomed the merging of several important issues in the text. It was timely to take a strategic look at what was wanted for and from the ILO. The resolution encompassed several key issues, including the concept of decent work and the strategic objectives which provided the framework for social development. The objective of promoting decent work was a recognition that the ILO's traditional role of defending rights at work involved an obligation to promote the opportunities for work itself. Thus the emphasis on employment strategy was welcome. Her Government supported the emphasis on gender equality. Gender perspectives should be incorporated in all aspects of the ILO's work. She also supported the proposal to review normative activities with a view to making them more effective, and the recognition of the need for the ILO to work with other international agencies to play an important role in social development.

204. A Worker member from Denmark said that workers expected to hear the voice of the ILO prior to Copenhagen plus five and the resolution would send a strong message to this gathering. The Asian crisis showed that it was workers who bore the brunt of economic turmoil. Free markets did not deliver social improvements; governments had to develop social protection schemes, assisted by the ILO in collaboration with the Bretton Woods institutions, WTO and UNDP. Only four countries, including Denmark, met the UN target of allocating 0.7 per cent of GDP to development assistance, so it was no wonder that poverty was still such a problem.

205. The Government member of the Netherlands fully supported the statement on behalf of the IMEC governments and emphasized the need to keep the issue of child labour high on the agenda as its elimination was one of the fundamental principles in the ILO Declaration on Fundamental Principles and Rights at Work. The resolution should refer to the urgent need to ratify and implement Convention No. 182 as well as continuing to give priority to the elimination of all child labour in the twenty-first century.

206. The Government member of India said it was an appropriate moment to reflect on the direction of the ILO in promoting social justice. It was important, however, not to become hostage to vested and sectoral interests to the detriment of already deprived areas of the globe. Unfortunately, some of the text did not promote the goals set out in the Declaration of Philadelphia; rather it contained the seeds of by now quite familiar policy options that would seek to impose conditionalities and sanctions on developing countries, thereby sanctioning poverty itself. The preamble contained text that distorted the aims of Copenhagen plus five by linking social development with finance and trade. If the aim was to build an architecture of international cooperation to put an end to poverty, India agreed with it. However, India did not believe that it would also be the aim of the Special Session to build an architecture of international competition and certainly not to build an architecture that would enhance the already predominant competitive advantage of the prosperous parts of the world. It was important that complementarity among international institutions did not imply an approach based on conditionalities. Calls for the implementation of labour standards had to go hand in hand with action to remove poverty and unemployment. In highlighting the priorities for the ILO, the speaker referred to the Director-General's statements during his recent visit to India in which he stressed the need for a normative framework supported by institution-building, technical programmes and
development cooperation. For the ILO to realize its goal of social justice, it had to advocate international development cooperation for the eradication of poverty. Moreover, as the Director-General had said, there could be no decent work without work itself. So the promotion of productive work was an essential part of rights at work. Special attention had to be paid to achieving higher rates of participation of women in the workforce, as well as to human resources and skill development and technical cooperation.

207. An Employer member from Venezuela said that the resolution should enable the practical application of the Declaration of Philadelphia and the 1998 ILO Declaration on Fundamental Principles and Rights at Work, particularly regarding fundamental rights, employment and social dialogue in developing countries. The roles and responsibilities of the multidisciplinary teams (MDTs) should be strengthened and the facilities of the Turin Centre should be widely available, especially to people from far-flung developing countries. The resolution should ensure that measures were available to deal with the impact of globalization, competitiveness and the negative effects of servicing foreign debt. The resolution needed to go beyond rhetoric, give priority to the creation of productive employment and the eradication of poverty and be quickly implemented in order not to lose momentum.

208. The Government member of Chile said the resolution was linked to all four of the ILO’s strategic objectives and provided the ILO with the opportunity to play an important role, with other agencies, in finding the most effective means to achieve social justice and dignity at work. The resolution should show that the ILO wished to deepen its commitment in this regard. The resolution reaffirmed the commitment to the ILO’s basic values and put people at the centre of development, stimulating social integration to enable a more just and stable society. It sought to connect with the follow-up to the commitments made at the Copenhagen Summit. He recalled the words of the Director-General that it was necessary to have an integrated view of economic and social development. The ILO was best placed to show the way in social development and its unique tools should be used fully in order to achieve social justice.

209. The Government member of Switzerland supported this topical and significant resolution. Provided it incorporated cooperation for development, standard-setting, research and employment creation, it could be a platform at Copenhagen plus five from which the ILO could show it had a mandate, had something to offer and was ready to accept the challenges arising from the Social Summit.

210. The Government member of Malawi supported the statement of the Government member of Namibia and the need for the ILO to build on its existing activities, particularly technical cooperation in developing countries, to address the job losses and poverty that arose from globalization. The resolution was timely since it dealt with the poor and the unemployed. More research into the social implications of globalization was needed as a key input to the development of a new social order and increased social justice. Strict adherence to structural adjustment programmes where the public sector was the major employer often led to rapid and widespread downsizing. There was thus a need for technical assistance to stimulate relocation and retraining.

211. The Employer Vice-Chairperson was not surprised that the discussion of the broad resolution had been so wide-ranging. There had been considerable support for the ILO’s strategies and its central role in social development and decent work, together with a desire to take stock of the problems faced by each group and review how best to deal with them. A range of concerns had been raised, and there was some frustration that the ILO was underperforming in many aspects of its work. These should be included in the resolution. He cited the better application of Conventions and the continuing existence of
discrimination and gender inequality. Developing countries were very concerned about job creation, productive employment, human resources and training. Several speakers had mentioned the need to examine the ILO’s future activities in ensuring fundamental liberties and establishing itself at the centre of international action to eliminate child labour and alleviate unemployment and poverty. There had been considerable support for a review of normative policy and for the development and implementation of practical employment policies and strategies, but there were concerns about aspects that could create conditionalities. He appealed to the Committee members to look to the future and focus on specific practical issues that would enhance the role and influence of the ILO.

212. The Worker Vice-Chairperson welcomed the general support that had been expressed for the thrust and substance of the resolution. There had inevitably been differences in emphasis in the merged text and in the discussion and additional areas for consideration had been put forward. While amendments would enable concerns to be addressed and clarifications made, it would not be possible to introduce elements from other, lower priority, resolutions. Some speakers had criticized the fact that the resolution did not address the reform of the ILO’s processes, procedures and work methods. This was intentional. The objective of the resolution was to review and reorient the ILO’s goals and objectives. Once this was achieved, the Organization would adapt its mechanisms accordingly. Some speakers had criticized the lack of flexibility of the ILO and its inability to respond quickly to issues of immediate concern. The ILO’s tripartite structure and standard-setting role gave it a depth and complexity that other organizations lacked. The world was full of short-term, politically expedient solutions to problems, many of which had an adverse impact on workers. The ILO, however, was in the unique position to develop and present longer term policies and strategies on workers’ rights, employment, social policy and democracy that stood the test of time. It would be a mistake to undervalue the consistency of the ILO’s work that was built on tripartite consensus.

213. The draft resolution was discussed but, for lack of time, it was not possible to discuss the amendments which had been submitted to this draft resolution.

Consideration and adoption of the report

Consideration of the report

214. The Committee considered its draft report at its ninth sitting.

215. Corrections to specific paragraphs were submitted by various members for incorporation in the report.

Adoption of the report

216. At its ninth sitting the Committee unanimously adopted its report as amended.

Geneva, 10 June 2000.

(Signed) Csaba Öry,
Chairperson and Reporter.
Resolution submitted to the Conference

Resolution concerning HIV/AIDS and the world of work

The General Conference of the International Labour Organization,

Recalling that HIV/AIDS is at present a universal pandemic that threatens all people, but also recognizing that it disproportionately impacts on economically and socially disadvantaged and excluded groups,

Recognizing that HIV/AIDS is a growing health problem, as well as a developmental crisis with disastrous consequences for the social and economic progress of many countries,

Noting with deep concern that, of the nearly 34 million people worldwide currently living with HIV/AIDS, 95 per cent are in the developing countries; that in African countries development gains of the past 50 years, including the increase in child survival and in life expectancy, are being reversed by the HIV/AIDS epidemic, and that HIV infection is increasing rapidly in Asia, particularly in South and South-East Asia, and in the Caribbean, and that it threatens the political, economic and social sustainability of these regions, while recognizing that in the rest of the world a complacent attitude cannot be adopted and efforts on prevention reduced,

Recognizing the effects of HIV/AIDS on the world of work: discrimination in employment, social exclusion of persons living with HIV/AIDS, additional distortion of gender inequalities, increased number of AIDS orphans, increased incidence of child labour, and the retention of older persons in the labour force,

Recognizing that HIV/AIDS threatens decent work in an all-embracing manner, and noting that HIV/AIDS has adversely impacted on economic growth and employment in all sectors of the economy, depleted human resources, challenged social security and health systems, and threatened occupational health and safety systems,

Recognizing that the spread of AIDS can be prevented, including through actions at the level of the workplace, and that it is possible, by a multidimensional, integrated, sustained and coordinated international response, to prevent its spread and protect those who live with it and its consequences, including the families and communities affected,

Noting that a number of important initiatives have already been undertaken, including those by the United Nations organs and specialized agencies,

Recognizing that the non-availability and limited access to HIV/AIDS-related drugs and treatments at affordable costs in developing countries also has further accentuated the spread of the disease in those countries,

Recalling the adoption by the International Labour Conference of relevant and related instruments, including the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), the Occupational Safety and Health Convention, 1981 (No. 155) and the Occupational Health Services Convention, 1985 (No. 161),
Also recalling the adoption by the International Labour Conference of the Declaration on Fundamental Principles and Rights at Work, in 1998,

Noting the effect of some structural adjustment programmes on public health structures and services, education and social protection systems,

Recognizing the enormous potential of employers' and workers' organizations, in partnership with governments, to contribute to the fight against the spread of HIV/AIDS and to support the needs of workers living with HIV/AIDS;

1. Calls upon the governments of member States and, where applicable, employers' and workers' organizations to:

(a) raise national awareness, including by involving other concerned groups as appropriate, particularly of the world of work, with a view to eliminating the stigma and discrimination attached to HIV/AIDS, as well as to fight the culture of denial, and thereby preventing the spread of HIV/AIDS;

(b) strengthen the capacity of the social partners to address the pandemic;

(c) strengthen occupational safety and health systems to protect groups at risk;

(d) formulate and implement social and labour policies and programmes that mitigate the effects of AIDS;

(e) effectively mobilize resources.

2. Requests the Governing Body of the International Labour Office to instruct the Director-General to:

(a) continue and intensify, where appropriate, research on action to be taken and behaviours to be adopted in dealing with HIV/AIDS at the workplace;

(b) present, within the framework of the discussion of the Programme and Budget for 2002-03, a proposal regarding a meeting of experts which will develop international guidelines on action to be taken and behaviour to adopt on HIV/AIDS at the workplace;

(c) collaborate with concerned international organizations in order to avoid duplication of efforts;

(d) expand its capacity to deal with HIV/AIDS at the workplace, especially in its multidisciplinary teams;

(e) undertake research and surveys to determine the implications of HIV/AIDS for the world of work;

(f) document and disseminate all useful information on national experiences including examples of good practices on HIV/AIDS at the workplace;

(g) engage in advocacy and training on HIV/AIDS and the world of work;

(h) strengthen the capacity of the social partners to formulate and effectively implement policies, programmes and activities at the national and enterprise levels.
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No. 19 — Tuesday, 13 June 2000
Fourth item on the agenda: Revision of the Maternity Protection Convention (Revised), 1952 (No. 103), and Recommendation, 1952 (No. 95)

Report of the Committee on Maternity Protection

1. The Committee was originally composed of 196 members (95 Government members, 41 Employer members and 60 Worker members). To achieve equality of voting strength, each Government member entitled to vote was allotted 2,379 votes, each Employer member 5,978 votes and each Worker member 3,822 votes. The composition of the Committee was modified ten times during the session and the number of votes attributed to each member adjusted accordingly.¹

2. The Committee elected its Officers as follows:

   Chairperson: Ms. A. Andersen (Government member, Denmark) at its first sitting;

¹ The modifications were as follows:

(a) 1 June: 198 members (98 Government members with 2,379 votes each, 39 Employer members with 5,978 votes each and 61 Worker members with 3,822 votes each);
(b) 2 June (morning): 192 members (99 Government members with 2,072 votes each, 37 Employer members with 5,544 votes each and 56 Worker members with 3,663 votes each);
(c) 2 June (afternoon): 191 members (99 Government members with 185 votes each, 37 Employer members with 495 votes each and 55 Worker members with 333 votes each);
(d) 3 June: 185 members (104 Government members with 799 votes each, 34 Employer members with 2,444 votes each and 47 Worker members with 1,768 votes each);
(e) 5 June: 180 members (105 Government members with 1,394 votes each, 34 Employer members with 4,305 votes each and 41 Worker members with 3,570 votes each);
(f) 6 June: 172 members (108 Government members with 341 votes each, 31 Employer members with 1,188 votes each and 33 Worker members with 1,116 votes each);
(g) 7 June: 167 members (107 Government members with 30 votes each, 30 Employer members with 107 votes each and 30 Worker members with 107 votes each);
(h) 8 June: 155 members (107 Government members with 140 votes each, 20 Employer members with 749 votes each and 28 Worker members with 535 votes each);
(i) 9 June: 152 members (107 Government members with 494 votes each, 19 Employer members with 2,782 votes each and 26 Worker members with 2,033 votes each);
(j) 12 June: 144 members (107 Government members with 312 votes each, 13 Employer members with 2,568 votes each and 24 Worker members with 1,391 votes each).
Vice-Chairpersons: Ms. A. Knowles (Employer member, New Zealand); and Ms. U. Engelen-Kefer (Worker member, Germany) at its first sitting;

Reporter: Ms. L. Samuel (Government member, Cyprus) at its eighth sitting.

3. At its eighth and ninth sittings, the Committee appointed a Drafting Committee composed of the following members: Ms. C. Fall (Government member, Senegal), Mr. M. Teleki (Employer member, Switzerland), Ms. A. Knowles (Employer member, New Zealand), Ms. J. Beresford (Worker member, New Zealand), Ms. M. Monrique (Worker member, France), and the Reporter of the Committee, Ms. L. Samuel (Government member, Cyprus).

4. The Committee held 21 sittings. The Committee had before it Reports IV(1), IV(2A) and IV(2B), prepared by the Office on the fourth item of the agenda of the Conference: Revision of the Maternity Protection Convention (Revised), 1952 (No. 103), and Recommendation, 1952 (No. 95) (second discussion).

Introduction

5. The representative of the Secretary-General presented Reports IV(1), IV(2A) and IV(2B), which had been prepared by the Office to serve as a basis for the Committee’s second discussion on maternity protection. The first discussion, which had taken place in June 1999, had led to the adoption of conclusions. On the basis of these and in accordance with article 39 of the Standing Orders of the Conference, the International Labour Office had prepared and transmitted to the governments of member States, and through them to national organizations of employers and workers, Report IV(1) which contained a draft Convention and a draft Recommendation on maternity protection. Comments were received from 84 member States in time to be included in Report IV(2A). Many of those included responses from employers’ and workers’ organizations. A further 16 replies were received too late to be included in the report. The texts of the proposed Convention and proposed Recommendation were published in a separate volume, Report IV(2B).

6. The representative of the Secretary-General then recalled the context in which the deliberations were taking place. Maternity protection was an issue of core importance that had been one of the first subjects of international labour standards. Since Convention No. 103 was adopted in 1952, women’s employment patterns had changed greatly around the world. Women’s economic activity rates had risen dramatically and women now tended to work throughout their childbearing years. Women contributed a higher proportion of family income than ever before. The importance of maternity protection for employed women had grown in consequence. Since the mid-1990s, the ILO had made a major effort to evaluate the relevance and effectiveness of international labour standards in order to ensure their suitability for today’s world. The low level of ratification of Convention No. 103 and the identification of a number of technical obstacles to further ratification were among the concerns that had been taken into account in the Governing Body decision in March 1997 to revise the 1952 instruments.

7. While it had been clear from the replies that there was a shared commitment concerning the importance of maternity protection, there was nonetheless considerable divergence of views concerning the approach that should be used for ensuring that women’s needs were met. Some stressed the importance of maximizing the number of ratifications, since when governments ratified a Convention they were obliged to take action to bring national laws and regulations into line with the requirements of the Convention, resulting in real improvements in protection. Others cautioned that concern for a widely ratified
Convention should not justify a lower level of protection. Opinions were also divided as to whether the new instruments should be concerned solely with maternity protection or whether they should deal more broadly with parental rights and responsibilities. Some expressed the desire to develop ratifiable instruments which offered substantial protection, were sufficiently forward-looking and paved the way for additional improvements at the national level according to the socio-economic conditions in each member State. There were concerns about the balance between standards of maternity protection and the costs of such protection, including effects on women's employment opportunities. Some fears had been expressed that the proposed Convention could represent a regressive step, a downgrading of protection for women workers and a weakening of measures for equal opportunities and treatment for women and men at work. In light of the genuine shared commitment to work towards a positive result, the representative of the Secretary-General did not believe that this had been the intention of the ILO's constituents. However, there were still substantial differences among constituents as to what would represent a positive result and how that common goal could be achieved. The Office hoped to see a text as strong as necessary to protect mother and child.

8. The representative of the Secretary-General then highlighted some of the principal differences between the proposed Convention and Convention No. 103, reviewed the comments received with regard to specific provisions and explained the reasons for which the Office had suggested some changes. With regard to the scope of the Convention, the draft Convention reflected the principle of broad coverage. Many comments agreed to allow exclusions of limited categories of workers or enterprises, but some governments and workers' organizations felt strongly that no exclusions should be possible, while other replies proposed a wider possibility of exclusions.

9. Concerning the inclusion of a period of compulsory leave, the representative of the Secretary-General noted that those who supported inclusion generally did so on health grounds, with some further arguing that the Convention should specify the minimum period of compulsory leave. Those opposed emphasized that such a provision was a potential obstacle to ratification in a number of countries. In some countries, compulsory leave was viewed as discriminatory, since it denied a woman's freedom to exercise her right to take leave as she chooses. Whereas a slight majority of governments supported inclusion of this provision, few of them wanted the duration and distribution of such leave to be specified in the Convention. Employers' organizations rejected this provision, whereas many workers' organizations urged that six or more weeks of compulsory leave be specified in the Convention. The provision relating to the leave to be provided in the case of illness, complications or risk of complications arising out of pregnancy or confinement had given rise to extensive debate during the first discussion. Recognizing that national law and practice varied as to the type of leave provided in those circumstances, the draft text stated that the nature and maximum duration of such leave might be specified by the competent authority.

10. The Office had made extensive changes to Article 5 relating to benefits in light of the comments received. Two new paragraphs were drafted to address the level of benefits to be provided. The first would cover payment systems in which cash benefits were based on a woman's previous earnings and were expressed as a percentage of those earnings or of the portion taken into account for the purpose of computing benefits. The text retained the benefit level of two-thirds previously set in subparagraph (a). The second new proposed paragraph would cover payment systems which applied other methods than a simple percentage of earnings to determine the level of cash benefits. The intention of new paragraph 4 was to ensure equivalent protection despite differences in payment systems. Different minimum standards for developing and developed countries were set by Article 6. While article 19(3) of the ILO Constitution provided that standards should be
framed with due regard to differences in conditions and levels of development among Members, many replies had expressed concerns about the setting of dual standards. Another important issue regarding benefits concerned their financing. A large number of employers’ organizations had expressed their conviction that the new Convention should contain a provision precluding the individual liability of employers for the cost of benefits due to women employed by them. Such liability was seen as an undue burden on employers, especially in small firms, and as a potential source of discrimination.

11. The draft Convention provided a much longer period of protection from dismissal than Convention No. 103, although the protection would no longer be absolute. While there was broad agreement on the principle that a woman should be protected from dismissal on grounds related to pregnancy and childbirth, there was divergence concerning the period of protection and the burden of proof to establish if dismissal was related to these grounds. The draft Convention introduced a provision against discrimination on the grounds of maternity: no such provision existed in Convention No. 103. Some respondents considered that there should be no special protection against dismissal following the woman’s return to work since this would discriminate against other workers, while a few proposed extending protection against dismissal to include the nursing period. While many governments supported the current text on the burden of proof, a few considered that the text offered insufficient flexibility to allow for different national systems or that the burden of proof should not necessarily rest solely with either the employer or the worker. The representative of the Secretary-General pointed out that the draft Convention contained a provision on non-discrimination in relation to maternity which had no parallel in Convention No. 103. She added that the provision on non-discrimination had been strengthened to make it clear that discrimination in employment included discrimination in access to employment.

12. The entitlement to nursing breaks had been transferred from the Proposed Conclusions with a view to a Recommendation following an extensive debate during the Committee’s first discussion. There was still a debate on whether it should be placed in the Convention or Recommendation. Workers’ organizations and many governments favoured its retention in the Convention, on the basis of the importance of breastfeeding for the health of mother and child. Employers’ organizations and several Governments argued that nursing breaks should be dealt with only in the Recommendation, citing concerns about an open-ended entitlement to breaks, about cost implications especially for small enterprises, and about the risk that the provision would be a significant barrier to widespread ratification of the Convention. The Office had made some changes to this provision in response to the concerns, arguments and information expressed in the replies, but the requirement that nursing breaks should be counted as working time and remunerated in consequence had been retained in the new paragraph 2 of Article 9. The representative of the Secretary-General concluded by welcoming the non-governmental organizations which had expressed such interest in the issues being debated.

General discussion

13. The Employer Vice-Chairperson expressed the Employer members’ belief that all the members of the Committee shared the common objective of achieving an instrument that would provide effective maternity protection in a form that could be widely embraced by the constituent Members of the ILO. It was important to arrive at a balanced outcome so that the limited acceptance and low ratification of Convention No. 103 might be rectified. As she had mentioned in her statement the previous year, while the Employer members had supported the report of the Committee as an interim report, they had been concerned that there had been a lack of balance both between the respective rights and the
responsibilities of women workers, employers and governments and between a principles-based approach and one based on prescription. She stressed that the responsibilities of ensuring protection to mother and child were shared, and so too were the rights. Just as all the responsibility of bearing and raising children should not fall on women alone, so too the rights should not accrue to women alone. Employers had a right to expect not to carry undue financial and compliance costs arising from maternity leave and governments had a right to set national policy in line with the economic and social expectations of the wider community.

14. She noted that the Director-General, in his Report on Decent Work to the Conference the previous year, had acknowledged that if the ILO was to ensure its relevance and reassert the usefulness of international standards, it needed to reinvigorate its efforts with new approaches. The Committee had before it an opportunity to begin that process and to move from the adoption of an overly prescriptive, “one-size-fits-all” instrument, capable of being ratified by very few countries, to the adoption of a meaningful instrument encompassing principles of maternity protection on which all the parties agreed, which would be attainable and ratifiable and which would serve as the basis for achieving real maternity protection for women.

15. The Employer members supported such a new approach to standard setting. They had proposed during the first discussion that the instrument state:

   Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, maternity leave and protection for all employed women

and then continue:

   As an indispensable means of protecting the health of any woman and her child, the woman's entitlement to a period of maternity leave, to protection from dismissal for reasons related to the pregnancy or maternity leave, with adequate means of supporting herself and her child, is the core element of this instrument.

It was essential that the Committee address the issue of ratification since it was precisely the low level of ratification of Convention No. 103 that had led the Governing Body to call for its revision. She emphasized in this regard that ratification of Conventions was not an end in itself. Rather, ratification was important because it would ensure real protection, since countries would commit themselves to bringing their domestic law in line with the Convention and to implementing its provisions in full and they would be required to report in accordance with article 22 of the Constitution of the ILO. The Employer members would strive to achieve an instrument that was not overly prescriptive – one which provided minimum standards, but would not prevent countries from doing better.

16. There was an enormous variety of enterprises within member States, from micro-enterprises and family businesses to large enterprises. It was important that the proposed Convention not be so restrictive that it would result in women losing their employment opportunities owing to the excessive costs of providing maternity protection, including the cost of providing leave, replacing a woman on leave and training her replacement. The Employer Vice-Chairperson insisted that employers were prepared to share the responsibility of maternity protection, but the proper balance amongst the social partners had to be achieved. In concluding, she cautioned that if the Committee failed to respond to the Director-General’s challenge that the ILO’s standard-setting procedure should remain relevant, it would have failed women and the ILO.
17. The Worker Vice-Chairperson considered that the first discussion had achieved the best possible outcome under difficult circumstances, and affirmed that the Worker members would do everything they could to ensure similar success during the second discussion. Emphasizing that maternity protection was not only a concern for women and children but for the future of society as a whole, she remarked that the purpose of the revision process was not simply to make adjustments in the light of changing social and economic conditions and to increase the number of ratifications. Rather, the main issue concerned the content of protection. The world was changing, frontiers were disappearing and competition was increasing, and workers were willing to cooperate constructively in this process. At the same time, they recognized that international labour standards could not regulate every detail. However, an instrument which was ratifiable by all member States but which was void of content was unacceptable, since it would have no real impact on national law and practice. There was thus a need to strike a balance between establishing general principles and ensuring real protection for workers. While maternity protection clearly involved costs that impacted on competition and job creation, such costs were necessary to protect the right of working women to bear children without being discriminated against. There were substantial economic and social grounds in favour of providing better maternity protection. Moreover, she noted, however, that the cost of maternity protection was relatively low as compared with other social benefits, such as pensions, and was often more limited in time.

18. Turning to the proposed texts, the Worker Vice-Chairperson said that the scope of the proposed instruments was too narrow, and in particular needed to include more clearly the informal sector, which was of crucial significance to the developing countries. There was also a need for compulsory postnatal leave, as provided for by Convention No. 103. While compulsory leave might not be as important for working women in the developed countries, this was not the case in the developing countries, where women workers were often under pressure from husbands and families to return to work as soon as possible for financial reasons. She also suggested that consideration be given to the possibility of maintaining the absolute prohibition on dismissal contained in Convention No. 103, without which many women would be unable to assert their rights. While placing the burden of proof on the employer was welcome, by itself it might still not adequately address the need for effective protection against dismissal in many developing countries. The Worker members also attached great importance to the provision of nursing breaks, which should take place within paid working time, and to protection against conditions that were hazardous to the health of pregnant workers or nursing mothers and their children.

19. In a statement presented by the Government member of Canada, the Government members of Austria, Australia, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, the United Kingdom and the United States endorsed the views of the Governing Body that the revision of Convention No. 103 and Recommendation No. 95 should result in standards that could be more broadly ratified and which would take account of the progress achieved in a number of countries. They also stressed the importance of including health protection measures within the proposed Convention.

20. The Government member of Cyprus endorsed this viewpoint and said that maternity protection in her country was seen as an important obligation of the State and society. She believed that there was a need for instruments which would provide substantial protection without being overly prescriptive, would take account of women's own interests in the labour market and would not subtract from the real protection established by Convention No. 103.
21. The Government member of China stated that, since wide ratification was an important objective of this revision process, the new instruments should not contain too much detail. Account should be taken of differences in national law and practice, for example, with regard to population policy. Two important principles should be respected: the right to maternity should be protected and each country should have its own laws to ensure such protection.

22. The Government member of Brazil said that his country was one of the few which had ratified Convention No. 103. Many changes had taken place since ratification in 1965, with substantial protection now being provided to women workers under the Constitution. Measures included the provision of medical assistance, the prohibition of discrimination based on maternity, the provision of two half-hour nursing breaks a day and the banning of pregnancy testing for employment purposes.

23. The Government member of Kenya stressed the importance of maternity protection, the provision of which would directly or indirectly affect all members of society and have an impact on the economy, whether through taxation, infant mortality rates or health-care costs. However, the instruments should be flexible enough to take account of differences in levels of national development.

24. The Government member of Barbados, in emphasizing that revision should aim at making the instrument more ratifiable, believed that it should focus on core issues, including the provision of six weeks of compulsory postnatal leave, in the interests of health protection. Her country already provided many of the proposed benefits; however, although she supported the principle of breastfeeding breaks, she pointed out that such a provision would make it impossible for her country to ratify the proposed instrument at the present time.

25. The Government member of Japan noted the increasing role of women in the labour force and the concern expressed in some countries about falling birth rates. A revised Convention should be both practical and ratifiable, and avoid detailed provisions, such as those relating to benefits, breastfeeding and burden of proof, which might prove to be obstacles to ratification in some countries.

26. The Government member of Norway said that maternity protection at work involved certain basic rights of vital importance. However, the proposed texts did not pay sufficient attention to the health of pregnant and nursing mothers and to the hazards posed by the working environment. For this reason, it was essential to include an Article on health protection in the proposed Convention, and not just in the proposed Recommendation.

27. The Government member of Croatia said that her Government’s position had not changed since the first discussion and her Government’s reply to the first draft of the Convention and Recommendation contained in Report IV(2A). Although maternity protection was a key component in the struggle to provide decent work for all women, the proposed texts did not establish real protection since they allowed for a broad range of exceptions to the scope, an undefined period of compulsory leave and the payment of benefits other than through social insurance schemes and weak employment protection. Since Croatia was a party to Convention No. 102 as well, her Government did not consider the new Convention, as it was proposed, to be an instrument that could fall within the range of the social security Conventions developed after the adoption of Convention No. 102. The content of the proposed texts was focused on the right to maternity leave rather than maternity protection. She noted that the standard-setting process had been on the agenda of discussions at the ILO for some time, and believed that the outcome of the Committee’s work would be significant in this respect.
28. The Government member of Ethiopia felt that the proposed text was a good basis for
discussion and supported the adoption of a realistic Convention and Recommendation. She
believed that the discussion should be focused on maternity protection and should avoid
sensitive religious and cultural issues concerning parental rights and adoption. While
attention should be given to the health of mother and child, she was concerned that nursing
breaks could actually result in the reduction of women's employment prospects. The
Convention should lay down minimum standards, with specific details being left up to
national measures, to ensure wide ratification.

29. The Government member of Australia associated herself with the statement presented by
the Government member of Canada. The first discussion had made some progress in
revising the Convention, although there had been a number of disappointing aspects and
the issues and concerns identified by the Governing Body had not always been brought to
the fore. The Convention's low level of ratification stemmed from the fact that it was too
prescriptive. A principles-oriented instrument was required that would be flexible,
although she emphasized that minimum standards did not mean minimal standards. The
outcome of maternity protection was important, while the means of achieving it should be
left to member States, relying on the ILO supervisory machinery to ensure compliance.

30. The Government member of Chile linked the subject of maternity protection to basic
human rights such as non-discrimination, the right to equal opportunity and treatment,
gender equality and the right to life. In developing countries women were increasingly
moving into the labour market and the provision of appropriate protection during
pregnancy was a vital element in determining whether they remained in employment. The
Convention should accordingly provide greater protection of the employment of women.
Maternity was a social responsibility affecting not only mothers and fathers but society at
large, and therefore state authorities or social security schemes should accept responsibility
for the costs. She added that the Preamble of the proposed Convention should mention
other important international instruments dealing with human rights.

31. The Government member of France said that the Office text was an excellent basis for
discussion which he hoped would lead to a major breakthrough in strengthening maternity
protection, especially as regards the health of mother and child and non-discrimination,
and also in achieving broader ratification than Convention No. 103. On delicate issues such
as the length and distribution of leave, or protection against dismissal, it was important to
remain open-minded and to seek compromise solutions that would be favourable to all.
One of the conditions for the success of the Committee's work was not to make the
Convention a test of any change in the ILO's standards-setting policy, on which
discussions under way within the Organization were still far from having reached their
objective.

32. The Government member of Sweden regretted that the question of parental leave no longer
appeared in the proposed texts. She recalled that during the first discussion her country had
proposed an optional part in the Convention containing provisions on parental leave. While
it had not attracted broad support, she was still interested in continuing the discussion. This
optional part of the Convention would make for a more modern, forward-looking
instrument, providing a standard that would indicate the course to be followed in the
future. Referring to Article 3 of the UN Convention on the Rights of the Child, she stressed
that the primary aim of introducing parental leave was the consideration of the child's best
interests. It was important to enable both parents to take leave since they both had a duty
and a responsibility to raise their children. The Workers with Family Responsibilities
Convention, 1981 (No. 156), did not contain any provisions on parental leave, unlike its
accompanying Recommendation No. 165, so such provisions in a revision of Convention
No. 103 would not be a duplication. She emphasized that a Convention with a two-part structure as proposed would not impede ratification by any member State.

33. The Government member of the Netherlands endorsed the statement presented by the Government member of Canada. Furthermore, she stressed that the revision of Convention No. 103 should not lead to a lower level of protection. Social progress and development should be reflected in the revised Convention, and the way forward was to produce a Convention that was less prescriptive and more flexible.

34. The Government member of Trinidad and Tobago sought a Convention which all ILO member States could ratify and implement. It was also important to provide decent conditions of work for women. Her country provided maternity protection, but national legislation did not provide for nursing breaks and such a provision in the Convention would pose a problem for early ratification. She was nonetheless aware of the importance of such a provision and hoped that the Committee’s deliberations would result in a consensus.

35. The Government member of Egypt stated that legislation in his country provided protection for children and working women who were pregnant or breastfeeding. He hoped that the deliberations would lead to a balanced Convention that was flexible and universally acceptable.

36. The Government member of Peru noted that while standards covering working women and maternity protection in her country dated from the beginning of the twentieth century, it had been a great challenge to provide protection to women at the workplace without creating a real or apparent obstacle to their employment. She noted that the challenge to protect women and maternity was greater in developing countries such as Peru in view of the higher birth rates. Similarly, she emphasized the special importance of protecting and promoting natural breastfeeding by the mother, in the light of studies which had confirmed its importance. Countries should therefore consider establishing national programmes of support for natural breastfeeding by the mother. She requested that account be taken of the fact that the purpose of the Committee’s work was to propose minimum standards that could be improved by policies adopted by employers and through national legislation.

37. The Government member of Côte d'Ivoire believed that the proposed texts provided a good basis for discussion, although there was room for improvement to ensure a strong and progressive Convention that was sufficiently flexible to facilitate the maximum number of ratifications, especially in developing countries. Legislation in his country provided for extensive maternity protection, including rights for breastfeeding mothers. His Government was conscious of the importance of breastfeeding and he believed that ILO instruments should take account of scientific knowledge as a means of advancing social and economic development. WHO and UNICEF had drawn up an international Code of Marketing of Breastmilk Substitutes, which had been adopted in 1981, and ratified by all countries except one. This Code, based on the results of research, advocated exclusive breastfeeding for a period of between four to six months. ILO standards should seek their inspiration from this Code. He believed that four months of maternity leave was the minimum period likely to be of benefit to the woman, with less absenteeism due to sickness of the baby; it would also be of benefit to the baby, who would be better nourished and less vulnerable to infectious diseases, as well as to the enterprise and the employer, since they would benefit from a healthier social climate and increased productivity. Society as a whole could benefit, since the health of adults began with that of persons during their early years of life.
38. The Government member of Namibia endorsed the principles of protection from dismissal on the grounds related to a woman's pregnancy, the right to a fair and sustainable remuneration and the provision of adequate maternity leave. However, he was unable to support the extension of such principles to persons other than the women concerned.

39. The Government member of Argentina said that maternity protection was not just a matter of protection for working mothers, but a social asset which needed to be defended by governments and communities, leading to greater equality for humanity as a whole. She also expressed support for parental leave, since this would promote equality of access to employment, and wished to discuss leave for adoptive parents and for multiple births. Progress had already been made towards a Convention that would provide strong protection with greater flexibility.

40. The Government member of Canada, in expressing his support for the proposed revision, emphasized that it was important to avoid overly prescriptive provisions that would be an obstacle to ratification. The Convention should promote improved working conditions for women while still providing the flexibility that could accommodate different countries' varying levels of economic and social development.

41. The Government member of Lebanon endorsed the need for a flexible instrument that would take account of the different levels of economic and social development prevailing in different countries.

42. The Government member of the Libyan Arab Jamahiriya also expressed support for the proposed Convention and Recommendation, which were the result of long discussions last year. He added that the question of nursing breaks and facilities for this purpose was important. The Libyan Arab Jamahiriya had drawn up a new labour law which provided for extended maternity leave when a woman had more than one child. This law provided for the payment of cash benefits and medical benefits. It prohibited discrimination in employment on the grounds of pregnancy, as well as dismissal during maternity leave. Furthermore, nursing breaks were counted as working time.

43. The representative of UNICEF highlighted the advances in scientific knowledge of the needs of women and children and noted that exclusive breastfeeding could significantly reduce the incidence and severity of common illnesses among newborn children. The worldwide reduction of artificial feeding and improved breastfeeding practices could save an estimated 1.5 million children per year and reduce the mother's lifetime risks of breast and ovarian cancer and osteoporosis. UNICEF supported the right of working women to breastfeed as essential to the right of children to the highest attainable standard of health. The instruments produced by the Committee, which would influence the rights of working mothers around the world, should protect, respect and facilitate the rights of children and women and recognize the contribution of women to the welfare of families and the development of society. To this end, UNICEF suggested that the Convention provide 16 weeks' paid maternity leave, two half-hour remunerated breastfeeding breaks for up to one year and a safe, clean and private space for breastfeeding or expression of breast milk at the workplace. The Recommendation should provide for a least six months of paid maternity leave after birth, and one half-hour breastfeeding break for mothers of children between the ages of one and two years.

44. The representative of Zonta International, speaking on behalf of the Geneva NGO Working Group on Women's Employment and Economic Development, strongly advocated the adoption of a new Convention. The protection of maternity as a social function was the responsibility of the State and international guidance was necessary within a global economy to ensure equal protection for women workers. Citing the importance of equal
access to maternity protection in light of the emergence of new forms of employment relationships, she advocated the inclusion of protection of all women who work for pay, irrespective of their employment status, and emphasized that there should be no discrimination whatsoever against any female person or child. While regretting that it had not been proposed to increase the duration of maternity leave from its present level, she expressed support for the inclusion of a clause allowing for the extension of the period at the national level as a basis for realistic progress. She supported flexibility in provisions on compulsory leave, and suggested that a tripartite body at the national level, in consultation with national women’s organizations, could determine whether a period of compulsory leave was necessary. She was concerned that the financing of maternity benefits was not addressed in the Office text and stressed that the proposed level of cash benefits should be considered the absolute minimum. While in principle maternity cash benefits should not be dealt with as sickness or unemployment benefits, the fact that women used such benefits in connection with maternity should not deprive them of eligibility at a later stage. Finally, she emphasized that the protection of the health of women and children before and after birth was central to maternity protection and should be included in the Convention.

45. The representative of the International Council of Nurses asserted the rights of all women and children to adequate maternity protection, including job security, non-discrimination, occupational health and safety, support for parents in child rearing, and the right of women to choose their primary health-care provider. Citing the provisions of the UN Convention on the Rights of the Child, she considered that the proposed Convention should increase maternity protection measures and noted with approval the inclusion in the Office text of the right of working women to remuneration for interruptions of work for the purpose of breastfeeding. Research had demonstrated the health and social advantages of infant breastfeeding, and many policies recommended breastfeeding for the first six months of life. The Committee should take these developments into account and aim for a legal framework to guarantee the right to breastfeed for at least six months without loss of pay, and to safe and hygienic facilities for breastfeeding and expressing breast milk. Women on maternity leave should be granted income protection of at least two-thirds of their wage, if not their full wage.

46. The representatives of the Maternity Protection Coalition said that an instrument on maternity protection would be a historical legacy for the empowerment of working women. They noted that in many countries in the African region there were high infant and maternal mortality rates and many children suffered from preventable diseases. Exclusive breastfeeding rates were generally low and an unacceptably high number of children died because they were not breastfed. Employers had an interest in promoting child health, since the absenteeism when mothers needed to look after sick babies resulted in low productivity. Women required adequate maternity leave to support breastfeeding and to be able to recuperate. On return to employment, they needed paid breastfeeding breaks and facilities which would not be expensive to provide. The Convention should therefore provide for at least four months' paid maternity leave after birth; two half-hour remunerated breastfeeding breaks daily for up to one year after birth; and a clean space at or near the workplace for breastfeeding and the expression of breast milk. The Recommendation should provide for maternity leave for at least six months after childbirth.

47. The representative of the International Women Count Network welcomed the opportunity to present the views of women otherwise rarely heard. Observing that women’s unpaid work undertaken in addition to their paid work is often ignored, she said that maternity protection should include paid breastfeeding breaks as a means of helping to redress injustice towards working mothers. To ignore the contribution of women through childbearing and breastfeeding was to discriminate against them. She warned that the
Committee should avoid contributing to the global decline in breastfeeding, and instead help to reverse it. To this end, a Convention should provide protection for all working women, including those in the informal sector, unmarried women, and the mothers of adopted children; a minimum of two daily nursing breaks of at least half an hour for at least one year which should be counted as working time and paid; and the provision of a clean and comfortable space for breastfeeding with access to safe water. The Convention should further provide for six weeks of compulsory paid leave after childbirth; six months of paid maternity leave; a universal cash benefit entitlement, regardless of the number of children or duration of employment. Finally, protection against dismissal and other discrimination should be strengthened, including the right of pregnant women and nursing mothers not to be compelled to undertake work which posed a hazard to their health or that of their children.

48. The Government member of Papua New Guinea stated that her country looked forward to a major breakthrough and supported the revised instruments on maternity protection. The new instrument should recognize the social and economic conditions of member States and support the principles of non-discrimination in employment, health protection and maternity leave as well as the provision of cash and medical benefits. It should be flexible, balanced and capable of extensive ratification and implementation. Her Government attached a great deal of importance to maternity protection and to the need for a new Convention to secure the dignity of women workers and to accommodate the differing national situations and levels of development. The mechanisms for application, however, should be left to national laws and collective bargaining.

49. The Government member of Costa Rica observed that there seemed to be a broad consensus that maternity protection was essential for the development of society. The Committee’s task was not to reduce the protection which was adequately provided in Convention No. 103 with regard to compulsory leave, cash benefits and health protection. Nor was it to reduce the number of women covered by the Convention, since the female labour force was constantly growing and, in countries with high levels of poverty, it had become clear that the eradication of poverty was directly linked to the employment of women. Nor should the Committee question the need for special protection from dismissal during pregnancy or the nursing period. It was important that the Committee agree on those aspects of protection that would constitute innovations in the area of minimum standards, such as parental leave. Flexibility could be provided in those areas that went beyond minimum standards. Finally, she felt that the low level of ratification of Convention No. 103 reflected the fact that public policy had only recently begun to take up gender equality issues.

50. The Government member of Jordan explained that maternity protection was essential to enable women to participate more fully in the world of work. Such protection, during a limited period, would ensure that the woman had the physical and mental rest needed before her return to work. The extension of the leave period to 16 weeks, however, could result in negative labour market effects for women and higher production costs for enterprises. Any instrument adopted should be sufficiently flexible to take account of the social context and level of development of each country.

51. The Government member of the Islamic Republic of Iran noted that although women’s rights and gender equality had been recognized at the international and national level, women often lacked awareness of their rights, and this had constrained their effective realization. As a result, there had recently been a growing emphasis on the application and enforcement of law. Women’s increased participation in the labour market and the discrimination they still faced in employment were evidence of the desirability and timeliness of adopting new instruments. In revising maternity protection standards, it was
important to achieve balance between the needs of women workers and the interests of employers, since increasing employers’ obligations could heighten discrimination against women. Maternity protection should facilitate the combination of gainful employment and family life.

52. The Government member of Zimbabwe expressed his Government’s support for a Convention and Recommendation. With regard to compulsory leave, he affirmed that the right of the mother should be respected. Experience had shown that mothers’ preferences varied concerning the timing of leave, so mothers themselves should be the sole determinants of their best interests in this regard. The financing of maternity protection was also of great concern. In his country, current discussions in Parliament aimed to raise the level of cash benefits while ensuring, through the introduction of a contributory fund, that the employer would no longer bear the costs alone.

53. The Government member of New Zealand expressed his Government’s support for a meaningful revision of the Maternity Protection Convention (Revised), 1952 (No. 103), which should contribute to both the elimination of discrimination against women in employment and the promotion of the health of women and their children. It should ensure reasonable levels of maternity protection, reflect common international practice and provide guidance for domestic law and practice. The instruments should be practicable, but contain a level of prescription which ensured integrity. They should furthermore provide appropriate guidance on the scope and level of maternity protection while recognizing the need to accommodate a wide range of national circumstances in order to achieve the desired outcomes. He cautioned, however, that the concern for ratifiability should not lead to a reduction in the protection provided.

54. The Government member of South Africa expressed her Government’s support for the revision of Convention No. 103. She hoped that the resulting instruments would improve and strengthen the protection of working mothers, while taking into account family dynamics. She noted a number of issues of concern, notably the question of parental rights, adopted children and nursing breaks, and sought the views of other developing countries with regard to Article 6.

55. The representative of the World Health Organization stressed that pregnancy and childbirth were at the core of human development and that adequate attention to the health and well-being of the pregnant woman and her infant was a concern for society as a whole. Breastfeeding promoted child health and development and was an essential part of assuring a child’s right to health. He presented the recent review by WHO of the available evidence on the health implications of maternity leave and maternity protection, which complemented previous information provided to ILO in 1951 and 1997. Concerning health in pregnancy, he stated that a woman should have the opportunity to attend at least four antenatal care visits and that provisions were needed for rest breaks or alternatively shorter working hours during pregnancy. The mother and her infant must be protected from noxious agents including physical agents (noise, radiation, extreme temperatures), chemical agents (such as lead and anaesthetic gases) and biological agents (viruses, bacteria and parasites). An assessment of workplace exposure to biological, chemical and physical hazards was required. Appropriate adjustments might be needed in the working conditions of pregnant women to minimize or eliminate risks. Pregnant women required a reduced physical workload; no night work during the second half of the pregnancy; and complete absence from work from week 34 to week 36 of the pregnancy depending on their health status and physical workload. During delivery the woman and child needed, as a minimum, a skilled birth attendant to manage normal childbirth, to prevent, recognize and manage complications and to transfer the woman to hospital if necessary. A period of absence from work after birth was of utmost importance to the health of mother and child.
The time needed depended on the woman’s health before, during or after birth, as well as the health of the infant and whether or not the birth was complicated. Breastfeeding was a major determinant of infant health. WHO recommended that infants should be exclusively breastfed on demand from birth for at least four and, if possible, six months and should continue to be breastfed with complementary feeding until the age of 2 years or beyond. Thus, women needed at least 16 weeks of absence from work after delivery. Childcare facilities at or near the workplace were ideal for continuing breastfeeding after return to work. Where this was not possible, mothers needed clean, safe and private facilities, including the provision of clean water, where they could breastfeed or express and store breast milk. The minimum requirements to allow women to continue breastfeeding were two daily breaks of 30 minutes each, not taking into account time needed for transportation, for the first year of life of the breastfed child. In the event of complications during pregnancy, the mother and infant needed more extensive leave. He concluded that a Convention and Recommendation which included these provisions would have a major impact on the health of women and children worldwide.

Consideration of the proposed texts contained in Report IV(2B)

**Proposed Convention concerning the revision of the Maternity Protection Convention (Revised), 1952 (No.103)**

**Title**

56. The Government members of Argentina, Brazil, Chile, Costa Rica, Guatemala, Panama, Peru, Uruguay and Venezuela submitted an amendment to change the title of the proposed Convention to “Proposed Convention concerning maternity protection and the protection of the early infancy of the children of women workers”. The Government member of Argentina proposed postponing the discussion of the amendment until the content of the Convention was determined. The Employer Vice-Chairperson said she could agree to postponing the discussion to a later time but expressed the Employer members’ opposition to the extension of the title, since the Committee’s mandate was to discuss maternity protection at work. She cautioned that expanding the title of the present Convention would lessen the clarity of focus required and noted the existence of the UN Convention on the Rights of the Child. The Worker Vice-Chairperson, while expressing sympathy for the amendment, supported discussion of it at a later stage. The consensus of the Committee was to postpone the discussion of the amendment.

**Preamble**

**Preambular paragraphs 1 and 2**

57. Preambular paragraphs 1 and 2 were adopted without change.

**Preambular paragraph 3**

58. The Government member of Croatia submitted an amendment to insert the word “partially” after the words “to revise”, which was seconded by the Government member of Argentina. She then proposed postponement of the discussion, a motion supported by the Government member of Chile. The Employer Vice-Chairperson, while not opposing postponement, expressed the view that the work of the Committee consisted of the revision of the instrument in its entirety. The word “partially” made no sense. The Worker Vice-
Chairperson supported postponing the discussion of the amendment until a later stage. Further discussion was thus postponed.

59. The Worker Vice-Chairperson submitted an amendment to insert “in order to further promote equality of all women in the workforce and the health and safety of the mother and child, and” after the words “Recommendation, 1952”, in order to ensure an explicit reference to these important considerations within the Preamble. The Government members of Brazil, Chile, Costa Rica, Croatia, Cuba, Cyprus, Egypt, France, Ghana, Portugal, Spain, Trinidad and Tobago and the United Kingdom supported the amendment.

60. The Employer Vice-Chairperson suggested merging the amendment proposed by the Worker members, with an amendment proposed by the Employer members to insert a new paragraph as follows:

> Emphasizing that maternity protection at work is an issue affecting society as a whole, and recognizing that maternity protection has to be harmonized with the needs and circumstances of enterprises and with the aim of promoting and improving the employment prospects of women, and

The merging of the two amendments would ensure that all important issues were addressed in the Preamble: maternity protection at work as an issue affecting society as a whole, the needs and circumstances of enterprises, and the need to promote and improve the employment protection and equality of women and the health and safety of women and children.

61. The Worker Vice-Chairperson could not accept the merging of the two amendments. She stated that in certain circumstances the needs of the enterprise and the aim of promoting and improving the employment prospects and health of women could not be harmonized. The priority should then be the protection of mother and child, and this should be reflected in the proposed Convention. Further, since the text already referred to economic issues, it was necessary to balance this reference by mentioning the social issue of equality and the health protection of mother and child.

62. The Employer Vice-Chairperson explained that the reference in preambular paragraph 3 to the “diversity in economic and social development of Members” was concerned with member States, and did not necessarily refer to the needs of enterprises. She proposed a subamendment to replace the word “harmonized” with “balanced”. The Worker Vice-Chairperson suggested inserting the words “as well as the development of enterprises” after the word “Members”. The Employer Vice-Chairperson could not accept this proposal, reiterating the need to balance the needs and circumstances of enterprises with ensuring employment prospects and equality for women. The Government member of the United Kingdom suggested that the phrase “the economic and social development of Members” already included the economic and social development of enterprises, an interpretation supported by the Government member of Cyprus.

63. After further expressions of support from Government members for the amendment submitted by the Worker members, the Employer Vice-Chairperson proposed a subamendment to add, “the different needs and circumstances of enterprises” after the words “recognize the diversity in economic and social development of Members”. The purpose of the subamendment was to provide recognition that the needs and circumstances of enterprises were different from the economic and social development of a country as a whole. The subamendment would provide a balance between economic and social development, equality of women in the workforce and the health and safety of the mother and child, and the different needs and circumstances of enterprises. The Worker Vice-
Chairperson emphasized that the discussion was about the needs of women for maternity protection, not the needs of enterprises. The Preamble should relate to the framework of the Convention, which concerned maternity protection for women. Recognition in preambular paragraph 3 of the economic and social development of Members already took into account the needs and circumstances of enterprises.

64. In the interests of compromise and flexibility, the Government member of the United Kingdom referred to the earlier proposal to insert after “economic and social development of Members” the phrase “as well as the development of enterprises”. The Government member of Argentina was opposed to this subamendment, because protection of maternity was a social matter that could not be made contingent on the needs and circumstances of enterprises. On the other hand, the Government members of Canada, Cyprus and New Zealand supported the subamendment. The Employer Vice-Chairperson pointed out that her concern was not the broad developmental needs of enterprises, but instead the differences in the specific needs and circumstances of enterprises.

65. The Government member of Chile expressed the view that an addition of a reference to the “needs and circumstances of enterprises” affected the substance of the proposed Convention. The purpose of the revision process was to accommodate different national systems of maternity protection and not to accept different levels of protection for various categories of enterprises. Maternity protection was a social responsibility involving fundamental values. Costs were not to be borne by employers but by governments, so it was irrelevant to refer to the development of enterprises in this context. The Government member of Mexico added that the proposed Convention was an international instrument to protect maternity, and was not intended to focus on the needs of enterprises. Employed women worked not only in private enterprises but also in the public sector, and self-employed women often made voluntary contributions to funds providing maternity benefits. The needs of all kinds of workers, including independent workers, should be considered. The Government member of Egypt considered that including the reference to enterprises would result in imbalance. The Worker Vice-Chairperson rejected the inclusion of wording that could lead to double standards.

66. The Employer Vice-Chairperson noted the Government members’ observation that employers should not bear the cost of maternity protection, and made clear that employers did indeed incur costs. She then proposed a subamendment to add in preambular paragraph 3 the words “and enterprises” after “Members”. The Worker Vice-Chairperson proposed as a compromise a new subamendment that would add instead the phrase “as well as the diversity of enterprises” after “Members”. The Employer Vice-Chairperson agreed. The Government member of Croatia asked whether “diversity” referred to diversity among member States or diversity within a single member State. The Government member of Peru suggested replacing the word “enterprises” by “employers” as this would be more comprehensive in its scope. The Government member of Namibia suggested that there was no difference between diversity in an economy and diversity in enterprises. The Employer Vice-Chairperson explained that the reference was to diversity in size, in sectors, and in types of enterprises (such as micro-enterprises), not just in the private sector, but in government, charities, or any kind of enterprise. The amendment, as subamended by the Worker Vice-Chairperson, was accepted by the Committee.

Preambular paragraph 4

67. The Worker Vice-Chairperson introduced an amendment to delete preambular paragraph 4 and replace it with:

Noting the provisions of the Universal Declaration of Human Rights (1948),
the United Nations Convention on the Elimination of All Forms of Discrimination

68. The Employer Vice-Chairperson sought clarification on the legal status of the provisions in the Preamble of the proposed Convention which referred to other international non-ILO instruments and how they could be used for interpretation purposes or by the supervisory bodies. The representative of the Legal Adviser stated that the Preamble did not form part of the substantive provisions of the Convention and as such could not give rise to binding legal obligations. The Preamble set the context and circumstances in which the Convention was adopted and formed part of the general context. For interpretation purposes, one would need to look to the substantive provisions themselves and their textual meaning. Only where the text was not clear and unambiguous would resort be made in the second instance to the preparatory work relating to the intentions of the authors of the text concerned. The Preamble would only be resorted to in the final analysis in accordance with the Vienna Convention on the Law of Treaties. Even then, the reference to the non-ILO instruments would be unlikely to have any significant impact on the interpretation of a substantive provision. In view of that clarification, the Employer members supported the Worker members’ amendment. Commenting that the Worker members’ amendment picked up the principles and substance of their amendment, the Government member of Chile withdrew a similar amendment, but noted that the Worker members’ amendment did not refer to the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up. The Government member of the United Kingdom supported the amendment proposed by the Worker members and suggested that it also refer to the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, a proposal which was accepted by the Employer Vice-Chairperson and the Worker Vice-Chairperson and adopted by the Committee.

69. In the light of the earlier discussion, an amendment by the Government members of Botswana, Ghana, Lesotho, Malawi, Namibia, Zambia and Zimbabwe to replace the word “many” by “other” was withdrawn.

70. Preambular paragraph 4 was adopted as amended.

Proposed new paragraph after preambular paragraph 4

71. The Government members of Argentina, Bolivia, Brazil, Chile, Costa Rica, Cuba, Dominican Republic, Guatemala, Mexico, Panama, Peru, Uruguay and Venezuela submitted an amendment to add the following paragraph after preambular paragraph 4:

Considering that the circumstances of women at work, namely access to and stability in employment, are characterized by specific features, and that maternity is one of such specific and unique features, and that its protection is a fundamental human right;

The Government member of Costa Rica indicated that the purpose of the amendment was to clarify the position of women at work and to ensure that the specific conditions of women were reflected in the Preamble. The Employer Vice-Chairperson opposed the amendment, which she believed would not clarify or add to the provisions already contained in the text. The Worker Vice-Chairperson expressed her support for the amendment.
72. The Government member of Cyprus, while generally endorsing the substance of the proposal, said that it referred to aspects, such as access to and stability in employment, that were applicable to workers in general and not just to women, and that its inclusion would make the Preamble unnecessarily long. Similar views were expressed by the Government member of the Russian Federation. The Government member of Namibia opposed the amendment on the grounds that it added nothing new to what was already contained in preambular paragraph 3, a view which was echoed by the Government member of Rwanda. The Government member of Ghana supported the reference to fundamental human rights, but opposed the other parts of the amendment, which she said were already addressed elsewhere in the Preamble. The Government member of Chile pointed out that the amendment was not an unnecessary repetition, since it was intended to underscore the fact that maternity protection was one of the inherent rights of women workers which had historically been given scant attention. The Government member of Mexico added that it was important to include a reference to fundamental human rights in the Preamble, given the reference to diversity in economic and social development of Members in preambular paragraph 3. The Employer Vice-Chairperson reminded the Committee of the reference to the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up in preambular paragraph 4, and pointed out that establishing maternity protection as a fundamental human right lay outside the Committee’s mandate. The Government member of Croatia added her support to this view.

73. Put to the vote, the amendment was defeated 20,165 votes in favour, 26,370 votes against, with 1,850 abstentions.

74. The Government members of Argentina, Brazil, Chile, Costa Rica, Dominican Republic, Guatemala, Panama, Peru, Uruguay and Venezuela submitted an amendment to add the following paragraph after preambular paragraph 4:

Taking into account the need to provide full protection for pregnancy, the family, early childhood and the circumstances of women workers, which is the shared responsibility of government and society,

In presenting the amendment, the Government member of the Dominican Republic explained that it sought to provide women workers with full maternity protection. The Government member of Argentina said that such protection should be made explicit and not end with a child’s birth, and should include the family and the period of early childhood. Furthermore, many women workers were the victims of discrimination on the grounds of motherhood and the amendment aimed at providing for the shared responsibility of governments and society in preventing such discrimination. The amendment was endorsed by the Worker Vice-Chairperson.

75. The Employer Vice-Chairperson acknowledged that governments and society at large did have a shared responsibility, but said that the inclusion of provisions for the protection of the family and early childhood fell outside the scope of the Convention, which was about maternity protection at work, and that these matters were already addressed in other international instruments. She also believed that the reference to “the circumstances of women workers” was so broad as to void the Preamble of any real meaning. The Government member of Cyprus said she was not opposed to the substance of the amendment, but considered that its adoption at this stage was premature and might prejudice later provisions of the instrument.

76. The Government member of Romania, with the support of the Government member of Argentina, submitted a subamendment to delete the words “full” and “the family, early childhood” and to add at the end of the sentence the words “and the right to life is one of
the fundamental rights of the human person;". The Employer Vice-Chairperson expressed her support for the first two parts of the subamendment, but opposed the reference to the right to life, which she said was a separate issue that was not appropriate for the Preamble. The Government member of Romania consequently further subamended her proposal to remove the reference to the right to life as one of the fundamental rights of the human person, and this was accepted by the Government member of Costa Rica and the Worker members.

77. The amendment was adopted as subamended.

78. New preambular paragraph 5 was adopted as amended.

Article 1

79. The Government member of Barbados submitted an amendment, seconded by the Government member of Trinidad and Tobago, to replace Article 1 with the wording of Article 2 of Convention No. 103, as follows: "For the purpose of this Convention, the term "woman" means any female person, irrespective of age, nationality, race or creed, whether married or unmarried, and the term "child" means any child whether born of marriage or not." While she appreciated that the wording of the Office text was meant to apply to every case, she felt it was necessary to make clear exactly who was to be protected from discrimination, in particular unmarried mothers.

80. The Employer Vice-Chairperson sympathized with the intention underlying the amendment, but preferred the broader wording of the Office text, given the extensive debate on the issue at the first discussion. The Worker Vice-Chairperson also referred to the earlier debate and noted that there were divergent opinions on the matter and a clear commitment to respect cultural differences. While she preferred the Office text, she asked for clarification as to whether the concerns of the Government member of Barbados would be met by the present wording of the text.

81. The Government member of the Libyan Arab Jamihiriya said that the amendment, which was a return to the text originally proposed by the Office at the first discussion, would offend cultural and religious sensitivities. The new Office text was sufficiently clear and understandable to everyone. It had been arrived at after long discussions the previous year and it should not be necessary to repeat these discussions this year. Similar views were expressed by the Government member of Canada, who said that the Office text provided a good result after the lengthy debates during the first discussion. In the light of these comments, the amendment was withdrawn.

82. The Employer members proposed an amendment to insert at the beginning of Article 1 the words "Unless this Convention otherwise provides". The Employer Vice-Chairperson explained that its purpose was to clarify that the statement in paragraph 68 of the Report of the Committee on Maternity Protection adopted at the first discussion that the reference to "without discrimination whatsoever" would not preclude any exceptions that might be agreed on under Article 2. If the Office could confirm that this was the case, she would withdraw the amendment.

83. The representative of the Legal Adviser, responding to the request for clarification by the Employer Vice-Chairperson, confirmed the opinion given to the Committee during the first discussion, indicating that Article 2 of the proposed Convention did expressly provide for the possibility to exclude from the scope of the Convention certain categories of workers or enterprises and that where such exclusions were made under the conditions provided for under that provision, they could not be considered discriminatory. Concerning the question
of adopted children, she noted that as currently drafted, the provisions of the proposed Convention did not confer any substantive rights on adopted children. On this understanding, the Employer members withdrew their amendment.

84. Article 1 was adopted without change.

Article 2

Paragraph 1

85. The Worker Vice-Chairperson submitted an amendment to replace the words "employed women" with "women workers including homeworkers". After drawing attention to the terminological difficulties of translating the narrow concept of an "employed woman" into the various languages, and in particular into German, she said that salaried employment accounted for only a small percentage of women workers throughout the world and did not reflect the realities in developing countries, where an increasing number of women were atypical workers, contract workers, homeworkers, workers in the informal sector and in disguised self-employment. Even in the developed countries more and more women were working without formal contracts of employment, and the use of the term "employed women" would lead, at least in the German and English texts, to their exclusion from the instrument. She recalled that such exclusions had been the subject of discussion at the recent Meeting of Experts on Workers in Situations Needing Protection, held at the ILO in May 2000. The tripartite conclusions of the Meeting of Experts had recognized that there existed a significant and expanding problem with disguised employment. These trends would accelerate unless international labour standards extended coverage to all workers. She emphasized that it was not her intention to extend the scope of the Convention to persons who were genuinely self-employed.

86. The Employer Vice-Chairperson opposed the amendment, for the same reasons set forth in paragraphs 72 to 85 of the report of the Committee on Maternity Protection adopted at the first discussion, in preference to the Office text, which clearly referred to an employment relationship between a woman and an employer. The proposed Convention dealt with the obligation of the employer to provide leave to employees, and required that employers should not discriminate against women employees on the basis of maternity. The term "women workers" as proposed in the amendment was too broad, since it would include women who worked without pay, self-employed women and others who had no express or implied contracts of employment with an employer. Such an extension of the scope would lead to uncertainty in the application of the instrument. The question of homeworkers therefore depended on the existence of an employment relationship. As regards disguised self-employment, she reminded the Committee that the Committee on Contract Labour had tried unsuccessfully to define a third category of workers, but in her view there were only those with and without contracts of employment. She concluded by saying that the obligations set out in the Convention could apply only where there was an employment relationship, whether or not social security benefits might apply to women other than employed women.

87. The Government member of Argentina supported the amendment in so far as it broadened and strengthened the process of providing full maternity protection as a responsibility of society as a whole and not just of employers. Many countries regulated maternity benefits through social insurance schemes, a situation which the amendment took into account, while the legislation of some countries excluded homeworkers from coverage. The Government member of Côte d'Ivoire also endorsed the amendment and pointed out that women workers often had no formal contracts of employment and needed protection, as in the case of those working in cooperatives or as apprentices in enterprises. The Government
member of Croatia also supported the amendment if the wording was intended to provide wider coverage than the term “employed women”.

88. The Government member of Namibia, expressing his agreement with the views of the Employer members, said that it was unnecessary to refer to homeworkers, since the Office text already applied to “any female person without discrimination whatsoever”. He also wondered how self-employed persons could be granted maternity leave. The Convention would make sense only in the context of an employer-employee relationship, although this did not necessarily have to be of a formal written kind. Similar views were expressed by the Government member of Nigeria. The Government member of Kenya noted that, while the underlying intentions of the amendment were commendable, it would pose problems of application, in so far as all women were workers, even at home. The Government member of Tunisia also preferred the Office text and said that the inclusion of homeworkers would make the instrument difficult to ratify. Furthermore, there was already another ILO instrument relating to homeworkers.

89. The Government member of Cyprus said that in the light of the outcome of the first discussion, the Office text applied to all employed women who had a contract of employment, i.e. it excluded self-employed persons but included homeworkers who had a contract of employment, whether express or implied. She also wondered whether the mention of homeworkers might not suggest that other forms of atypical employment were not covered by the instrument. For these reasons, she preferred the Office text. The Government member of Portugal, referring to the provision concerning maternity protection in the Home Work Convention, 1996 (No. 177), supported the amendment as regards the inclusion of homeworkers, but said that the extension of the scope to all women workers could cause difficulties of application. She therefore preferred the Office text, if homeworkers were included in the term “employed women”.

90. The Government member of Chile said that various views had been expressed concerning different rights and principles, and that the amendment was an attempt to provide maternity protection that went far beyond the coverage of salaried women workers. Many changes had occurred in work organization and in the relationship between employers and employees, which posed a challenge for the new millennium that should be addressed in the proposed Convention. A Convention of lasting value would have to provide protection for all women that was closely related to their actual working conditions and based on the ILO concept of decent work. This meant addressing the situations of precarious employment and disguised self-employment and other forms of work not based on a formal contract of employment, where there was a clear dependency by the worker on the employer. Any new standard must reflect these new realities.

91. The Worker Vice-Chairperson reiterated that it was not her intention for the scope of the instrument to include persons who were genuinely and independently self-employed, and she requested clarification from the representative of the Legal Adviser concerning the meaning of the expression “employed women” and whether it included women performing atypical forms of dependent work.

92. The representative of the Legal Adviser stated that the term “employed women” covered all women in an employment relationship, irrespective of the form of the contract of employment, i.e. whether the contract of employment was oral or in writing, express or implied and irrespective of whether they were employed for wages or for salaries. It also covered homeworkers who were in an employment relationship. Concerning workers who were doing atypical forms of work and were in situations of dependency, or in disguised employment relationships, these workers would, depending on national laws and practice, be considered to be employed persons. One issue was that of application and enforcement
of applicable labour laws. The situation of these workers as well as those who fell outside the protection of labour legislation had recently been examined by the Meeting of Experts on Workers in Situations Needing Protection which was held from 15 to 19 May 2000. Considering these different situations, the amendment as subamended by the Worker members might well be broader in meaning than the expression "employed women" where the women workers concerned would not be considered to enjoy the benefit of the employment relationship. Some of the misunderstandings which arose with the expression "employed women" appeared to be related to the translation into the different languages: the expression in the French text was "femmes employées", in Spanish it was "mujeres empleadas" and in German "abhänig beschäftigten Frauen".

93. The Worker Vice-Chairperson observed that similar explanations had been given during the first discussion. While such explanations were helpful, she was nonetheless perplexed by the translation in German since the term that was used, "abhänig beschäftigten Frauen", referred only to salaried dependent employees and no one else. Similar translation problems affected the French and Spanish versions. Only the term "women workers" could solve this problem in all languages. The representative of the Legal Adviser pointed out that the French translation of the term in Report IV(2B) was "femmes employées", which was the correct translation of "employed women". Following a lack of support for the Worker members' amendment, it was withdrawn.

94. The Government members of Argentina, Brazil, Chile, Costa Rica, Guatemala, Panama, Peru, Uruguay and Venezuela submitted an amendment to replace the words "employed women" with "women workers". The Worker Vice-Chairperson proposed a subamendment, to replace the words "employed women" with the words "employed women including atypical forms of dependent work". The subamendment was accepted by the amendment's sponsors.

95. The Employer Vice-Chairperson recalled again that two years had been spent discussing contract labour only to come to the conclusion that either a contract of employment existed or it did not: there was no third category of workers. She warned the Committee that adding a reference to "atypical forms of dependent work" would create a challenge to the legislation existing in a vast number of countries. This completely new term would lead to great uncertainty and make the Convention unratifiable. The term "employed women" covered workers in an employment relationship and should apply to all employed women regardless of whether they worked at home or not.

96. The Worker Vice-Chairperson countered that there had been growing concern about workers who were not covered by the usual employer-employee relationship. The recent Meeting of Experts on Workers in Situations Needing Protection had dealt with that issue precisely because it had become apparent that legislation in many countries did not cover the new forms of work, usually referred to as "atypical" or "precarious" work. The Worker members' subamendment sought to adjust to this new reality and set a standard for the future.

97. The Government member of Poland agreed with the arguments put forward by the Employer Vice-Chairperson, since the Worker members' subamendment, if accepted, would create a major obstacle to broad ratification. The Government member of the Libyan Arab Jamahiriya noted that the same arguments were being put forward as for the amendment discussed previously. Conventions created obligations that required agreement between at least two parties. When one spoke of "employed women" there was a person at work and an employer of that person. A relationship, whether written or implied, had to exist. If the Committee were to adopt the term "workers" it would introduce an element of vagueness that could lead to confusion. He was in favour of a more specific term. The
Government member of Namibia reiterated his support for the Employer Vice-Chairperson's position. There was no clear definition of "atypical forms of dependent work", and the addition of that notion would only lead to a new debate on an issue that had not been resolved elsewhere.

98. The Government member of France stressed the importance of the debate in terms of the scope of future ILO Conventions. While fully supporting the representative of the Legal Adviser's explanation of "employed women", he noted the new element contained within the Worker members' subamendment, i.e. that the employment relationship could embrace different forms of work, including part-time, temporary and other forms of atypical work, all of which should be covered by the proposed Convention. The concept of dependency was a difficult legal notion, but it did not create a problem for France as used in the proposed subamendment, which he supported. The Government member of Portugal also supported the proposed amendment, as subamended by the Worker members.

99. The Worker Vice-Chairperson stated that the intention underlying the amendment was to cover women in disguised employment relationships. In view of the informal nature of the employment relationship these women were often uninformed of their rights, unable to defend them, and were inadequately protected. Such women should not bear the burden of proving the existence of an employment relationship with their employer. Examples of atypical forms of dependent work included home work, work for temporary employment agencies and contract labour, such as in the case of so-called "independent" truck drivers whose services were, in actual practice, used by only one company so that they were actually in a dependent employment relationship.

100. In response to requests for clarification from the Government member of Germany and the Employer Vice-Chairperson, the representative of the Legal Adviser explained that while it was not for her to define atypical forms of work, she understood the sense of the discussions to include forms such as home work, telework, temporary work and the various other forms of work organization which were evolving. Irrespective of the form of work, if an employment relationship existed or would be deemed to exist in accordance with national law and practice, because of the situation of dependency in which the work took place, women performing such work would fall within the scope of the Convention. She confirmed that the word "including" before "atypical forms of dependent work" was an important one and that it meant that in all circumstances an employment relationship was being considered, irrespective of the type of work being performed or where it took place. In the light of this very clear confirmation that in all instances an employed relationship must exist, the Employers' Vice-Chairperson agreed to the subamendment.

101. The amendment was adopted as subamended.

102. The Employer members withdrew their amendment to replace in the French text "employées" by "salariées", and in the Spanish text "empleadas" by "salaridas".

103. Article 2, paragraph 1, was adopted as amended.

**Paragraph 2**

104. The Government member of Guatemala introduced an amendment submitted by the Government members of Argentina, Brazil, Chile, Costa Rica and Guatemala to delete paragraph 2, on the basis that there was no justification for the exclusion of any categories of workers or enterprises from the application of the Convention. Identical amendments were submitted by the Worker members and the Government member of Croatia. The Worker Vice-Chairperson stressed that the Convention should have as broad a scope as
possible. It should be an improvement over Convention No. 103 in terms of the number of women covered. The Government member of Croatia affirmed that allowing exclusions would seriously reduce the protection of workers.

105. The Employer Vice-Chairperson strongly opposed deletion of the paragraph since it provided necessary flexibility. She pointed out that a Member wishing to make an exclusion was required to consult with representative employers' and workers' organizations, that only limited categories of workers or of enterprises could be excluded, that such exclusions could only be made when the application of the Convention to them would raise special problems of a substantial nature and that Members would be required to report on the measures taken with a view to progressively extending the provisions of the Convention to those categories. To delete this provision would adversely affect the ratifiability of the Convention, particularly with regard to developing countries. This provision gave a Member the ability to make appropriate decisions on the extent to which it could provide the best possible maternity protection within the limits set by national circumstances.

106. The Government members of Australia, Canada, Cyprus, Egypt, India, the Islamic Republic of Iran, Jordan, Lebanon, the Netherlands, New Zealand, Norway, Romania, Switzerland, the United Kingdom and the United States opposed the amendment. The flexibility provided in paragraph 2 would allow a greater number of countries to ratify the Convention. Overall protection would not be undermined by the safeguards established in the paragraph.

107. The amendments were rejected by a vote of 91,885 in favour, 126,242 votes against, with 3,995 abstentions.

108. An amendment was submitted by the Government members of Benin, Botswana, Côte d'Ivoire, Ethiopia, Gabon, Ghana, Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Mali, Namibia, Zambia and Zimbabwe to insert the word "most" before "representative". The Government member of Kenya explained that it was the wish of the African member States to ensure that women workers were not excluded from the application of the proposed Convention and therefore they considered it preferable to have the most representative organizations of employers and workers involved in the consultations.

109. The Employer Vice-Chairperson indicated that the Employer members could accept such an amendment. It would be up to the Member to determine which organizations were the most representative. Referring to the work of the Committee on Freedom of Association, the Worker Vice-Chairperson objected that governments should not be the ones to select the most representative organizations. She requested clarification from the Office on the implications of adding the word "most". The Government member of Cyprus pointed out that there were references both to the "representative organizations" and to "the most representative organizations" in different parts of the proposed text and cautioned that whatever wording was adopted, the Committee should strive for consistency throughout the instrument.

110. The Government member of Argentina did not consider that it was necessary to insist on consultation with the "most" representative organizations since that would exclude consultation with the smaller organizations of employers and workers. The Government member of Croatia contended that many, if not all representative organizations should be consulted, not just the "most" representative organizations. The Government member of the Russian Federation also supported the Office text as the most flexible.
111. In response to a request for clarification by the Government member of Namibia, the representative of the Legal Adviser explained that the two expressions were different and that the decision to use one or the other was usually intentional, and such distinctions could appear in the same instrument. The expression “most representative organizations of employers and workers” was to be found in article 3, paragraph 5, of the ILO Constitution and had been the subject of an advisory opinion of the Permanent Court of International Justice (Advisory Opinion No. 1). In that opinion, the Court stated that while the word “representative” was not defined, the most representative organizations were “those organizations which best represent the employers and the workers respectively. What these organizations are, is a question to be decided in the particular case, having regard to the circumstances in each particular country at the time when the choice falls to be made. Numbers are not the only test of the factor; other things being equal, the most numerous will be the most representative.” It was normal to have the criteria for determining representativity to be set out in national law and practice. On the other hand, the “representative organizations of employers and workers” without the word “most” was broader and meant that more organizations which were representative, including sectoral ones or, for instance, women’s organizations, would need to be consulted. A number of ILO Conventions used one or the other formula or both.

112. The Worker Vice-Chairperson encouraged the Committee to leave the Office text as it stood to ensure that representative organizations which cared about the interests of women were included in the consultations. The Government member of Kenya withdrew the amendment in light of the discussions.

113. The Government member of Croatia introduced an amendment to delete the words “or of enterprises” in an attempt to limit the exclusions that could be made under the proposed Convention. The Worker Vice-Chairperson supported the amendment. An important objective was to obtain coverage for all women in developing countries, most of whom worked in small enterprises. By making it possible to exclude whole categories of enterprises a huge number of women might be left without adequate protection. The Government member of Chile expressed concern that the Office text provided too much flexibility and too many exclusions.

114. The Employer Vice-Chairperson expressed strong opposition to the proposed amendment. The Employer members considered that there was a need for flexibility regarding the categories of enterprises to which exclusions could be extended in certain instances. A large number of countries provided exclusions for certain types of enterprises, such as family enterprises, agricultural enterprises and small-scale enterprises, and would be unable to ratify the proposed Convention if this possibility were removed. This important element of flexibility would enable developing countries to ratify the Convention and work towards widening coverage.

115. The Government members of Australia, Canada, Cyprus, Japan, New Zealand, Romania and the United States opposed the amendment on the grounds that it was reasonable and helpful to allow for the exclusion of limited categories of enterprises. Similar language was used in other Conventions. Moreover, paragraph 3 of Article 2 encouraged Members to move towards extending coverage. The Government member of the Libyan Arab Jamahiriya also opposed the amendment, reminding the Committee that the text was very precisely worded to provide that each Member which ratified the Convention “may” exclude limited categories of workers or enterprises, rather than that they “ought” to. Further, any exclusions must be restricted to “limited categories” and only used where the application of the Convention to the excluded category would raise “special problems of a substantial nature”.
116. The Government members of Kenya and South Africa supported the amendment, emphasizing that the rationale of the Convention was to protect women at work in relation to maternity. To further limit it by allowing for the exclusion of categories of enterprises would result in the most vulnerable workers being unprotected. The Government member of Argentina cautioned that the Office text would expose many pregnant women to the risk of being treated as a kind of "merchandise" in certain enterprises. The Government member of Trinidad and Tobago reflected that in her country domestic workers were entitled to protection. The possibility to exclude limited categories of workers would render the Convention sufficiently flexible, without the need to include a provision for the exclusion of limited categories of enterprises.

117. The Employer Vice-Chairperson stressed that ratification of the Convention would not affect those countries which had laws of universal application. The aim of the Committee was to create minimum standards which would be sufficiently flexible. Retaining both exclusions, together with the consultation and reporting obligations, would provide the requisite flexibility. Imposing the highest standards in all areas of the Convention would expose many women to low levels of protection in those countries which could not ratify it. She observed that the discussion of the amendment provided an indication of how serious the Committee would be in recognizing the diversity of enterprises and the need for flexibility in the application of the Convention. For this reason, she requested a record vote.

118. Put to a record vote, the amendment was adopted by 115,855 votes in favour, 100,674 votes against, with 6,392 abstentions.  

119. The Employer Vice-Chairperson submitted an amendment to delete the words “when its application to them would raise special problems of a substantial nature.” While acknowledging that such a provision appeared in 11 other Conventions, she believed it was unnecessary and would only create confusion and open up the interpretation of national legislation to third parties. The matter should be left to governments, in consultation with representative organizations of employers and workers concerned.

120. The Worker members strongly opposed the amendment which removed the framework limitation which had been arrived at only after lengthy debate at the first discussion.

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2 Details of the record vote with respect to Government members:

In favour = 41: Argentina, Austria, Barbados, Benin, Bolivia, Botswana, Brazil, Chile, Costa Rica, Côte d'Ivoire, Croatia, Czech Republic, Denmark, Ethiopia, Finland, Germany, Ghana, Greece, Guatemala, Ireland, Italy, Kenya, Lesotho, Madagascar, Malaysia, Mozambique, Namibia, Netherlands, Nigeria, Norway, Rwanda, Slovakia, South Africa, Spain, Swaziland, Sweden, Trinidad and Tobago, Uruguay, Venezuela, Zambia, Zimbabwe.

Against = 22: Australia, Bahrain, Belgium, Canada, China, Cyprus, Egypt, India, Islamic Republic of Iran, Japan, Jordan, Republic of Korea, Kuwait, Libyan Arab Jamahiriya, Papua New Guinea, Poland, Saudi Arabia, Sudan, Tunisia, United Arab Emirates, United Kingdom, United States.

Abstentions = 8: France, Mali, New Zealand, Niger, Pakistan, Portugal, Russian Federation, Switzerland.

Absent = 33: Algeria, Angola, Bahamas, Belarus, Bulgaria, Burkina Faso, Cameroon, Chad, Colombia, Cuba, Dominican Republic, El Salvador, Gabon, Honduras, Hungary, Iceland, Indonesia, Israel, Kiribati, Luxembourg, Malawi, Malta, Mexico, Morocco, Nicaragua, Peru, Philippines, Sri Lanka, Syrian Arab Republic, United Republic of Tanzania, Thailand, Turkey, Viet Nam.
121. The Government members of Austria, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Spain, Switzerland, Sweden, the United Kingdom and the United States were opposed to the amendment. Following further lack of support from the Government members, the Employer members withdrew their amendment.

122. Article 2, paragraph 2, was adopted as amended.

New paragraph after paragraph 2

123. The Government member of Portugal introduced an amendment submitted by the Government members of Austria, France, Greece, Luxembourg and Portugal to add a new paragraph after paragraph 2, which she subamended in the light of the earlier debate to read as follows: “For the purposes of paragraph 2 above, part-time workers, as a category, may not be excluded as such from the scope of the Convention.” The purpose of the proposal was to ensure that the increasing number of part-time employed women would be covered by the Convention. The Worker Vice-Chairperson shared the concerns of the sponsors and supported the subamendment.

124. The Employer Vice-Chairperson opposed the subamendment on the grounds that Members themselves should decide their own categories of exclusion, based on their particular circumstances, and that it was not for the Committee to prejudice or restrict that flexibility.

125. The Government member of Bolivia, in expressing his support for the subamendment, said that it would help to overcome the increasing discrimination suffered by part-time workers who became pregnant. The Government member of France also endorsed the proposal, on the grounds that part-time workers formed a special category that now accounted for a significant share of employment. Their exclusion would not be consistent with the philosophy of flexibility espoused by his Government. The subamendment also attracted the support of the Government members of Argentina, Chile, Costa Rica, Croatia, Mozambique and Venezuela.

126. The Government member of Cyprus, while not challenging the objective of the subamendment, said that she thought the inclusion of a specific group of persons might cast doubts on the possible exclusion of others. This view was endorsed by the Government member of Germany and the Government member of Namibia, who said that it was preferable to avoid any reference to specific categories. Opposition was also expressed by the Government member of Australia, who said that the issue of exclusion was addressed elsewhere in the instrument, a view echoed by the Government members of Papua New Guinea and Zimbabwe, as well as the Government members of Ghana, Indonesia and Nigeria.

127. Following further opposition from the Government members, the amendment, as subamended, was withdrawn.

128. The Employer Vice-Chairperson submitted an amendment to add a new paragraph as follows:

A Member might, after consulting with the representative organizations of employers and workers concerned, exclude wholly or partly from the scope of the Convention workers who do not meet established eligibility criteria.

She explained that the purpose of the amendment was to recognize differences in national legislation and practice and that in many countries maternity leave and benefits were
provided only to women who met certain eligibility criteria, such as length of service. Such criteria were a recognition of the fact that holding a job open for a woman on maternity leave and providing training for her replacement represented a cost for employers. The amendment acknowledged practical realities and would help make the instrument ratifiable by the largest number of countries.

129. The Worker Vice-Chairperson strongly opposed the amendment on the grounds that it would allow large groups of women to be excluded from protection.

130. The Government members of Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Namibia, the Netherlands, New Zealand, Norway, Portugal, Spain, Switzerland, Sweden, the United Kingdom and the United States opposed the amendment, as did the Government member of Thailand, who said that the amendment was contrary to the principles of maternity protection. The Government member of Cyprus believed that it would establish too wide a discretion.

131. Following further opposition from the Government members, the Employer Vice-Chairperson withdrew the amendment, but reiterated her conviction that the amendment was merely an acknowledgement of what actually happened in practice pursuant to the establishment of eligibility criteria.

*Paragraph 3*

132. In the light of the earlier debate, identical amendments to delete paragraph 3, submitted by the Worker members, the Government members of Argentina, Brazil, Chile, Costa Rica and Guatemala, and the Government member of Croatia were withdrawn.

133. The Government member of Croatia submitted an amendment to delete the words “or of enterprises” since, as a result of an earlier amendment made to paragraph 2, they were no longer logically required.

134. The Employer Vice-Chairperson, the Worker Vice-Chairperson and the Government member of Canada agreed that it was a consequential amendment, and the amendment was therefore adopted.

135. The Employer Vice-Chairperson submitted an amendment, which she subamended, to replace the words “its first report” with the words “its reports”, and to delete the last sentence of paragraph 3. The purpose of the amendment was to permit Members to exclude categories of workers not only by listing them in their first article 22 report on the application of the Convention, but in subsequent article 22 reports as well. This would give them more flexibility regarding the time period in which exclusions could be made.

136. The Worker Vice-Chairperson opposed the amendment in preference to the Office text, which provided Members with adequate time between ratification and submission of their first article 22 report to make a decision as to whether or not they wished to exclude any categories of workers.

137. The Government members of Austria, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Spain, Switzerland, Sweden, the United Kingdom and the United States, opposed the amendment, as did the Government members of Argentina, Brazil, Chile, Costa Rica and Venezuela. The Government member of Cyprus also opposed the amendment in favour of the Office text which she said provided flexibility while at the
same time indicating a certain direction that Members could pursue when they were ready to do so.

138. In the light of the views expressed, the Employer members withdrew their amendment.

139. Article 2, paragraph 3, was adopted as amended.

140. Article 2 was adopted as amended.

New Article after Article 2

141. The Government members of Australia, Belgium, Canada, Cyprus, Finland, France, Germany, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, the United Kingdom and the United States submitted an amendment to add a new Article to read:

**HEALTH PROTECTION**

Each Member shall, after consultation with the representative organizations of employers and workers, adopt appropriate measures to ensure that pregnant or breastfeeding women are not obliged to perform work which has been determined by the competent authority to be prejudicial to the health of the mother or the child, or where an assessment has established a significant risk to the mother's health or that of her child.

142. The sponsors of the amendment considered that the protection of the health of the mother and her child was an inherent aspect of maternity protection and the proposed Convention should therefore include a provision of a general nature to that effect. More specific guidelines regarding health and safety could be placed in the proposed Recommendation.

143. The Employer Vice-Chairperson reminded the Committee that she had mentioned in her opening statement that the health of the mother and her child was also a matter of concern to the Employer members and that they accepted the direction of such a principles-based approach. She noted however that their willingness to accept such an amendment was contingent on the understanding that, during the discussion of the proposed Recommendation, recognition would be given to the consequences of women not being obliged to perform certain work.

144. The Worker Vice-Chairperson, in expressing her strong support for the amendment, said it marked a big step forward for women. However, since it was important not only to transfer women from hazardous workplaces, but also to ensure that employers kept workplaces free of hazards, she submitted a subamendment to insert after the word "ensure" the words "that workplaces are free of hazards for pregnant or breastfeeding women and".

145. The Employer Vice-Chairperson stressed the impracticality of such a proposal, which would lead to the closing down of vast numbers of operations where hazardous situations were an inherent factor of life, such as hospitals and steelworks. It would furthermore jeopardize the employment of women. It was impossible to expect workplaces to be free of all hazards. Several Government members, including the Government members of Bolivia, Canada, Croatia, Namibia and Thailand, expressed their opposition to the subamendment. Noting that she could understand the reasons for these objections, the Worker Vice-Chairperson proposed a further subamendment to insert after the word "ensure" the words "safe and healthy workplaces for pregnant and breastfeeding women".
and". She emphasized that the intention of her subamendment was to ensure that workplaces where women worked were free of significant risks to their health, in line with the provision for the adaptation of conditions of work contained in Paragraph 7(2)(a) of the proposed Recommendation, which she believed should be made an obligation of the employer.

146. The Employer Vice-Chairperson maintained that the intent of the new subamendment remained the same and that many workplaces could not be made safe for pregnant women and would have to be closed down. The Government member of Cyprus also opposed the subamendment, which might discourage employers from hiring women. She also pointed out that the provision in the proposed Recommendation referred to a woman worker's conditions of work, and not the entire working environment. The Government member of New Zealand said that he understood the spirit of the subamendment, but considered it to be impractical. Following further opposition from the Government members of Ireland and the Republic of Korea, the Worker Vice-Chairperson withdrew the subamendment.

147. The Government members of Argentina, Bolivia, Brazil, Chile, Costa Rica and Venezuela submitted a further subamendment to change the words "not obliged to" to "do not" and to delete the word "significant". The Employer Vice-Chairperson opposed the proposal, since the provision of personal protective equipment and safe apparatus could enable a woman to continue working if she chose to do so. If risks were inherent, there should be no blanket prohibition. She also pointed out that the word "significant" was widely accepted as indicating a measurable level of what would constitute a health risk and referred to its use in the Occupational Safety and Health Convention, 1981 (No. 155). The Worker Vice-Chairperson concurred with the opinion of the Employer members in opposing the subamendment. The Government member of Chile stressed that the intention of the sponsors had been to establish the responsibility of the employer to protect the health of the worker but, in view of the lack of support, withdrew the subamendment.

148. The Government member of Croatia did not consider the words "are not obliged" to be strong enough. She requested clarification as to whether the wording of the proposed amendment would imply that a woman who chose to work in a dangerous area when she was pregnant or breastfeeding would be permitted to do so. The Employer Vice-Chairperson responded in the affirmative, stressing again that protective clothing and apparatus would minimize the risk. The Worker Vice-Chairperson noted that their understanding of the proposed amendment was that a pregnant or breastfeeding woman could not be forced to do hazardous work.

149. With the support of the Employer members and Worker members, the amendment to include a new Article after Article 2 was adopted.

Article 3

150. The Employer Vice-Chairperson submitted an amendment to delete Article 3 and replace it with the following text:

Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, maternity leave and protection for all employed women.

151. She reminded the Committee that the intention of the discussions was to move away from an overly prescriptive instrument towards a principles-based approach. She said her amendment set the scene for a workable instrument that was not based on a "one-size-fits-
all" formula but which looked at what measures each government actually took to promote maternity leave and protection.

152. Expressing her opposition to the proposal, the Worker Vice-Chairperson said that it would water down the entire instrument. For the instrument to be meaningful, it needed to contain certain minimum requirements such as those set forth in the Office text.

153. The Government members of Austria, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Spain, Switzerland, Sweden, the United Kingdom and the United States, opposed the amendment. The Government member of Zimbabwe said it was important to retain certain minimum requirements, a view shared by the Government member of Cyprus. The Government member of Senegal said that the amendment would disregard the efforts made during the first discussion, while the Government member of Namibia believed it would lower the minimum standards of Convention No. 103. Following further opposition from the Government members of Barbados, Mozambique, Namibia, Nigeria, Senegal, South Africa, Trinidad and Tobago, Zambia and Zimbabwe, the Employer members withdrew their amendment.

Paragraph 1

154. The Government members of Argentina, Brazil, Chile, Costa Rica, Guatemala and Venezuela submitted an amendment to replace "12" with "17". In introducing the proposal, the Government member of Brazil said that it was aimed at protecting the health of the child. He referred to findings of scientists and psychologists on the beneficial effects for children of remaining for a longer period with their mother after birth, and the recommendation of the World Health Organization that children be fed breast milk for at least the first four months of life. On the basis of this body of evidence, 17 weeks of maternity leave should be provided for in the proposed Convention.

155. The Employer Vice-Chairperson opposed the amendment. She reminded the Committee that in the first discussion they had sought flexibility by establishing a minimum standard of 12 weeks. That decision had been made in the light of extensive discussions of national law and practice, and there had been no developments since which warranted a change to the period of maternity leave. Office Report IV(2A) showed that 70 member States provided for maternity leave of 12 weeks or less, and retaining this period of leave would help ensure ratification and provide a realistic minimum for those countries which did not have the resources or ability to provide more than 12 weeks of maternity leave. She emphasized that the Convention did not prevent countries from providing for a longer period of leave.

156. The Worker Vice-Chairperson expressed the hope that the Committee could improve on the period of maternity leave that was set by Convention No. 103 nearly 50 years previously, at least on a step-by-step basis. The Worker members supported the interests of women, children and families and therefore endorsed the amendment. The Government members of Austria and Zambia echoed the views of the Worker members.

157. The Government member of Indonesia opposed the amendment on the grounds that it would jeopardize the employment of women. The Government member of the United States also expressed opposition, referring to the Office commentary on page 51 of Report IV(2A) which noted that only slightly more than 40 per cent of ILO member States provided maternity leave of 14 weeks or more. Providing for maternity leave of 17 weeks in the Convention would thus impact on the ability of many member States to ratify it. The Government member of the Republic of Korea expressed support for this position.
The Government members of Benin, Botswana, Côte d'Ivoire, Cyprus, Ethiopia, Gabon, Ghana, Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Mali, Namibia, Portugal, Papua New Guinea and Zambia, and Saudi Arabia and Bahrain also opposed the amendment. The Government member of Namibia pointed out that Convention No. 103 was being revised because it had not been ratified by a majority of member States. He doubted whether increasing the period of maternity leave would enable the revised Convention to be more widely ratified than its predecessor.

158. The Government member of Argentina drew the attention of the Committee to the number of countries which provided for maternity leave of 17 weeks or longer. He suggested that the standard for the International Labour Organization should be the best existing legislation, rather than that of countries with lower levels of social development. The Government member of Croatia also supported the amendment, stating that the high level of maternity protection in her country had not dissuaded employers from hiring women.

159. In view of the lack of support, the amendment was subsequently withdrawn by its sponsors. An amendment submitted by the Government member of Croatia to replace “12” with “16” was also withdrawn following lack of support.

160. An amendment was submitted by both the Worker members and the Government members of Austria, Germany, Greece, Italy, Luxembourg and Portugal to replace “12” with “14”. The purpose of the amendment was to provide a suitable period of maternity leave which was essential to the physical and psychological health of the mother and child. A period of 12 weeks was too short to achieve these goals.

161. The Worker Vice-Chairperson said that the role of the Committee was not to water down a very important standard, but to improve on Convention No. 103 and to ensure it was more widely applied in the member States. She referred to Governing Body document GB.256/3/3 of May 1993, which stated that it would be reasonable for a new maternity protection Convention to incorporate slightly improved standards and expressly referred to the potential to extend the period of maternity leave from 12 to 14 weeks. Given that 12 weeks had been established in the Maternity Protection Convention, 1919 (No. 3), it would be a poor result more than 80 years later if it were not possible to at least slightly increase the protection. Many countries provided for maternity leave of 14 weeks or more in their legislation, including not only highly industrialized countries, but countries of the developing world.

162. The Employer Vice-Chairperson referred to the concern of the Governing Body that there had been insufficient ratification of Convention No. 103 and stated that this was the primary reason why the subject of maternity leave and protection was on the agenda of the International Labour Conference. Further, the Office had analysed the comments of governments and organizations of employers and workers in Report IV(2A) and had concluded that, in the light of the comments received, no change regarding the length of leave was suggested. She said it was imperative to produce a Convention which was workable and would have a practical effect on women, which could be achieved on the basis of a minimum standard to which all countries could aspire. The Convention should not establish a standard so high that it prevented ratification, decreased employment opportunities for women, and failed to recognize national diversity. The Government member of Indonesia also opposed the amendment.

163. The Government member of the Russian Federation stated that in principle he could support the amendment, since it involved an addition of only two weeks to the period of leave contained in the Office text. The Government members of France and Spain supported the amendment, as did the Government member of Zimbabwe and the
Government member of the Netherlands, who said that there had been substantial developments since 1919 concerning the need to protect the health of children and pregnant women. The Government member of Croatia also supported the amendment as representing a small step forward since 1919. She noted that significant progress had been made since then in international and national standards that applied to both men and women, but there had not been comparable progress in texts that referred only to women.

164. Put to a vote, the amendment was adopted by 111,061 votes in favour, 97,478 votes against, with 6,392 abstentions.

165. Article 3, paragraph 1, was adopted as amended.

**Paragraph 2**

166. Article 3, paragraph 2 was adopted without change.

**Paragraph 3**

167. The Employer Vice-Chairperson submitted an amendment to delete the paragraph, which she said was entirely superfluous in a minimum standard instrument. A country could exceed the period of maternity leave provided for in the Convention if it so wished, but a requirement to deposit with the Director-General a further declaration of the extension of the period of maternity leave was not appropriate.

168. The Worker Vice-Chairperson stressed that flexibility did not function in only one direction, but should also serve the interests of enhancing the provisions of the proposed instrument. She therefore opposed the amendment, as did the Government members of Croatia and Poland.

169. Following a lack of support from Government members, the amendment was withdrawn by its sponsors.

170. The Employer members submitted an amendment to move paragraph 3 to the Recommendation, on the grounds that aspirational or permissive provisions would be more appropriate there, either as a separate provision or along with the other reporting provisions.

171. The Worker Vice-Chairperson opposed this proposal for the same reasons as in the case of the previous amendment.

172. The Government member of Namibia sought clarification from the Office as to the form such a declaration should take. The representative of the Legal Adviser explained that a declaration was a document normally accompanying an instrument of ratification or independent of such an instrument which set out the particulars required by the provisions of a Convention. The declaration should clearly indicate the standard in respect of which the international obligation was accepted and which tended to be set out in the national legislation. This should be done in a way which clearly indicated the minimum being specified for the purposes of the Convention. Regarding the form of such a declaration, no particular form was required. This might take the form of a simple letter or a more formal instrument. What was important was that the person who submitted the declaration was one who was authorized to bind the State. Concerning the declarations referred to in paragraphs 2 and 3 of Article 3 of the proposed Convention, the declaration provided for in paragraph 2 was obligatory and had to be submitted at the time of submission of the instrument of ratification. The declaration provided for by paragraph 3, unlike that
required by paragraph 2, was not mandatory. The text provided that “Each Member may subsequently deposit ... a further declaration ...” (emphasis added). Countries which had satisfied the Convention had a discretion to submit a further declaration where they had extended the period of leave beyond what was indicated in an earlier declaration.

173. The Government member of Cyprus observed that the amendment would have been necessary had the period of maternity leave provided for in the Convention been 12 weeks. She felt it was now unimportant whether the paragraph was contained in the Convention or Recommendation. Following lack of support from Government members, the amendment was withdrawn by its sponsors.

174. Article 3, paragraph 3, was adopted without change.

Article 3, paragraph 4

175. The Government member of Croatia introduced an amendment to replace the words “determined by each Member after consulting the representative organizations of employers and workers and” with the words “in no case less than two weeks before the presumed date of childbirth and eight weeks after the actual date of childbirth.” She reminded the Committee of the lengthy debates on the issue of compulsory leave during the first discussion. Her Government considered that it was necessary to maintain a minimum prescriptive period of leave in the proposed Convention. In light of the Committee’s decision to extend the minimum entitlement to maternity leave from 12 to 14 weeks, it seemed reasonable to extend the compulsory postnatal period by two weeks as well.

176. The Employer Vice-Chairperson argued that the length of compulsory leave should be decided by each Member after consultation with the representative organizations of employers and workers. Each country was free to establish a compulsory period of leave appropriate to its circumstances, but setting the period in the proposed Convention could deter ratification by countries which did not have such a prescribed period. The appropriate way to proceed was to allow each country to determine the period after consultation and with due regard for the health of mother and child.

177. The Worker Vice-Chairperson explained that, while the Worker members agreed with the intention of the proposed amendment, they preferred the formulation of their own proposed amendment. The Government member of Croatia subsequently withdrew her proposed amendment.

178. The Government member of Chile introduced an amendment submitted by the Government members of Argentina, Brazil, Chile, Costa Rica, Guatemala, Panama, Peru, Uruguay and Venezuela to replace the paragraph with “Maternity leave shall include a period of compulsory postnatal leave of at least six weeks.” Recent economic trends had led to a marked increase in service sector jobs. Jobs were becoming less risky for the health of mothers and their unborn children, which allowed for greater flexibility in the prenatal period of maternity leave. Studies had shown, however, that the period after birth was extremely important for the physical and psychological health of the mother and child. Furthermore, it was important to promote breastfeeding. Since in some countries trade unions were unable to defend effectively the rights of women to an adequate period of compulsory postnatal leave through negotiations, it was important to establish a six-week period in legislation.

179. The Employer Vice-Chairperson voiced the Employer members’ opposition to the proposed amendment, which was far too prescriptive, provided no flexibility and would deter ratification. She noted that in a number of countries compulsory leave could be
considered discriminatory, as it limited a woman’s right to choose. She indicated that the Employer members could support an amendment that had not yet been discussed, submitted by the Government members of Canada, Denmark, Finland, Ireland, New Zealand, Norway, Sweden and the United Kingdom. That amendment did not specify a fixed period, but would allow governments to decide on the length of compulsory leave after consultation.

180. The Worker Vice-Chairperson noted that the Worker members’ proposed amendment had the same objective of six weeks of compulsory postnatal leave but allowed more room for agreement between governments and the representative organizations of employers and workers. This was important in light of the cultural diversity and differences in socio-economic situations among Members.

181. The Government member of Argentina pointed out that Convention No. 103 established a minimum of six weeks and the reports prepared by the Office indicated that a large majority of countries already had six or more weeks of compulsory leave after birth. He expressed concern that the Committee’s revision of this Convention could reduce the protection already provided, a view shared by the Government member of Croatia. However, following a lack of support from Government members, the amendment was withdrawn.

182. The Worker members submitted an amendment to replace the existing text with the following:

With due regard to the protection of the health of the mother and the health of the child, maternity leave shall include a period of six weeks’ compulsory leave after childbirth, unless otherwise agreed at the national level by governments and the representative organizations of employers and workers.

183. The Employer Vice-Chairperson proposed a subamendment to add at the end of the amendment the following:

The duration and distribution of any such leave shall be determined by each Member after consulting the representative organizations of employers and workers and with due regard to the protection of the health of the mother and the health of the child.

She said that the subamendment would underpin the minimum standard by facilitating the provision for agreement at national level on the period of compulsory leave. She noted that the terms of the Worker members’ amendment would allow the period of compulsory leave to be longer or shorter than six weeks and that it would allow for no period of compulsory leave if so agreed at the national level.

184. The Worker Vice-Chairperson opposed the subamendment, stating that it would add nothing. Women in many countries needed a compulsory leave period to ensure adequate time to recover from childbirth and the minimum duration of compulsory leave should be six weeks. In countries where women had real decision-making power, the provisions on compulsory leave could be amended, but in the majority of countries in which women had no real choice or power, they needed a provision for a minimum compulsory leave period.

185. The Government member of Canada understood the spirit of the Employer members’ proposal but pointed out that there would be a contradiction in the text of the amendment if it first provided for six weeks of compulsory leave and then provided that the duration of leave should be determined by each Member. He pointed out that the main difference
between the amendment submitted by the Worker members and another amendment submitted by his Government and others was that the former provided flexibility only where governments were able to reach agreement with the organizations of employers and workers. He was supported by the Government member of Chile, who added that the proposed amendment, in providing for national level agreements, provided sufficient flexibility.

186. In light of the discussion, the Employer Vice-Chairperson withdrew her subamendment.

187. The Government member of Côte d'Ivoire proposed a further subamendment to insert the words “at least” before “six weeks” in order to strengthen the terms of the amendment. He referred to medical and scientific knowledge which implied that longer leave should be taken after childbirth. Since the Convention provided for 14 weeks’ maternity leave, he would have preferred that at least eight of those weeks should be compulsory, but the insertion of “at least” would also strengthen the provision.

188. The Worker Vice-Chairperson supported the subamendment.

189. The Employer Vice-Chairperson observed that the aim of revising the Convention was not to improve every clause in Convention No. 103, but to address the barriers to ratification which had led to the low level of ratification of that Convention. The compulsory leave provision had been identified by the Office as one such obstacle. In certain countries, women were not compelled to take leave of a specified duration or at a specified time. Additionally, under the proposed amendment, different arrangements could be agreed at the national level. Countries could provide for compulsory leave of however long a period they might choose, but they should not attempt to impose higher levels on other countries, since the Convention was intended to have as wide an application as possible. The subamendment was not supported by the Employer members.

190. The Government member of Ghana supported the subamendment. She asserted that since the Committee had accepted a provision of 14 weeks of maternity leave, there was no reason to argue against six weeks as a minimum compulsory period of leave. In practice, women would prefer to spend more time with their babies, and an employer or government would not wish to give less than six weeks. The Government member of Barbados supported the subamendment on the grounds that six weeks was the minimum leave required for medical reasons.

191. The Government member of Cyprus observed that the subamendment would not alter the meaning of the amendment, a view supported by the Government members of France, Namibia, Portugal and the United States.

192. The Government member of Côte d’Ivoire disagreed, arguing that including the words “at least” would allow for a period of compulsory leave of more than six weeks. Omitting the words “at least” would allow Members to provide a lesser period, a view also expressed by the Government member of Barbados. The Government member of Croatia supported including the words “at least” but disagreed that that would prevent a possibility of negotiations at the national level resulting in a reduction of the period of compulsory leave. This possibility was one which provided less protection to employed women than the provision contained in Convention No. 103.

193. Following further lack of support from Government members, the subamendment was withdrawn.
194. The Government member of the Islamic Republic of Iran, seconded by the Government member of Chile, proposed a subamendment to delete “six” and replace it with “seven”. Since the provision for maternity leave was 14 weeks, it would be appropriate to provide for half of that period as compulsory leave.

195. The Employer and Worker Vice-Chairpersons opposed the subamendment, which was withdrawn due to lack of support.

196. The Government member of Mali asked the Worker members whether the intention of the phrase “Unless otherwise agreed at the national level by governments and the representative organizations of employers and workers” was that there could be an agreement to provide for less than six weeks of compulsory postnatal leave.

197. The Worker Vice-Chairperson said that agreement among Worker members on the wording of the amendment had been very difficult because of differences in their views. For the vast majority of women, it was absolutely necessary to have six weeks' compulsory leave after childbirth. However, the amendment provided the flexibility requested by some Worker members to allow women the opportunity to choose to return to work sooner without the fear that pressure would be exerted on them by employers. It was important to note that provision of a period of compulsory leave that was more or less than the specified six weeks would require governments to obtain the agreement of representative organizations of employers and workers. The need for agreement of employers' and workers' organizations made their role in this regard much stronger than if governments were only required to consult with them.

198. The Government member of the United Kingdom was sympathetic to the Worker members' observation that women in many countries would not be in a position to take maternity leave if it were not compulsory. However, in many other countries women workers wished to have the freedom to choose when to return to work after childbirth. This was reflected in Article 8(2) of European Union Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding, which provided for a minimum of “at least two weeks allocated before and/or after confinement in accordance with national legislation and/or practice”. The Directive allowed for national legislation and practice to give women freedom of choice, which would be denied under a provision that established a specific period of compulsory postnatal leave. The Government member of France supported the amendment.

199. The amendment was adopted.

200. In light of that decision, an amendment on the same subject submitted by the Government members of Canada and New Zealand was withdrawn.

201. The Government member of Croatia submitted an amendment to add a new paragraph as follows:

If an employed woman gives birth to a stillborn child or if the child dies before the expiry of postnatal leave, she shall be entitled to continue the leave for as long as it is necessary, as specified in a medical certificate, for her to recover from giving birth and the psychological condition resulting from the loss of her child.

If a woman gave birth to a child that was stillborn or died, she should have the right to adequate time to recover from that loss.
202. The Employer Vice-Chairperson opposed the amendment, which she said was much too broadly worded. An entitlement to leave for as long as necessary until the woman recovered, which was based on a medical certificate, related to sickness issues rather than to maternity.

203. The Worker Vice-Chairperson asked the Office whether circumstances in which a woman gave birth to a stillborn child or one that died were covered under Article 4 as a complication arising out of childbirth. If this were not the case, she would support the amendment. The Employer Vice-Chairperson expressed the view that Article 4 did cover such circumstances. The Government member of Croatia objected that Article 4 referred to a period following the maternity leave, but a woman whose child was stillborn had not begun her maternity leave.

204. The representative of the Legal Adviser explained that two provisions read together — Article 3(1) and Article 4 — covered the situation of the stillborn child. Under Article 3(1) the production by a woman of a medical certificate or other appropriate certification stating the presumed date of childbirth triggered the woman’s entitlement to maternity leave. Article 4 referred to leave in the event of complications arising from pregnancy or childbirth. A medical certificate had also to be produced. She could be considered to fall under Article 4 for any prenatal period if she was not yet on maternity leave, but to come under Article 3 when she gave birth to the stillborn child. If she gave birth to a stillborn child while on maternity leave, she would remain covered by Article 3.

205. The Worker Vice-Chairperson considered, in view of this explanation, that the amendment was unnecessary. The Government member of Croatia withdrew the amendment due to a lack of support.

206. Article 3, paragraph 4, was adopted as amended.

Paragraph 5

207. The Government members of Denmark, Italy, Portugal and Sweden submitted an amendment to add a new paragraph after paragraph 5, to read as follows:

In the case of the death, sickness or hospitalization of the mother before the expiry of postnatal leave, and where the mother cannot look after the child, the employed father shall be entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave.

In presenting the amendment, the Government member of Portugal said that its purpose was to ensure greater protection for the child and to involve the father in the protection of the child’s health. The provision would update the instrument and mark a major step forward.

208. The Employer Vice-Chairperson reminded the Committee that there had been a lengthy debate on the issue of parental leave during the first discussion. She opposed the amendment not as a matter of principle but because she believed it was better suited for inclusion in the proposed Recommendation. She believed that it would be difficult in many cases to transfer maternity protection rights to a father who would probably have a different employer and that the entire question of providing leave to persons other than the mother would be fraught with difficulties, create uncertainty and make ratification less likely. Such a provision, regarding social security payments and entitlements, should be left to national law and practice and dealt with in the proposed Recommendation.
209. The Worker Vice-Chairperson supported the amendment.

210. The Government member of Argentina said that the amendment would take account of the child’s best interests and would emphasize the shared responsibility of both parents. The Government member of Chile, supported by the Government members of Brazil, Costa Rica, Peru and Venezuela, said that the amendment would emphasize the social nature of maternity protection. The cost of such a measure, which would concern only a small percentage of cases, would be relatively insignificant, especially since such leave was often paid for by public funds. The Government member of Croatia also endorsed the amendment, which she said would help take the instrument into the twenty-first century, while the Government member of Thailand said that the intention of the amendment – the greater welfare of children – was a justification in itself.

211. The amendment was opposed by the Government member of Indonesia and the Government member of Egypt, who said that the legislation of many countries prohibited the transfer of leave from one person to another. The Government member of Namibia wondered who would pay for such leave and how the provision could be applied in countries with different cultural practices. The Government member of Papua New Guinea, in expressing her doubts about the amendment, said that in her country it was the female family members who would take over responsibility for a child in the event of the death of the mother, not the father. Similar observations were made by the Government member of Kenya and the Government member of Senegal, who emphasized the importance of the different cultural and legal practices of member States. The Government member of Mali stated that although the declared purpose of the amendment was to protect the interest of the child, account should be taken of different social practices and countries should be allowed to progress at their own pace. The Government member of Morocco emphasized that there was a need to recognize that international standards were universal, a principle which would be compromised by the adoption of the amendment. The Government member of Barbados said that its inclusion in the proposed Convention would not facilitate widespread ratification; such leave would be available to the father in her country by negotiation and its inclusion in the proposed Recommendation would provide for such negotiation. The Government member of Cyprus, while acknowledging that the proposal went in the right direction, recognized that it would pose ratification difficulties and for that reason she preferred its inclusion in the proposed Recommendation. The Government member of Nigeria maintained that the matter could not be properly addressed until the question of who would pay for the leave was resolved.

212. The Government member of Costa Rica submitted a subamendment, seconded by the Government member of Brazil, to add the words “In accordance with national law and practice” at the beginning of the text. The Worker Vice-Chairperson supported the subamendment. The Employer Vice-Chairperson opposed the subamendment on the grounds that the additional words did not circumvent the difficulties regarding leave, payments and benefits or the cultural aspects of the provision.

213. The Government member of the United Kingdom, while expressing her sympathy for the reasons underlying the subamendment, believed that parental leave provisions went beyond the scope of the instrument. The Government member of South Africa acknowledged the importance of the idea behind the subamended text, but believed that its inclusion in the proposed Recommendation would enhance ratification possibilities, a view echoed by the Government member of Côte d’Ivoire. The Government member of Namibia opposed the subamendment, stating that there was no need for international legislation to regulate such detailed aspects of family life.
Following further lack of support from Government members, the subamendment was withdrawn.

The Government member of Mali submitted a subamendment to insert after the word “father” the words “or any other person taking care of the child”, the purpose of which was to take account of the cultural aspects of the proposal already raised in the discussion. The Worker Vice-Chairperson supported the subamendment. The Employer Vice-Chairperson opposed the subamendment, which she said would not provide the certainty required in a minimum standards document. Following a lack of support from Government members, the subamendment was withdrawn.

The Government member of Mali submitted a subamendment to insert after the word “father” the words “or any other person taking care of the child”, the purpose of which was to take account of the cultural aspects of the proposal already raised in the discussion. The Worker Vice-Chairperson supported the subamendment. The Employer Vice-Chairperson opposed the subamendment, which she said would not provide the certainty required in a minimum standards document. Following a lack of support from Government members, the subamendment was withdrawn.

The Government member of Chile submitted a further subamendment to delete the words “sickness or hospitalization” of the mother and replace them with “of the mother during childbirth or in relation thereto”, the purpose of which was to limit the provision to the death of the mother during childbirth or shortly afterwards, without jeopardizing the protection granted to the child.

The Worker Vice-Chairperson supported the subamendment, as a logical extension of her previous endorsement. The subamendment was opposed by the Employer Vice-Chairperson, as she believed it mixed two concepts – maternity leave and bereavement leave – in a Convention which was about maternity protection at work.

Put to a vote, the subamendment was rejected by 184,008 votes in favour, 186,796 votes against, with 20,910 abstentions.

The Government member of Portugal explained that one of the intentions behind her original amendment had been to give recognition to the rights of the father, which in no way should be seen as compromising the differing cultural practices of member States.

The Government member of Mexico, with the support of the Government member of Costa Rica, submitted a further subamendment which read as follows:

In the case of the death of the mother during childbirth or in relation thereto, the employed father shall be entitled to paternity leave in accordance with national law and practice or collective agreement.

He recalled that the proposed Convention had begun by recognizing the specific circumstances of enterprises and that his amendment now sought to recognize the specific characteristics of maternity, which went hand in hand with paternity. He said that the Committee should be forward-looking.

The Worker Vice-Chairperson endorsed the subamendment since it would protect the health of the child and would concern only the part of the maternity leave not used due to the death of the mother.

The Employer Vice-Chairperson, requesting that her reservations regarding the process under which subamendments were being submitted be placed on record, namely accepting a duplicate amendment after its original had been voted against, expressed her strong opposition to the proposal. She considered it inappropriate to introduce an entirely new concept, paternity leave, in an instrument dealing with maternity protection at work, after an already lengthy debate concerning leave following the death of a mother and discussion about the question of national cultural practices. Moreover, the subamendment proposed by the Government member of Mexico made such paternity leave entirely open-ended, i.e. not restricted to the unexpired portion of the leave.
223. The Government member of Tunisia opposed the subamendment on the grounds that paternity leave was not an appropriate provision for an instrument on maternity protection, a view endorsed by the Government member of Namibia. The Government member of New Zealand said that an option on parental leave was due to be discussed later by the Committee. Following further lack of support from the Government members, the subamendment was withdrawn, as was the original amendment.

224. The Government member of Croatia submitted an amendment to add a new paragraph which she subamended to read as follows: "in the case of sickness, hospitalization or death of the mother before the expiry of postnatal leave, in accordance with national law and practice, the employed father of the child may be entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave.", which she hoped would address the doubts raised concerning national practice and circumstances.

225. The Employer Vice-Chairperson opposed the subamendment, on the grounds that the provision was already dealt with in the Workers with Family Responsibilities Convention, 1981 (No. 156), and that the word "may" was not appropriate for a Convention.

226. The Worker Vice-Chairperson indicated that she could support the amendment. However, following lack of support from the Government members, the amendment was withdrawn.

227. The Government members of Argentina, Brazil, Chile, Costa Rica, Guatemala and Venezuela submitted an amendment to add the following new paragraph:

Women workers who adopt a child under two years of age shall, in accordance with national legislation, be entitled to a period of paid leave, the duration of which shall be equivalent to that of postnatal leave.

228. The Government member of Chile, in introducing the amendment, stated that it took account of the situation in a variety of developing countries in which a considerable percentage of the population lived in a state of poverty and were thus often confronted with circumstances in which the relatives of a child’s parents would take care of the child. In these countries, legislation and decisions of the highest courts often extended protection to situations of adoption. Even in more developed countries, the subject of adoption was often significant. She stressed that the amendment limited leave for women adopting children to the duration of the postnatal leave provided by national legislation and applied only to adopted children under 2 years of age.

229. The Employer Vice-Chairperson accepted that the issue of adoption was an important one, but emphasized that the Convention addressed only maternity protection at work and should not be extended to include adoption. She also drew attention to the difficulties of the reference to "women workers", which was broader than the use of "employed women" contained in the proposed Convention. The issue of who would finance the leave posed difficulties, while the reference to "postnatal leave", which was not mentioned elsewhere in the text, would cause so much uncertainty as to render the instrument unratifiable for many countries. The proposed Convention was aimed at providing a period of leave for pregnancy and childbirth, to allow the mother time to recover; to ensure that her health and safety were not adversely affected; and to ensure that the infant was protected during its first weeks of life. These circumstances were quite different from those of adoption, and were more appropriate to the Workers with Family Responsibilities Convention, 1981 (No. 156).
230. The Worker Vice-Chairperson supported the amendment on the grounds that it was not only the health of the mother which was addressed by the instrument but the health of the child.

231. The Government member of Guatemala, with the support of the Government member of Zambia, stressed that the child was a central concern of the Convention. The Government member of Costa Rica pointed out that maternity had a sociological as well as a biological dimension and that it was important to provide for protection in circumstances of both natural and acquired maternity.

232. The Government members of Algeria, Bahrain, Egypt, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Morocco, Saudi Arabia, Syrian Arab Republic, Tunisia and the United Arab Emirates opposed the amendment on the grounds that it did not take account of the specific circumstances of various countries, in particular the Arab countries, and cautioned that it might prove an obstacle to ratification. The Government member of Indonesia also opposed the amendment. The Government member of Cyprus, noting that such leave was provided under maternity protection law in her country, suggested that since the proposed amendment referred to "paid leave", it should not be discussed at this stage when the issue of benefits had not yet been discussed. She added that it would not be advisable to indicate a period of leave of which the duration was not clearly defined. The Government member of Ethiopia suggested moving the amendment to the Recommendation to ensure that the Convention remained a flexible instrument.

233. The Government member of Kenya reminded the Committee that sometimes the biological mother could not or did not want to bring up the child, and some women wished to adopt because they were unable to have children. She therefore urged that serious attention be given to the amendment. She was supported by the Government member of South Africa, who also mentioned the societal problems concerning the increasing numbers of children orphaned as a result of HIV/AIDS, especially in Africa.

234. The Government member of Ghana expressed her sympathy for the amendment but wondered how it would apply in circumstances in which an adoptive mother was entitled to leave at the same time as the natural mother wished to take up her entitlement. The Employer Vice-Chairperson pointed out that in such circumstances there would be two separate periods of maternity which would be taken concurrently. She again referred to the relevance in this regard of the Workers with Family Responsibilities Convention, 1981 (No. 156). The Government member of Costa Rica pointed out that such circumstances were of an extreme kind, and that attention should be focused on the more general situation.

235. Put to a vote, the amendment was adopted by 179,826 votes in favour, 178,432 votes against, with 22,304 abstentions. In view of the significance of the issue and the uncertainty that might result from the use in the amendment of the terms "women workers", "paid leave" and "postnatal leave", the Employer Vice-Chairperson requested a record vote. The amendment was rejected by a vote of 178,432 in favour, 181,220 against, with 25,092 abstentions.  

3 Details of the record vote with respect to Government members:

In favour = 23: Argentina, Brazil, Burkina Faso, Chile, Costa Rica, Croatia, Czech Republic, Finland, Greece, Guatemala, Italy, Kenya, Mexico, Mozambique, Norway, Poland, Portugal, Slovakia, South Africa, Sweden, Venezuela, Zambia, Zimbabwe.

Against = 25: Australia, Bahrain, Barbados, Belgium, Canada, Egypt, Ethiopia, India, Indonesia, Islamic Republic of Iran, Ireland, Japan, Republic of Korea, Kuwait, Luxembourg, Namibia,
236. Article 3, paragraph 5, was adopted.

237. Article 3 was adopted as amended.

Working Party concerning Articles 4 to 6

238. At its eighth sitting, the Committee decided to set up a Working Party to discuss Articles 4 to 6 and to report back to the Committee. To this end, a number of Government members were nominated from the different regions, while the Employer and Worker Vice-Chairpersons were nominated by the members of their respective groups. Nonetheless, membership of the Working Party was open to any Government member of the Committee.

239. At the tenth sitting, the Government member of Canada, in his capacity as Chairperson of the Working Party, informed the Committee that the Working Party had held a useful exchange of views, focusing on the issues of the financing of benefits, including the question of the individual liability of employers for the benefits payable to women employed by them, approaches to the level or rate of benefits and the treatment of medical benefits under Article 5. He said that the Working Party considered it would be useful to continue its discussions with a view to developing proposals to be submitted to the Committee. He suggested that, after its discussion of Article 3 of the proposed Convention, the Committee should move to the questions of employment protection and non-discrimination dealt with under Articles 7 and 8, before returning to the question of benefits, in order to give the Working Party time to make further progress. This was accepted by the Committee.

240. At the thirteenth sitting, the Chairperson of the Working Party reported on the progress. He said that three formal meetings had been held. No overall consensus on Articles 4, 5 and 6 had been reached, but discussions had continued outside the Working Party in order to produce a document that would set out tentative areas of consensus and particular points for decision-making, which might then serve as the basis for discussion in the plenary of the Committee.

241. At the sixteenth sitting, the Chairperson of the Working Party reported that the Working Party had made considerable progress towards achieving consensus. He introduced a "Draft proposal in light of Working Party discussions" which might be discussed as a single amendment proposed by the Working Party. The draft proposal had aimed to reflect the discussions of the Working Party, but there had not been time for it to be considered or adopted by the Working Party as a consensus document. He accordingly suggested that any ideas missing from the text could be introduced as subamendments.

Netherlands, Nigeria, Papua New Guinea, Saudi Arabia, Trinidad and Tobago, Tunisia, United Arab Emirates, United Kingdom, United States.

Abstentions = 18: Austria, Botswana, Colombia, Cyprus, Denmark, France, Ghana, Lesotho, Malaysia, Mali, New Zealand, Nicaragua, Philippines, Russian Federation, Spain, Switzerland, Thailand, Uruguay.

Absent = 39: Algeria, Angola, Bahamas, Belarus, Benin, Bolivia, Bulgaria, Cameroon, Chad, China, Côte d'Ivoire, Cuba, Dominican Republic, El Salvador, Gabon, Germany, Honduras, Hungary, Iceland, Israel, Jordan, Kiribati, Libyan Arab Jamahiriya, Madagascar, Malawi, Malta, Mauritania, Morocco, Niger, Pakistan, Peru, Rwanda, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, United Republic of Tanzania, Turkey, Viet Nam.
242. The Government member of Argentina objected that the Latin American countries had not participated in the drafting of the draft proposal. He questioned whether the text could be treated as an amendment, since the deadline for amendments had expired.

243. The Employer Vice-Chairperson commended the work of the Government member of Canada, who had chaired the Working Party and had done his utmost to bring together divergent views. The Working Party, which had been duly constituted under the Standing Orders, had permitted a small group to discuss highly technical issues and had been a very useful exercise. She also noted that at least three representatives of the Latin American countries had been involved in the meetings of the Working Party. The Employer members were disappointed that the draft proposal would not be considered by the Committee, since it would have significantly advanced the Committee’s work in view of the large number of amendments and the complexity of the questions to be addressed. Her sentiments were shared by the Worker Vice-Chairperson, who commented that the establishment of a working party was a usual procedure for streamlining the work of especially complex issues before a Committee. The Chairperson had done everything possible to facilitate a constructive result to the work of the Working Party. She considered the Working Party’s outcome satisfactory as it had allowed the Employer members and the Worker members to agree on these very important, difficult and sensitive issues.

244. In view of the objections raised by the Government member of Argentina concerning the status of the draft proposal, it was decided that it would not be treated as an amendment. The discussion then proceeded on the amendments that had been submitted to Article 4.

Article 4

245. An amendment submitted by the Worker members to insert after “on production of a medical certificate” the words “or other appropriate certification, as determined by national law and practice” was withdrawn, as was an amendment submitted by the Employer members to insert in the last line, after the word “leave”, the words “and any payment for such leave”.

246. The Government member of Argentina introduced an amendment submitted by the Government members of Argentina, Brazil, Chile, Costa Rica, Guatemala, Panama, Peru, Uruguay and Venezuela to replace “the competent authority” with “national legislation”. He noted that the proposal was intended to make the provision of such leave more certain and to prevent the use of discretionary criteria on the part of the competent authority.

247. The Employer Vice-Chairperson could accept the principle of the amendment, but proposed to subamend the amendment to read “in accordance with national law and practice”, which was the more usual phrase.

248. The amendment was adopted as subamended.

249. Article 4 was adopted as amended.

New Article after Article 4

250. The Government member of Portugal withdrew an amendment submitted by the Government members of France and Portugal to add a new paragraph after Article 4 as follows:
BENEFITS

1. Medical benefits shall be provided, in accordance with national laws and regulations or other means referred to in Article 11, to the woman and to the child.

2. Medical benefits shall include prenatal, childbirth and postnatal care, as well as hospitalization care, when necessary.

and to change the title and content of Article 5 accordingly.

Article 5

251. Although the Employer members would have preferred a principles-based approach, in the interests of achieving an acceptable Convention the Employer Vice-Chairperson withdrew an amendment to delete the Article and replace it with:

Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to ensure, by methods appropriate to national conditions and practice, that a woman on maternity leave has adequate means of supporting herself and her child.

Paragraph 1

252. The Employer Vice-Chairperson introduced an amendment to delete the words “Cash and medical” which she immediately subamended so that paragraph 1 would read:

1. Cash benefits shall be provided, in accordance with national laws and regulations, or in any other manner as may be consistent with national practice, to women who are absent from work on leave referred to in Articles 3 or 4.

Because the intention of the subamendment was to allow cash benefits and medical benefits to be dealt with separately, such a subamendment would necessarily affect the wording of paragraph 7. Wording similar to subamended paragraph 1 but relating only to medical benefits should be inserted at the beginning of paragraph 7, and the resulting text would read:

Medical benefits shall be provided in accordance with national laws and regulations or in any other manner consistent with national practice. Medical benefits shall include prenatal, childbirth and postnatal care, as well as hospitalization care when necessary.

253. In response to a request for clarification by the Worker Vice-Chairperson on the impact of the proposed subamendment, the representative of the Legal Adviser explained that the subamendment put forward by the Employer members to deal separately with cash benefits and medical benefits would permit medical benefits to be extended beyond the scope of the Office text which offered medical benefits only to women absent from work on leave if this was decided by national law or practice. The Worker Vice-Chairperson then expressed her support for the subamendment.

254. The Chairperson stated that the Committee would deal with the subamendment in two stages. To avoid potential confusion in discussing later paragraphs before earlier ones had been decided, discussion of the second portion of the Employer members’ subamendment would be deferred until the Committee had dealt with paragraphs 2, 3, 4, 5 and 6. The part of the amendment as subamended concerning paragraph 1 was adopted.
255. Article 5, paragraph 1, was adopted as amended.

Paragraph 2

256. The Employer Vice-Chairperson withdrew an amendment to delete the word “cash”.

257. Article 5, paragraph 2, was adopted without change.

Paragraph 3

258. The Employer Vice-Chairperson withdrew an amendment to delete paragraphs 3 and 4 as well as an amendment to move paragraphs 3 and 4 to the Recommendation, and to replace “shall” with “should” wherever it appeared.

259. The Government member of Canada introduced an amendment submitted by the Government members of Canada, Denmark, Finland, Ireland, Japan, Norway, Sweden and the United Kingdom to replace the text of paragraph 3 with the following:

Cash benefits paid with respect to leave referred to in Article 3 or 4 shall be paid at a rate no lower than a rate payable for sickness or temporary disability in accordance with national laws and regulations or other means referred to in Article 11.

He explained that the intention was to provide an element of flexibility that, under Article 6, would be available only to certain countries. This would now be available to all countries, which would in turn facilitate ratification.

260. The Government members of Argentina, Brazil, Chile, Colombia, Costa Rica, Cuba and Venezuela submitted an amendment to replace the words “shall not be less than two-thirds of the woman’s previous earnings or of such of those earnings as are taken into account for the purpose of computing benefits” with the words “shall cover the full amount of the woman’s previous earnings.” In presenting the amendment, the Government member of Argentina stated it was linked to a subsequent amendment he proposed to submit to Article 5, paragraph 7, to the effect that cash and medical benefits should be provided through compulsory social insurance, public funds or in a manner determined by national law and practice. He emphasized that the principle of non-discrimination against pregnant workers and mothers could not be implemented unless they received the full amount of their previous earnings while on leave. He referred to data showing that the total cost of providing benefits at this level, including replacement of the worker, maternity leave, the provision of nurseries, and other related costs, accounted for only a very small percentage of the total wage bill. The total cost of maternity protection would be very low if it were financed by society as a whole. In a country with a birth rate and female labour force participation such as those of Argentina, an ILO study had shown that the cost would be equal to 2.15 per cent of the wage bill, if nurseries were included, and 1.12 per cent if they were excluded. The economically active population covered in the developed countries might be higher, but the birth rate in those countries was lower. The case of Argentina was probably representative of the average situation. He added that a large number of Latin American and African countries believed that working mothers should no longer be penalized by receiving only two-thirds of their earnings. The ILO’s mission was to help countries achieve social progress, even when others chose not to do so. He referred to the provision of the ILO Constitution that labour is not a commodity and insisted that, since almost half a century had passed since the 1952 instrument, it was time to provide women with the full amount of their previous earnings.
261. The Government members of Benin, Botswana, Burkina Faso, Côte d'Ivoire, Ethiopia, Ghana, Kenya, Lesotho, Libyan Arab Jamahiriya, Madagascar, Mali, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, South Africa, Sudan, Zambia and Zimbabwe submitted an amendment to delete the words “two-thirds of”. The Government member of Kenya explained that the African countries had in place a variety of provisions on cash benefits, including some which provided for the full amount of previous earnings. She emphasized that women should not be disadvantaged while on maternity leave, but stated that to ensure flexibility the issue of the cash benefits should be left to the individual States to determine according to national law and practice.

262. The Employer Vice-Chairperson opposed all the amendments in preference to the Office text. She recognized that some countries provided for benefits equal to the full amount of the woman’s previous earnings, but felt that this was not an issue for the Committee since, under the Office text, countries would be able to provide for benefits at a level higher than the minimum standard. The requirement that benefits should be the full amount of a woman’s previous earnings would represent an important barrier to ratification.

263. The Worker Vice-Chairperson stressed that the Committee was considering an extremely important aspect of its work and must be forward-looking and realistic. She observed that the Worker members had sought a balance throughout the discussions and intended to continue to do so in the interests of adopting a widely ratifiable text. She strongly opposed the amendment submitted by the Government members of Canada, Denmark, Finland, Ireland, Japan, Norway, Sweden and the United Kingdom, which sought to reduce benefits. In respect of the amendment submitted by the Government members of Argentina, Brazil, Chile, Colombia, Costa Rica, Cuba and Venezuela, as well as the amendment submitted by the Government members of Benin, Botswana, Burkina Faso, Côte d’Ivoire, Ethiopia, Ghana, Kenya, Lesotho, Libyan Arab Jamahiriya, Madagascar, Mali, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, South Africa, Sudan, Zambia and Zimbabwe, she emphasized that it would not pose significant difficulties for many industrialized countries, but would be problematic for many countries in other parts of the world and wondered whether all the Government members who supported setting benefits at the full amounts of the woman’s previous earnings felt that their Governments would be able to implement the provision. While workers would like the best of all worlds, it was incumbent on the Worker members to help in reaching a responsible decision that would result in a realistic Convention that would be more widely ratified and implemented than Convention No. 103.

264. In the light of the discussion, the Government member of Kenya withdrew her amendment on the grounds that the Office text provided sufficient flexibility for member States to pay higher levels of benefits. The Government members of Canada, Denmark, Finland, Ireland, Japan, Norway, Sweden and the United Kingdom also withdrew their amendment.

265. The Government member of Chile reiterated her support for the amendment which she had co-sponsored and which she said concerned a matter of principle. Furthermore, she believed that it gave the International Labour Organization the opportunity to send a clear signal of the value of motherhood at a time when the birth rate was falling worldwide, and 80 per cent of the world’s poor were women and children. The Government members of Brazil, Côte d’Ivoire and Cuba said that provision for cash benefits at the full amount had not posed any difficulties in their countries. The Government member of Cyprus endorsed the agreement reached on the Office text between the Employer and Worker members and thanked the Government member of Kenya for her understanding in helping the Committee in deciding this issue. The Government member of Namibia also preferred the Office text and pointed out the difficulties in making comparisons between the rates of cash benefits provided in different countries, since the full amount of a woman’s previous earnings might
still not provide a suitable standard of living in some countries, whereas in others a lower rate of benefits might nonetheless be satisfactory.

266. Following lack of support from Government members, the amendment was withdrawn.

267. Article 5, paragraph 3, was adopted without change.

Paragraph 4

268. An amendment submitted by the Worker members to insert the words “and Article 4” after “in Article 3” was withdrawn.

269. The Government members of Australia and Canada submitted an amendment to insert a new paragraph as follows:

Notwithstanding the two preceding paragraphs, cash benefits may be provided in an amount that on average is less than two-thirds of the women’s previous earnings provided the Member, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organization, explains the reason therefor and indicates the rate at which cash benefits are provided. In its subsequent reports, the Member shall describe the measures taken with a view to progressively raising the rate of benefits.

In presenting the amendment, the Government member of Canada stated that it was aimed at recognizing that some of those countries which provided for cash benefits as a percentage of earnings were not currently able to provide for benefits at the level of two-thirds of previous earnings but aspired to this standard. The amendment would enable them to ratify the Convention and subsequently report on measures taken with a view to progressively raising the rate.

270. The Employer Vice-Chairperson stated that, while she endorsed the principles behind the proposal, she opposed the amendment in the light of the previous discussion.

271. The Worker Vice-Chairperson also opposed the amendment, which was withdrawn by its sponsors.

272. Article 5, paragraph 4, was adopted without change.

Paragraph 5

273. An amendment submitted by the Employer members to delete the word “cash” was withdrawn.

274. Article 5, paragraph 5, was adopted without change.

Paragraph 6

275. An amendment submitted by the Employer members to delete the word “cash” was withdrawn.

276. An amendment submitted by the Government members of Canada, Denmark, Finland, Ireland, Japan, Norway, Sweden and the United Kingdom to insert the words “referred to in paragraph 3 above and medical benefits” after the words “cash benefits” was withdrawn.
An amendment submitted by the Government members of Austria and the Netherlands to insert the words “and medical” after the word “cash” was withdrawn.

An amendment submitted by the Government members of Denmark, Finland, Norway and Sweden to insert the words “based on previous earnings” after the words “cash benefits” and to insert the words “a flat-rate benefit or to” after the words “she shall be entitled to” was withdrawn.

An amendment submitted by the Government members of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Guatemala, Peru, Uruguay and Venezuela to replace the words “social assistance” with the word “public” was withdrawn.

An amendment was submitted by the Government members of Benin, Botswana, Burkina Faso, Côte d’Ivoire, Ethiopia, Ghana, Kenya, Lesotho, Libyan Arab Jamahiriya, Madagascar, Mali, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, South Africa, Sudan, Zambia and Zimbabwe to insert the words “where applicable” after “funds”. In presenting the amendment, the Government member of Kenya explained that the amendment would address the needs of the majority of African countries, which had not yet established social assistance funds.

Following opposition from both the Employer members and the Worker members, the amendment was withdrawn by its sponsors.

An amendment was submitted by the Government member of Croatia to delete “or other means referred to in Article 11” on the grounds that it was consequential to the deletion of the same words from paragraph 1. The Employer Vice-Chairperson proposed a subamendment to replace the words “or other means referred to in Article 11” with the words “or in any other manner consistent with national practice”, which was endorsed by the Worker Vice-Chairperson supported.

The amendment, as subamended, was adopted.

Article 5, paragraph 6, was adopted as amended.

Discussion returned to the second part of the Employer members’ subamendment introduced during the discussion of paragraph 1, which would result in the following text:

Medical benefits shall be provided in accordance with national laws and regulations or in any other manner consistent with national practice. Medical benefits shall include prenatal, childbirth and postnatal care, as well as hospitalization care when necessary.

The Government member of Croatia proposed a further subamendment to add the words “by qualified midwives or medical practitioners” after the words “postnatal care” and to add the sentence “Freedom of choice of doctor and freedom of choice of a public or private hospital shall be respected”. She explained that elements of protection that had already been provided in Convention No. 103 were being left out of the revised text. The revision of Convention No. 103 should not be a step backwards. The Government member of Chile agreed that standards should be improved upon. However, it was important to distinguish between rights and obligations. The right to freedom of choice could not be exercised in countries which were unable to offer such a choice.
287. The Employer Vice-Chairperson considered that the issue of ensuring that the care was provided by qualified midwives or medical practitioners and also the issue of whether or not to pay for private hospitals should be left to each Member to decide. The Employer members did not support the further subamendment.

288. The Worker Vice-Chairperson, while supporting the idea that the care be provided by qualified personnel, could not accept the subamendment as proposed, because it would be too difficult in many countries to ensure freedom of choice of the type of hospital. She suggested that such wording might be put in the Recommendation. She proposed a further subamendment to add the words “provided by experienced personnel” after the words “postnatal care”.

289. The Government member of Iraq opposed inclusion of such details in the Convention. The Government members of Cyprus and New Zealand opposed the further subamendment put forward by the Government member of Croatia since such matters were adequately dealt with in Paragraph 3 of the Recommendation.

290. Owing to lack of support, the Government member of Croatia and the Worker Vice-Chairperson withdrew their respective subamendments.

291. The Government member of Portugal proposed a further subamendment to the second part of the Employer members’ subamendment to insert the words “to the woman and child” in the first sentence after the words “medical benefits shall be provided”. In response, the Employer Vice-Chairperson proposed a further subamendment to the second part of their subamendment to add the words “as may be” before the word “consistent” and to add “to women who are absent from work on leave referred to in Article 3 or 4” at the end of the first sentence. The Worker Vice-Chairperson could not support the further subamendment because it would change the intention of the text, providing medical care only to women on leave. She also pointed out that the text referred to prenatal, childbirth and postnatal care and that it was implicit that such care included mother and child. The Employer Vice-Chairperson withdrew the further subamendment. Noting that there seemed to be agreement that the text implicitly referred to mother and child, the Government member of Portugal also withdrew her subamendment.

292. The Government members of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Guatemala, Peru, Uruguay and Venezuela submitted an amendment to add the phrase “for the woman and her child as necessary” to the end of the paragraph, which the Government member of Brazil subamended to produce the following text:

Medical benefits shall be provided for the woman and her child in accordance with national laws and regulations or in any other manner consistent with national practice. Medical benefits shall include prenatal, childbirth and postnatal care, as well as hospitalization care when necessary.

The purpose was to resolve the matter regarding to whom such benefits should apply.

293. The Employer Vice-Chairperson noted that this amendment as subamended by the Government member of Brazil incorporated the intentions behind the second part of the subamendment that the Employer members had submitted in relation to paragraph 1. She therefore withdrew the second part of the Employer members’ amendment as subamended and supported the amendment submitted by the Government members of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Guatemala, Peru, Uruguay and Venezuela, as subamended by the Government member of Brazil, on the
understanding that the hospitalization care referred to was limited to that provided in conjunction with prenatal, childbirth and postnatal care. This view was endorsed by the Worker Vice-Chairperson.

294. The amendment was adopted as subamended.

295. Article 5, paragraph 7, was adopted as amended.

New paragraph after paragraph 7

296. Following a request from the Government member of Argentina, two amendments to add new paragraphs after Article 5, paragraph 7, were discussed together.

297. An amendment was submitted by the Employer members to add a new paragraph, which the Employer Vice-Chairperson subamended to read as follows:

In order to protect the situation of women in the labour market, benefits in respect of the leave referred to in Articles 3 and 4 shall be provided through compulsory social insurance or public funds or in a manner determined by national law and practice. An employer shall not be individually liable for the direct cost of any monetary benefit to a woman employed by him or her without that employer's specific agreement except where such is provided for in national law or practice in a member State prior to the date of adoption of this Convention by the International Labour Conference, or unless subsequently agreed at the national level by governments and the representative organisations of employers and workers.

298. The Employer Vice-Chairperson stated that the effect of the amendment as subamended would be to confirm that arrangements regarding liability for the payment of benefits that already existed by the date of the adoption of the Convention could continue. Beyond that date, any subsequent decision to impose individual employer liability for the direct cost of any monetary benefit to an employee would be subject to agreement at the national level between the government and the representative organizations of employers and workers. Collective agreements, such as those which provided for employers to supplement social assistance, could be considered to constitute employers' specific agreement. This protected the position of countries where national law or practice currently allowed for the individual liability of employers for the direct cost of maternity benefits to their employees. Furthermore, the amendment would help ensure that the promotion of female employment opportunities would not be compromised by initiatives to place the individual liability on employers.

299. The Worker Vice-Chairperson noted that the Committee had reached a crucial stage in its deliberations and emphasized that it was important to be forward-looking, to ensure sufficient flexibility to allow different maternity benefit systems to operate while promoting the provision of maternity benefits through social security systems. With regard to individual liability of employers, she accepted the amendment in principle, but submitted two subamendments: first, to insert the word "such" before the words "monetary benefit"; and second, to delete the words "In order to protect the situation of women in the labour market" at the beginning of the sentence. The first subamendment was accepted by the Employer Vice-Chairperson but the second was opposed by the Employer members and subsequently withdrawn.

300. In response to a request from the Worker Vice-Chairperson concerning the last sentence of the original subamendment, the representative of the Legal Adviser stated that if the Convention were adopted by the International Labour Conference, the provision would
permit exceptions to the non-liability of the individual employer in three situations. In the first situation, all countries which currently provided for individual employer liability for the payment of benefits referred to in Articles 3 and 4 would be able to maintain that system of financing benefits. The national laws or practice of these countries would be deemed to be in compliance with the Convention if they were to ratify it. The second situation concerned those countries which did not have individual employer liability at 15 June 2000, the date of adoption of the proposed Convention. The employer could be made individually liable if this were agreed at the national level by the government and the representative organizations of employers and workers. The third situation covered was where the employer expressly agreed to that liability. Collective agreements would be considered to constitute such an agreement.

301. The Government members of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Guatemala, Peru, Uruguay and Venezuela submitted an amendment to add the following paragraph after paragraph 7:

- The cash and medical benefits should be provided through compulsory social insurance, public funds or in a manner determined by national law and practice.
- Any contribution due under compulsory social insurance providing maternity benefits and any tax based upon payrolls which is raised for the purpose of providing such benefits, whether paid by both the employer and the employees or by the employer, shall be paid in respect of the total number of persons employed, without distinction of sex.

It was agreed that this amendment would be considered together with the amendment submitted by the Employer members.

302. The Government member of Argentina noted that, more than 80 years earlier, Article 3(c) of Convention No. 3 already provided that benefits were to be paid “either out of public funds or by means of a system of insurance” as a means of preventing discrimination against women in employment. Moreover, the provisions under the second part of their amendment were already established by Article 4, paragraph 7, of Convention No. 103, which was essential to preventing discrimination in employment. Flexibility which encouraged discrimination was unacceptable. He did not want to support a revised Convention that would reduce the protection of women from discrimination to below the level provided under these earlier instruments. If the Employer members’ amendment were adopted, a member State which had a system under which employers were individually liable for the direct cost of maternity benefits could continue to have such a system and still be able to ratify the proposed Convention without being required to amend its legislation. Furthermore, a member State that had ratified the proposed Convention could, with the agreement of the representative organizations of employers and workers, establish such a system of individual employer liability. It was the State’s responsibility to defend the fundamental principle that there should be no gender-based discrimination in employment, hence he could not support any provision that would pose such a risk. He pointed out in this respect that some workers’ organizations were dominated by men and would not necessarily give priority to defending the interests of women workers. Moreover, although the cost of maternity benefits for governments would not be high in terms of their overall budget, such costs could be very high for employers with many women workers of childbearing age. For these reasons the principles adopted in 1919 and 1952 under Conventions Nos. 3 and 103 to prohibit individual employer liability for maternity benefits should continue to apply.
303. The Employer Vice-Chairperson pointed out that the first part of the amendment was already included under her own amendment. She considered that the second part should remain in the Recommendation as currently provided for in the Office text.

304. The Worker Vice-Chairperson agreed that the first part had already been addressed in the amendment submitted by the Employer members and that the second part belonged more properly in the proposed Recommendation.

305. The Government member of Croatia submitted a further subamendment to the Employer members' amendment to delete the words "in a manner determined by national law and practice", and all the words after the words "employer's specific agreement". She emphasized the need for a forward-looking Convention, firmly based on social insurance.

306. The Employer Vice-Chairperson opposed the subamendment.

307. The Worker Vice-Chairperson emphasized that the future depended on cooperation between governments, employers and workers, and that legislation alone could not resolve the challenges that lay ahead. She urged Government members to endorse the agreement reached between the Worker members and the Employer members and to recognize that the proposed text would enable a much larger number of members to ratify the new Convention.

308. Following lack of support, the Government member of Croatia withdrew her subamendment.

309. The Government member of New Zealand expressed his full support for the amendment of the Employer members, as subamended, as did the Government member of Germany, who said that the paragraph in Convention No. 103 concerning individual liability was a big obstacle for ratification by Germany. The proposed paragraph was acceptable to her country for two reasons: (a) the exception of existing systems; and (b) the explanation of this exception by the representative of the Legal Adviser. She said she would prefer the deletion of the first part of the sentence concerning the situation of women, and noted that the wording to the effect that "an employer may be individually liable ... if such is provided for in national law" provided an important means of protecting existing systems of financing maternity benefits. If adopted, and taking into consideration the clarification provided by the representative of the Legal Adviser, its effect would be that Germany would be in a position to ratify the proposed Convention.

310. The Government member of Kenya believed that the inclusion of the second part of the Employer members' amendment in the proposed Convention would pose an obstacle to ratification and submitted a subamendment to move the second part to the Recommendation. She expressed concern however that some countries did not have social insurance schemes. Recognizing that the Employer and Worker members had reached agreement and emphasizing that their cooperation was respected, she said that African Government members were not satisfied with the outcome on this matter, but withdrew her subamendment.

311. In the light of the discussion and following lack of support, the Government member of Argentina withdrew the amendment submitted by the Government members of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Guatemala, Peru, Uruguay and Venezuela.

312. The amendment submitted by the Employer members was adopted, as subamended.
313. The Government member of Venezuela withdrew an amendment to add a new paragraph after paragraph 7 to read as follows:

All Members that ratify this Convention may grant monetary benefits equal to those for temporary disability in accordance with national legislation when the economy or the social security system is not sufficiently developed to comply with paragraphs 3, 4 and 8, and must indicate this in their first report on the application of the Convention under article 22 of the Constitution of the International Labour Organization, indicating in subsequent reports the measures they have taken with a view to increasing gradually the level of those benefits.

314. The paragraph was adopted.

315. Article 5, as amended, was adopted.

Article 6

316. The Government member of Canada withdrew an amendment to delete Article 6, which he had submitted together with the Government members of Denmark, Finland, Ireland, Japan, Norway, Sweden and the United Kingdom. He observed that this withdrawal was a consequence of the withdrawal of an earlier amendment to Article 5 to extend the flexibility envisaged in Article 6 to all countries. The Government member of the United Kingdom noted regretfully that the retention of Article 6 would mean that the proposed Convention would not establish a single minimum standard for the level of maternity benefit.

317. The Employer Vice-Chairperson introduced another amendment to delete Article 6, but subamended it to delete from the Office text only the words “or other means referred to in Article 11”. This subamendment was fully supported by the Government member of Croatia who had tabled an identical amendment. The Worker Vice-Chairperson also supported the amendment as subamended.

318. The Government member of Argentina observed that in its amended form, the Employer members’ amendment was now less radical than two amendments to delete Article 6, paragraphs 1 and 2, which he had submitted along with the Government members of Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Guatemala, Peru, Uruguay and Venezuela. The Chairperson therefore ruled that these two amendments would be discussed first.

319. In introducing the two amendments, the Government member of Chile explained that when she and the co-sponsors had submitted the amendments, they had not known how much flexibility the proposed Convention would provide for. In the meantime more flexible provisions had been adopted in Article 5 which would stand in the way of effective control of compliance with the Convention. After years of struggle to prevent pregnant women being penalized by having their incomes reduced, it was unacceptable to introduce still greater flexibility, so Article 6 could not be retained. It would send countries the wrong signal, particularly as there was evidence of regressive trends within social security systems.

320. In view of insufficient support from other members of the Committee, the Government member of Chile, with very deep regret, withdrew the amendments, expressing her conviction that the protection being provided for working mothers was being reduced.

321. Returning to the Employer members’ amendment and subamendment, the Employer Vice-Chairperson explained, in response to a question from the Government member of Cyprus,
that the intention of deleting the words “or other means referred to in Article 11” was to safeguard the position of countries whose economy and social security system were insufficiently developed. The fact was that “other means” included company agreements under which sickness benefits were sometimes paid at the rate of 100 per cent of earnings, albeit for a short period. If benefits were to be based on these other means, the effect would be to impose not a lower, but a higher requirement on the countries concerned.

322. The amendment, as subamended, was adopted.

323. An amendment submitted by the Employer members to move Article 6 to the proposed Recommendation was withdrawn.

324. Article 6 was adopted as amended.

Article 7

325. The Worker members and the Government member of Croatia both submitted amendments to delete the rest of the paragraph after the words “national laws or regulations”. The Worker Vice-Chairperson, supported by the Government member of Croatia, said that the Article was of great importance to both the Worker members and to the women concerned. It must be absolutely clear in the instrument that women should not be dismissed during maternity leave, or any other kind of leave provided for in the Convention, and during pregnancy. In reality there was wide discrimination against women because of maternity and all the obligations connected with it, and the primary role of the Committee was to ensure that women had the utmost protection against any kind of discrimination, especially dismissal. The absolute protection against dismissal during the period of maternity leave, which was provided in Convention No. 103, should not be reduced.

326. The Employer Vice-Chairperson, while stressing that women absent on maternity leave should be protected, opposed the amendment. An absolute prohibition on termination of employment was unacceptable, since it would preclude dismissal in the event of the closure of the enterprise, misconduct or a breach of workplace rules. Clearly stated prohibited grounds for dismissal should be maintained to ensure that the protection applied only to termination on grounds of pregnancy, childbirth and its consequences and nursing. She said, however, that the Employer members would willingly accept the deletion of the final sentence of the Article.

327. The Government member of Australia opposed the amendment on the grounds that the Office text appropriately balanced the workers’ need for protection and the interests of employers in operating in an appropriate and efficient manner. The Government members of Barbados, Cyprus, Germany, Lesotho and Peru opposed the amendment, pointing to similarities between the Office text and provisions in their own countries. The Government member of Namibia also expressed his opposition, pointing out that burden of proof issues depended on whether a matter was dealt with under civil or criminal codes.

328. The Government member of Côte d’Ivoire supported the amendments and expressed his concern over the use of the word “grounds” in the Office text, since employers would always be able to find grounds for dismissal.

329. Following further lack of support from Government members, the amendments were withdrawn.

330. The Worker members submitted an amendment to replace the existing text with the following:
It shall be unlawful for an employer to terminate the employment of a woman during her absence on leave referred to in Article 3 or 4. It shall be unlawful for an employer to terminate the employment of a woman during her pregnancy or during the period of breastfeeding following her return to work, except on grounds unrelated to the pregnancy or nursing. The burden of proving that the reasons for dismissal are unrelated to pregnancy or nursing shall rest on the employer who must justify the dismissal before the judicial authorities or other competent authorities prior to its taking effect.

331. The Worker Vice-Chairperson stated that the amendment clearly prohibited dismissal during the period of maternity leave, but afforded equivalent protection to that provided for in the Office text during pregnancy and the period following leave. The absolute prohibition of dismissal during maternity leave was considered a vital protection in many countries.

332. The Employer Vice-Chairperson opposed the amendment, and noted that Convention No. 103 did not contain such restrictive wording. Recommendation No. 95 recognized closure of enterprises and the expiry of contracts of employment as justified grounds for dismissal. Were the current amendment to be adopted, it would mean that even in such circumstances, the employer could not terminate the employment of a woman. Such a situation did not make practical sense. The last part of the amendment, which would require an employer to justify the dismissal before the judicial authorities prior to its taking effect, would prevent employers from effectively running their businesses. Such a requirement could not be implemented across the range of diverse legal systems in member States. She added that the provision in the Office text that the protected period following the woman’s return to work would be “prescribed by national laws or regulations” was missing from the amendment. Breastfeeding could extend for years. Such an unlimited period of protection as was provided for in the amendment was not workable.

333. The Government member of the United Kingdom noted that the amendment, in referring to the period of breastfeeding, was much broader than the Office text, and had implications with regard to Article 9. The Government member of Cyprus also opposed the amendment because of the imprecision of the term “period of breastfeeding”.

334. The Government member of Chile fully supported the amendment. Protection against discriminatory dismissal was a priority issue in the twenty-first century. All democratic countries had clear legislation against discriminatory dismissal, for example, regarding pregnant workers. Non-discrimination on the basis of maternity had the same legal character as non-discrimination on the basis of race, colour or social status. Dismissal should only be allowed for just cause, such as force majeure, closure of the enterprise or serious fault on the part of the employee, and in these cases prior approval by the competent authorities should be required.

335. The Worker Vice-Chairperson stressed that the amendment would not prevent dismissal due to the closure of an enterprise. If a company no longer existed, then there would no longer be a reason to retain the woman worker. However, during maternity leave there could be no possible reasons for a woman’s dismissal due to just cause, because the woman would not be in a position to do anything wrong while she was not at work. The situation was different with regard to pregnancy or breastfeeding, since many discriminatory dismissals did take place for those reasons because of employers’ desire to reduce labour costs and the difficulties of rescheduling work and operations. For this reason, in the same manner as the Office text, the amendment permitted dismissals during those periods as long as the grounds for dismissal were unrelated to pregnancy or nursing. The Worker Vice-Chairperson also accepted that there was a need to set a limit on the period of protection for
breastfeeding, and proposed a subamendment to add after the words “following her return to work” the phrase “to be prescribed by national laws and regulations”.

336. The Government member of the United Kingdom opposed the reference to breastfeeding, and could not support a requirement that employers should first have to justify dismissing a pregnant or breastfeeding woman before the competent authorities, as this would place an intolerable burden on businesses. The Government member of France, echoing that view, supported the Office text.

337. The Worker Vice-Chairperson withdrew the subamendment and proposed a new subamendment that would reintroduce part of the Office text by replacing “during the period of breastfeeding following her return to work” with “during the period following her return to work to be prescribed by national laws and regulations”.

338. The Employer Vice-Chairperson emphasized that an absolute prohibition of dismissal allowed for no exceptions. She referred to a 1999 direct request of the Committee of Experts commenting upon the legislation of Poland that allowed dismissal of a woman during pregnancy or maternity leave upon agreement with the trade union organization represented in the enterprise, if specified grounds were met for the dismissal. The Committee of Experts stated that in the event that justifiable reasons for dismissal were invoked during maternity leave, the notice of dismissal would be suspended for the duration of the protection period provided for under Article 6 of Convention No. 103. The Employer Vice-Chairperson interpreted this comment to mean that if a company went out of business it would nevertheless be required to continue to employ a woman for the duration of her maternity leave. Such an absolute prohibition of dismissal would be a barrier to ratification. For this reason, she insisted that dismissals unrelated to pregnancy or the birth of the child must be permitted during maternity leave as well as during pregnancy and the protected period following return to work. It was totally unacceptable to require the employer to obtain prior authorization before dismissal, in view of the fact that it might take many months before a hearing could be held to determine whether or not a dismissal was to be permitted.

339. The Worker Vice-Chairperson observed that many countries banned dismissal of women during their maternity leave, and no businesses were prevented from closing because of this. The Government member of Croatia stated that in her country in such cases the woman on leave would continue to be covered under social security schemes, and only afterwards would her employment be terminated.

340. The Government members of Cyprus and the Netherlands preferred the Office text.

341. The Worker Vice-Chairperson withdrew both the subamendment and the amendment due to lack of support.

342. In light of the preceding discussion, the Employer members withdrew their amendment which would have replaced Article 7 with the following text:

It shall be unlawful for an employer to terminate the employment of a woman during her pregnancy or absence on maternity leave, except on grounds unrelated to the pregnancy, to the childbirth or to breastfeeding.

343. The Government member of Brazil introduced an amendment submitted by the Government members of Brazil, Chile, Costa Rica, Dominican Republic, Guatemala and Venezuela to delete all the text after “national legislation” and add “except for just cause, with prior authorization of the competent authorities, in accordance with national
legislation. The burden of proof that there was just cause for dismissal shall rest on the employer.” The Government member of Brazil emphasized that, both during maternity leave and upon her return to work, a woman should be able to dedicate herself to breastfeeding and caring for her health and that of the child. Dismissal for economic reasons or reasons unrelated to pregnancy, childbirth or breastfeeding was unacceptable. It was very difficult for workers to establish before the judicial authorities that reasons given by the employer were not valid, but the concept of just cause existed in all national legislation.

344. The Employer Vice-Chairperson was totally opposed to the amendment, which she said would place an intolerable threefold burden on employers. Not only would the employer be required to establish just cause for dismissal, a concept that was not accepted in many countries, but the employer would also need prior authorization and then bear the burden of proving that the dismissal was for valid reasons. Such a requirement would make employers less willing to employ women and would thus adversely affect women’s situation in the labour market.

345. The Worker Vice-Chairperson supported the amendment because of the importance of providing a barrier to dismissal on maternity-related grounds. The Government member of Argentina supported the amendment on the basis that the revision of a Convention should always extend rights rather than reduce them. The Government member of Chile explained that in some countries prior authorization for dismissal was given by the labour inspectorate, while in others it was necessary to request permission through the judicial system. She referred to the values which the Convention was intended to protect, including the protection of the woman throughout the maternity period and the principle of non-discrimination. These values could not be protected with a commercial or business logic.

346. The Government member of Cyprus opposed the amendment because it placed inappropriate burdens on governments, which should not have to determine whether or not there was just cause for dismissal. Moreover, it was inconsistent to require prior authorization for dismissal and then to specify that this should be in accordance with national legislation.

347. After further expressions of opposition from the Government members of Barbados, Kenya and Nigeria, the amendment was withdrawn.

348. The Government member of the United Kingdom introduced an amendment, submitted by the Government members of Canada, Cyprus, Japan, the United Kingdom and the United States, to replace the last sentence of the proposed Article by “The burden of proving that the reasons for dismissal are unrelated to pregnancy and its consequences shall rest with the employer once a prima facie case has been established.” The sponsors subamended the last part of the sentence to clarify the meaning of prima facie by replacing the text after “employer” with “once the employee has stated why she suspects that her dismissal was related to her pregnancy or absence on leave.” The intention behind their amendment as subamended was to remove some of the burden from the employer of proving that the dismissal was not unfair, since they did not consider that the employer should have to disprove unsupported or vexatious cases. The woman would first have to establish the existence of just suspicion. Such an approach would be consistent with the existing procedures in the United Kingdom and in the United States, as well as in a number of countries in the European Union.

349. The Employer Vice-Chairperson pointed out that a statement of suspicion was quite different from a prima facie case, which required demonstrating that there were reasonable grounds for suspicion. There was limited usefulness in introducing into an international
Convention a notion of law that existed in the English common law system but not in other legal systems. Wording must be found which could apply in all legal systems. While she appreciated the intention of removing the sole responsibility for the burden of proof from the employers, she could not support the subamended amendment since the mere statement of suspicion did not constitute a *prima facie* case.

350. The Worker Vice-Chairperson expressed her group's preference for the Office text. She recalled that during the first discussion a clear understanding had been reached that a woman must file a complaint before the employer would be required to provide proof that the reasons for dismissal were not discriminatory.

351. Owing to the clear lack of support, the amendment was withdrawn.

352. The Employer Vice-Chairperson introduced an amendment that she subamended in the interests of responding to some of the concerns expressed. Instead of replacing the words "rest on the employer", those words would be retained and would be followed by "or be determined by national law or practice".

353. The Worker Vice-Chairperson reiterated her preference for the Office text.

354. The Government member of Cyprus objected since the additional phrase would negate the initial notion. The Government member of Namibia also opposed the subamended amendment. The Government member of Croatia referred to the wording used in the Termination of Employment Convention, 1982 (No. 158), in the case of termination and suggested that it would also be applicable in the case of the draft Convention.

355. The Government member of France proposed a subamendment, accepted by the Employer members, to maintain the phrase "rest on the employer" and add "in accordance with national law and practice". Such wording was similar to that used in the Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex and might provide more flexibility.

356. The Worker Vice-Chairperson opposed the subamendment, in preference to the Office text. She referred the Committee to page 90 of Report IV(2A) which made clear that the Office text would not dispense the employed woman from first providing evidence of her pregnancy and of the termination of her employment.

357. In response to a question from the Government member of the United Kingdom, the representative of the Legal Adviser referred the Committee to page 90 of Report IV(2A) in which the Office stated that the proposed Convention did not dispense with the requirement that the employed women first provide evidence of both her pregnancy and of the termination of her employment, if these were in dispute. She explained that a woman would have to indicate the reasons for her suspicion to allow the employer to prove that the reasons for the dismissal were not related to pregnancy, childbirth and its consequences, or nursing. However, she emphasized that the woman would not be required to indicate more than the basic elements of her suspicions.

358. Following lack of support from the Government members, the subamendment was withdrawn.

359. The Employer Vice-Chairperson emphasized that the question of the burden of proof placed on the employer was of crucial importance and immense concern to employers. She noted that the requirement that a woman state the basic elements of her suspicions did not have legal status in any jurisdiction. This provision would be impossible to transpose into
many national legal systems and would render the Convention unratifiable and therefore meaningless.

360. The Worker Vice-Chairperson expressed her deep concern that the Committee should produce an instrument which would be meaningful to the women concerned. This would not be the case if there remained a danger of women being dismissed because of pregnancy, maternity and breastfeeding and she therefore urged the Committee to adopt the Office text.

361. The Government member of Chile pointed out that both in her country and in Brazil systems more complicated than that provided for in the Convention had operated for more than 40 years without raising any difficulties. The Employer Vice-Chairperson responded that while employment protection was important, the Convention should not impose prescriptive requirements relating to the different legal systems of other member States.

362. Put to a vote the amendment, as subamended, was defeated by 40,579 votes in favour, 52,173 votes against, with 2,728 abstentions.

363. The Government members of Denmark, Finland, Ireland, Norway and Sweden submitted an amendment to delete the words “or 4 or during ... regulations” in the first sentence, and to replace both instances of “nursing” with “breastfeeding”. In introducing the amendment, the Government member of Norway said that women returning to work should enjoy the same protection as other workers and that the provision of special protection would restrict the access of women to the labour market.

364. The Employer Vice-Chairperson supported the amendment, noting that protection against termination of employment was provided by the Termination of Employment Convention, 1982 (No. 158).

365. The Worker Vice-Chairperson opposed the amendment in preference to the Office text, noting that the provisions of Article 4 concerned additional leave provided on production of a medical certificate in the case of illness, complications or risk of complications arising out of pregnancy or childbirth. Women taking leave in such circumstances were not in a comparable position to other workers and should therefore receive special protection.

366. Following lack of support from Government members, the amendment was withdrawn by its sponsors.

367. An amendment by the Employer members to delete “or during a period following her return to work to be prescribed by national laws or regulations” was withdrawn.

368. An amendment was submitted by the Government member of Croatia to insert after the word “regulations” the words “which must include the period during which she breastfeeds the child”. She explained that this period was not indefinite and should be determined by national law and practice.

369. The Employer Vice-Chairperson opposed the amendment on the grounds that such a provision was so broad as to render the proposed Convention unratifiable, particularly since different countries established different levels of prescription.

370. The Worker Vice-Chairperson expressed her support for the intention behind the amendment.

371. The Government member of Kenya opposed the amendment on the assumption that if the terms “nursing” and “breastfeeding” could be used interchangeably, the period of
breastfeeding was already protected under Article 7. The Government member of New Zealand also opposed the amendment in preference to the Office text, as did the Government member of Cyprus. The Government member of the Russian Federation supported the proposal, and noted that the period of breastfeeding was a natural continuation of childbirth and was considered by both UNICEF and WHO as crucial in ensuring the health of the child. The representative of the World Health Organization, expressing her understanding for the concerns of the Employer members, stated that, although her Organization recommended that breastfeeding should continue for at least two years, the majority of women breastfed for no longer than the first year, which was the most important period.

372. Following lack of support from the Government members, the amendment was withdrawn.

373. An amendment submitted by the Worker members to insert the words “including during the period of nursing” after “a period following her return to work” was withdrawn in light of the earlier debate.

374. An amendment submitted by the Employer members to replace the word “to” with “as might” after the words “return to work” was withdrawn, as was an amendment submitted by the Employer members to replace the words “leave referred to in Article 3 or 4” with the words “maternity leave”.

375. An amendment was submitted by the Employer members to replace both instances of the word “nursing” with “breastfeeding”, in the interests of ensuring consistency in terminology. The Government member of Costa Rica drew the Committee’s attention to the fact that the two terms were not interchangeable, and that in Spanish lactancia referred to the idea of ‘milk’, whereas the term amamantamiento meant that the milk was provided directly at the breast. In replying to a request for clarification from the Worker Vice-Chairperson, the representative of the Legal Adviser stated that the Office had been conscious of these distinctions in drafting its text, but considered that the word “nursing” was more elegant in certain contexts. She emphasized that in both cases the intended reference was to breastfeeding and further confirmed that the term “breastfeeding” encompassed the expression of breast milk.

376. Following lack of support from the Government members, the amendment was withdrawn.

377. The paragraph was adopted.

New paragraph after Article 7, paragraph 1

378. The Government members of Argentina, Brazil, Chile, Dominican Republic, Guatemala and Venezuela submitted an amendment to add a new paragraph as follows:

2. The pregnant woman shall have the right to transfer to another post, when this is required by health conditions, on presentation of a medical certificate, with the assurance that she can return to her previous post.

The purpose of the proposal was to protect the employment of the pregnant woman, with account being taken of her health and that of her child.

379. The Employer Vice-Chairperson opposed the amendment on the grounds that the matter had been dealt with in new Article 3, which contained general principles concerning the health of mother and child, and was addressed by Paragraph 7(2) of the Recommendation which provided for a variety of other options. Furthermore, in many cases transfer to
another post was not a feasible option, particularly in the case of small and micro-enterprises, where no such post might even exist.

380. The Worker Vice-Chairperson supported the amendment, stating that its content was different from that of the new Article 3, which concerned the safe nature of the workplace, rather than the condition of health of the woman concerned.

381. The Government members of Cyprus and New Zealand stated that they understood the intention of the amendment, but considered that the matter had been satisfactorily addressed by new Article 3.

382. The Government member of Côte d'Ivoire submitted a subamendment to add the words “as far as possible” after the words “women shall have”. While the woman might not be ill, she might be in a weakened position and there might be conditions to which she should not be exposed, particularly harmful chemicals or ionizing radiation.

383. The Employer Vice-Chairperson made it clear that she was not suggesting that women should be exposed to such conditions, a matter which in any case was addressed by other instruments. The means for providing the woman worker with alternatives to working under harmful conditions were best addressed in the Recommendation. She therefore opposed the subamendment, for the same reasons as she had opposed the original amendment.

384. The Worker Vice-Chairperson supported the subamendment.

385. The Government member of Brazil said that the idea of “as far as possible” was already implicit in the original amendment, whereupon the Government member of Côte d'Ivoire withdrew his subamendment. Following a lack of support from Government members, the amendment was withdrawn.

386. The Government members of Argentina, Brazil, Chile, Dominican Republic, Guatemala and Venezuela submitted an amendment to add a new paragraph as follows: “A woman is guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of her maternity leave”. The justification for the proposal was similar to that of the previous amendment, namely that a woman should not suffer any discrimination on her return to work.

387. The Employer Vice-Chairperson opposed the amendment, which she said was more a matter to be addressed in the proposed Recommendation where it was already covered by Paragraph 6. A woman was entitled to leave and to protection against dismissal and discrimination, but a guarantee of this kind might be difficult to establish in some countries.

388. The Worker Vice-Chairperson strongly endorsed the amendment, which she believed addressed an important issue.

389. The Government member of Croatia supported the amendment which she said would enhance employment protection. The Government members of Barbados and Côte d'Ivoire also endorsed the amendment, as did the Government member of Trinidad and Tobago, who said that her country went even further by allowing such workers the right to promotion while on maternity leave. The amendment was adopted.

390. Article 7 was adopted as amended.
Article 8

Paragraph 1

391. The Worker Vice-Chairperson submitted an amendment to add in the second line the words “any aspect of” before the word “employment”, which she said was intended to make the provision as comprehensive as possible. The Employer Vice-Chairperson did not consider that the amendment added any substance to the meaning of the Office text. Following the lack of support from the Government members, the Worker Vice-Chairperson withdrew the amendment.

392. The Government members of Denmark and Portugal submitted an amendment to delete the words “– notwithstanding Article 2, paragraph 1 –”. They did not consider that issues concerning the scope of the Convention should be addressed in this Article. Furthermore, the protection of the rights of people seeking employment should be dealt with in other instruments.

393. The Employer Vice-Chairperson supported the amendment, on the grounds that the phrase “notwithstanding Article 2, paragraph 1” only complicated and confused matters.

394. In response to a request for clarification from the Worker Vice-Chairperson, the representative of the Legal Adviser said that for the Office that protection against discrimination in employment applied to access to employment. However, in view of the questions raised regarding the scope of the Convention under Article 2, paragraph 1, and in order to avoid any ambiguity, it had been considered advisable to clarify beyond any doubt that persons seeking employment would also be protected under this paragraph. This was reflected on pages 92-93 of the Office commentary in Report IV(2A). If the Committee considered that the addition of these words was unnecessary, they could be removed.

395. The Government members of Cyprus and the United Kingdom said that, on that understanding, it might be unnecessary to include the reference. The Government member of Croatia considered that the reference to Article 2, paragraph 1 should be retained, since it was a technical element which clarified the reference to unemployed women seeking access to employment.

396. In the light of the clarification provided by the representative of the Legal Adviser, the Government member of Portugal withdrew her endorsement of the amendment, which was not adopted due to lack of support.

397. Article 8, paragraph 1, was adopted.

Paragraph 2

398. The Government members of Denmark, Finland, Norway and Sweden submitted an amendment to delete paragraph 2 and replace it with the following:

An employer may require a test for pregnancy or a certificate of such a test only when a woman is applying for employment where the work is prohibited or restricted for pregnant or breastfeeding women under national laws or regulations or where there is recognized or significant risk to the health of the woman or the health of the child.

In presenting the amendment, the Government member of Norway said that it was a more flexible provision that would accommodate different national legislations and regulations regarding pregnancy tests.
399. The Employer Vice-Chairperson supported the amendment, which she said gave sufficient protection while recognizing the existence of differences in law and practice.

400. The Worker Vice-Chairperson stated that the subject of pregnancy tests was an important one and opposed the amendment, on the grounds that the Office text was stronger.

401. Following lack of support from Government members, the amendment was withdrawn.

402. The Worker Vice-Chairperson submitted an amendment to delete the rest of the paragraph after the words "applying for employment", the purpose of which was to prevent the abuse of pregnancy tests by employers, particularly in export processing zones, where they were often used as a means of excluding women from employment and terminating the employment of pregnant women. While she was not against pregnancy tests for certain kinds of work, she opposed the enforced testing of women workers.

403. The Employer Vice-Chairperson stressed that there was no requirement under the Office text for imposing such tests. There was rather a prohibition against pregnancy tests, except where they were necessary to protect the health of the woman and her unborn child. In the event that employers in ratifying countries misused such tests, they would be acting contrary to their national legislation. She emphasized that employers must be able to know if a woman worker was likely to be at risk, and that this was in the interest of the health and safety of the woman and her child.

404. The Government members of Cyprus, Namibia and Poland preferred the Office text, which they said provided greater protection of the health of women.

405. Following further lack of support from the Government members, the Worker Vice-Chairperson withdrew the amendment.

406. The Government members of France and Portugal submitted an amendment to delete the words "where the work" and to replace by the words "where required by national laws, regulations or practice in respect of work that", which would accommodate those national legislations that required such testing in specific cases. The Worker Vice-Chairperson submitted a subamendment to delete the words "or practice", which she said often involved instances of abuse.

407. The Employer Vice-Chairperson opposed the subamendment and the amendment in preference to the existing Office text which already prohibited testing except where restricted under national laws or regulations. Under the subamendment there could be no pregnancy testing unless specific legislation were in effect to cover all areas of work and all circumstances. The onus on member States to keep up to date in this regard was clearly impracticable, given the changing nature of work and improvements in occupational safety and health and the measurement of risks. Adoption of the amendment would in practice put a stop to pregnancy tests in situations where women's health might be at risk.

408. The Worker Vice-Chairperson responded that legislation was not needed to cover all branches of industry, and that her objective was to ensure that women would not be excluded from employment simply because of discrimination. The subamendment was supported by the Government member of Senegal.

409. Put to a vote, the amendment, as subamended by the Worker members, was adopted by 48,763 votes in favour, 39,215 votes against, with 5,115 abstentions.

410. Article 8, paragraph 2, was adopted as amended.
411. The Government member of New Zealand, with the support of the Government member of the Netherlands, moved a motion as to procedure to obtain a decision by the Committee to proceed to the discussion of proposed Article 9. He considered the question of health protection, which was the subject of a number of proposed amendments, had already been discussed at length by the Committee, in particular resulting in the adoption of a new Article 3, and that the subject was also addressed by the proposed Recommendation. He noted that additional amendments on this issue had been submitted by the Government members of Croatia, Benin, Botswana, Burkina Faso, Burundi, Congo, Côte d'Ivoire, Ghana, Kenya, Libyan Arab Jamahiriya, Madagascar, Mali, Nigeria, Rwanda, Sudan, Swaziland and Zimbabwe, dealing largely with issues covered in early discussion on health protection, which had resulted in the adoption of a new Article.

412. The Employer Vice-Chairperson supported the motion and also noted that it would be possible to go into further detail when the Committee discussed the proposed Recommendation.

413. The Worker Vice-Chairperson emphasized that health protection was a matter of extreme importance and that several amendments not yet discussed introduced elements that might strengthen the health protection provided in Article 3. She said she was ready to support any proposals which enhanced such protection. Similar views were expressed by the Government members of Chile and Côte d'Ivoire.

414. After a request by the Worker Vice-Chairperson for clarification concerning the motion as to procedure moved by the Government member of New Zealand, the representative of the Legal Adviser stated that such motions were governed by the provisions of article 63(2)(d) of the Standing Orders concerning adjournment of debate. It was a motion to adjourn the debate on the question of health protection under the Convention. The motion had been moved before the sponsors of several amendments had been able to present their amendments, but in the light of the support for the motion as indicated by a show of hands, it was possible to proceed with a vote on the motion in accordance with article 63, paragraph 7(2).

415. Put to a vote, the motion as to procedure to obtain a decision by the Committee to proceed to the discussion of proposed Article 9 was carried by 50,809 votes in favour, 41,943 votes against and no abstentions.

416. The Government member of Croatia suggested that the Committee Drafting Committee examine the best placement within the instrument of the provision on health protection which had been adopted earlier.

417. Article 8 was adopted, as amended.

Article 9

418. The Government member of Canada introduced an amendment which would replace Article 9 by the following text:

Each Member shall, after consulting the representative organizations of employers and workers, adopt appropriate measures to support the return to work of women who are breastfeeding and ensure that employers take reasonable steps to enable a woman to tend to her breastfeeding needs without discrimination.

He explained that the purpose was to provide balance by ensuring the necessary protection but avoiding a text which would be too prescriptive. It had to be recognized that in some
workplaces employers could encounter serious practical difficulties in providing paid breaks for women to breastfeed.

419. The Employer Vice-Chairperson supported the amendment for similar reasons, recalling that nursing breaks had been high on the list of issues that had deterred ratification of Convention No. 103. That had initially led the Office to place the matter in the draft Recommendation, but the Committee in its first discussion had decided to move it into the draft Convention. The Employer members supported the return to work of women who were breastfeeding, but believed that the Convention should allow the adoption of measures appropriate to each country.

420. The Worker Vice-Chairperson, speaking against the amendment, reiterated the importance of breastfeeding to the health of both the child and the mother, as affirmed by the statements of NGOs, WHO and UNICEF, and recalled the extensive research findings on this subject. The reality was that the need to return to work often led women to stop breastfeeding too early. There could therefore be no question of reducing the protection provided by Convention No. 103.

421. The Government member of Zimbabwe commented that the wording of the amendment was ambiguous and underlined the need for the Convention to contain some minimum defined standard. The Government member of Poland wondered what was meant by “reasonable steps” and the Government member of Croatia asked what was to be understood by the phrase “without discrimination”, points echoed by the Government member of Côte d’Ivoire who underlined the vagueness of the amendment. For the Employer Vice-Chairperson, “appropriate measures” referred to the adoption of legislation, but the Worker Vice-Chairperson felt that the wording lent itself to many different interpretations.

422. The amendment was supported by the Government members of Tunisia and the United Kingdom, as well as by the Government members of Bahrain, Kuwait and Saudi Arabia who found the proposed wording sufficiently flexible.

423. The Government member of the Netherlands supported the Office text and felt that the amendment did not go in the right direction. The Government member of Zambia recalled the statements of UNICEF and WHO about the minimum duration of breastfeeding; as the draft Convention provided for only 14 weeks’ maternity leave, nursing breaks were vital. The Government member of Kenya commented that a lot of research on breastfeeding had been conducted since the adoption of Convention No. 103 in 1952. What was at stake was child mortality and the health of the mother, issues which the amendment did not adequately recognize.

424. Following a lack of support from Government members, the Government member of Canada withdrew the amendment.

Paragraph 1

425. An amendment was submitted by the Government members of Belgium, Finland, Greece, Italy, Norway, Portugal and Sweden to replace paragraph 1 of Article 9 by the following text: “Each Member shall provide a woman with the right to one or more daily breaks and/or a daily reduction of hours of work to breastfeed her child.” In introducing the amendment, the Government member of Belgium observed that there was a need for greater flexibility. This is why all Members should be given the possibility of either prescribing breaks or adapting working time to enable women workers to begin their working day later or to finish earlier.
426. The Employer Vice-Chairperson expressed support for the amendment as it would allow each country to provide what it felt was the appropriate response. However, the Worker Vice-Chairperson understood that each woman should have the right to nursing breaks or a reduction in daily working hours and presented a subamendment to make that clear. The Government member of Belgium accepted the subamendment, which was also supported by the Government member of Côte d'Ivoire. The Government member of the Netherlands questioned the meaning of “and/or”. The Employer Vice-Chairperson declared that it would be unacceptable to require both breaks and a reduction in working hours. The Worker Vice-Chairperson's understanding was that the woman should have the choice, not that she should have a reduction in hours as well as nursing breaks. She therefore presented a second subamendment to replace “and/or” by “or”, which was duly adopted. Speaking in support of the amendment, the Government member of Chile underlined that breastfeeding was the mother’s right and stated that it was desirable to provide breastfeeding women with the choice between nursing breaks and shorter hours. The Government member of the Netherlands said that things were becoming unclear. The State should provide the woman with either the right to nursing breaks or the right to a daily reduction of hours of work. She insisted on adding “either ... or” in the amendment. In reply to a question from the Government member of Poland, the Worker Vice-Chairperson said that the question of remuneration in respect of the reduction in working hours would be covered in Article 9, paragraph 2.

427. The Committee then adopted the amendment which, as subamended, read as follows:

A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child.

428. The Chairperson then proposed to proceed to an amendment, submitted by the Government members of Benin, Botswana, Burkina Faso, Burundi, Congo, Côte d'Ivoire, Ghana, Kenya, Libyan Arab Jamahiriya, Madagascar, Mali, Nigeria, Rwanda, Sudan, Swaziland and Zimbabwe, to replace in paragraph 1 of Article 9 the words “one or more daily breaks to nurse her child” by “a minimum of two half-hour daily breaks to nurse her child up to one year after birth”. However the Employer Vice-Chairperson argued that, as paragraph 1 of Article 9 had been totally replaced by the previous amendment, no further amendment to that text could be considered.

429. In response to further questions by the Government members of Côte d'Ivoire and Croatia concerning the effect of the adoption of the previous amendment on other amendments that had been proposed, the representative of the Legal Adviser stated that the adoption of the amendment presented by the Government member of Belgium had the effect of completely replacing Article 9, paragraph 1. As a result, all other amendments to that paragraph could not be considered as they no longer had textual relevance to the new wording which the Committee had adopted. The Chairperson ruled that further amendments to paragraph 1 of Article 9 fell because of the adoption of the new wording.

430. Article 9, paragraph 1, was adopted as amended.

Paragraph 2

431. The Employer members submitted an amendment that would replace the existing text by the following:

2. The period of entitlement to such breaks and their frequency, length and payment that might apply may be determined in accordance with national law and practice.
The Employer Vice-Chairperson stressed that employers supported the protection of breastfeeding needs. The proposed amendment combined in one provision all the issues to be determined: the period of entitlement to nursing breaks, their frequency and length and the question of payment. Leaving more detailed regulation of these issues to national law and practice would enable governments to determine the most appropriate approach for national circumstances. The Recommendation would provide further guidance to the parties. The Office text requiring that breaks be counted as working time and remunerated in consequence could not be implemented satisfactorily in all working places. It was important to note that a great variety of payment systems existed, not all of which were based on working time. Some examples included payment based on results, and payment based on participation in actual production, with different rates applicable for non-production time. The intention of the amendment was not to reduce the entitlement, but instead to ensure that all systems of payment as well as national particularities could be accommodated. This would make the Convention more broadly ratifiable. The Employer Vice-Chairperson noted that the Office had identified the provisions on nursing breaks as such an obstacle to ratification that it had originally shifted them to the Recommendation. It would be wrong to reintroduce into the new Convention an even higher degree of prescription than that contained in Convention No. 103. Members with generous periods of entitlement and payment for nursing breaks would be free to specify this, while those approaching the matter differently could decide for themselves how best to address these issues. She emphasized that it was important for the standing of the Committee and for the standard-setting process as a whole to demonstrate an ability to recognize differences in national systems.

The Government member of Namibia was in favour of the amendment. It recognized the three important issues of frequency, length and payment of nursing breaks and allowed the specific details to be determined by national law and practice.

The Worker Vice-Chairperson opposed the amendment in its entirety, because it removed the remuneration requirement and would result in a lower standard of protection than under Convention No. 103. There was a need for a common framework within international standards to guide national legislation. Whether or not remuneration was to be paid could not be left for determination at the national level. The Worker members signalled that they might propose that the provision be replaced with the following text:

The period during which nursing breaks or the reduction of daily hours of work are allowed, their number, the duration of nursing breaks and the procedures for the reduction of daily hours of work may be determined by national law and practice. These breaks or the reduction of daily hours of work shall be counted as working time and remunerated accordingly. In special cases and on the basis of a medical certificate or other appropriate certification, the number and length of daily nursing breaks shall be adapted to the needs of the mother and child as determined by national law and practice and shall be counted as working time and remunerated accordingly.

The Government member of Chile opposed the amendment submitted by the Employer members since it did not stipulate that such nursing breaks should be provided during working time and be counted as such. It was inadvisable to leave such an issue open. It was important that employed mothers did not have to accept a shorter working day with lower income in order to breastfeed their infants. The Government member of Benin observed that the proposed amendment mentioned only nursing breaks and did not take account of the reduction of daily hours of work which had been agreed in paragraph 1 of the Article.

The Employer Vice-Chairperson emphasized that the draft Convention should be read in conjunction with the draft Recommendation. She pointed out that Paragraph 9 of the
Recommendation looked at the practicality of providing a reduction of daily hours of work. The Employer members' amendment recognized that women were entitled to such breaks but, rather than providing prescription, it allowed each Member to regulate their frequency, length and payment. The Employer Vice-Chairperson reminded the Committee that the Convention provided that workers should not be discriminated against on the grounds of breastfeeding. Thus, to provide that no payment at all should be made to breastfeeding workers would likely be a breach of the Convention. She stressed that the framework of entitlement to breaks was set by the Convention and that the issues of frequency, length, duration of entitlement and payment would be more appropriately determined at the national level.

437. The Worker Vice-Chairperson stated that although the non-discrimination provisions were useful, the Committee should not assume that women would have sufficient power to compel governments to enact legislation in line with those provisions, and therefore minimum standards for breastfeeding breaks should be included. She stressed that the Recommendation did not impose legal obligations and therefore adequate protective measures must be included in the Convention. She emphasized that if the proposed amendment were to be adopted, the length and frequency of breaks and the question of remuneration would be entirely determined at the national level. Article 9, paragraph 1, would provide for daily breaks or a reduction of hours of work, but there would be no remuneration for the woman concerned, who would consequently lose part of her income and therefore be punished for breastfeeding her child. She therefore reiterated the view that she could not accept the amendment.

438. The Government members of Denmark, Finland, Norway and Sweden supported the amendment, as did the Government member of France, who affirmed that the modalities and the question of remuneration would be more logically determined in national legislation.

439. The Government members of Cyprus, Greece, New Zealand and Nigeria opposed the amendment. They considered the remuneration element important for the Convention.

440. The Government member of Zimbabwe submitted a subamendment to insert after the word "breaks" the words "shall be for at least one year. Their frequency and length shall be determined in accordance with national law and practice. These breaks must be counted as working time and remunerated accordingly".

441. The Employer Vice-Chairperson countered that the subamendment was the antithesis of what the Employer members were trying to achieve, in that it included too high a degree of prescription. She pointed out that some countries would be unable to ratify the Convention if it were to provide that a woman should be entitled to daily breaks for a period of one year, and stressed that the countries should have an opportunity to determine, in accordance with national law and practice, how payment was to be made. The Government member of Cyprus opposed the subamendment on the grounds that providing for daily breaks for a period of one year would render the Convention difficult to ratify in countries like hers, where the entitlement was for a period less than a year, e.g. six months.

442. The Worker Vice-Chairperson supported the subamendment, but proposed a further subamendment to provide for the reduction of working time, and to include the following paragraph:

On the basis of a medical certificate or other appropriate certification, the number and length of daily nursing breaks shall be adapted to the needs of the mother and the child, as determined by national law. These breaks must be counted as working time and remunerated accordingly.
443. Due to insufficient support by Government members, the subamendment submitted by the 
Government member of Zimbabwe and subsequently subamended was withdrawn.

444. Given the importance of the issue, the Employer Vice-Chairperson called for a record vote 
on the amendment which had been submitted by the Employer members. The amendment 
was defeated by 3,630 votes in favour, 4,650 votes against, with 214 abstentions. 4

445. The Government members of Belgium, Greece, Italy and Portugal submitted an amendment 
to replace paragraph 2 with the following text:

The period during which nursing breaks or the reduction of daily hours of 
work are allowed, their number, the duration of nursing breaks and the 
procedures for the reduction of daily hours of work may be determined by 
national law and practice. These breaks or the reduction of daily hours of work 
shall be counted as working time and remunerated accordingly.

In presenting the amendment, the Government member of Belgium stated that its purpose 
was to introduce in this paragraph a reference to the reduction of working hours as a 
consequence of the adopted text of paragraph 1.

446. The Worker Vice-Chairperson supported the amendment in view of the fact that the 
Committee had already adopted an amendment to paragraph 1 that would allow for a daily 
reduction of hours of work as an alternative to daily breaks for breastfeeding. It was clear 
that any such reduced working hours should also be counted as working time and 
remunerated accordingly. This reasoning was endorsed by the Government member of 
Croatia.

447. The Government member of Guatemala submitted a subamendment to replace the words 
"may be determined by national practice" with the words "shall be determined by national 
law and practice". This subamendment was adopted. The Employer Vice-Chairperson 
noted with concern that the consequence of the subamendment would be that all the matters 
referred to under the paragraph would have to be determined by national law and practice.

448. The Worker Vice-Chairperson stated that it was important to cover both normal situations, 
which did not require the presentation of a medical certificate, and specific situations 
concerning the health of the mother or child which involved special breaks and required the

4 Details of the record vote with respect to Government members:

In favour = 14: Australia, Canada, China, Denmark, Finland, France, Ireland, Japan, Namibia, 
Norway, Sweden, Turkey, United Kingdom, United States.

Against = 48: Argentina, Austria, Bahrain, Belgium, Botswana, Brazil, Bulgaria, Chile, Costa Rica, 
Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Egypt, El Salvador, Ethiopia, Germany, Ghana, 
Greece, Guatemala, Hungary, Indonesia, Israel, Italy, Kenya, Republic of Korea, Kuwait, Libyan 
Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Morocco, Netherlands, New Zealand, 
Nigeria, Peru, Philippines, Poland, Portugal, Russian Federation, Rwanda, Saudi Arabia, Slovakia, 
Spain, Suriname, United Arab Emirates, Venezuela, Zimbabwe.

Abstentions = 2: India, Switzerland.

Absent = 43: Algeria, Angola, Bahamas, Barbados, Belarus, Benin, Bolivia, Burkina Faso, 
Cameroon, Chad, Colombia, Congo, Cuba, Dominican Republic, Gabon, Honduras, Iceland, Islamic 
Republic of Iran, Jordan, Kiribati, Lebanon, Lesotho, Mali, Malta, Mauritania, Mexico, 
Mozambique, Nicaragua, Niger, Pakistan, Papua New Guinea, South Africa, Sri Lanka, Sudan, 
Swaziland, Syrian Arab Republic, United Republic of Tanzania, Thailand, Trinidad and Tobago, 
Tunisia, Uruguay, Viet Nam, Zambia.
presentation of a medical certificate. For these reasons, and pending the final outcome of the discussions, she submitted a subamendment to insert after the first sentence a new sentence as follows:

In special cases and on the basis of a medical certificate or other appropriate certification, the number and length of daily nursing breaks shall be adapted to the needs of the mother and child, as determined by national law,

and to move the second sentence of the original amendment to a new paragraph 3 to read as follows:

These breaks or the reduction of daily hours of work shall be counted as working time and remunerated accordingly.

449. The Employer Vice-Chairperson reiterated that the reduction of daily hours of work for breastfeeding should be dealt with in the proposed Recommendation, as the need for flexibility in these areas was very important.

450. The Government member of Indonesia opposed the subamendment, as did the Government member of the Netherlands, who said that it dealt with specific situations better addressed in a Recommendation. The Government member of Kenya recognized the importance of the issue, but felt that the subamendment complicated the issue unnecessarily, a view endorsed by the Government members of Ghana, Senegal, Suriname and Trinidad and Tobago. The Government members of Denmark, Finland, Norway and Sweden also expressed their opposition to the proposal, which they said would be an obstacle to ratification. Similar views were expressed by the Government members of Bahrain and Nigeria, who believed that the Office text adequately addressed the issue. The Government member of Cyprus considered that the matter could be satisfactorily dealt with according to national law and practice. The Government member of Côte d'Ivoire expressed his sympathy with the intention of the proposal, but considered the matter more appropriate for the proposed Recommendation.

451. Noting that several Government members had expressed their understanding of the reasons for her proposal, the Worker Vice-Chairman withdrew her subamendment due to a lack of support.

452. The amendment, as subamended, was adopted.

453. The Government member of Côte d'Ivoire introduced an amendment to add a sentence at the end of the paragraph to read: “The total length of these breaks should not be less than one hour per working day.”, the purpose of which was to give the provision a practical dimension.

454. The Employer Vice-Chairperson opposed the amendment, on the grounds that the Committee had just agreed that the duration and length of breaks should be determined by national law and practice. She maintained that the proposed Convention should remain as free as possible of any prescription of this kind.

455. The Worker Vice-Chairperson expressed her support for the intention of the amendment.

456. The Government members of Cyprus, the Netherlands, New Zealand and Zimbabwe opposed the amendment as being too prescriptive and likely to make the proposed instrument unratifiable. The Government member of Namibia said that the amendment was unrealistic, and wondered whether women working part time would also qualify for such
breaks. The Government member of Senegal, while commending the intention of the amendment, considered that it would be more appropriate for inclusion in the proposed Recommendation. The representative of the World Health Organization said that her Organization recommended that breastfeeding should take place every three to four hours.

457. Following a lack of support from the Government members, the Government member of Côte d'Ivoire withdrew the amendment.

458. Article 9, paragraph 2, was adopted as amended.

*New paragraph after paragraph 2*

459. The Government members of Argentina, Bolivia, Brazil, Chile, Costa Rica, Dominican Republic, Guatemala and Venezuela submitted an amendment to add a new paragraph after Article 9, paragraph 2, that would read:

3. Provision shall be made for the establishment of facilities for breastfeeding under adequate hygienic conditions.

In presenting the amendment, the Government member of Chile said that it was logical to establish the material conditions in which women would be able to exercise their right of breastfeeding. The Government member of Egypt supported the intention of the amendment. However, she could not endorse it and given its very general wording, said that it was better placed in the Recommendation.

460. The Employer Vice-Chairperson considered that it was unacceptable to include such a provision in the proposed Convention. The amendment did not address the fundamental aspects which would normally be covered by a Convention, such as cost, and would only create uncertainty in this respect. Furthermore, it would be unrealistic to require small enterprises to establish such facilities. It should therefore remain in Paragraph 10 of the proposed Recommendation.

461. The Worker Vice-Chairperson expressed her support for the amendment, which she said addressed an issue of importance in many countries.

462. The Government member of Cyprus, while not opposed to the idea of the proposal, said that it should not be included in a Convention, where it would pose an obstacle to ratification.

463. The Government member of Kenya submitted a subamendment to add at the beginning of the sentence the words “Where practicable,” which she said would provide the necessary flexibility, and which was further subamended by the Government member of Côte d’Ivoire to read:

Where female employees exceed a number to be determined under national legislation, provision shall be made where practicable for the establishment of facilities for breastfeeding under adequate hygienic conditions.

464. The Employer Vice-Chairperson recalled that during its first discussion the Committee had decided that breastfeeding also referred to the expression of breast milk and that adequate hygienic conditions would also include refrigeration, which would entail costs that exceeded the financing abilities of many micro, family and small enterprises. The provision would also require that these matters be determined by national legislation. Following opposition from the Worker Vice-Chairperson, who also believed that the subamendment
was too prescriptive and restrictive, the subamendment was withdrawn by the Government member of Côte d'Ivoire.

465. In response to a request for clarification from the Government member of New Zealand concerning the use of the words “where practicable” in a Convention, the representative of the Legal Adviser stated that it was a flexibility device used in a number of ILO Conventions. Although it did reduce the extent of the obligation, ratifying member States in their reports to the supervisory bodies would nonetheless be required to indicate where and why such an obligation was not practicable.

466. The Government member of the Libyan Arab Jamahiriya considered that the provision should remain in the proposed Recommendation. He considered that the term “where practicable” should be avoided in a Convention. The Government member of Senegal expressed her concern about the practical aspect of providing facilities for breastfeeding at the workplace and wondered whether this would require employers to set up nurseries. The Government member of Hungary also opposed the subamendment, on the grounds that its provisions were better suited to the proposed Recommendation.

467. The Government member of Chile clarified the intention of her proposal by stating that it was a minimum provision which drew on the legal and practical experience of countries in which governments, and sometimes employers, had established the necessary facilities for women to nurse their infants. She emphasized that the provision of hygienic facilities was essential to the prevention of disease in both women and their children, which would in turn result in a reduction of costs incurred through illness. The Government member of Argentina noted that the amendment did not stipulate that employers would have to provide facilities. He added that in many cases it would be preferable if these could be established through the social security system.

468. The Government member of Côte d'Ivoire endorsed the subamendment, as did the Government member of Ghana, who said that its inclusion in the proposed Convention would ensure that since women had the right to breaks for breastfeeding, they would also have the necessary facilities to make that right effective. The Government member of Trinidad and Tobago said that the proposal logically followed from the entitlement to breastfeeding breaks. Furthermore, the inclusion of the words “where practicable” provided the necessary flexibility for member States.

469. The representative of the World Health Organization pointed out that breast milk contained substances that provided protection against infection and contamination. Although it should be kept in hygienic conditions, there was no need for refrigeration for up to eight hours, nor for sophisticated equipment, provided that there was a clean environment with access to safe water. This would not entail any major financial cost.

470. Put to a vote by a show of hands, the subamendment was carried by 4,050 votes in favour, 3,990 votes against, with 180 abstentions. In the light of the debate and the closeness of the vote, the Employer Vice-Chairperson called for a record vote. The subamendment failed to carry by 3,960 votes in favour, 3,960 votes against, with 360 abstentions.

5 Details of the record vote with respect to Government members:

In favour = 25: Argentina, Bolivia, Botswana, Brazil, Chile, Côte d'Ivoire, Croatia, Ghana, Guatemala, Hungary, Indonesia, Jordan, Kenya, Madagascar, Malaysia, Mozambique, Nigeria, Peru, Poland, Suriname, Thailand, Trinidad and Tobago, Uruguay, Zambia, Zimbabwe.
471. Article 9 was adopted as amended.

New Article after Article 9

472. The Government member of Guatemala introduced an amendment which he had submitted along with the Government members of Argentina, Bolivia, Brazil, Chile, Costa Rica, Dominican Republic and Venezuela, to add a new Article on nurseries, as follows: “Appropriate means shall be adopted under national legislation and practice to provide for the care of working mothers’ children in early infancy.” He emphasized that nurseries were necessary if women were to be able to breastfeed without leaving the workplace. Such facilities could be simple but had to be adequate.

473. The Employer Vice-Chairperson well understood the reasons for the amendment but felt that its place was not in the proposed Convention but rather came within the parameters of the Workers with Family Responsibilities Convention, 1981 (No. 156). The Worker Vice-Chairperson expressed support for the amendment, as did the Government member of Zambia. While agreeing with the intention of the amendment, the Government member of Cyprus thought that the Convention was not the right place to deal with the subject of nurseries, a point of view shared by the Government member of the Netherlands who said that the best place for it would be in the Recommendation.

474. Following a lack of support by Government members, the Government member of Guatemala withdrew the amendment.

Article 10

475. The Employer Vice-Chairperson presented an amendment to Article 10, deleting all text after “workers” and replacing it with the words “issues relating to maternity protection”. She explained that it would be too restrictive to imply that periodical consultations should be only about extending the period of leave and increasing the cash benefits.

476. The Worker Vice-Chairperson opposed the amendment, saying that from the Worker members’ point of view it was important to retain the wording of the draft Convention. The Government member of Poland also spoke against the amendment, noting that the Office text posed no problems for ratification.

477. The Government member of Chile proposed a subamendment which would retain the Office text of Article 10 and add to it the words “as well as all issues relating to maternity protection”. The Government member of Cyprus noted that both the subamendment and the amendment itself were much too imprecise: if periodical consultation was to be required, it

Against = 25: Australia, Bahrain, Belgium, Canada, China, Cyprus, Czech Republic, Denmark, Egypt, France, Ireland, Japan, Kuwait, Lesotho, Luxembourg, Namibia, Norway, Philippines, Portugal, Saudi Arabia, Slovakia, Spain, Sweden, United Arab Emirates, United Kingdom.

Abstentions = 12: Austria, Ethiopia, Germany, Greece, India, Italy, Republic of Korea, Netherlands, New Zealand, South Africa, Switzerland, United States.

Absent = 45: Algeria, Angola, Bahamas, Barbados, Belarus, Benin, Bulgaria, Burkina Faso, Cameroon, Chad, Colombia, Congo, Costa Rica, Cuba, Dominican Republic, El Salvador, Finland, Gabon, Honduras, Iceland, Islamic Republic of Iran, Israel, Kiribati, Lebanon, Libyan Arab Jamahiriya, Mali, Malta, Mauritania, Mexico, Morocco, Nicaragua, Niger, Pakistan, Papua New Guinea, Russian Federation, Rwanda, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, United Republic of Tanzania, Tunisia, Turkey, Venezuela, Viet Nam.
was essential to know what subjects it should cover. She therefore opposed the subamendment and the amendment.

478. Both the subamendment and the amendment were withdrawn.

479. The Worker Vice-Chairperson introduced an amendment to add, at the end of Article 10, the following text: “and the possibility to progressively extend the provisions of the Convention to the categories of workers excluded under the terms of Article 2, paragraph 2”. This was necessary in view of the large number of women workers belonging to the excluded categories.

480. In opposing the amendment, the Employer Vice-Chairperson observed that the matter was already covered in Article 2, paragraph 3, and that it was unnecessary to repeat it in Article 10.

481. The Government member of Senegal questioned the interpretation given by the Employer Vice-Chairperson. The Worker Vice-Chairperson explained the difference between her amendment and the content of Article 2, paragraph 3. In the light of this explanation, the Government member of Senegal expressed support for the amendment. The Government member of Chile also supported the amendment, as it required tripartite consultation and was therefore different from Article 2, paragraph 3, which contained no such requirement. The Government member of Cyprus opposed the amendment, arguing that the inclusion of the matter in Article 10 was unnecessary. In view of the insufficient support for it among other Government members, the amendment was withdrawn.

482. The Worker Vice-Chairperson proposed to amend the first line of Article 10 by deleting the word “most” before “representative”. She felt that it would be enough to refer to “representative organizations”. The Employer Vice-Chairperson had no objection to the amendment which was then adopted.

483. An amendment was presented by the Worker Vice-Chairperson to add a new paragraph, as follows:

Each Member shall, at the national level, examine periodically, in consultation with the representative organizations of employers and workers, the appropriateness of extending the scope of the Convention and may subsequently deposit with the Director-General of the International Labour Office a declaration extending the scope of the Convention.

She further proposed a subamendment to replace the word “consultation” with “agreement”.

484. The Employer Vice-Chairperson supported the Office text and opposed the amendment. The scope of the Convention was a matter that had been determined in Article 2 and it would be inappropriate for it to be changed outside the international framework in which the Convention was being adopted. She also felt that it was not right to create any expectation that the scope of the Convention would be extended to other categories such as self-employed workers.

485. The Government member of Cyprus queried whether inclusion of the amendment would really make any difference. Responding to an intervention by the Government member of Argentina, the Worker Vice-Chairperson explained that the word “scope” in the amendment was intended to provide an opportunity to broaden the scope beyond what was provided for in Article 2(1) which was more significant than the possibilities provided for
in Article 2(3). The Government member of Argentina then declared his support for the amendment, which he viewed as a logical consequence of Article 2, paragraph 3. For the Employer Vice-Chairperson, the broader meaning given to the word “scope” in the explanation of the Worker Vice-Chairperson only strengthened the reasons to oppose the amendment.

486. The Government member of the Netherlands pointed out that the subamendment could also have the effect of preventing extension of coverage, in cases where the Government wanted to extend coverage but it was not possible to reach tripartite agreement. The Worker-Vice-Chairperson appreciated the problem and therefore withdrew her subamendment.

487. The Government member of Portugal had certain misgivings about the amendment since, from a legal point of view, the procedure envisaged was oversimplified.

488. In the light of the insufficient support for the amendment among Government members, the Worker Vice-Chairperson withdrew the amendment.

489. Article 10 was adopted as amended.

Article 11

490. The Government member of Croatia introduced an amendment to replace the words “except in so far as effect is given to it” with the words “supplemented where necessary”, arguing that in order to safeguard the rights established by the Convention, laws or regulations were necessary. Means such as collective agreements were subject to change and reliance upon them created legal uncertainty. On the other hand, there was no problem if laws and regulations were supplemented by any other means.

491. The Employer Vice-Chairperson stated that this was an illustration of the different ways that different countries have of implementing the same thing. She pointed out that the Convention had to be implemented by laws and regulations in so far as it was not implemented by other means. Furthermore, the Constitution of the ILO recognized that collective agreements could deliver the provisions of a Convention. The Employer members therefore supported the Office text of Article 11.

492. The Worker Vice-Chairperson, expressing confidence in the role of the social partners, pointed out that matters were increasingly regulated through collective agreements. She therefore preferred the Office text.

493. The Government member of Croatia withdrew her amendment.

494. Another amendment was presented by the Government member of Croatia, to delete all the text after “court decisions”. She wondered what “other means” might be, but had so far failed to find out. The Employer Vice-Chairperson and the Worker Vice-Chairperson both expressed a preference for the Office text, and the latter gave company agreements as an example of “other means”. Another example mentioned by the Government member of Cyprus was custom. The Government member of Croatia withdrew her amendment, but at the same time expressed doubt that an international treaty could be implemented by such means.

495. The Employer Vice-Chairperson presented an amendment to add a new paragraph to Article 11, as follows:

The direct and indirect costs of maternity protection shall not be excessive for employers, thus impeding the employment possibilities of women of child-
bearing age. Each Member shall, after consulting representative organizations of employers and workers, adopt measures to ensure that the costs for enterprises, resulting from this Convention, are affordable and do not impede women's employment.

496. She underlined that the objective of the amendment was to ensure that maternity would be protected without making the direct and indirect costs for employers so great as to place obstacles in the way of women's employment. It would be a tragedy for women if the Convention did create such obstacles. The necessary balance had therefore to be ensured.

497. The Worker Vice-Chairperson felt that the amendment was unnecessary and was unable to support it. It was true that maternity protection involved costs, but its benefits were substantially greater, in terms of investing for the future. The Government member of the Netherlands noted that the issue dealt with in the amendment was closely linked to other provisions, including benefits and their financing.

498. In view of the lack of support from Government members, the Employer Vice-Chairperson withdrew the amendment, regretting the lack of recognition of the need to consider the relationship between maternity protection costs and women’s employment opportunities.

499. Article 11 was adopted without change.

New Article after Article 11

500. The Government members of Croatia, Finland, Norway, Portugal and Sweden submitted an amendment to add, after Article 11, the following new Article:

**PARENTAL LEAVE**

1. The employed mother or the employed father of the child shall be entitled to parental leave during a period following the expiry of maternity leave.

2. The period during which parental leave might be granted, the length of the leave and other modalities, including the use and distribution of parental leave between the parents, shall be determined by national laws and regulations after consulting the representative organizations of employers and workers or in any other manner consistent with national practice.

3. Any Member which ratifies this Convention may, by a declaration appended to its ratification, exclude paragraphs 1 and 2 of this Article from its acceptance of the Convention.

4. Any Member which has made such a declaration may at any time cancel that declaration by a subsequent declaration.

501. In introducing the amendment, the Government member of Sweden recalled that many Committee members had advocated a new Convention that would be flexible enough for most countries to ratify. Proposing an optional Article on parental leave was a good example of such flexibility. While creating absolutely no obstacles to ratification, this Article would reflect progress accomplished in numerous member States since the adoption of Convention No. 103 and would thus help to make the proposed Convention modern and forward-looking. It was unnecessary to reiterate all the arguments in favour of parental leave as these had been covered in the general discussion. If it were adopted, the new Article should be placed before rather than after Article 11.
502. The Employer Vice-Chairperson, recalling the long debate on this issue in the first discussion, was of the view that parental leave was more appropriately dealt with under the Workers with Family Responsibilities Convention, 1981 (No. 156). She could therefore not support its inclusion in the proposed Convention.

503. The Worker Vice-Chairperson supported the intention of the amendment, but proposed a subamendment to replace “or” by “and” in paragraph 1 and to delete in paragraph 2 the words “including the use and distribution of parental leave between the parents”.

504. The Employer Vice-Chairperson observed that the subamendment implied that both the father and the mother could take leave at the same time. Such a provision could create enormous problems for ratification and implementation, even amongst countries that already provided parental leave. The Government member of Kenya, in opposing the subamendment, noted that parental leave came after the end of maternity leave and thus appeared to lie outside the scope of maternity protection. She also wondered how it would work in polygamous societies where some fathers might be on leave almost all the time.

505. The Government member of Sweden commented that the subamendment to change “or” to “and” did not necessarily imply that both parents would be on leave at the same time since it was stipulated that the use and distribution of leave between the parents should be determined by national law. She underlined that the proposed amendment was an optional provision on the issue of parental leave and, since there was no corresponding provision in Convention No. 156, it would not constitute a duplication of a provision already existing in any other Convention. The Worker Vice-Chairperson emphasized the importance of participation by fathers in child rearing, both as a step towards equal opportunities for women and as an essential component of child development. She added that the reference to parental leave was in the accompanying Workers with Family Responsibilities Recommendation, 1981 (No. 165), and that it was time to place such a provision in a Convention.

506. The Employer Vice-Chairperson pointed out that the second part of the proposed subamendment to delete the phrase “including the use and distribution of parental leave between the parents” would limit the national authorities’ capacity to distribute the leave. She also insisted that if there were to be a reference to parental leave in a Convention, it made more sense to have it in the Workers with Family Responsibilities Convention, 1981 (No. 156). That Convention dealt with equal treatment between men and women workers, not with maternity protection. The Worker Vice-Chairperson subamended the subamendment by reinstating the phrase “including the use and distribution of parental leave between the parents” which had been proposed for deletion in the second paragraph of the proposed new Article.

507. The Government members of Australia and the United Kingdom supported the intention behind the amendment but observed that the present Convention was not the appropriate instrument for such a provision. The Government member of Cyprus added that the optional nature of the provision might diminish its force in some way. The Government member of New Zealand also supported the objectives of the amendment in general, but did not believe that the subamendment to change “or” to “and” would add anything to it. The Government members of Egypt, Morocco and Tunisia opposed the amendment as subamended because they thought it would prejudice broad ratification. The Government member of Morocco observed that a non-binding provision would be better placed in the Recommendation.

508. The Government members of Argentina, Bolivia, Brazil, Chile, El Salvador, Guatemala, Peru and Venezuela considered that the proposed amendment was an excellent initiative.
While most Latin American countries had no legislation that provided for such leave, there were some indications that they could be moving in that direction. However, they did not support the proposed amendment since it sent a signal of modernity which was not consistent with the removal of protection so far agreed.

509. The Government member of Sweden, emphasizing that the amendment had been drafted as an optional provision so as not to hinder ratification, withdrew the amendment in view of the lack of support.

510. The Worker Vice-Chairperson introduced an amendment to add a new Article that read as follows:

The adoption or ratification of this Convention by a Member will not affect any law, verdict, practice or accord that secures more favourable conditions for the workers in question, than those provided in the Convention.

She explained that the Worker members had submitted such an amendment because they were concerned that it should be clear that a country which ratified the proposed Convention, whose provisions were already more favourable than those stipulated in the Convention, could not reduce protection as a result.

511. The representative of the Legal Adviser referred to article 19, paragraph 8, of the ILO Constitution which read as follows:

In no case shall the adoption of any Convention or Recommendation by the Conference, or the ratification of any Convention by any Member, be deemed to affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for in the Convention or Recommendation.

She pointed out that provisions similar to that proposed by the Worker members existed in some Conventions but the omission of such a provision would not lessen the legal effect of what was stated in the ILO Constitution. She noted that a similar provision had been placed in the Holidays with Pay Convention (Revised), 1970 (No. 132). She stressed, however, that whether such a provision appeared in a Convention or not, a member State could not use the ratification of a Convention which might contain minimum standards to lower protection already provided for at the national level which was superior.

512. The Worker Vice-Chairperson withdrew the amendment on the basis of the statement by the representative of the Legal Adviser.

513. The Government member of Croatia introduced an amendment to insert a new Article, as follows:

1. This Convention revises the Maternity Protection Convention (Revised), 1952, inasmuch as it provides more favourable provisions for the women covered.

2. As from the date when this Convention comes into force, the Maternity Protection Convention (Revised), 1952, shall not cease to be open to ratification by the Members.

3. The coming into force of this Convention for any Member bound by the Maternity Protection Convention (Revised), 1952, shall not, ipso jure, involve the immediate denunciation of this Convention.
514. The Government member of Croatia explained that her country, as a party to Convention No. 103, would only be able to support new provisions which were superior to the standards contained therein. A number of the provisions of the proposed new Convention were, in her view, of a lower standard than those of its predecessor. She cited as examples the loss of an absolute protection against dismissal during maternity leave, the possibility of a lower level of cash benefits for developing countries, and less certainty regarding the provision of cash and medical benefits. She expressed disappointment that certain provisions, including those in respect of compulsory leave and implementation of the Convention, allowed for determination at the national level. The revision process had made evident that at the international level, agreement could be reached on principles, but not on the precise benefits to be provided and how to provide them. For these reasons she felt that Convention No. 103 should remain open for ratification by those countries which might wish to seek better maternity protection for employed women, for example, through the provision of benefits through social insurance. She noted that Convention No. 3 had remained open to ratification when Convention No. 103 had been adopted.

515. The Employer Vice-Chairperson asserted that the Governing Body in requesting the revision of Convention No. 103 did not necessarily mean that the standards should only be raised, but also expected that the provisions be examined closely with a view to removing obstacles to ratification and devising an instrument which could be more widely adopted, to replace Convention No. 103 which had attracted few ratifications. It was precisely in response to the problems created when old Conventions remained open after they had been revised that since 1946 it had been standard practice that on the adoption of a revising Convention the earlier Convention was closed to further ratification. She emphasized that over the last two years the Employer members had worked in good faith and with due diligence to revise the instrument. Those who did not approve of the resulting instrument could vote against it, but member States should not pick and choose amongst Conventions or even between provisions in different Conventions. If the new instrument were adopted, then the earlier Convention should not remain open to ratification. She reminded the Committee that those countries which had ratified Convention No. 103 could still abide by its provisions. Those who wished to provide longer leave and higher benefits could do so, but they should not demand that both instruments remain open.

516. The Worker Vice-Chairperson informed the Committee that the Worker members had held extensive discussions on the amendment, and had decided to oppose it. She recognized that some countries had excellent legislation that provided for maternity protection at a level which would not be improved upon through implementing the Convention, but this was not the case with many other countries. At any rate, those countries which had ratified Convention No. 103 could still abide by its provisions. If they so chose. In light of the overall situation, it was better that the standard provisions be adopted.

517. The Government member of Chile expressed the support of the Government members of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Guatemala, Panama, Uruguay and Venezuela for the amendment. Many of the provisions of Convention No. 103 were more favourable than those provided for in the new Convention. There was no reason why Convention No. 103 should not remain open for ratification, unless there was a legal impediment in doing so.

518. Responding to a question by the Government member of Chile, the representative of the Legal Adviser confirmed that there was no legal impediment to keeping Convention No. 103 open to further ratification. Convention No. 103 contained the standard final provisions which were to be found in almost all ILO Conventions. Article 16, paragraph 1, of that Convention contained a phrase which provided that "unless the new Convention otherwise provides ... as from the date when the new revising Convention comes into
force this Convention shall cease to be open to ratification by the Members". It was therefore up to the Committee to decide whether it wished Convention No. 103 to remain open or not.

519. The Government members of Australia, Austria, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, the United Kingdom and the United States opposed the amendment on the grounds that the standard procedures should be followed. The Government member of Cyprus added that there was no regression compared to Convention No. 103. On the contrary, real progress was achieved. In the few instances where flexibility was introduced, this was intended to remove obstacles, with the expectation that there would be more ratifications and thus better and wider protection of women. The Government member of the United Kingdom supported the argumentation of the Employer members and added that the objective of the Committee had been to propose a single clear minimum standard and no more than one. The Government member of Peru also rejected the proposed amendment. The Government member of Namibia was of the view that the minimum standards established under the new Convention were clearly better in many respects than those in Convention No. 103. To imply that the Committee had achieved nothing was not a true reflection of what had actually occurred.

520. The Government representative of Côte d'Ivoire supported the amendment. The Committee had left too many decisions on maternity protection to be determined by national law and practice. Convention No. 103, on the other hand, did provide minimum standards for the benefit of working women. For this reason, it should be possible for Members considering ratification to choose between the new Convention and Convention No. 103.

521. In the view of the Government member of Argentina, the new Convention provided less protection than Convention No. 103. In the face of globalization and the protests against it, the ILO should act as a counterweight to the World Trade Organization and defend standards against the trend towards lower social protection. He urged the Committee members to consider the proposed amendment carefully. Their decision would determine whether Convention No. 103 would remain open to ratification for countries striving to ensure a high level of maternity protection. He closed by quoting from a recent article by a prominent jurist and former senior ILO official: "To empty a Convention of substance in order to improve statistics on ratification would be absurd."

522. The Government member of Mexico emphasized that as a basic social premise it was better to have two options for ratification than only one. It was misleading to suggest that greater flexibility in the new Convention would necessarily increase the level of ratification as compared to Convention No. 103 because many governments might not ratify the new Convention, arguing that their legislation was superior to its provisions. Paradoxically, the raising of the number of weeks of maternity leave from 12 to 14, would impede ratification for many countries. If the ILO continued to make its Conventions increasingly flexible, there would be no protection left for workers.

523. The Worker Vice-Chairperson strongly affirmed that there were real improvements in protection under the new proposed Convention. She wholeheartedly congratulated those countries which already provided excellent protection through their legislation: they were a source of inspiration for others who had not yet reached that level of protection. The proposed Convention strengthened maternity protection, taking into account different realities and cultures in many countries. All employed women, including those in atypical forms of work were now covered, while under Convention No. 103 entire sectors had been excluded, particularly the informal sector. This marked a new path that would ensure
coverage for many new forms of work. Other achievements were the increase in maternity leave from 12 to 14 weeks and the retention of the provision for six weeks' compulsory postnatal leave. A provision on health protection had been introduced, whereas none existed under Convention No. 103. While some Members provided maternity cash benefits equal to the workers' previous earnings, in other countries women had no cash benefits at all. As a minimum standard, the new Convention was intended to improve the situation of such workers by providing them with two-thirds of their previous earnings or, for developing countries, the possibility of payment of a rate no lower than that provided for sickness or temporary disability. The new Convention would encourage those countries with relatively lower standards to introduce improvements and to ratify. Upon ratification, the ILO supervisory procedures would be applicable, and workers' organizations could be involved in the supervisory process. The ILO could provide technical assistance. This was preferable to having a Convention that could be ratified by only a few countries with high levels of protection.

524. The Government member of Croatia pointed out that freedom of choice was something that should be respected. Such a provision had existed in Convention No. 103 as regards a woman's choice of doctor and of private or public hospital. Although such a provision had not been included in the new Convention, she insisted that freedom of choice should also exist with regard to the ratification of international standards. The revision of a Convention should not preclude ratification of the Convention that was in force previously. As to the representatives of those governments who were more concerned that two different standards would exist to regulate the same issue, she pointed out that if and when Convention No. 103 ceased to be open for ratification, governments would still be in a position to choose between the new Convention from the year 2000 and a Convention from 1919, because Convention No. 3 would still be open for ratification. Her amendment had been submitted in order to allow countries to choose which Convention on maternity protection they wished to ratify, but in view of the lack of support she would withdraw it.

Title

525. An amendment, submitted by the Government members of Argentina, Brazil, Chile, Costa Rica, Guatemala, Panama, Peru, Uruguay and Venezuela, to change the title to "Proposed Convention concerning maternity protection and the protection of the early infancy of the children of women workers" had been held over from an earlier stage of the Committee's discussions. The Government member of Brazil indicated that the amendment was withdrawn, in view of the decisions which had been taken in the meantime concerning the content of the proposed Convention.

526. The title was adopted.

Preamble

527. An amendment to insert in paragraph 3 of the Preamble the word "partially" after the words "to revise" had also been postponed. The Government member of Croatia withdrew this amendment, regretting that the revision had been complete and, although certain improvements had been achieved, the revision had taken a different direction from which it ought to have done.

528. The Preamble was adopted as amended.

529. The Convention was adopted as amended.
Proposed Recommendation concerning the revision of the Maternity Protection Recommendation, 1952

Title

530. An amendment submitted by the Government members of Argentina, Bolivia, Brazil, Chile, Costa Rica, Guatemala, Peru, Uruguay and Venezuela to change the title of the Recommendation to “Recommendation concerning maternity protection and the protection of the early infancy of the children of women workers” was withdrawn, in view of the fact that a similar amendment to change the title of the Convention had been defeated.

531. The title was adopted.

Preamble

532. The Preamble was adopted.

Paragraph 1

533. The Employer Vice-Chairperson introduced an amendment to delete the words “to at least 16 weeks”. She recalled that during their discussions it had often been said that the Recommendation was not legally binding and it would therefore be preferable to place specific details there. The Employer members nonetheless considered that countries which ratified a Convention in good faith saw meaning in its accompanying Recommendation. It was important to ensure that the provisions of the Recommendation were as realistic and as widely applicable as possible. The Employer members thought it was sufficient to indicate that Members should endeavour to extend the period of protection: there was no need to specify a figure. Each Member should move at an appropriate pace to reach the period of leave most suitable to its national circumstances.

534. The Worker Vice-Chairperson opposed the amendment. She noted that the Recommendation had a function not only of supporting and interpreting a Convention, but also of pointing the way ahead. The Recommendation should provide a signal to Members of what constituted an adequate period of maternity leave. The representatives of WHO and UNICEF had recommended 26 weeks, so the proposal by the Worker members to raise the figure in the Recommendation to 18 weeks was a moderate request.

535. Following lack of support by Government members, the Employer Vice-Chairperson withdrew the amendment.

536. The Worker Vice-Chairperson introduced an amendment to replace “16” with “18”. She pointed out that recent medical research had shown that a longer period was preferable. The Government member of Argentina, referring to an identical amendment put forward by the Government members of Argentina, Brazil, Chile, Costa Rica, Peru and Venezuela, stated that their intention was to seek an optimum period of leave. The increase of two weeks’ leave provided under the Convention constituted modest progress in that direction.

537. The Employer Vice-Chairperson opposed the amendment, reiterating that no figure should be specified. The Government member of Egypt, while supporting attempted improvements in maternity protection, opposed the amendment noting that it would
contradict the national law in her country. The Government member of France preferred the 16 weeks proposed in the Office text.

538. The amendment was adopted by vote with 62,730 votes in favour, 58,786 votes against, with 5,434 abstentions.

539. Paragraph 1(1) was adopted as amended.

Paragraph 1(2)

540. An amendment was submitted by the Employer members to delete the Paragraph, on the grounds that since the proposed Convention provided for maternity leave of 14 weeks a further extension in the event of multiple births was unnecessary.

541. The Worker Vice-Chairperson opposed the amendment.

542. Following opposition from the Government members, the amendment was withdrawn.

543. An amendment submitted by the Government members of Argentina, Brazil, Chile, Costa Rica, Peru and Venezuela to replace the subparagraph with the following text: “Provisions should be made to ensure that the mother, or the father when appropriate, is able to extend the leave in the event of multiple births or of the adoption of more than one child at the same time.” was withdrawn.

544. The Government members of Canada, Japan, the Netherlands and New Zealand submitted an amendment to replace the subparagraph with the following: “Provision should be made to ensure that adequate leave is provided in the event of multiple births, so that the total amount of leave in this case would exceed that required by Article 3.” The Government member of Canada, in introducing the amendment, explained that its purpose was to recognize that in countries where the leave provided was already in excess of the minimum standard set by the proposed Convention it might not be necessary to extend the period to accommodate multiple births.

545. The Employer Vice-Chairperson opposed the amendment on the grounds that its meaning was unclear and confusing. She preferred the Office text, which was more appropriate for an instrument setting minimum standards. The Worker Vice-Chairperson also opposed the amendment for similar reasons. In light of these views, the amendment was withdrawn.

546. Paragraph 1(2) was adopted without change.

Paragraph 1(3)

547. Paragraph 1(3) was adopted without change.

Paragraph 2

548. An amendment submitted by the Government members of Argentina, Chile, Costa Rica, Mexico and Peru to delete the Paragraph was withdrawn.

549. An amendment was submitted by the Employer Vice-Chairperson to delete the remainder of the Paragraph after the word “raised”, on the grounds that it was unnecessary to specify a particular level to which cash benefits should be raised.
550. The Worker Vice-Chairperson opposed the amendment, since specifying that the rate of cash benefits should be raised to the full amount of the woman's previous earnings would provide a standard to which member States could aspire.

551. The Government member of Chile, in opposing the amendment, reminded the Committee that the Recommendation did not have to be ratified. Conventions were about what was considered possible, but she believed that Recommendations could address the issue of what was considered to be desirable. Similar views were expressed by the Government members of Côte d'Ivoire and Croatia, and by the Government member of Denmark who pointed out that the last part of the Office text meant that a ceiling on such benefits could be included, which would not be appropriate in a Recommendation.

552. Put to a vote, the amendment was rejected 60,762 votes in favour, 66,690 votes against, with 2,964 abstentions.

553. Two amendments submitted by the Employer members to delete the word “cash” and the words “and 4” were withdrawn.

554. Paragraph 2 was adopted without change.

Paragraph 3

555. An amendment submitted by the Worker members to insert after the words “the medical benefits provided for in Article 5, paragraph 7, of the Convention should”, the words “be extended to cover the period of pregnancy and, on return to work, the period of nursing, and” was withdrawn in the light of the earlier discussion.

556. Paragraph 3, clause (a), was adopted without change.

557. An amendment submitted by the Government member of Côte d'Ivoire to replace the words “other maternity service” by the words “other maternity services” in clause (b) and to replace the words “any necessary pharmaceutical and medical supplies, examinations and tests” by the words “the supply of pharmaceutical products and medical materials, examinations and tests”, in clause (d) was withdrawn, on the understanding that it would be referred to the Committee Drafting Committee.

558. Paragraph 3, clause (b), was adopted without change.

559. Paragraph 3, clause (c), was adopted without change.

560. Paragraph 3, clause (d), was adopted without change.

561. Paragraph 3, clause (e), was adopted without change.

562. An amendment was submitted by the Government members of Argentina, Brazil, Costa Rica, Mexico, Peru and Venezuela to add a new Paragraph as follows: “The Members should guarantee assistance to women workers as regards family planning services.” In presenting the amendment, the Government member of Venezuela said that such a provision was already included in the legislation of many countries.

563. The Employer Vice-Chairperson, observing that the amendment was primarily a matter for governments, noted that it went beyond the scope of both the proposed Convention and Recommendation, which were about maternity protection at work. Family planning services were a social issue which concerned all women, and not just working women.
564. The Worker Vice-Chairperson felt that the provision of family planning services was an important concern both for men and women workers and was prepared to support the amendment. She submitted a subamendment, to replace the word “guarantee” with “provide” and to delete the word “women”, which was subsequently withdrawn due to lack of support from both the Employer members and Government members.

565. Following lack of support, the amendment was withdrawn.

566. Paragraph 3 was adopted without change.

Paragraph 4

567. Following an intervention by the Government member of Croatia, it was agreed that Paragraph 4 should be examined by the Committee Drafting Committee in the light of the Committee’s adoption of an amendment to insert a similar provision in the Convention.

Paragraph 5

568. Paragraph 5 was adopted without change.

Paragraph 6

569. The Employer Vice-Chairperson submitted an amendment to add a new sentence at the end of the Paragraph as follows: “The period of such leave and the rights provided for in this Paragraph should be determined in accordance with national law and practice.” The Employer Vice-Chairperson said that the amendment was necessary to recognize differences in national law and practice, and that it made the provision more realistic and applicable, particularly with regard to those countries with extensive leave periods.

570. The Worker Vice-Chairperson opposed the amendment, on the grounds that some countries did not have such regulations.

571. The Government members of Croatia and the Netherlands believed that the meaning of the amendment was unclear, considering that the Convention already established the period of maternity leave at 14 weeks.

572. Following lack of support from the Government members, the amendment was withdrawn.

573. The Worker Vice-Chairperson submitted an amendment to insert “and Article 4” after “Article 3”. The Worker Vice-Chairperson noted that under Article 7, paragraph 2, of the proposed Convention a woman was guaranteed the right to return to the same position or an equivalent position paid at the same level at the end of her maternity leave, but she was given no such right following leave in case of illness or complications. This amendment would provide an additional ingredient by ensuring that the different types of leave would be covered by the proposed Recommendation. The Employer Vice-Chairperson said that there had been considerable debate on this matter at the first discussion, when provision was made for an employment guarantee on return to work after maternity leave. She opposed the amendment in preference to the Office text.

574. The Government member of Cyprus supported the amendment and said there was a need to ensure consistency between the proposed Convention and its Recommendation, a view endorsed by the Government member of Côte d’Ivoire. The Government members of Denmark, New Zealand and the United Kingdom pointed out that the matter as it related to maternity leave was already covered by the proposed Convention. The Government
member of Canada said that although this was the case, the concerns of the Worker members could be taken account of by deleting the first sentence and subamending the second sentence to read: "The period of leave referred to in Articles 3 and 4 should be considered as a period of service for the determination of a woman's rights." This was opposed by the Worker Vice-Chairperson and it was withdrawn. Reiterating her concern that the period of leave referred to in Articles 3 and 4 should be included as a period of service for the determination of rights, the Worker Vice-Chairperson subamended her proposal to read as follows:

A woman should be entitled to return to her former position or an equivalent position paid at the same rate at the end of her leave referred to in Article 4 of the Convention. The period of leave referred to in Article 3 and Article 4 of the Convention should be considered as a period of service for the determination of her rights.

575. The subamendment was endorsed by the Government member of the United Kingdom as being consistent with the spirit of the provision.

576. The amendment, as subamended, was adopted.

577. The Government members of Canada and Japan submitted an amendment which the Government member of Canada subamended to insert at the beginning of the second sentence the words "To the greatest extent possible."

578. The Employer Vice-Chairperson supported the subamendment, which she said would facilitate ratification of the Convention, since in some countries service entitlements did not apply to the various types of leave.

579. The Worker Vice-Chairperson opposed the subamendment in preference to the Office text as already amended by the Committee.

580. The Government member of Croatia opposed the proposal, emphasizing that there were already a number of references to national law and practice in the proposed Convention. A similar degree of flexibility was not needed in the Recommendation, which was not binding, and where the words "to the greatest extent possible" would not be appropriate. The Government member of Cyprus also opposed the proposal, which she said would provide less protection in relation to maternity leave than what was already established in the Convention. The Government member of France agreed that the subamendment would weaken what had already been decided upon. The Government member of Kenya also opposed the subamendment, on the grounds that Paragraph 6 was clear enough in its present form.

581. Following lack of support, the Government member of Canada withdrew the subamendment and the original amendment.

582. An amendment submitted by the Government members of Argentina, Brazil, Chile, Costa Rica, Guatemala, Mexico, Peru, Uruguay and Venezuela to add a new Paragraph concerning the employment effects on women of occupational medical examinations was withdrawn.

583. An amendment submitted by the Government members of Argentina, Brazil, Chile, Costa Rica, Guatemala, Peru and Venezuela to add a new Paragraph relating to parental leave was withdrawn.
Paragraph 6, as amended, was adopted.

Paragraph 7

Paragraph 7(1)

585. The Worker Vice-Chairperson submitted an amendment to insert, at the beginning of the text, a new subparagraph as follows:

(1) Members should take measures to ensure assessment, by the competent authorities, of any workplace risks related to the safety and health of the pregnant or nursing woman and her child. The results of the assessment should be made known to the pregnant or nursing woman.

She said that her proposal was closely related to the new Article 3 and ensured that the risk assessment referred to under that provision would take place.

586. The Employer Vice-Chairperson opposed the amendment because of the enormous burden it would place on member States and on the competent authorities, which would be required to determine whether there were "any" workplace risks, as opposed to the "significant risk" referred to under new Article 3 of the proposed Convention. Occupational safety and health standards, such as the Code of Practice on ambient factors at the workplace, referred to the concept of "significant risk", which was quite different from that of "any" risk.

587. The Government member of Cyprus opposed the amendment because of the heavy onus it would place on the competent authorities. Risk assessment was important and should concern both men and women workers. It would therefore be better addressed in an instrument on occupational safety and health. At any rate, risk assessment had already been addressed in Article 3 of the Convention. Similar views were expressed by the Government member of Namibia, who queried whether the reference to "competent authorities" meant national legislatures.

588. The Government member of Croatia, in expressing her support for the amendment, said that Recommendations established no obligation other than the requirements set forth by article 19 of the Constitution of the ILO. She agreed that it was important for the results of such assessments to be made known to pregnant and nursing women, but suggested that it could be clarified how these results would be made known.

589. In the light of the comments by Government members, the Worker Vice-Chairperson submitted a subamendment to delete the words "by the competent authorities," and to replace the words "known to the pregnant or nursing woman" with the words "available to the woman concerned".

590. The Government member of Chile fully endorsed the subamendment, which she said was a means of reaffirming State responsibility in this matter, and noted that employers also needed to know about existing risks. There could be flexibility concerning remuneration and other conditions of work, but not with regard to the health of workers.

591. The Employer Vice-Chairperson emphasized that the assessment of workplace risks was a matter for occupational safety and health instruments, and that the proposal that unspecified parties should assess unspecified risks in unspecified workplaces was unacceptable. Furthermore, regarding the responsibilities of Members in respect of Recommendations, she pointed out that, under article 19 of the Constitution of the ILO,
such responsibilities were significant. Each Recommendation was communicated to Members “with a view to effect being given to it by national legislation or otherwise”. Members undertook to “bring the Recommendation before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action”. They were then required to inform the Director-General of the action taken to do so. At appropriate intervals, they were also required to report to the Director-General “the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting them or applying them”. Obligations therefore flowed from Recommendations, and there were certain expectations regarding good faith.

592. The Government member of Côte d’Ivoire supported the amendment, which he said addressed two important issues, namely the need to evaluate risks, and the need to provide information on the results of such assessments to the women concerned. The Government member of the Libyan Arab Jamahiriya also endorsed the amendment since the health of pregnant women was a priority matter. The existence of other instruments on safety and health at work that applied to women did not mean that the subject could not be addressed in the proposed Recommendation where it would serve to reinforce what had already been provided for under Article 3 of the proposed Convention.

593. The Government member of Australia, echoing the views of the Government member of Cyprus, opposed the amendment, on the grounds that general occupational safety and health principles should prevail with regard to risk assessment for the workplace. Furthermore, the proposal would involve practical difficulties, since risks were not always the same at different stages of pregnancy.

594. The Government member of the United Kingdom said that risk assessment was already an implicit assumption in Article 3 of the proposed Convention as adopted by the Committee. She therefore endorsed the amendment.

595. In response to a request for clarification from the Government member of New Zealand, the Worker Vice-Chairperson stated that general workplace risk assessment programmes, including assessment of particular risks for pregnant and nursing women, would meet the requirements of her subamendment and that it would not be required to conduct separate assessments for each pregnant or nursing woman.

596. Following support from the Government members, the amendment, as subamended, was adopted.

597. The Government member of Canada introduced an amendment to delete subparagraph 1 of Paragraph 7, pursuant to the adoption of new Article 3 of the proposed Convention.

598. The amendment was supported by the Employer and Worker Vice-Chairpersons and adopted.

599. As a result, Paragraph 7(1) was deleted.

New subparagraph after Paragraph 7(1)

600. The Worker Vice-Chairperson submitted an amendment to insert a new subparagraph to read:
(2) A woman who is pregnant or nursing should not be obliged to do night work, shift work or overtime.

601. The Employer Vice-Chairperson opposed the amendment as being so broad as to be unworkable and which she said would be considered discriminatory in many countries. It would be impossible to apply in many occupations, such as nursing. Employers could not run their businesses properly if they did not know if their workers were going to turn up for work, and thus the provision would actually be a barrier to female employment.

602. The Government member of Cyprus, while sympathizing with the intention of the amendment, said that it was an issue already covered by the Night Work Convention, 1990 (No. 171). The Government member of the Netherlands also opposed the amendment as being too broad, in particular as regards shift work and overtime. Furthermore, the matter of risk assessment, which was already addressed by Paragraph 7(2), adequately covered its intention. The Government member of the Libyan Arab Jamahiriya said he could accept the amendment since it clearly implied that women should not be forced to do such work but could do it if they so wished. He noted that there were medical differences at different stages of pregnancy which affected the importance of the respective risks.

603. The Worker Vice-Chairperson proposed a subamendment to limit the provision to night work, which she said would address the concerns expressed about the inclusion of shift work and overtime.

604. The Employer Vice-Chairperson, in calling attention to the existence of the Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948 (No. 89), and the Night Work Convention, 1990 (No. 171), proposed a further subamendment to add after “night work” the words “if a medical certificate declares such work to be incompatible with her pregnancy or nursing”.

605. The Worker Vice-Chairperson endorsed the proposal, and the amendment, as subamended, was adopted.

606. The new subparagraph, as amended, was adopted.

Paragraph 7(2)

607. An amendment by the Government member of Canada to replace the word “subparagraph 1” with the words “Article 3 of the Convention” was withdrawn in the light of the amendments adopted to Paragraph 7, subparagraph 1, and because the matter would be dealt with by the Committee Drafting Committee.

608. An amendment submitted by the Worker members to replace “subparagraph 1” by “the preceding paragraphs” was withdrawn.

Paragraph 7(2)(a)

609. The Government member of Côte d’Ivoire submitted an amendment to insert in subparagraph 2, before clause (a), a new clause “(a) elimination of risk;”. He said that in order to safeguard the health of the mother and child it was important to identify the risk and eliminate it; only if that were not possible would other alternatives have to be sought.

610. The Employer Vice-Chairperson opposed the amendment on the grounds that it was impossible to eliminate all risks in all workplaces. She emphasized that the addition of the clause was irrelevant since the provisions of Paragraph 7, subparagraph 2, would be
invoked only in situations where an assessment had identified a risk. Furthermore, the issue had already been addressed by earlier amendments.

611. The Worker Vice-Chairperson supported the amendment, which she subamended to add after the word “risk” the words “or, when this is not feasible.”. The Government member of Côte d’Ivoire noted that these words were not necessary since Paragraph 7, subparagraph 2, was already based on a hierarchy of alternatives. The subamendment was withdrawn.

612. The Government member of France said that he could accept the amendment if, as he had understood, the intention was first to set out the principle that they wanted to eliminate the risk, and then if that were not possible other measures would have to be taken.

613. The Government member of Cyprus supported the views expressed by the Employer members that the proposal did not seem to fit in with the logic of the subparagraph.

614. Following support by Government members, the amendment was adopted.

615. Paragraph 7(2)(a), as amended, was adopted.

Paragraph 7(2)(b)

616. The Worker Vice-Chairperson presented an amendment to insert after the words “another post” the words “without loss of pay”.

617. The Employer Vice-Chairperson opposed the amendment on the grounds that the proposed Recommendation needed to take account of what was applicable under national law and practice.

618. Following support by Government members, the amendment was adopted.

619. Paragraph 7(2)(b), as amended, was adopted.

Paragraph 7(2)(c)

620. An amendment to insert the word “paid” before the word “leave” was submitted by the Worker Vice-Chairperson. She stressed that the leave was taken only if there was no other alternative for health reasons and in such cases it would be inappropriate to penalize the woman through loss of pay.

621. The Employer Vice-Chairperson opposed the amendment, stating that the leave should be provided in accordance with national laws, regulations and practice. The amendment would discourage the employment of women in those jobs where there might be an assessable significant risk.

622. The Government of Kenya also preferred the Office text as providing greater flexibility. The Government member of Barbados thought it would be best not to include the word “paid”, which might pose an obstacle to job opportunities for women. She noted that in some countries unemployment benefit schemes could address this issue. The Government member of Namibia wondered whether the amendment was consistent with the stipulation in the provision that the leave would be provided in accordance with national law and practice, since paid leave might not be provided for in all countries.
623. The Government member of the United Kingdom endorsed the addition of the word “paid”, which she said was in the spirit of the provision. Similar views were expressed by the Government members of Croatia, Nigeria and Peru. The Government member of Côte d’Ivoire also supported the idea of paid leave, since the leave was necessary through no fault of the woman, as did the Government member of Chile, who said that unpaid leave was of no use to workers and could be misused by employers. The Government member of Cyprus suggested that the Committee might look at the similar provisions contained in the Night Work Convention, 1990 (No. 171).

624. The amendment was adopted.

625. Paragraph 7(2)(c), as amended, was adopted.

Paragraph 7(3)

Paragraph 7(3)(a)

626. Paragraph 7(3)(a) was adopted unchanged.

Paragraph 7(3)(b)

627. The Government member of Côte d’Ivoire submitted an amendment to add, at the end of clause (b), the words “for the foetus or the breastfed child”, since the risk was not limited only to reproductive health hazards.

628. The Employer Vice-Chairperson considered that the amendment was redundant since it was inherent in the provision, in so far as subparagraph 3, referred back to measures included in subparagraph 2, which in turn referred back to Article 3 of the proposed Convention, concerning the health of the mother and child.

629. The Worker Vice-Chairperson also opposed the amendment for the same reasons and, while the sponsor was not convinced that the concerns addressed by his amendment were already met, the amendment was withdrawn.

630. Paragraph 7(3)(b) was adopted without change.

Paragraph 7(3)(c)

631. Paragraph 7(3)(c) was adopted without change.

Paragraph 7(3)(d)

632. An amendment was presented by the Worker Vice-Chairperson to add the following clauses to Paragraph 7(3):

(e) night work, shift work and overtime;

(f) work where there is a risk of violence.

633. The Employer Vice-Chairperson recalled that a provision had already been added to Paragraph 7(1) to the effect that pregnant women should not be obliged to do night work if they had a medical certificate declaring such work to be incompatible with their pregnancy or nursing and that in that provision it had been decided to omit any reference to shift work and overtime. As for work where there was a risk of violence, this would appear to apply
to such a wide range of work that its inclusion could not be accepted, even in a Recommendation.

634. The amendment was withdrawn.

635. Paragraph 7(3)(d) was adopted without change.

**Paragraph 7(4)**

636. The Government members of Canada and New Zealand presented an amendment to replace Paragraph 7(4) with the following:

> Once any compulsory portion of maternity leave has expired, the woman should retain her right to return to her job or an equivalent job as soon as possible, provided there is no significant risk to the health of the woman or her child.

In introducing the amendment, the Government member of Canada explained that it had two purposes: to recognize that, if there was a period of maternity leave which was compulsory, the woman could not return to work until the end of that period, and to recognize the concern for the health of the child.

637. The Employer Vice-Chairperson felt that the concerns of the amendment were probably already adequately taken care of in Article 7, paragraph 2, of the proposed Convention, which guaranteed the right to return to the same position or an equivalent position paid at the same level at the end of her maternity leave, and in Article 3, which ensured that pregnant women were not obliged to perform work which involved a significant risk to the health of the mother or her child. The Worker Vice-Chairperson doubted if there was any real difference between what was proposed in the amendment and the Office text.

638. The amendment was withdrawn.

639. The Worker Vice-Chairperson presented an amendment to insert in Paragraph 7(4) after the words "an equivalent job" the words "with equivalent pay and conditions as applied prior to the leave". The Employer Vice-Chairperson felt that it was unnecessary to add these words in view of Article 7, paragraph 2, of the proposed Convention. In the light of this observation, the amendment was withdrawn.

640. Paragraph 7(4) was adopted unchanged.

**New subparagraph after Paragraph 7(4)**

641. The Government member of Brazil introduced an amendment, which he had submitted along with the Government members of Argentina, Bolivia, Chile, Costa Rica, Guatemala, Peru, Uruguay and Venezuela, to add a new Paragraph after Paragraph 7(4) as follows:

> A woman worker should be allowed to leave her workplace for the purpose of undergoing medical examinations during her pregnancy which are related thereto.

642. The Employer Vice-Chairperson indicated her agreement with parts of the amendment, but proposed to subamend it by deleting the word "worker" and by inserting after "workplace" the words "if necessary and with the agreement of the employer". She noted that in the
case of a part-time worker, it might not be necessary to undergo medical examinations during working time.

643. The Worker Vice-Chairperson agreed with the first subamendment but not with the second. She suggested instead that it would be reasonable to require that the employer merely be notified, a proposal echoed by the Government member of Nigeria. The Employer Vice-Chairperson therefore reformulated her second subamendment to read “if necessary, after notifying her employer”.

644. The amendment was adopted as subamended.

645. The new subparagraph after Paragraph 7(4) was adopted as amended.

646. Paragraph 7 was adopted as amended.

Paragraph 8

647. The Worker Vice-Chairperson introduced an amendment to replace Paragraph 8 with the following: “The frequency and length of nursing breaks should be adapted to particular needs of the mother and child.” The amendment was designed to take account of the difficulty in certain countries of obtaining a medical certificate.

648. The Employer Vice-Chairperson pointed out that Article 9 of the proposed Convention provided for one or more daily breaks or a reduction in daily working hours and for national law and practice to determine the period, number and duration of such breaks or reductions in hours. She therefore felt that Paragraph 8 would be of value only if it applied to specific situations and that the requirement of medical or other appropriate certification should be maintained.

649. The amendment was withdrawn.

650. The Government member of Brazil withdrew another amendment to replace the word “particular” with the words “the mothers’ and their children’s”, which he had submitted along with the Government members of Argentina, Brazil, Chile, Costa Rica, Guatemala, Peru and Venezuela.

651. An amendment was presented by the Government member of the Côte d’Ivoire to add at the end of Paragraph 8 the following sentence: “However, a minimum of one hour of breastfeeding should be provided on each working day to women workers who breastfeed.” He recalled that he had presented a similar amendment to the proposed Convention, but had been advised that it would be more appropriate for inclusion in the proposed Recommendation.

652. The Employer Vice-Chairperson noted that in Article 9, paragraph 2, of the proposed Convention the period, number and duration of breaks were to be determined by national law and practice. It would be inconsistent to specify a minimum of one hour in the proposed Recommendation. This minimum would be particularly inappropriate in the case of part-time employees.

653. The Government member of Cyprus expressed reservations about the amendment, noting that her country’s legislation, for example, would comply with Article 9, paragraph 2, but could not satisfy Paragraph 8 of the proposed Recommendation if it were so amended. The Worker Vice-Chairperson indicated that she could not support the amendment.
654. The Government member of Côte d'Ivoire stated that he had intended to propose a subamendment concerning part-time employees. However, in the light of the common position adopted by the Employer member and Worker members, he withdrew his amendment.

655. An amendment submitted by the Government member of Japan to add the sentence “The breaks shall be counted as working time and remunerated accordingly” was withdrawn, as this provision had been included in Article 9, paragraph 2, of the proposed Convention.

656. Paragraph 8 was adopted without change.

Paragraph 9

657. Paragraph 9 was adopted without change.

Paragraph 10

658. The Government member of Chile introduced an amendment to delete from Paragraph 10 the words “where practicable”, which she had submitted along with the Government members of Argentina, Brazil, Costa Rica, Guatemala, Mexico, Peru, Uruguay and Venezuela. She saw no good reason to include these words in a Recommendation.

659. The Employer Vice-Chairperson, on the other hand, considered that there were many reasons to retain the words and therefore opposed the amendment. There were many circumstances where it might not be practicable to establish facilities with adequate, hygienic conditions, particularly in hot countries and in agricultural settings. The Worker Vice-Chairperson supported the amendment.

660. Due to a lack of support from Government members, the Government member of Chile withdrew the amendment.

661. The Worker Vice-Chairperson introduced an amendment to insert after the words “for nursing” the words “or expressing milk” and to add at the end of the Paragraph the words “, at or near the workplace”.

662. The Employer Vice-Chairperson stated that the first part of the amendment was unnecessary, as it had been agreed that nursing was to be understood as including expressing milk. As for the second part, since the subject of the proposed Recommendation was maternity protection at work, it would be odd if the facilities were not “at or near the workplace”. However, to establish them there would not always be feasible, for example, in the case of many micro-enterprises.

663. The Worker Vice-Chairperson subamended her amendment to delete “or expressing milk”.

664. The amendment as subamended was adopted.

665. Paragraph 10 was adopted as amended.
Paragraph 11

New subparagraphs before Paragraph 11(1)

666. The Government members of Austria, Croatia, Denmark, Finland, Italy, New Zealand, Norway, Portugal and Sweden presented an amendment to insert in Paragraph 11 two new subparagraphs as follows:

   (1) The employed mother or the employed father of the child should be entitled to parental leave during a period following the expiry of maternity leave.

   (2) The period during which parental leave might be granted, the length of the leave and other modalities, including the payment of parental benefits, the use and distribution of parental leave between the employed parents, should be determined by national laws or regulations or in any manner consistent with national practice.

In introducing the amendment, the Government member of Sweden noted that its purpose was to reintroduce provisions which had figured in Report IV(1), but had been subsequently deleted in the Office text of the proposed Recommendation.

667. The Employer Vice-Chairperson recalled that the reason why the Office had withdrawn the provision was that the majority of Government replies were opposed to its inclusion, on the grounds that the proposed Convention and Recommendation were not the appropriate place to deal with the subject of parental leave. It had been excluded from the proposed Convention and should also be excluded from the supporting Recommendation, since the Recommendation was intended to support the Convention.

668. The Worker Vice-Chairperson supported the amendment, but proposed a subamendment to change “or” to “and” in the first line. She added that another possible alternative might be to include the text on parental leave contained in the Workers with Family Responsibilities Recommendation, 1981 (No. 165).

669. The Government member of Poland opposed the subamendment since the mother and father should not be able to take leave at the same time, but supported the amendment. The Government members of Argentina, Brazil, Chile, Costa Rica and Venezuela supported the amendment and pointed out that they had submitted a similar amendment. It was agreed to discuss the two amendments together.

670. Returning to the subamendment put forward by the Worker Vice-Chairperson, the Government member of Sweden pointed out that it did not imply that the mother and father would be able to take leave at the same time. That was one of the matters which would be determined by national law and practice. However, the Worker Vice-Chairperson withdrew the subamendment.

671. The Employer Vice-Chairperson noted that Paragraph 22 of Recommendation No. 165 referred to “either parent”, not to “the mother and the father”. She also wondered whether there was any point in repeating the same provision in the proposed Recommendation as was already contained in Recommendation No.165 and asked the representative of the Legal Adviser whether this had been a reason for excluding it from the Office text. She further noted that the Preamble to the proposed Convention referred to Convention No. 156 and thus, implicitly, to Recommendation No. 165.
The representative of the Legal Adviser stated that the provision had been deleted by the Office to reflect the view expressed in the majority of responses against its inclusion, not for any legal reason.

The Government member of Cyprus stated that it was preferable to refer to Recommendation No. 165, in order to avoid having two Recommendations on the same subject. The Government member of Kenya opposed the amendment. She recognized the importance of enabling both parents to look after their children, but felt that provisions on parental leave would be misplaced in a Convention on maternity protection.

Pointing out that a significant majority of Governments had previously opposed the inclusion of a provision on parental leave in their replies contained in the Office Report IV(2A); that the issue of parental leave was covered by an existing Recommendation; and that the Convention and Recommendation related to maternity protection, and thus did not extend to the issue of parental leave, the Employer Vice-Chairperson requested a record vote.

Put to a record vote, the amendment was adopted by 65,208 votes in favour, 56,316 votes against, with 8,892 abstentions.

Paragraph 11(1)

An amendment was submitted by the Employer members to insert “in accordance with national law and practice” after “entitled to take leave” and to add “to look after the child” to the end of the sentence. The Employer Vice-Chairperson stated that the amendment was aimed at underlining that the related leave should be in accordance with national law and practice, and that it was intended solely to allow the father to look after the child.

The Worker Vice-Chairperson opposed the amendment.

The Government member of New Zealand supported the objective of the amendment. He felt, however, that it was superfluous to indicate that the purpose of the leave was to look after the child. The amendment was withdrawn due to lack of support by Government members.

Paragraph 11(1) was adopted without change.

Details of the record vote with respect to Government members:

In favour = 25: Argentina, Austria, Brazil, Bulgaria, Chile, Costa Rica, Croatia, Cyprus, Denmark, Greece, Italy, Mozambique, Netherlands, New Zealand, Norway, Poland, Portugal, Russian Federation, Slovakia, Spain, Sweden, United Arab Emirates, United States, Venezuela, Zambia.

Against = 7: Australia, Belgium, Botswana, China, Egypt, Kenya, Nigeria.

Abstentions = 18: Algeria, Barbados, Benin, Canada, Ethiopia, France, Germany, India, Japan, Republic of Korea, Lesotho, Madagascar, South Africa, Sudan, Switzerland, United Republic of Tanzania, Trinidad and Tobago, Zimbabwe.

Absent = 57: Angola, Bahamas, Bahrain, Belarus, Bolivia, Burkina Faso, Cameroon, Chad, Colombia, Congo, Côte d’Ivoire, Cuba, Czech Republic, Dominican Republic, El Salvador, Finland, Gabon, Ghana, Guatemala, Honduras, Hungary, Indonesia, Islamic Republic of Iran, Ireland, Israel, Jordan, Kiribati, Kuwait, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malta, Mauritania, Mexico, Morocco, Namibia, Nicaragua, Niger, Pakistan, Papua New Guinea, Peru, Philippines, Rwanda, Saudi Arabia, Sri Lanka, Suriname, Swaziland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Uganda, United Kingdom, Uruguay, Viet Nam.
Paragraph 11(2)

680. An amendment was submitted by the Employer members to insert the words “and before the expiry of postnatal leave” after the word “childbirth”; to insert “of a duration equal to the unexpired portion of the postnatal maternity leave” after the words “entitled to leave”; and to add the words “to look after the child” to the end of the sentence. The Employer Vice-Chairperson explained that the amendment was intended to ensure that the leave would be taken before the expiry of postnatal leave and would extend only until the end of the unexpired portion of the maternity leave. She noted that the leave provisions of the proposed Convention did not require a specific indication that it was intended to be used in looking after the child, since this meaning was implicit in the reference to pregnancy, childbirth, and the period immediately after childbirth. She stressed, however, that since the Paragraph concerned leave to be taken by the father, its purpose must be clarified.

681. The Worker Vice-Chairperson supported the amendment, which was adopted.

682. Paragraph 11(2) was adopted as amended.

New subparagraph after Paragraph 11(2)

683. The Government members of Argentina, Brazil, Chile, Costa Rica, Peru and Venezuela submitted an amendment to add a new subparagraph as follows:

Adoptive parents should be guaranteed access to the system of protection offered by the Convention, especially regarding leave for the father and the mother, benefits and employment protection.

The Government member of Chile, introducing the amendment, observed that maternity was not only a biological fact. Adoptive mothers were also mothers and should not be subjected to discrimination. The Government member of Croatia supported the amendment, referring the Committee to her Government’s observations on Paragraph 11 in Report IV(2A), and stating that adoptive parents should be entitled to rights similar to those of natural parents. The Government member of Algeria opposed the amendment.

684. The Employer Vice-Chairperson opposed the amendment on the grounds that the entitlements of adoptive parents would more appropriately be covered by the Workers with Family Responsibilities Convention, 1981 (No. 156). She observed that neither fathers nor adoption were covered by the proposed Convention and argued that it was meaningless to say that adoptive parents “should be guaranteed access to the system of protection”, when that system specified that benefits and employment protection applied only in relation to pregnancy, childbirth and breastfeeding.

685. The Worker Vice-Chairperson proposed a subamendment to read:

Where national law and practice provide for adoption, adoptive parents should have access to the system of protection offered by the proposed Convention, especially regarding leave, benefits and employment protection.

She pointed out that adoption was not recognized in many countries because of religious or cultural beliefs and considered that the provision should apply only where national law and practice already provided for adoption. Furthermore, she acknowledged that since the proposed Convention did not extend protection to fathers, it would not be appropriate to refer to them specifically in this context. The Government members of France, Greece, Kenya, South Africa and Sweden supported the subamendment.
686. The Government member of the Netherlands opposed the subamendment on the grounds that its provisions were too broad. Although it was situated under the heading “Related types of leave”, it also contained provisions on both benefits and employment protection. She was supported by the Government member of Cyprus who, in addition, expressed reservations about the possible extension of employment protection to adoptive fathers. The Government member of Senegal also opposed the amendment, while recognizing its intention, and questioned whether benefits relating to maternity could effectively be extended to adoptive parents.

687. The Government member of Croatia proposed a subamendment to replace the word “parents” with “mother”. The Government member of the Netherlands proposed a further subamendment to delete the words “benefits and employment protection”. The Government member of Algeria opposed the subamendment. The Worker Vice-Chairperson also expressed her opposition, believing that it would be appropriate to include a reference to “parents”, given that a Paragraph on parental leave had already been adopted. She recognized that an adoptive mother would have no need for prenatal leave, but stated that she would need postnatal leave were her baby ill. The Government members of Croatia and the Netherlands withdrew their subamendments.

688. The Government member of Australia opposed the amendment on the grounds that it was far too broad. He argued that since it was not explicitly limited to the adoption of infants its provisions would apply in respect of adopted children of any age. The Government member of China also opposed the amendment, while recognizing its intention, stating that the Recommendation should be restricted to maternity protection.

689. The Worker Vice-Chairperson asserted that the entitlements being discussed would be provided in the framework of the proposed Maternity Protection Convention. Consequently, it was clear that they applied only to the adoption of infants where adoption was recognized by national law and practice. The Government member of Zambia also supported the amendment, since priority should be given to protection of the child. Moreover, adoptive mothers were still mothers: this was not a narrowly biological definition. The Government member of Poland also supported the amendment.

690. Warning the Committee that support for the amendment would signal acceptance that adoptive fathers and mothers of children of all ages were entitled to rights to leave, benefits and employment protection, the Employer Vice-Chairperson requested a record vote. She underlined that, were the amendment as subamended to be adopted, the proposed Convention likely would be unratifiable. The Worker Vice-Chairperson reiterated that the Convention and Recommendation related to maternity, so the amendment would apply only to the adoption of infants.

691. Put to a record vote, the amendment, as subamended, was adopted by 62,738 votes in favour, 60,762 votes against, with 5,928 abstentions.7

7 Details of the record vote with respect to Government members:

In favour = 20: Argentina, Brazil, Chile, Costa Rica, Croatia, Denmark, Greece, Italy, Kenya, Mozambique, New Zealand, Norway, Poland, South Africa, Sweden, United Republic of Tanzania, United States, Venezuela, Zambia, Zimbabwe.

Against = 16: Algeria, Australia, Austria, Barbados, Belgium, Botswana, Canada, China, Cyprus, Egypt, Germany, India, Japan, Netherlands, Sudan, United Arab Emirates.

Abstentions = 12: Benin, Bulgaria, Ethiopia, France, Republic of Korea, Lesotho, Madagascar, Nigeria, Portugal, Spain, Switzerland, Trinidad and Tobago.
692. The Employer Vice-Chairperson emphasized the disappointment of the Employer members that the debate on the important issue of adoption had been dealt with when more than half [59 out of 107] the Government members of the Committee had been absent and that only 20 members had voted in favour. She suggested that the system of standard setting would need to be critically re-evaluated in the light of the unacceptable level of participation, to ensure its credibility.

693. The Government members of Argentina, Brazil, Chile, Costa Rica, Peru and Venezuela submitted an amendment to add a new Paragraph as follows: “The woman worker should be guaranteed leave in the event of a miscarriage.” The Government member of Chile explained that it would recognize that in many countries legislation provided for leave in these circumstances. She also reminded the Committee that a miscarriage could result in both psychological and physical damage to the mother. She requested clarification from the Office on whether the reference to “complications arising out of pregnancy or childbirth” in Article 4 of the proposed Convention encompassed miscarriages. The representative of the Legal Adviser responded in the affirmative and the amendment was withdrawn.

694. The new Paragraph was adopted as amended.

695. Paragraph 11 was adopted as amended.

696. The Recommendation was adopted as amended.

Adoption of the report and the proposed Convention and Recommendation

697. At its 21st sitting, the Committee adopted its report, subject to changes requested by various members, as well as the proposed Convention and Recommendation as they had been amended by the Drafting Committee. Delegates indicated some minor discrepancies among the English, French and Spanish versions of the instruments which they agreed to refer to the Conference Drafting Committee. The Employer Vice-Chairperson requested that the Committee’s report contain details of the record votes with respect to the Government members of the Committee.

698. Before adopting its report, the Committee had been informed by the Reporter that according to its mandate, the Committee Drafting Committee had made drafting changes which did not change the meaning of the Convention or Recommendation and had dealt with two questions which had been referred to it by the Committee concerning Paragraph 3, clauses (b) and (d) of the Recommendation relating to the types of medical benefits and Paragraph 4 of the Recommendation relating to the financing of benefits. Concerning the first question, the Drafting Committee considered that the amendment submitted by the Government member of Côte d’Ivoire, could be accommodated by redrafting the clause to read: “(b) maternity care given by a qualified midwife or by another maternity service at

Absent = 59: Angola, Bahamas, Bahrain, Belarus, Bolivia, Burkina Faso, Cameroon, Chad, Colombia, Congo, Côte d’Ivoire, Cuba, Czech Republic, Dominican Republic, El Salvador, Finland, Gabon, Ghana, Guatemala, Honduras, Hungary, Indonesia, Islamic Republic of Iran, Ireland, Israel, Jordan, Kiribati, Kuwait, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Malaysia, Mali, Malta, Mauritania, Mexico, Morocco, Namibia, Nicaragua, Niger, Pakistan, Papua New Guinea, Peru, Philippines, Russian Federation, Rwanda, Saudi Arabia, Slovakia, Sri Lanka, Suriname, Swaziland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Uganda, United Kingdom, Uruguay, Viet Nam.
home or in a hospital or other medical establishment;”. The Drafting Committee had considered that the word “supplies” in English and “fournitures” in French were sufficiently broad to include pharmaceutical products and medical materials. It had therefore left clause (d) unchanged. Regarding the second question, the Drafting Committee had deleted subparagraph 1 of Paragraph 4 of the Recommendation, since that provision had been transferred to the Convention during the discussion of the Committee and was found in Article 6, paragraph 8, of the Convention. The term “benefits” in Article 6, paragraph 8 referred to both cash and medical benefits and therefore the methods of financing provided for in that paragraph applied to both. To retain the provision in the Recommendation with the word “should” would weaken the obligation contained in the text of the Convention.

699. The Employer Vice-Chairperson wished to thank Ms. A. Andersen, the Chairperson, for her able direction in keeping the proceedings of the Committee moving smoothly. It had not always been an easy task, given the nature of the topic and the number of amendments. She also extended thanks to Ms. U. Engelen-Kefer, the Worker Vice-Chairperson, with whom it had been a pleasure to work. Together they had managed to resolve a number of differences. To the Government members of the Committee she expressed her appreciation for the spirit in which the discussions had been held. Working with them had enabled her to put a human face on all the different countries that had participated in the debates. In her view, the Office had done a sterling job, and she was grateful for the work of J. Dy-Hammar, the representative of the Secretary-General and her team, seen and unseen, including the interpreters and technicians, who had been supporting the work of the Committee. She thanked those who had worked on the Committee’s report for an excellent job in encapsulating a vast number of ideas accurately and coherently. Ms. L. Samuel, the Committee’s Reporter, had put in a great many extra hours to ensure that the Committee’s report and the instruments accurately reflected the Committee’s work, including her work in the Drafting Committee discussing the fine points of the instruments. Lastly, she wished to thank her advisers and the Employer members for their great team effort.

700. The Worker Vice-Chairperson also expressed her thanks to the Chairperson for steering the Committee in sometimes difficult situations to a successful end. She praised her for the patient and balanced manner in which she had guided the work of the Committee. She thanked Ms. A. Knowles, her counterpart for the Employers’ group, whose fairness and cooperation had enabled them to resolve difficulties together despite their differences. The Government members had engaged in lively and comprehensive discussions, which had provided insight into the different cultures, religions and ways of life in many regions of the world. Their contributions to the work of the Committee had brought to the fore the human aspect of globalization. She thanked the representative of the Secretary-General and her team for doing a difficult job well and, in particular, the representative of the Legal Adviser, who had always provided clear explanations. Ms L. Samuel, the Committee’s Reporter, who was dedicated to the goals of the ILO, had participated in a very balanced fashion in the work of the Committee. She thanked the Worker members for their inputs and hoped that the spirit of cooperation that had prevailed in their work as a group would permeate the final decisions that would be made by the Conference, as to whether their efforts over the previous two years would achieve a successful outcome.

701. The Government member of Kenya, speaking on behalf of the African countries, thanked the Chairperson for the able way in which she conducted the proceedings of the Committee. She also thanked the secretariat, for their ability and patience, and the Employer and Worker members for the support they had given to the Government members. She noted that it had been a learning experience for all. Of special interest to the African countries was the issue of social security funds, which were central to the practical application of maternity protection in Africa. It was their hope that the ILO would provide
the necessary assistance to help them set up such funds. She also wished to thank her African colleagues for the support they had given her to enable her to coordinate their views for the work of the Committee despite the differences of language, religion or levels of economic development. Lastly, she thanked the members of the Committee for their tolerance, hard work and understanding in working to produce an instrument that would be beneficial to women around the world.

702. The Government member of Trinidad and Tobago considered that the two instruments that the Committee had developed would stand as testimony of their level of enlightenment in protecting a woman's unique ability to bear children. Whereas some Committee members would have preferred different provisions, they had had to start from where they were, not from where they wished they were. Her Government was satisfied that the Committee had succeeded in developing two sound instruments. She thanked the Chairperson and the Employer and Worker Vice-Chairpersons for their dedicated service to the mandate of the Committee. She also expressed her best wishes to the secretariat and thanked, in particular, the representative of the Secretary-General and the representative of the Legal Adviser, as well as the Committee Coordinator, for their excellent work.

703. The Chairperson thanked the Committee for their seriousness of purpose, hard work, cooperative spirit and good humour. She expressed the hope that the work of the Committee would lead to a fruitful result.

704. The report of the Committee and the proposed Convention and Recommendation concerning the revision of the Maternity Protection Convention (Revised), 1952 are submitted for consideration.


(Signed)  A. Andersen,
Chairperson.

L. Samuel,
Reporter.
A. Proposed Convention concerning the revision of the Maternity Protection Convention (Revised), 1952

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 88th Session on 30 May 2000, and

Noting the need to revise the Maternity Protection Convention (Revised), 1952, and the Maternity Protection Recommendation, 1952, in order to further promote equality of all women in the workforce and the health and safety of the mother and child, and in order to recognize the diversity in economic and social development of Members, as well as the diversity of enterprises, and the development of the protection of maternity in national law and practice, and


Taking into account the circumstances of women workers and the need to provide protection for pregnancy, which are the shared responsibility of government and society, and

Having decided upon the adoption of certain proposals with regard to the revision of the Maternity Protection Convention (Revised), 1952, and Recommendation, 1952, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this … day of June of the year two thousand the following Convention, which may be cited as the Maternity Protection Convention, 2000.

SCOPE

Article 1

For the purposes of this Convention, the term “woman” applies to any female person without discrimination whatsoever and the term “child” applies to any child without discrimination whatsoever.
Article 2

1. This Convention applies to all employed women, including those in atypical forms of dependent work.

2. However, each Member which ratifies this Convention may, after consulting the representative organizations of employers and workers concerned, exclude wholly or partly from the scope of the Convention limited categories of workers when its application to them would raise special problems of a substantial nature.

3. Each Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organization, list the categories of workers thus excluded and the reasons for their exclusion. In its subsequent reports, the Member shall describe the measures taken with a view to progressively extending the provisions of the Convention to these categories.

HEALTH PROTECTION

Article 3

Each Member shall, after consulting the representative organizations of employers and workers, adopt appropriate measures to ensure that pregnant or breastfeeding women are not obliged to perform work which has been determined by the competent authority to be prejudicial to the health of the mother or the child, or where an assessment has established a significant risk to the mother's health or that of her child.

MATERNITY LEAVE

Article 4

1. On production of a medical certificate or other appropriate certification, as determined by national law and practice, stating the presumed date of childbirth, a woman to whom this Convention applies shall be entitled to a period of maternity leave of not less than 14 weeks.

2. The length of the period of leave referred to above shall be specified by each Member in a declaration accompanying its ratification of this Convention.

3. Each Member may subsequently deposit with the Director-General of the International Labour Office a further declaration extending the period of maternity leave.

4. With due regard to the protection of the health of the mother and that of the child, maternity leave shall include a period of six weeks' compulsory leave after childbirth, unless otherwise agreed at the national level by the government and the representative organizations of employers and workers.

5. The prenatal portion of maternity leave shall be extended by any period elapsing between the presumed date of childbirth and the actual date of childbirth, without reduction in any compulsory portion of postnatal leave.
LEAVE IN CASE OF ILLNESS OR COMPLICATIONS

Article 5

On production of a medical certificate, leave shall be provided before or after the maternity leave period in the case of illness, complications or risk of complications arising out of pregnancy or childbirth. The nature and the maximum duration of such leave may be specified in accordance with national law and practice.

BENEFITS

Article 6

1. Cash benefits shall be provided, in accordance with national laws and regulations, or in any other manner consistent with national practice, to women who are absent from work on leave referred to in Articles 4 or 5.

2. Cash benefits shall be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living.

3. Where, under national law or practice, cash benefits paid with respect to leave referred to in Article 4 are based on previous earnings, the amount of such benefits shall not be less than two-thirds of the woman's previous earnings or of such of those earnings as are taken into account for the purpose of computing benefits.

4. Where, under national law or practice, other methods are used to determine the cash benefits paid with respect to leave referred to in Article 4, the amount of such benefits shall be comparable to the amount resulting on average from the application of the preceding paragraph.

5. Each Member shall ensure that the conditions to qualify for cash benefits can be satisfied by a large majority of the women to whom this Convention applies.

6. Where a woman does not meet the conditions to qualify for cash benefits under national laws and regulations or in any other manner consistent with national practice, she shall be entitled to adequate benefits out of social assistance funds, subject to the means test required for such assistance.

7. Medical benefits shall be provided for the woman and her child in accordance with national laws and regulations or in any other manner consistent with national practice. Medical benefits shall include prenatal, childbirth and postnatal care, as well as hospitalization care when necessary.

8. In order to protect the situation of women in the labour market, benefits in respect of the leave referred to in Articles 4 and 5 shall be provided through compulsory social insurance or public funds, or in a manner to be determined by national law and practice. An employer shall not be individually liable for the direct cost of any such monetary benefit to a woman employed by him or her without that employer's specific agreement except where: (a) such is provided for in national law or practice in a member State prior to the date of adoption of this Convention by the International Labour Conference; or (b) it is subsequently agreed at the national level by the government and the representative organizations of employers and workers.
Article 7

1. A Member whose economy and social security system are insufficiently developed shall be deemed to be in compliance with Article 6, paragraphs 3 and 4, if cash benefits are provided at a rate no lower than a rate payable for sickness or temporary disability in accordance with national laws and regulations.

2. A Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of this Convention under article 22 of the Constitution of the International Labour Organization, explain the reasons therefore and indicate the rate at which cash benefits are provided. In its subsequent reports, the Member shall describe the measures taken with a view to progressively raising the rate of benefits.

EMPLOYMENT PROTECTION AND NON-DISCRIMINATION

Article 8

1. It shall be unlawful for an employer to terminate the employment of a woman during her pregnancy or absence on leave referred to in Articles 4 or 5 or during a period following her return to work to be prescribed by national laws or regulations, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing. The burden of proving that the reasons for dismissal are unrelated to pregnancy or childbirth and its consequences or nursing shall rest on the employer.

2. A woman is guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of her maternity leave.

Article 9

1. Each Member shall adopt appropriate measures to ensure that maternity does not constitute a source of discrimination in employment, including – notwithstanding Article 2, paragraph 1 – access to employment.

2. Measures referred to in the preceding paragraph shall include a prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work that is: (a) prohibited or restricted for pregnant or nursing women under national laws or regulations; or (b) where there is a recognized or significant risk to the health of the woman and child.

BREASTFEEDING MOTHERS

Article 10

1. A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child.

2. The period during which nursing breaks or the reduction of daily hours of work are allowed, their number, the duration of nursing breaks and the procedures for the reduction of daily hours of work shall be determined by national law and practice. These breaks or
the reduction of daily hours of work shall be counted as working time and remunerated accordingly.

PERIODIC REVIEW

Article 11

Each Member shall examine periodically, in consultation with the representative organizations of employers and workers, the appropriateness of extending the period of leave referred to in Article 4 or of increasing the amount or the rate of the cash benefits referred to in Article 6.

IMPLEMENTATION

Article 12

This Convention shall be implemented by means of laws or regulations, except in so far as effect is given to it by other means such as collective agreements, arbitration awards court decisions, or in any other manner consistent with national practice.

FINAL PROVISIONS

Article 13

This Convention revises the Maternity Protection Convention (Revised), 1952.

Article 14

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 15

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.

2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

Article 16

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 17

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

Article 18

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Article 19

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 20

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article ... above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 21

The English and French versions of the text of this Convention are equally authoritative.
B. Proposed Recommendation concerning the Revision of the Maternity Protection Recommendation, 1952

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 88th Session on 30 May 2000, and

Having decided upon the adoption of certain proposals with regard to maternity protection, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Maternity Protection Convention, 2000 (hereinafter referred to as “the Convention”),

adopts this ... day of June of the year two thousand the following Recommendation, which may be cited as the Maternity Protection Recommendation, 2000.

MATERNITY LEAVE

1. (1) Members should endeavour to extend the period of maternity leave referred to in Article 4 of the Convention to at least 18 weeks.

   (2) Provision should be made for an extension of the maternity leave in the event of multiple births.

   (3) To the extent possible, measures should be taken to ensure that the woman is entitled to choose freely the time at which she takes any non-compulsory portion of her maternity leave before or after childbirth.

BENEFITS

2. Where practicable, and after consultation with the representative organizations of employers and workers, the cash benefits to which a woman is entitled during leave referred to in Articles 4 and 5 of the Convention should be raised to the full amount of the woman’s previous earnings or of such of those earnings as are taken into account for the purpose of computing benefits.

3. To the extent possible, the medical benefits provided for in Article 6, paragraph 7, of the Convention should include:

   (a) care given in a doctor’s office, at home or in a hospital or other medical establishment by a general practitioner or a specialist;

   (b) maternity care given by a qualified midwife or by another maternity service at home or in a hospital or other medical establishment;

   (c) maintenance in a hospital or other medical establishment;
(d) any necessary pharmaceutical and medical supplies, examinations and tests prescribed by a medical practitioner or other qualified person; and

(e) dental and surgical care.

**FINANCING OF BENEFITS**

4. Any contribution due under compulsory social insurance providing maternity benefits and any tax based upon payrolls which is raised for the purpose of providing such benefits, whether paid by both the employer and the employees or by the employer, should be paid in respect of the total number of men and women employed, without distinction of sex.

**EMPLOYMENT PROTECTION AND NON-DISCRIMINATION**

5. A woman should be entitled to return to her former position or an equivalent position paid at the same rate at the end of her leave referred to in Article 5 of the Convention. The period of leave referred to in Articles 4 and 5 of the Convention should be considered as a period of service for the determination of her rights.

**HEALTH PROTECTION**

6. (1) Members should take measures to ensure assessment of any workplace risks related to the safety and health of the pregnant or nursing woman and her child. The results of the assessment should be made available to the woman concerned.

(2) In any of the situations referred to in Article 3 of the Convention or where a significant risk has been identified under subparagraph (1) above, measures should be taken to provide, on the basis of a medical certificate as appropriate, an alternative to such work in the form of:

(a) elimination of risk;

(b) an adaptation of her conditions of work;

(c) a transfer to another post, without loss of pay, when such an adaptation is not feasible; or

(d) paid leave, in accordance with national laws, regulations or practice, when such a transfer is not feasible.

(3) Measures referred to in subparagraph (2) should in particular be taken in respect of:

(a) arduous work involving the manual lifting, carrying, pushing or pulling of loads;

(b) work involving exposure to biological, chemical or physical agents which represent a reproductive health hazard;

(c) work requiring special equilibrium;

(d) work involving physical strain due to prolonged periods of sitting or standing, to extreme temperatures, or to vibration.
(4) A pregnant or nursing woman should not be obliged to do night work if a medical certificate declares such work to be incompatible with her pregnancy or nursing.

(5) The woman should retain the right to return to her job or an equivalent job as soon as it is safe for her to do so.

(6) A woman should be allowed to leave her workplace, if necessary, after notifying her employer, for the purpose of undergoing medical examinations relating to her pregnancy.

**BREASTFEEDING MOTHERS**

7. On production of a medical certificate or other appropriate certification as determined by national law and practice, the frequency and length of nursing breaks should be adapted to particular needs.

8. Where practicable and with the agreement of the employer and the woman concerned, it should be possible to combine the time allotted for daily nursing breaks to allow a reduction of hours of work at the beginning or at the end of the working day.

9. Where practicable, provision should be made for the establishment of facilities for nursing under adequate hygienic conditions at or near the workplace.

**RELATED TYPES OF LEAVE**

10. (1) In the case of the death of the mother before the expiry of postnatal leave, the employed father of the child should be entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave.

   (2) In the case of sickness or hospitalization of the mother after childbirth and before the expiry of postnatal leave, and where the mother cannot look after the child, the employed father of the child should be entitled to leave of a duration equal to the unexpired portion of the postnatal maternity leave, in accordance with national law and practice, to look after the child.

   (3) The employed mother or the employed father of the child should be entitled to parental leave during a period following the expiry of maternity leave.

   (4) The period during which parental leave might be granted, the length of the leave and other modalities, including the payment of parental benefits and the use and distribution of parental leave between the employed parents, should be determined by national laws or regulations or in any manner consistent with national practice.

   (5) Where national law and practice provide for adoption, adoptive parents should have access to the system of protection offered by the Convention, especially regarding leave, benefits and employment protection.
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TEXT OF THE CONVENTION CONCERNING THE REVISION OF THE MATERNITY PROTECTION CONVENTION (REVISED), 1952, SUBMITTED BY THE DRAFTING COMMITTEE

TEXTE DE LA CONVENTION CONCERNANT LA RÉVISION DE LA CONVENTION (RÉVISÉE) SUR LA PROTECTION DE LA MATERNITÉ, 1952, SOUMIS PAR LE COMITÉ DE RÉDACTION
TEXT OF THE CONVENTION CONCERNING
THE REVISION OF THE MATERNITY PROTECTION
CONVENTION (REVISED), 1952

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the
International Labour Office, and having met in its 88th Session on 30
May 2000, and
Noting the need to revise the Maternity Protection Convention (Revised),
1952, and the Maternity Protection Recommendation, 1952, in order
to further promote equality of all women in the workforce and the
health and safety of the mother and child, and in order to recognize
the diversity in economic and social development of Members, as
well as the diversity of enterprises, and the development of the
protection of maternity in national law and practice, and
Noting the provisions of the Universal Declaration of Human Rights
(1948), the United Nations Convention on the Elimination of All
Forms of Discrimination Against Women (1979), the United Nations
Convention on the Rights of the Child (1989), the Beijing Declaration
and Platform for Action (1995), the International Labour
Organization’s Declaration on Equality of Opportunity and Treatment
for Women Workers (1975), the International Labour Organization’s
Declaration on Fundamental Principles and Rights at Work and its
Follow-up (1998), as well as the international labour Conventions and
Recommendations aimed at ensuring equality of opportunity and
treatment for men and women workers, in particular the Convention
concerning Workers with Family Responsibilities, 1981, and
Taking into account the circumstances of women workers and the need to
provide protection for pregnancy, which are the shared responsibility
of government and society, and
Having decided upon the adoption of certain proposals with regard to the
revision of the Maternity Protection Convention (Revised), 1952, and
Recommendation, 1952, which is the fourth item on the agenda of the
session, and
Having determined that these proposals shall take the form of an
international Convention;
adopts this … day of June of the year two thousand the following Convention,
which may be cited as the Maternity Protection Convention, 2000.

SCOPE

Article 1

For the purposes of this Convention, the term “woman” applies to any
female person without discrimination whatsoever and the term “child” applies to
any child without discrimination whatsoever.
TEXTE DE LA CONVENTION CONCERNANT LA RÉVISION DE LA CONVENTION (RÉVISÉE) SUR LA PROTECTION DE LA MATERNITÉ, 1952

La Conférence générale de l'Organisation internationale du Travail,
Convoquée à Genève par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 30 mai 2000, en sa quatre-vingt-huitième session;
Prenant note de la nécessité de réviser la convention sur la protection de la maternité (révisée), 1952, ainsi que la recommandation sur la protection de la maternité, 1952, afin de promouvoir davantage l'égalité de toutes les femmes qui travaillent ainsi que la santé et la sécurité de la mère et de l'enfant, et afin de reconnaître la diversité du développement économique et social des Membres ainsi que la diversité des entreprises et le développement de la protection de la maternité dans les législations et les pratiques nationales;
Tenant compte de la situation des femmes qui travaillent et prenant acte de la nécessité d'assurer la protection de la grossesse, en tant que responsabilité partagée des pouvoirs publics et de la société;
Après avoir décidé d'adopter diverses propositions relatives à la révision de la convention (révisée) et de la recommandation sur la protection de la maternité, 1952, question qui constitue le quatrième point à l'ordre du jour de la session;
Après avoir décidé que ces propositions prendraient la forme d'une convention internationale,
adopte, ce … jour de juin deux mille, la convention ci-après, qui sera dénommée Convention sur la protection de la maternité, 2000.

CHAMP D’APPLICATION

Article 1

Aux fins de la présente convention, le terme «femme» s'applique à toute personne du sexe féminin, sans discrimination quelle qu'elle soit, et le terme «enfant» à tout enfant, sans discrimination quelle qu'elle soit.
Article 2

1. This Convention applies to all employed women, including those in atypical forms of dependent work.

2. However, each Member which ratifies this Convention may, after consulting the representative organizations of employers and workers concerned, exclude wholly or partly from the scope of the Convention limited categories of workers when its application to them would raise special problems of a substantial nature.

3. Each Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organization, list the categories of workers thus excluded and the reasons for their exclusion. In its subsequent reports, the Member shall describe the measures taken with a view to progressively extending the provisions of the Convention to these categories.

Health Protection

Article 3

Each Member shall, after consulting the representative organizations of employers and workers, adopt appropriate measures to ensure that pregnant or breastfeeding women are not obliged to perform work which has been determined by the competent authority to be prejudicial to the health of the mother or the child, or where an assessment has established a significant risk to the mother's health or that of her child.

Maternity Leave

Article 4

1. On production of a medical certificate or other appropriate certification, as determined by national law and practice, stating the presumed date of childbirth, a woman to whom this Convention applies shall be entitled to a period of maternity leave of not less than 14 weeks.

2. The length of the period of leave referred to above shall be specified by each Member in a declaration accompanying its ratification of this Convention.

3. Each Member may subsequently deposit with the Director-General of the International Labour Office a further declaration extending the period of maternity leave.

4. With due regard to the protection of the health of the mother and that of the child, maternity leave shall include a period of six weeks' compulsory leave after childbirth, unless otherwise agreed at the national level by the government and the representative organizations of employers and workers.
Article 2

1. La présente convention s’applique à toutes les femmes employées, y compris les femmes qui le sont dans le cadre de formes atypiques de travail dépendant.

2. Toutefois, un Membre qui ratifie la convention peut, après consultation des organisations représentatives des employeurs et des travailleurs intéressées, exclure totalement ou partiellement de son champ d’application des catégories limitées de travailleurs lorsque son application à ces catégories soulèverait des problèmes spéciaux d’une importance particulière.

3. Tout Membre qui se prévaut de la possibilité prévue au paragraphe précédent doit, dans son premier rapport sur l’application de la convention présenté en vertu de l’article 22 de la Constitution de l’Organisation internationale du Travail, indiquer les catégories de travailleurs ainsi exclues et les raisons de leur exclusion. Dans ses rapports ultérieurs, le Membre doit décrire les mesures prises afin d’étendre progressivement les dispositions de la convention à ces catégories.

Protection de la santé

Article 3

Tout Membre doit, après consultation des organisations représentatives des employeurs et des travailleurs, adopter les mesures nécessaires pour que les femmes enceintes ou qui allaient ne soient pas contraintes d’accomplir un travail qui a été déterminé par l’autorité compétente comme préjudiciable à leur santé ou à celle de leur enfant ou dont il a été établi par une évaluation qu’il comporte un risque significatif pour la santé de la mère ou celle de l’enfant.

Congé de maternité

Article 4

1. Sur présentation d’un certificat médical ou autre attestation appropriée, telle que déterminée par la législation et la pratique nationales, indiquant la date présumée de son accouchement, toute femme à laquelle la présente convention s’applique a droit à un congé de maternité d’une durée de quatorze semaines au moins.

2. La durée du congé mentionnée ci-dessus doit être spécifiée par le Membre dans une déclaration accompagnant la ratification de la présente convention.

3. Tout Membre peut, par la suite, déposer auprès du Directeur général du Bureau international du Travail une nouvelle déclaration étendant la durée du congé de maternité.

4. Compte dûment tenu de la protection de la santé de la mère et de l’enfant, le congé de maternité doit comprendre une période de congé obligatoire de six semaines après l’accouchement, à moins qu’à l’échelon national, il n’en soit convenu autrement par le gouvernement et les organisations représentatives d’employeurs et de travailleurs.
5. The prenatal portion of maternity leave shall be extended by any period elapsing between the presumed date of childbirth and the actual date of childbirth, without reduction in any compulsory portion of postnatal leave.

**LEAVE IN CASE OF ILLNESS OR COMPLICATIONS**

*Article 5*

On production of a medical certificate, leave shall be provided before or after the maternity leave period in the case of illness, complications or risk of complications arising out of pregnancy or childbirth. The nature and the maximum duration of such leave may be specified in accordance with national law and practice.

**BENEFITS**

*Article 6*

1. Cash benefits shall be provided, in accordance with national laws and regulations, or in any other manner consistent with national practice, to women who are absent from work on leave referred to in Articles 4 or 5.

2. Cash benefits shall be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living.

3. Where, under national law or practice, cash benefits paid with respect to leave referred to in Article 4 are based on previous earnings, the amount of such benefits shall not be less than two-thirds of the woman’s previous earnings or of such of those earnings as are taken into account for the purpose of computing benefits.

4. Where, under national law or practice, other methods are used to determine the cash benefits paid with respect to leave referred to in Article 4, the amount of such benefits shall be comparable to the amount resulting on average from the application of the preceding paragraph.

5. Each Member shall ensure that the conditions to qualify for cash benefits can be satisfied by a large majority of the women to whom this Convention applies.

6. Where a woman does not meet the conditions to qualify for cash benefits under national laws and regulations or in any other manner consistent with national practice, she shall be entitled to adequate benefits out of social assistance funds, subject to the means test required for such assistance.

7. Medical benefits shall be provided for the woman and her child in accordance with national laws and regulations or in any other manner consistent with national practice. Medical benefits shall include prenatal, childbirth and postnatal care, as well as hospitalization care when necessary.
5. La durée du congé de maternité prénatal doit être prolongée par un congé équivalent à la période écoulée entre la date présumée et la date effective de l'accouchement, sans réduction de la durée de tout congé postnatal obligatoire.

**CONGÉ EN CAS DE MALADIE OU DE COMPLICATIONS**

*Article 5*

Sur présentation d’un certificat médical, un congé doit être accordé, avant ou après la période de congé de maternité, en cas de maladie, complications ou risque de complications résultant de la grossesse ou de l’accouchement. La nature et la durée maximale de ce congé peuvent être précisées conformément à la législation et à la pratique nationales.

**PRESTATIONS**

*Article 6*

1. Des prestations en espèces doivent être assurées, conformément à la législation nationale ou de toute autre manière conforme à la pratique nationale, aux femmes qui s’absentent de leur travail pour cause de congé visé aux articles 4 ou 5.

2. Les prestations en espèces doivent être établies à un niveau tel que la femme puisse subvenir à son entretien et à celui de son enfant dans de bonnes conditions de santé et selon un niveau de vie convenable.

3. Lorsque la législation ou la pratique nationale prévoit que les prestations en espèces, versées au titre du congé visé à l’article 4, sont déterminées sur la base du gain antérieur, le montant de ces prestations ne doit pas être inférieur aux deux tiers du gain antérieur de la femme ou du gain tel que pris en compte pour le calcul des prestations.

4. Lorsque la législation ou la pratique nationale prévoit que les prestations en espèces, versées au titre du congé visé à l’article 4, sont déterminées par d’autres méthodes, le montant de ces prestations doit être du même ordre de grandeur que celui qui résulte en moyenne de l’application du paragraphe précédent.

5. Tout Membre doit garantir que les conditions requises pour bénéficier des prestations en espèces puissent être réunies par la grande majorité des femmes auxquelles la présente convention s’applique.

6. Lorsqu’une femme ne remplit pas les conditions prévues par la législation nationale ou prévues de toute autre manière qui soit conforme à la pratique nationale pour bénéficier des prestations en espèces, elle a droit à des prestations appropriées financées par les fonds de l’assistance sociale, sous réserve du contrôle des ressources requis pour l’octroi de ces prestations.

7. Des prestations médicales doivent être assurées à la mère et à son enfant, conformément à la législation nationale ou de toute autre manière conforme à la pratique nationale. Les prestations médicales doivent comprendre les soins prénatal s, les soins liés à l’accouchement, les soins postnataux et l’hospitalisation lorsqu’elle est nécessaire.
8. In order to protect the situation of women in the labour market, benefits in respect of the leave referred to in Articles 4 and 5 shall be provided through compulsory social insurance or public funds, or in a manner determined by national law and practice. An employer shall not be individually liable for the direct cost of any such monetary benefit to a woman employed by him or her without that employer’s specific agreement except where:

(a) such is provided for in national law or practice in a member State prior to the date of adoption of this Convention by the International Labour Conference; or

(b) it is subsequently agreed at the national level by the government and the representative organizations of employers and workers.

Article 7

1. A Member whose economy and social security system are insufficiently developed shall be deemed to be in compliance with Article 6, paragraphs 3 and 4, if cash benefits are provided at a rate no lower than a rate payable for sickness or temporary disability in accordance with national laws and regulations.

2. A Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of this Convention under article 22 of the Constitution of the International Labour Organization, explain the reasons therefore and indicate the rate at which cash benefits are provided. In its subsequent reports, the Member shall describe the measures taken with a view to progressively raising the rate of benefits.

EMPLOYMENT PROTECTION AND NON-DISCRIMINATION

Article 8

1. It shall be unlawful for an employer to terminate the employment of a woman during her pregnancy or absence on leave referred to in Articles 4 or 5 or during a period following her return to work to be prescribed by national laws or regulations, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing. The burden of proving that the reasons for dismissal are unrelated to pregnancy or childbirth and its consequences or nursing shall rest on the employer.

2. A woman is guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of her maternity leave.

Article 9

1. Each Member shall adopt appropriate measures to ensure that maternity does not constitute a source of discrimination in employment, including — notwithstanding Article 2, paragraph 1 — access to employment.

2. Measures referred to in the preceding paragraph shall include a prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work that is:
8. Afin de protéger la situation des femmes sur le marché du travail, les prestations afférentes au congé visé aux articles 4 et 5 doivent être assurées par une assurance sociale obligatoire ou par prélèvement sur des fonds publics ou d'une manière déterminée par la législation et la pratique nationales. L'employeur ne doit pas être tenu personnellement responsable du coût direct de toute prestation financière de ce genre, due à une femme qu'il emploie, sans y avoir expressément consenti, à moins:

a) que cela ait été prévu par la pratique ou par la législation en vigueur dans l'État Membre avant l'adoption de la présente convention par la Conférence internationale du Travail; ou

b) qu'il en soit ainsi convenu ultérieurement au niveau national par le gouvernement et les organisations représentatives d'employeurs et de travailleurs.

**Article 7**

1. Tout Membre dont l'économie et le système de sécurité sociale sont insuffisamment développés est réputé donner effet à l'article 6, paragraphes 3 et 4, si les prestations en espèces sont d'un taux au moins égal à celui des prestations de maladie ou d'incapacité temporaire prévu par la législation nationale.

2. Tout Membre qui se prévaut de la possibilité prévue au paragraphe précédent doit en expliquer les raisons et préciser le taux auquel les prestations en espèces sont versées, dans son premier rapport sur l'application de la convention présenté en vertu de l'article 22 de la Constitution de l'Organisation internationale du Travail. Dans ses rapports ultérieurs, le Membre doit décrire les mesures prises en vue de relever progressivement ce taux.

**PROTECTION DE L'EMPLOI ET NON-DISCRIMINATION**

**Article 8**

1. Il est interdit à l'employeur de licencier une femme pendant sa grossesse, le congé visé aux articles 4 ou 5, ou pendant une période suivant son retour de congé à déterminer par la législation nationale, sauf pour des motifs sans lien avec la grossesse, la naissance de l'enfant et ses suites ou l'allaitement. La charge de prouver que les motifs du licenciement sont sans rapport avec la grossesse, la naissance de l'enfant et ses suites ou l'allaitement incombe à l'employeur.

2. A l'issue du congé de maternité, la femme doit être assurée, lorsqu'elle reprend le travail, de retrouver le même poste ou un poste équivalent rémunéré au même taux.

**Article 9**

1. Tout Membre doit adopter des mesures propres à garantir que la maternité ne constitue pas une source de discrimination en matière d'emploi, y compris d'accès à l'emploi et ce, nonobstant l'article 2, paragraphe 1.

2. Les mesures auxquelles se réfère le paragraphe précédent comprennent l'interdiction d'exiger d'une femme qui pose sa candidature à un poste qu'elle se soumette à un test de grossesse ou qu'elle présente un certificat attesting ou non de l'état de grossesse, sauf lorsque la législation nationale le prévoit pour les travaux qui:
(a) prohibited or restricted for pregnant or nursing women under national laws or regulations; or
(b) where there is a recognized or significant risk to the health of the woman and child.

BREASTFEEDING MOTHERS

Article 10

1. A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child.

2. The period during which nursing breaks or the reduction of daily hours of work are allowed, their number, the duration of nursing breaks and the procedures for the reduction of daily hours of work shall be determined by national law and practice. These breaks or the reduction of daily hours of work shall be counted as working time and remunerated accordingly.

PERIODIC REVIEW

Article 11

Each Member shall examine periodically, in consultation with the representative organizations of employers and workers, the appropriateness of extending the period of leave referred to in Article 4 or of increasing the amount or the rate of the cash benefits referred to in Article 6.

IMPLEMENTATION

Article 12

This Convention shall be implemented by means of laws or regulations, except in so far as effect is given to it by other means such as collective agreements, arbitration awards, court decisions, or in any other manner consistent with national practice.

FINAL PROVISIONS

Article 13

This Convention revises the Maternity Protection Convention (Revised), 1952.

Article 14

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.
a) sont interdits, totalement ou partiellement, en vertu de la législation nationale, aux femmes enceintes ou à celles qui allaient; ou
b) comportent un risque reconnu ou significatif pour la santé de la femme et de l'enfant.

MÈRES QUI ALLAIENT

Article 10
1. La femme a le droit à une ou plusieurs pauses quotidiennes ou à une réduction journalière de la durée du travail pour allaiter son enfant.
2. La période durant laquelle les pauses d'allaitement ou la réduction journalière du temps de travail sont permises, le nombre et la durée de ces pauses ainsi que les modalités de la réduction journalière du temps du travail doivent être déterminés par la législation et la pratique nationales. Ces pauses ou la réduction journalière du temps de travail doivent être comptées comme temps de travail et rémunérées en conséquence.

EXAMEN PÉRIODIQUE

Article 11
Tout Membre doit examiner périodiquement, en consultation avec les organisations représentatives des employeurs et des travailleurs, l'opportunité d'étendre la durée du congé prévu à l'article 4 et d'augmenter le montant ou le taux des prestations en espèces visé à l'article 6.

MISE EN ŒUVRE

Article 12
La présente convention doit être mise en œuvre par voie de législation, sauf dans la mesure où il lui serait donné effet par tout autre moyen tel que conventions collectives, sentences arbitrales, décisions judiciaires, ou de toute autre manière conforme à la pratique nationale.

DISPOSITIONS FINALES

Article 13
La présente convention révise la convention sur la protection de la maternité (révisée), 1952.

Article 14
Les ratifications formelles de la présente convention seront communiquées au Directeur général du Bureau international du Travail et par lui enregistrées.
**Article 15**

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.

2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

**Article 16**

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

**Article 17**

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

**Article 18**

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

**Article 19**

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.
Article 15

1. La présente convention ne liera que les Membres de l'Organisation internationale du Travail dont la ratification aura été enregistrée par le Directeur général du Bureau international du Travail.

2. Elle entrera en vigueur douze mois après que les ratifications de deux Membres auront été enregistrées par le Directeur général.

3. Par la suite, cette convention entrera en vigueur pour chaque Membre douze mois après la date où sa ratification aura été enregistrée.

Article 16

1. Tout Membre ayant ratifié la présente convention peut la dénoncer à l'expiration d'une période de dix années après la date de la mise en vigueur initiale de la convention, par un acte communiqué au Directeur général du Bureau international du Travail et par lui enregistré. La dénonciation ne prendra effet qu'une année après avoir été enregistrée.

2. Tout Membre ayant ratifié la présente convention qui, dans le délai d'une année après l'expiration de la période de dix années mentionnée au paragraphe précédent, ne fera pas usage de la faculté de dénonciation prévue par le présent article sera lié pour une nouvelle période de dix années et, par la suite, pourra dénoncer la présente convention à l'expiration de chaque période de dix années dans les conditions prévues au présent article.

Article 17

1. Le Directeur général du Bureau international du Travail notifiera à tous les Membres de l'Organisation internationale du Travail l'enregistrement de toutes les ratifications et de tous actes de dénonciation qui lui seront communiqués par les Membres de l'Organisation.

2. En notifiant aux Membres de l'Organisation l'enregistrement de la deuxième ratification qui lui aura été communiquée, le Directeur général appellera l'attention des Membres de l'Organisation sur la date à laquelle la présente convention entrera en vigueur.

Article 18

Le Directeur général du Bureau international du Travail communiquera au Secrétaire général des Nations Unies, aux fins d'enregistrement, conformément à l'article 102 de la Charte des Nations Unies, des renseignements complets au sujet de toutes ratifications et de tous actes de dénonciation qu'il aura enregistrés conformément aux articles précédents.

Article 19

Chaque fois qu'il le jugera nécessaire, le Conseil d'administration du Bureau international du Travail présentera à la Conférence générale un rapport sur l'application de la présente convention et examinera s'il y a lieu d'inscrire à l'ordre du jour de la Conférence la question de sa révision totale ou partielle.
Article 20

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 16 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 21

The English and French versions of the text of this Convention are equally authoritative.
Article 20

1. Au cas où la Conférence adopterait une nouvelle convention portant révision totale ou partielle de la présente convention, et à moins que la nouvelle convention ne dispose autrement:

a) la ratification par un Membre de la nouvelle convention portant révision entraînerait de plein droit, nonobstant l'article 16 ci-dessus, dénonciation immédiate de la présente convention, sous réserve que la nouvelle convention portant révision soit entrée en vigueur;

b) à partir de la date de l'entrée en vigueur de la nouvelle convention portant révision, la présente convention cesserait d'être ouverte à la ratification des Membres.

2. La présente convention demeurerait en tout cas en vigueur dans sa forme et teneur pour les Membres qui l'auraient ratifiée et qui ne ratifieraient pas la convention portant révision.

Article 21

Les versions française et anglaise du texte de la présente convention font également foi.
TEXT OF THE RECOMMENDATION CONCERNING THE REVISION OF THE MATERNITY PROTECTION RECOMMENDATION, 1952, SUBMITTED BY THE DRAFTING COMMITTEE

TEXTE DE LA RECOMMANDATION CONCERNANT LA RÉVISION DE LA RECOMMANDATION SUR LA PROTECTION DE LA MATERNITÉ, 1952, SOUMIS PAR LE COMITÉ DE RÉDACTION
TEXT OF THE RECOMMENDATION CONCERNING THE
REVISION OF THE MATERNITY PROTECTION
RECOMMENDATION, 1952

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the
International Labour Office, and having met in its 88th Session on 30
May 2000, and
Having decided upon the adoption of certain proposals with regard to
maternity protection, which is the fourth item on the agenda of the
session, and
Having determined that these proposals shall take the form of a
Recommendation supplementing the Maternity Protection
Convention, 2000 (hereinafter referred to as “the Convention”),
adopts this date of June of the year two thousand the following
Recommendation, which may be cited as the Maternity Protection

MOTHERHOOD LEAVE

1. (1) Members should endeavor to extend the period of maternity leave
referred to in Article 4 of the Convention to at least 18 weeks.
(2) Provision should be made for an extension of the maternity leave in
the event of multiple births.
(3) To the extent possible, measures should be taken to ensure that the
woman is entitled to choose freely the time at which she takes any non-
compulsory portion of her maternity leave before or after childbirth.

BENEFITS

2. Where practicable, and after consultation with the representative
organizations of employers and workers, the cash benefits to which a woman is
entitled during leave referred to in Articles 4 and 5 of the Convention should be
raised to the full amount of the woman's previous earnings or of such of those
earnings as are taken into account for the purpose of computing benefits.

3. To the extent possible, the medical benefits provided for in Article 6,
paragraph 7, of the Convention should include:
(a) care given in a doctor's office, at home or in a hospital or other medical
establishment by a general practitioner or a specialist;
(b) maternity care given by a qualified midwife or by another maternity service
at home or in a hospital or other medical establishment;
(c) maintenance in a hospital or other medical establishment;
(d) any necessary pharmaceutical and medical supplies, examinations and tests
prescribed by a medical practitioner or other qualified person; and
(e) dental and surgical care.
TEXTE DE LA RECOMMANDATION CONCERNANT LA RÉVISION DE LA RECOMMANDATION SUR LA PROTECTION DE LA MATERNITÉ, 1952

La Conférence générale de l’Organisation internationale du Travail,
Convoquée à Genève par le Conseil d’administration du Bureau international du Travail, et s’y étant réunie le 30 mai 2000, en sa quatre-vingt-huitième session;
Après avoir décidé d’adopter diverses propositions relatives à la protection de la maternité, question qui constitue le quatrième point à l’ordre du jour de la session;
Après avoir décidé que ces propositions prendraient la forme d’une recommandation complétant la convention sur la protection de la maternité, 2000 (ci-après dénommée «la convention»),
adopte, ce ... jour de juin deux mille, la recommandation ci-après, qui sera dénommée Recommandation sur la protection de la maternité, 2000.

CONGÉ DE MATERNITÉ

1. (1) Les Membres devraient s’efforcer de porter la durée du congé de maternité visé à l’article 4 de la convention à dix-huit semaines au moins.

(2) Une prolongation du congé de maternité devrait être prévue en cas de naissances multiples.

(3) Autant que possible, des mesures devraient être prises pour que la femme puisse exercer librement son choix en ce qui concerne le moment auquel elle entend prendre la partie non obligatoire de son congé de maternité, avant ou après l’accouchement.

PRESTATIONS

2. Chaque fois que cela est réalisable, les prestations en espèces auxquelles la femme a droit pendant le congé auquel se réfèrent les articles 4 et 5 de la convention devraient être portées, après consultation des organisations représentatives des employeurs et des travailleurs, à un montant égal à la totalité de son gain antérieur ou du gain tel que pris en compte pour le calcul des prestations.

3. Les prestations médicales visées à l’article 6, paragraphe 7, de la convention devraient, dans la mesure du possible, comprendre:

a) les soins donnés par un médecin généraliste ou spécialiste à son cabinet, à domicile, à l’hôpital ou dans un autre établissement de soins;

b) les soins de maternité donnés par une sage-femme diplômée ou par d’autres services de maternité aussi bien à domicile qu’à l’hôpital ou dans un autre établissement de soins;

c) le séjour dans un hôpital ou un autre établissement de soins;

d) toutes fournitures pharmaceutiques et médicales, analyses et examens nécessaires, lorsqu’ils sont prescrits par un médecin ou une autre personne qualifiée;

e) les soins dentaires et chirurgicaux.
FINANCING OF BENEFITS

4. Any contribution due under compulsory social insurance providing maternity benefits and any tax based upon payrolls which is raised for the purpose of providing such benefits, whether paid by both the employer and the employees or by the employer, should be paid in respect of the total number of men and women employed, without distinction of sex.

EMPLOYMENT PROTECTION AND NON-DISCRIMINATION

5. A woman should be entitled to return to her former position or an equivalent position paid at the same rate at the end of her leave referred to in Article 5 of the Convention. The period of leave referred to in Articles 4 and 5 of the Convention should be considered as a period of service for the determination of her rights.

HEALTH PROTECTION

6. (1) Members should take measures to ensure assessment of any workplace risks related to the safety and health of the pregnant or nursing woman and her child. The results of the assessment should be made available to the woman concerned.

   (2) In any of the situations referred to in Article 3 of the Convention or where a significant risk has been identified under subparagraph (1) above, measures should be taken to provide, on the basis of a medical certificate as appropriate, an alternative to such work in the form of:

   (a) elimination of risk;
   (b) an adaptation of her conditions of work;
   (c) a transfer to another post, without loss of pay, when such an adaptation is not feasible; or
   (d) paid leave, in accordance with national laws, regulations or practice, when such a transfer is not feasible.

   (3) Measures referred to in subparagraph (2) should in particular be taken in respect of:

   (a) arduous work involving the manual lifting, carrying, pushing or pulling of loads;
   (b) work involving exposure to biological, chemical or physical agents which represent a reproductive health hazard;
   (c) work requiring special equilibrium;
   (d) work involving physical strain due to prolonged periods of sitting or standing, to extreme temperatures, or to vibration.

   (4) A pregnant or nursing woman should not be obliged to do night work if a medical certificate declares such work to be incompatible with her pregnancy or nursing.

   (5) The woman should retain the right to return to her job or an equivalent job as soon as it is safe for her to do so.
FINANCEMENT DES PRESTATIONS

4. Toute cotisation due dans le cadre d’une assurance sociale obligatoire prévoyant des prestations de maternité et toute taxe calculée sur la base des salaires et perçue aux fins de fournir de telles prestations, qu’elles soient payées conjointement par l’employeur et les salariés ou par l’employeur uniquement, devraient être payées d’après le nombre total de salariés, sans distinction de sexe.

PROTECTION RELATIVE À L’EMPLOI ET NON-DISCRIMINATION

5. La femme devrait avoir le droit de reprendre son travail au même poste ou à un poste équivalent rémunéré au même taux à l’issue du congé visé à l’article 5 de la convention. La période du congé visé aux articles 4 et 5 de la convention devrait être considérée comme une période de service aux fins de la détermination de ses droits.

PROTECTION DE LA SANTÉ

6. (1) Les Membres devraient prendre des mesures en vue d’assurer l’évaluation de tout risque qui peut comporter le lieu de travail pour la sécurité et la santé de la femme enceinte ou qui allaite et de son enfant. Les résultats de cette évaluation devraient être communiqués aux femmes concernées.

(2) Dans toute situation visée à l’article 3 de la convention ou lorsqu’il a été établi qu’il existe un risque significatif tel que visé au sous-paragraphe (1), des mesures devraient être prises afin de fournir, le cas échéant sur présentation d’un certificat médical, une alternative, à savoir:

a) l’élimination du risque;

b) l’adaptation de ses conditions de travail;

c) un transfert à un autre poste, sans perte de rémunération, lorsqu’une telle adaptation n’est pas réalisable;

d) un congé rémunéré accordé conformément à la législation et à la pratique nationales, lorsqu’un tel transfert n’est pas réalisable.

(3) Les mesures visées au sous-paragraphe 2 devraient être prises en particulier en ce qui concerne:

a) tout travail pénible obligeant à lever, transporter, tirer ou pousser des charges manuellement;

b) tout travail exposant la femme à des agents biologiques, chimiques ou physiques susceptibles d’être dangereux pour ses fonctions reproductives;

c) tout travail faisant particulièrement appel au sens de l’équilibre;

d) tout travail exigeant un effort physique, du fait d’une station assise ou debout prolongée, de températures extrêmes ou de vibrations.

(4) Une femme enceinte ou qui allaite ne devrait pas être astreinte à un travail de nuit lorsqu’il a été établi par un certificat médical qu’un tel travail est incompatible avec son état.

(5) La femme devrait conserver le droit de reprendre le travail au même poste ou à un poste équivalent, dès que son retour ne comporte plus de risque pour sa santé.
(6) A woman should be allowed to leave her workplace, if necessary, after notifying her employer, for the purpose of undergoing medical examinations relating to her pregnancy.

**BREASTFEEDING MOTHERS**

7. On production of a medical certificate or other appropriate certification as determined by national law and practice, the frequency and length of nursing breaks should be adapted to particular needs.

8. Where practicable and with the agreement of the employer and the woman concerned, it should be possible to combine the time allotted for daily nursing breaks to allow a reduction of hours of work at the beginning or at the end of the working day.

9. Where practicable, provision should be made for the establishment of facilities for nursing under adequate hygienic conditions at or near the workplace.

**RELATED TYPES OF LEAVE**

10. (1) In the case of the death of the mother before the expiry of postnatal leave, the employed father of the child should be entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave.

   (2) In the case of sickness or hospitalization of the mother after childbirth and before the expiry of postnatal leave, and where the mother cannot look after the child, the employed father of the child should be entitled to leave of a duration equal to the unexpired portion of the postnatal maternity leave, in accordance with national law and practice, to look after the child.

   (3) The employed mother or the employed father of the child should be entitled to parental leave during a period following the expiry of maternity leave.

   (4) The period during which parental leave might be granted, the length of the leave and other modalities, including the payment of parental benefits and the use and distribution of parental leave between the employed parents, should be determined by national laws or regulations or in any manner consistent with national practice.

   (5) Where national law and practice provide for adoption, adoptive parents should have access to the system of protection offered by the Convention, especially regarding leave, benefits and employment protection.
(6) La femme devrait, le cas échéant, avoir la possibilité de s'absenter de son poste de travail, après en avoir informé son employeur, pour se soumettre à des contrôles médicaux en relation avec sa grossesse.

MÈRES QUI ALLAIENT

7. Sur présentation d'un certificat médical ou autre attestation appropriée, telle que déterminée par la législation et la pratique nationales, le nombre et la durée des pauses d'allaitement devraient être adaptés aux besoins particuliers.

8. Lorsque cela est réalisable, avec l'accord de l'employeur et de la femme concernée, les pauses quotidiennes d'allaitement devraient pouvoir être prises en une seule fois sous la forme d'une réduction globale de la durée du travail, au début ou à la fin de la journée de travail.

9. Lorsque cela est réalisable, des dispositions devraient être prises en vue de la création de structures pour l'allaitement des enfants dans des conditions d'hygiène adéquates sur le lieu de travail ou à proximité.

TYPES DE CONGÉ APPARENTÉS

10. (1) En cas de décès de la mère avant l'expiration du congé postnatal, le père de l'enfant, s'il est employé, devrait avoir droit à un congé d'une durée équivalant à la période restant à courir jusqu'à l'expiration du congé postnatal de la mère.

(2) En cas de maladie ou d'hospitalisation de la mère après l'accouchement et avant l'expiration du congé postnatal, et si celle-ci ne peut s'occuper de l'enfant, le père, s'il est employé, devrait bénéficier, pour prendre soin de l'enfant, d'un congé d'une durée équivalant à la période restant à courir jusqu'à l'expiration du congé postnatal, conformément à la législation et à la pratique nationales.

(3) La femme employée, ou le père de l'enfant s'il est employé, devrait pouvoir bénéficier d'un congé parental pendant une période suivant l'expiration du congé de maternité.

(4) La période pendant laquelle le congé parental pourrait être octroyé, la durée de ce congé et ses autres modalités, y compris le paiement de prestations parentales, ainsi que l'utilisation et la répartition de ce congé entre les parents lorsque les deux sont employés, devraient être déterminées par la législation nationale ou de toute autre manière conforme à la pratique nationale.

(5) Lorsque la législation et la pratique nationales prévoient l'adoption, les parents adoptifs devraient avoir accès au système de protection défini par la convention, en particulier pour ce qui est du congé, des prestations et de la protection de l'emploi.
Fifth item on the agenda: Human resources training and development: Vocational guidance and vocational training

Report of the Committee on Human Resources Training and Development

1. The Committee on Human Resources Training and Development met for its first sitting on 31 May 2000. Initially, it consisted of 308 members (99 Government members, 142 Employer members, 67 Worker members). It also included 18 Government deputy members, 61 Employer deputy members and 69 Worker deputy members. In addition, four non-governmental international organizations were represented.

2. The Committee elected its Officers as follows:

Chairperson: Dr. L. Mishra (Government member, India).

Vice-Chairpersons: Mr. C. Renique (Employer member, Netherlands) and Mr. E. Patel (Worker member, South Africa).

Reporter: Mr. J. Chetwin (Government member, New Zealand).

3. At its 9th sitting the Committee appointed a Drafting Group to draw up a draft resolution and draft conclusions based on views expressed during the plenary discussions, for consideration by the Committee. The Drafting Group was composed as follows: a Government member from Japan, Portugal, Saudi Arabia, Ethiopia, Canada and Brazil; Mr. Renique (Employer member, the Netherlands), Mr. Dumont (Employer member, France), Mr. Ampiah (Employer member, Ghana), Ms. Leeming (Employer member, New Zealand), Mr. Soto Priante (Employer member, Mexico); Mr. Patel (Worker member, South Africa), Mr. Attigbe (Worker member, Benin), Mr. Cole (Worker member, United States), Ms. Valkonen (Worker member, Finland), Ms. Middleton (Worker member, New Zealand); and ex officio Mr. Mishra in the Chair and Mr. Chetwin as Reporter.

4. The Committee held 15 sittings.

Introduction

5. The Committee had before it Report V, entitled Training for employment: Social inclusion, productivity, and youth employment, prepared by the Office on the fifth item on the agenda of the Conference: Human resources training and development: Vocational guidance and vocational training.
6. The representative of the Secretary-General emphasized the importance of human resources training and development to empower people. Globalization has the potential to promote growth in the economy and in employment. But at the same time, in some countries, it had had adverse effects on employment and job quality. Human resources training and development are key instruments for maximizing the benefits of globalization while minimizing its adverse effects.

7. Human resources training and development must be an integral part of a comprehensive employment strategy. The five main components of a comprehensive employment strategy are: (1) macroeconomic stabilization; (2) stabilizing financial and capital markets; (3) providing effective social protection for displaced workers; (4) good corporate governance, which combines higher economic performance with good social and environmental practices; and (5) a regulatory environment which promotes job creation, largely through business development support services to small and medium-sized enterprises.

8. The Chairperson then invited the deputy representative of the Secretary-General to introduce the report. The deputy representative stressed that globalization, economic restructuring and the shift to a knowledge and skills-based society have generated a paradox: skills are needed more than ever, yet these same forces may be driving policy-makers and enterprises to reduce their investment in people or focus on the short term. Individuals, enterprises and society as a whole increasingly require team working, leadership, management and technical skills. Social dialogue and partnership must be central to the governance, development and funding of human resources training and development.

9. The world has greatly changed: planned economies have given way to the rule of the market, information technology is becoming widespread, work is organized differently, and secure wage employment is increasingly being replaced by non-standard types of work. These changes have affected the structure and functioning of labour markets and the types of skills demanded. Human resources training and development now has a dual, i.e. proactive and mitigating function. The proactive function involves helping individuals and enterprises to be more productive and competitive. The mitigating function attempts to redress social inequalities by helping people, by means of training, to improve their chances of getting a job, to become more productive on the job, and improve their living standards. In view of these fundamental changes, the Human Resources Development Convention, 1975 (No. 142), remains valid, while the Human Resources Development Recommendation, 1975 (No. 150), has been overtaken by changes in the world of work and society at large.

10. In his opening statement, the Chairperson thanked the Committee for his appointment. He noted the increased awareness of globalization and its positive and negative effects on economies, employment and people’s lives. However, insufficient attention has been devoted to the social consequences of globalization, particularly the growth of inequality and poverty affecting millions of people worldwide. He suggested a number of issues for discussion including: the paradox of globalization and other forces which increased the need for education and training, while at the same time, these same factors had resulted in a squeeze of investment in human resources training and development; the waste of human resources due to child labour; the need to boost institutions for social dialogue; the mismatch between skills supplied and demanded; the need to align formal and workplace training; the importance of overcoming discrimination and improving access to training for people with special needs; responding to the needs of the informal sector; and the role of multinational enterprises in human resources training and development.
11. The Chairperson stressed that the Committee should identify the appropriate role of the ILO in each area identified for discussion and determine how responsibility for human resources training and development should be shared between the social partners and other stakeholders. Although the Committee faced a tight work schedule, the Chairperson was confident that a consensus could be reached in a spirit of trust, goodwill and understanding.

**General discussion**

12. On behalf of his group, the Employer Vice-Chairperson addressed the present context, the needs of enterprises, the new paradigm for education and training, and the roles of the social partners.

13. The report of the Office provided a good starting point. However, the Employers' group do not agree with the rather pessimistic view on globalization. They do not deny that in some countries, enterprises and the economy at large have more difficulty to respond to the new challenges, but the many drives for change, such as mentioned in the report of the Office, have been responded to by enterprises, resulting in economic growth. The myth of “jobless growth” has been challenged by the recent performance of economies in regions like the United States and Europe. The Employers' group also questioned the training paradox, as mentioned in the report of the Office and referred to by the Chairperson. According to this paradox, increased mobility will induce less investment in training. The Employers' group welcomed the increasing mobility of workers, inside and between enterprises, and even across sectors. This reduces mismatches and facilitates restructuring. They absolutely do not choose the option, as suggested in the report, to invest less in training and try to solve the lack of knowledge and skills only through recruiting strategies. Serious mismatches and shortages on the labour market make this impossible. More importantly, knowledge has become an integral part of the process, the core added value, and often even the product itself. Therefore, on the contrary, as underpinned by figures from many countries, the private sector has even increased investment in training. The Employers’ group indicated that increased investment at the same time increases the interest in the quality and the return of training. They called upon governments to improve also investment in basic education and initial training, the monitoring of outcomes and quality assessment.

14. The new paradigm for education and training focuses on preparing people for change. People need to take responsibility for their employability and career choices. In this environment, generic skills such as teamwork, problem solving, communication, and work ethic are highly valued, and primary education is becoming even more important in developing such basic, transferable skills. To help prepare people well, education and training institutions must rethink the relationship between student and school; and they must re-evaluate the role of teachers and the methods of assessing performance. Vocational education schools must forge new forms of cooperation with companies to create more flexible forms of dual learning, which combine classroom and workplace environments. New pathways into work must be established to help young people in the transition from school to work.

15. Information and communications technology (ICT) is a powerful tool for implementing this new paradigm but working methods and organization of vocational education and training (VET) must change also. For instance, institutions should promote group work, problem solving, and guest teaching. The Employers’ group agreed on the need to look for methods to evaluate and certify experienced-based learning. The new paradigm has implications for vocational guidance as well. Guidance, on a continuous basis, should be
thought of as developing career competence in individuals, to enable people to identify options that are appropriate for their talents and motivation.

16. The Employers' group quoted the Cologne Charter of the G8 which calls for renewed commitment of all partners to lifelong learning: "by governments, investing to enhance education and training at all levels, by the private sector, training existing and future employees, by individuals, developing their own abilities and careers." Companies and VET institutions must also form partnerships for more effective training. Governments should focus on facilitating the process, but leaving the responsibility for planning and organization with companies and workers – a bottom-up approach.

17. Lastly, the Employers' group highlighted the particular circumstances of developing countries. They suggested that the international community should assist the developing countries in improving their initial education. These can benefit from the use of new methods and concepts of education and training, including the use of ICT and workplace-based learning assessment. They reiterated the importance of smoothening the transition from school to work by means of active labour market policies, promotion of youth entrepreneurship, and providing adequate safety nets for those facing difficulties finding work.

18. On behalf of his group, the Worker Vice-Chairperson stressed that education and training are important means to economic and social development, but are also ends in themselves as they contribute to an informed citizenry. Training should be viewed as a central pillar of the concept of “decent work”. Training can improve the quality and organization of work and contribute to economic growth and job creation. Training is important for workers because it is a means to increase incomes, promote job security, secure greater social equity through reducing inequalities and eliminating poverty, and improve social inclusion. However, despite the clear benefits on many levels, not all public policies promote training. Structural adjustment, in particular, is inducing many governments to reduce expenditure on training.

19. Training is a necessary, but not sufficient, condition for economic development – witness the high levels of unemployment among the highly educated in some countries. Unless the macroeconomic framework is appropriate, unless the range of policy tools all in combination maintain and expand aggregate demand at the same time that supply-side reforms improve productivity and efficiency, training and education will not resolve the crisis of employment. This calls for the right fiscal policies and for an effective collective-bargaining system. In addition, active labour market measures such as career development services, embracing career education and counselling, and employment counselling, are required.

20. Education and training should be universal, irrespective of sex, race or social origin. There should be a strong public funding commitment to ensure access to all. Education has become universally accepted as a fundamental right, which is denied to children when they are put to work at a young age. Education and training should also cover the development of an ability, referred to in Convention No. 142, to influence the working and social environment.

21. The Workers' group noted that many commentators have argued that the modern economy requires greater flexibility. Some have taken that to mean a reduction in worker protection, in the quest for competitiveness and flexibility. Training and skill enhancement however, give us a very different way to address this requirement. Skill increases create greater agility and flexibility for workers confronted with rapidly changing work processes, and fast changes in consumer tastes and needs. It provides therefore an opportunity to meet the
need for flexibility through increased skills, not through decreased labour standards. The Workers' group noted that many developing countries had a large and expanding "informal sector", which was not a sector in the traditional sense as much as a description of a range of largely survival activities, characterized by low earnings, low productivity, and absence of standards. The role of training was not to "prepare" people for the informal sector or to grow the informal sector, but to serve as an instrument to transform the informal sector, to lift activities out of a survival mode and integrate them into mainstream economic and social life. Trade unions should be centrally involved in these programmes.

22. The Workers' group stressed that training must be targeted to the needs of many groups, including: women, rural workers, the disabled, retrenched workers, potential victims of economic restructuring, low-paid workers, workers left out of training and education in the past, migrant workers, refugees, people with special needs, and the long-term unemployed. They also supported extensive training and support for young workers. Skills programmes should include pre-employment, unemployment, and in-employment training. An effective human resources development and training system should undertake skills audits of the workforce; systematically certify prior and on-the-job learning; provide modular-based training which is accessible also to full-time workers and is portable; provide life skills as the foundation of training, covering communication, informatics and problem-solving; and develop career-path policies and continuous learning. The position of women is a good example of the need to change both training and reward systems. The shift from the production to the service sector also means a shift from higher wages to lower incomes. Yet at the same time, this demands an increase in important social skills such as communication, teamwork, problem-solving, which are all regarded as typically female skills. They are required, but not appropriately recognized or rewarded. The challenge is to create a culture in the workplace where learning is valued, supported and rewarded.

23. The Workers' group argued that the challenges facing developing countries are substantial. Societies with huge and growing levels of adult illiteracy and massive debt crises are unable to design, fund or implement modern training policies, the prerequisites for development and economic growth. In the age of the knowledge society, 884 million adults are illiterate, while UNESCO estimated that in the least developed countries, 144 million adults were illiterate in 1985, a figure expected to rise by 30 per cent by 2005. The international community should undertake bold and substantial debt relief, and help mobilize resources for developing basic literacy and numeracy, and the development of communication and information infrastructure. Multinational corporations should be encouraged to agree to fair technology transfer agreements and develop high-level local skills in developing countries. These measures provide a ladder for moving up the value-chain, and with education and training, constitute measures to leapfrog societies from underdevelopment to the knowledge society.

24. The Workers' group proposed that the ILO benchmark the best practice of VET spending at 4 per cent of payroll, to encourage governments and enterprises to increase current efforts. The ILO should recommend a training levy on industries and services to ensure adequate funding, and draw up guidelines for developing facilities that increase employees' access to training, e.g. childcare facilities for working mothers. The cost of human resources development and training should be viewed as a necessary investment by enterprises and society in human capital, with a high return in the form of increased productivity.

25. The Workers' group proposed the concept of a national training framework and policy, embracing national, industrial and enterprise-level contributions. Partnership is essential, but governments must continue to have major responsibility for education and training. They were encouraged by the Employers' group's expression of support for the need to
invest in people, and emphasized that partnership implies that workers through their trade unions should be involved in decision-making. Training should be a part of the bargaining process, and of a power-sharing arrangement between all three social partners.

26. Following the comments of the two Vice-Chairpersons, the Committee continued the general discussion of Report V. Many members of the Committee commended the report for clearly showing the contribution of education and training to human prosperity and the need to strengthen educational and vocational training systems in the context of globalization and changing work organization. However, one Government member felt the report did not fully represent the situation facing developing countries. Another felt that the phrase "human resource development and training" could incorrectly convey the impression that training is separate from human resource development and not fundamental to it; and suggested that the phrase "human resource development", or "people development" should be sufficient. She also recommended adoption of the term "professional and vocational education and training" in place of "vocational education and training (VET)" and continuous education and training (CET) used in the document, to bring the terminology into line with UNESCO and thus contribute towards more effective collaboration between ILO and UNESCO.

27. Several governments echoed the comments of the Workers' and Employers' groups in stressing the need for a clear vision of the role of human resources development and training. Training systems should empower people by enabling them to learn, to acquire knowledge, to learn how to act, and to learn for life. Human resources development and training should aim to make everyone employable – able to secure and retain decent work as employees, entrepreneurs or workers in community-based activities. In this respect, it is important to distinguish between narrowly defined skills linked to the needs of the employer and broad-based competencies generally demanded in the labour market.

28. Although training programmes should be responsive to the demand for skills in the labour market and global trends in such fields as information and communication technology (ICT), helping people to develop fully as individuals should be central to any system. People work to feel productive, provide for their families and contribute to society – these constant factors should guide the discussion. One Government member stated, though, that the system in his country was totally demand driven.

29. The social aspects of education and training should be given special attention. Human resources development and training have great potential to prevent or decrease social exclusion. Priority should be given to access for all, but most particularly to those in greatest need. Programmes should target the underprivileged and those with the least access to education and training. Several Government members stressed the importance of developing culturally appropriate programmes targeting women, people with disabilities, and minorities and indigenous peoples suffering discrimination. In this respect in particular, local communities and local government have a very important contribution to make. Distance learning was also mentioned as a tool for improving access and flexibility while maintaining quality.

30. Quality should be stressed over quantity. Policies and programmes should be carefully designed and monitored to ensure they are meeting real needs and are available to, and appropriate for, the intended target groups.

31. The need for a holistic approach was emphasized. Education and training should be viewed as part of a larger policy of economic and social development. However, global forces (trade, finance, etc.) may limit governments' control over their economies.
32. Numerous Government members described the importance of tripartite participation in formulating policies and programmes. Participation of workers and employers ensured that the training and education programmes were relevant and kept pace with changes in the labour market. Governments can facilitate the involvement of the social partners and must provide an appropriate legal and institutional environment.

33. The importance of lifelong learning was repeatedly stressed. The ICT revolution is dramatically increasing the rate of obsolescence of particular skills, and globalization is contributing to worker displacement. Therefore workers need to update their skills throughout their careers. But lifelong learning also means paying more attention to the very early years of education, including available and affordable quality pre-schools, and keeping young people in formal education longer. Government members mentioned actions taken such as setting specific targets for various age groups and increasing the length of compulsory education, to ensure that all people had the opportunity to enhance their skills. In general, education and training at all levels should be closely integrated, to allow people to acquire skills whenever the need arose.

34. Several Government members mentioned the need to equip workers with multiple skills, to improve employability and decrease mismatch. An "education boom" of too many highly skilled workers in some countries was also leading to mismatch, raising awareness of the need to improve the responsiveness of human resources development and training systems to market demand.

35. Information and communications technology is the source of many new jobs in countries of all levels of development, and is changing the organization of work for many people. It is also a source of potential growing disparities within and between countries. Many Government members described how these changes have influenced their human resources development and training policies and programmes. For instance, some governments have set ambitious targets for universal access to the Internet and increased computer literacy, and have invested heavily in providing computers to schools and libraries.

36. The need for basic skills was repeatedly underlined. These include literacy, numeracy, and broader problem-solving and teamwork skills. Broader basic skills and specialized skills programmes should complement rather than compete with each other. Training should include broader skills and needs such as human relations, communication, and workplace safety and health.

37. Several Government members mentioned particular difficulties they face. These include the rapid transformation to a market economy and changes in the form of ownership, migration to urban areas, unemployment, underemployment, low productivity, and insufficient financial resources. Nonetheless, human capital is their most valuable asset, and they are firmly committed to finding creative ways to improve their investment in people, particularly in cooperation with other countries and international institutions such as the newly established UNEVOC centre in Bonn. The ILO has a particularly important role to play in providing assistance and as a forum for exchanging best practices. Developed countries could also contribute much in helping developing countries adapt to the changing work environment. One Government member also proposed establishing a website to facilitate sharing of experiences in greater depth.

38. Numerous Government members drew attention to the essential role of certification of skills, including prior knowledge. Certification is important in part due to the growth of private sector training and education in some countries. And portability of skills enables workers to move to where work is available.
39. One Government member mentioned that access to labour markets abroad is important for training programmes and that this should be taken into account. However, another Government member cautioned that free movement of workers was not a general remedy for the lack of skills within a particular labour market.

40. Several governments offered general guidelines for defining the appropriate roles of the social partners. It may be logical to assign employers more responsibility for providing training to their employees, while governments should assume more responsibility for training new entrants to the labour market or those changing their careers. Alternatively, employers could focus more on supplying training for the specific skills they demand while governments assume more responsibility for providing broader skills and emphasizing the social dimensions of human resource development and training. The governments' role would include providing safety nets, perhaps even providing training through the social security system, as one Government member described. In either case, greater worker mobility requires workers to take more initiatives as well. And special attention should be paid to creating the appropriate incentives for all of the participants. Employers must see the value in investing in their workers, and workers must be motivated to seek out and participate in education and training. The goal should be to create a learning society. Some Government members called on employers to participate more in funding training.

41. Several Government members shared important changes occurring in their human resources development and training systems. A dual system, combining formal training with work-based experience, plays an important role in the transition from school to work, and appears to be particularly useful in helping youth to integrate better into the workforce. More broadly, some governments aim to break down the barrier between education and training to overcome biases. The high degree of specialization of schools in some countries is becoming outdated. Funding of vocational training has been boosted in many countries, in response to growing need. And most countries were reviewing their policies, programmes and administration of VET systems in search of approaches.

42. Several Government members mentioned actions taken by the European Union in the area of human resources development and training. European Union Member States have been encouraged to facilitate increased investment in people, and targets have been set for education and training systems. Special attention has also been given to youth, the unemployed, and other target groups. The availability of more flexible work hours should be promoted. Each European Union Member State had been called upon previously at the Lisbon Summit in 2000 to set tangible targets to meet, to develop appropriate policies and to adopt employment plans. This is to be followed by a multilateral examination of progress in each member State and would lead to a more inclusive society through improved initial training for youth, the acquisition of relevant skills, the building on existing skills, enhancing competencies through continuous training and the spread of good human resources policies and practices.

43. Several Government members drew attention to the fact that the Human Resources Development Recommendation, 1975 (No. 150), was out of date. Particular problems cited included an incongruity with conditions in the real world and too much specificity, which inevitably lead to it becoming outdated. Some Committee members endorsed the idea of adopting a new Recommendation, but one Committee member thought it advisable to postpone adoption of a new instrument until the general revision of the International Labour Standards had been completed.

44. The Worker Vice-Chairperson pointed out some useful insights emanating from the governments' contributions to the general discussion. He also suggested some extensions
to the points made by various Government members that may be useful for the conclusion of the general discussion, including: (1) the need for socially inclusive policies; (2) benchmarking of funding for skills; (3) viewing training not simply as a cost, but as an economically and socially valuable investment in people; (4) greater involvement of the social partners in governance of training; (5) involving local communities; and (6) the impact of some specific aspects of globalization, such as speculative capital movement, on employment. Some of the above points could be extended to the involvement of the trade unions in vocational education and training, and included the need for capacity building of trade unions to enhance their role in training. Lastly, the Workers’ group supported a broad definition of employability and emphasized the need to address the problem of funding.

45. The Employer Vice-Chairperson expressed satisfaction over the general stand of the Government members on continuous education and training. They drew attention to a Government member’s reference to the Cologne Charter, and suggested that it be considered for inclusion as one of the elements of the conclusions. The Employers’ group was satisfied with the reference of the Government members to the role of the social partners in vocational education and training. However, social partners should also be consulted on education policy. This could reflect, for example, the experiences in enterprises with new working methods and new forms of organization and arising from this new demands on working methods and organization of education. Information technology has immense potential and should be exploited for education and training. Lastly, they supported the statement made by the Government representatives of the Syrian Arab Republic and Malawi that developing countries face difficulty in providing continuous education and training and therefore need the support of the international community in this respect.

Points for discussion

46. The Employer Vice-Chairperson, referring to the first issue for discussion, stated that the broad definition of employability contained in the report was well expressed. However, enhancing employability also required commitment of the three social partners along the lines of the Cologne Charter.

47. Education and training for employability involved a paradigm shift. Employability required a broad based initial education system, from pre-school to university, to ensure that people were equipped with basic and portable skills, and could adapt to a changing work environment. Besides traditional apprenticeship, new methods of combining work and study were required. Such combinations were already in evidence in higher education in some countries.

48. Employers wished to participate in national discussions not only on vocational education, but also in discussions on educational policy at all levels. They wished to have their views considered on issues such as setting the framework for qualifications, and planning and delivery of vocational training.

49. The Employers’ group opposed the proposals made by the Workers’ group for benchmarking the level of investment in vocational training. They also opposed the notion of imposition of a national levy on enterprises. The Employers’ group considered that imposed national levy systems contradict the need for enterprises to develop themselves training plans and to optimise their training investments and contradict the concept of employability, which asks for specific responses and not national arrangements to the different needs of workers. They suggested that the Committee, instead, should focus on ways to motivate investments based on common interests of employers and workers. If
additional incentives were needed, governments could provide tax incentives, funding support for training, and support for recognition of prior learning. So far as involvement of social partners was concerned, there could be sectoral or regional agreements as part of the collective bargaining process.

50. The Worker Vice-Chairperson elaborated the centrality of the concept of employability. He agreed with the Employers’ group that a broad definition of employability was essential. According to the Workers’ group employability embraced a range of policies such as education, active labour market measures, and macroeconomic policies directed at full employment. In addition, there were numerous components to the education element of the range of policies. These required the right to education and training. Furthermore, promotion of full employment could not be realized merely by enhancing skills; human beings needed to “learn to learn” and instructors needed to be proficient in adapting to the changing circumstances. He emphasized that basic education should include information on health and safety, trade union education, information and communication technology skills education on industrial relations.

51. There should be competency standards based on agreements between employers, governments and workers so that the individual could have a benchmark, a certified standard, by which he or she could by some objective process, measure himself or herself. Moreover, since it was not easy to anticipate the skill requirements for the future, lifelong learning should be the vehicle for adapting to the changing work environment.

52. The Workers’ group were of the view that responsibility for promoting employability should be shared between workers, employers and governments. While individuals were responsible for their education and training, the enterprises had a continual responsibility to upgrade human skills in the same way as they updated themselves, for instance, on marketing strategies or technology. The state, on the other hand, had the prime responsibility for basic education and for promoting an effective and efficient system of vocational education and training.

53. There was a high degree of consensus regarding the aims of education and training but perceptions differed on mode of funding for training. The concept of employability stripped of the funding issue was not useful since the burden would fall on those least capable of bearing the burden. In this context, the least able to finance access to appropriate training were women and special groups such as refugees, migrant workers, and people with disabilities. Each member of the society should become employable; however, such members should not be expected to finance their own inclusion in the society.

54. Referring to the opposition of the Employers’ group to benchmarking funding, the Workers’ group clarified that they were not contemplating a binding international obligation, but were proposing a benchmark of what constituted the best practice and should serve to act as a reference point to focus efforts to increase investment in training. The enterprises did have their own specific requirements but investing in developing skills of their workers deserved priority attention and is a requirement which applies to all enterprises.

55. The Workers’ group was pleased to note the reference of the Employers’ group to instruments currently in use in some countries, such as collective bargaining agreements, tax incentives, and training credits. They stressed that the proposals of the Workers’ group relating to funding were also based on current practices in some of the countries where payroll levies was already in existence.
56. One Government member suggested expanding the concept of employability further to include entrepreneurship in light of the growing role of the informal sector in many countries. According to her, employability depended on knowledge, skills and attitudes possessed by individuals and how they matched with the market demands. Individuals should think in terms of what education and training could do for their employability. She emphasized that social partners should take an active role in defining, developing and maintaining the concepts of employability and entrepreneurship at a range of levels, and in integrating this concept into modern management systems.

57. A number of Government members suggested consideration of different elements in defining the concept of employability. One stated that there were two aspects to the concept: energy which gave humans the physical ability to work, and skills which gave a person the ability to be creative, innovative, and entrepreneurial. The first aspect dealt holistically with human development, including the issues of health, nutrition, environment and gender balance. The second aspect required the efforts of all social partners to provide vocational, technical and entrepreneurial training. Since the ability of a worker to become employed depended on incomes generated by enterprises, meeting the skills requirements of the enterprises was one of the priorities.

58. Another Government member pointed out that there were four distinct elements to the concept of employability: empowering young people to find jobs; enabling unemployed people to adapt to change; increasing occupational and inter-firm mobility for workers with jobs; and increasing productivity of workers in general.

59. Several Government members emphasized that training was not a cost but an investment from which individuals, enterprises, and society benefit. This approach raised the need for stakeholders to re-examine planning and delivery of education and training at the national levels. Governments should develop effective incentives for promoting investment in education and training.

60. A number of Government members stressed the need to actively engage the social partners in the entire process of education and training. For instance, enterprises could provide valuable information on the appropriateness of curricula. Similarly, local governments and stakeholders at the local levels should play an important role, especially on a sectoral basis.

61. Some Government members stressed that more attention should be paid to young people. This should include enhancing the quality of the school system and recognizing that there were different styles of learning. Youth should also be provided with the needed support when entering the workforce, including a more user-friendly labour market information system to help them make better-informed career choices. This also implied comprehensive educational and vocational guidance policies.

62. One Government member stated that special efforts are required for enhancing employability of youths from underprivileged sections of society. She explained that some young people had very limited opportunity of becoming employable since they came from isolated locations, dysfunctional families, or had no financial support. In such cases, attempts should first be made to integrate them better into society before attempting to enhance their employability.

63. The importance of lifelong learning was reinforced during the discussion. One Government member cited the example of “job rotation” as a model for facilitating lifelong learning and for creating job opportunities.
64. Particular problems facing governments included collapse of some industries and, in some cases, persistently high unemployment. Many developing countries had been focusing on providing people with specific technical skills, but the focus was gradually being shifted to the acquisition of multiple skills.

65. One Government member noted the growing interdependence among individuals, societies, and countries. He expressed concern that the prosperity arising as a result of globalization is not trickling down to poorer countries. This, according to him, represented an inherent imbalance in sharing the benefits of global prosperity.

66. The Worker Vice-Chairperson observed that the focus should be on the portability of skills that would be more inclusive and ensure long-term sustainability of acquired skills. According to him, employability based on "disposability" should not be encouraged. The social partners should concentrate on formulating a credible policy for employability. The Workers' group agreed that workers should be provided with multiple skills. Their concern was that the burden of financing should not increase for the individuals.

67. The Worker Vice-Chairperson stressed that the ILO should address broader issues, such as increased inequality in global economy, that have repercussions for skill shortages and inadequacies.

68. The Employer Vice-Chairperson highlighted the points emanating from the discussion. While guidance on initial education was important, the issue of long-term employability should also be paid due attention. Training standards should be defined broadly to ensure occupational mobility and this should be done in collaboration with social partners. To prevent school drop-out, dual pathways with involvement of enterprises could be considered. In considering instruments for financing, training should be flexible enough to accommodate school drop-outs, and such training should be recognized by employers. In considering any national levy for financing human resources training and development, the best instruments available for the purpose should be assessed. The Employers' group emphasized that levies did not necessarily lead to increased training which was relevant to workers' and employers' needs.

69. The Employer Vice-Chairperson, referring to point (2), opened the discussion by noting that the issue of access presented challenges in itself. The underlying forces of globalization and technological progress have increased the visibility of the weak points in existing basic education systems. The ILO should specify criteria for setting standards of initial education that ensure minimum quality of the initial training system. The Employers' group also mentioned that preventing youth from dropping out was very important. Schools should be more adaptable to pupils with special needs.

70. While the responsibility for ensuring access to basic education rested mostly with governments, enterprises could provide additional support to the initial education system, in particular by providing tools for development of skills in information and communications technology. The need to find an adequate solution to the funding gap was highlighted.

71. The Worker Vice-Chairperson also noted the challenges surrounding access to basic education, especially for those already in work. Developing countries are struggling to overcome particularly low numeracy and literacy rates. Free and universally available public education is a fundamental right which should be carefully protected in the course of structural adjustment and market liberalization. Clear standards for initial training need to be articulated, and a time period should be set within which universal provision of initial training should be achieved.
72. Governments should have a strong and continued responsibility for providing initial training. However, the social partners all had a role to play in addressing disadvantaged groups’ special needs, such as language skills for migrant workers and non-discrimination in access to training. The Workers’ group also felt that opportunities for using ICT could be fostered by greater partnership between schools and enterprises, and governments had a role to play in introducing ICT into the initial training system.

73. One Government member agreed that information technology could potentially overcome the problem of limited access to education. Many governments were providing computers in schools to facilitate ICT learning and Internet access.

74. More fundamentally, a consensus was needed on what constitutes high quality education. Setting school attainment standards and assessment procedures should be a priority in improving literacy and numeracy.

75. Measures proposed to ensure equal access included: training for adults on a wide basis; informing enterprises and trade unions about the existing benefits and the functioning of the system for training programmes; establishing and monitoring standards; and targeting policies for the disadvantaged.

76. Particular problems identified by governments included widespread illiteracy, language barriers in multilingual societies and the urgent need for bilateral and multilateral financial support. Particular solutions mentioned included providing skills through public works projects.

77. One Government member stressed that although public funds should be concentrated on helping the most vulnerable groups, enterprises also had a social responsibility in this regard. Another Government member mentioned that in his country employers played an important role even at the primary education level, and that the business environment provided an important element for improving access to education and training. Other entities, such as non-governmental organizations, were also making important contributions.

78. The Employer Vice-Chairperson said that sound basic education and initial training programmes formed the basis for lifelong learning. Government has the responsibility for programmes for the vulnerable groups. Where appropriate, social partners can be involved in the implementation.

79. The Worker Vice-Chairperson noted that the challenge of improving basic education remained the principal obstacle facing workers in the field of human resource development. The Committee should conclude that it is necessary to increase the will of national governments and the social partners to close the gaps in access to basic education. The Workers’ group drew attention to the digital divide between younger and older workers, and emphasized that older workers should have access to ICT training. Lastly, the Workers’ group urged the Committee to ensure that structural adjustment programmes do not cut spending on education.

80. The Chairperson added that the report reveals a gloomy picture of enrolment in primary education in 1997: 56 per cent in primary education in sub-Saharan Africa and South Asia; 65 per cent in Latin America; 71 per cent in East Asia; and 96 per cent or more in industrialized countries. The 1990 goal of the Jontien Conference of education for all by the year 2000 had to be pushed back to 2015 by the Copenhagen Social Summit of 1995. Over 800 million adults worldwide remained illiterate.
81. The Chairperson was encouraged by various Committee members’ expressions of the political will to realize the universal right to basic education. The Committee should explore ways of harnessing this political will to provide the necessary funding for education.

82. The Employer Vice-Chairperson, addressing item 3 of the points for discussion, supported the various types of incentives for continued training which had been mentioned. The key to any system of training was flexibility and a bottom-up approach – employers and workers should be responsible for planning and carrying out suitable training programmes.

83. The funding problem needed to be clearly identified before meaningful solutions could be developed. The core problem was access of vulnerable groups to the labour market, including the less educated and illiterate, people with disabilities, or women who had been outside the labour market. When national arrangements were necessary, responsibility should naturally be shared among the social partners.

84. Companies and workers in employment did not really face a funding problem. Businesses had an incentive to invest in workers because profitability would be affected; and workers have an incentive to invest in themselves to enhance their career prospects. Since the motivation for investing clearly existed for this sector, the discussion on funding should focus on the vulnerable groups. Efforts should be made to help motivated workers to grab the opportunities offered by companies; but this was a problem of information rather than funding.

85. The Employers’ group felt that the report underestimated the investment in training by SMEs. Formal training investment was measured well, but the kind of informal training that goes on in smaller enterprises was overlooked. In this respect, it would be useful to develop a method for assessing and validating informal ways of learning. The report also stated that the participation rates for women and ethnic minorities in training were low; but this trend was shifting, and in some cases participation rates were higher for these groups.

86. The Worker Vice-Chairperson noted the consensus regarding the need to focus on target groups, including women, rural workers, the disabled, potential and actual victims of restructuring, the low paid, untrained workers, migrants, refugees, the long-term unemployed and victims of past political policies. The conclusions of the Committee should capture this consensus.

87. The Workers’ group proposed acceptance of the idea of a national qualifications framework with multiple entry and exit points, which was flexible and established through tripartite negotiations. The framework should include support measures such as the provision of childcare facilities and paid time off for training, to facilitate access to training and foster the notion of training as an extension of work itself. Although there should be training for both formal and informal sector workers, the objective of training for informal sector workers should be to provide a ladder to increase productivity to transform the informal sector. The Workers’ group believed that the discussion should focus on people working in enterprises, as they comprise the bulk of the workforce.

88. The Workers’ group described the “training dilemma” facing firms: the risk of poaching created a disincentive to invest. The resulting market failure led to suboptimal levels of investment, despite the broad consensus on the benefits to individuals, firms and society. Investment in training was shifted primarily to the worker even though there should be an equitable sharing of responsibility. Management practices that encouraged job insecurity produced a high turnover of staff and low worker motivation, resulting in further under-investment in education and training. Additionally, subcontracting, outsourcing, and
casual work were not conducive to promoting education and training because they reduced the commitment between employers and workers. The Workers’ group proposed that company balance sheets reflect human resources development investments. Businesses also should proactively develop career paths for individual workers and provide opportunities from within the firm. Although at first glance it might appear easier to recruit from the outside, providing existing employees with opportunities fostered a strong and committed workforce – an important point that should form part of the conclusions of the Committee.

89. Lastly, the Workers’ group felt that discussion point (3) of the report overemphasized the importance of competitiveness and recalled the Declaration of Philadelphia’s proclamation that “labour is not a commodity”. The conclusions of the Committee should stress a more balanced approach, as competitiveness is not the same as employability.

90. Some Government members stressed the importance of overall job creation – without adequate levels of employment the value of continued training declined. Continuous training must also be part of an integrated and coherent education and training system. Several Government members concurred with the Employers’ group that motivation was the key for firms and workers with jobs, and one emphasized that companies and workers need tailored solutions to their needs. All agreed that close cooperation between the social partners was vital to ensuring equitable access for young people and adults.

91. Some Government members spoke of the right to education and training, and described how it was guaranteed in their respective countries. Provisions mentioned to help secure this right included: free primary and secondary education for all; providing training to all unemployed workers; and providing training to workers who have lost their jobs due to structural adjustment programmes. One Government member described how in her country a statutory right to study leave existed, and financial assistance in the form of loans helped workers to realize this right.

92. Many governments were undertaking reforms of their education and training systems, including recognition of non-formal learning. Changes were needed primarily because training activities were not always directed at those individuals who would most benefit. Workers often were not aware of the training opportunities available to them or were denied access because of entrance requirements such as literacy. Various governments were working on overcoming obstacles that demotivate workers. One Government member described the work going on in his country, with help from other governments and the ILO, to understand better the particular needs of the informal sector, and to provide workers in the informal sector with more flexible training venues and times, as well as concentrating on the basic skills they needed most. Another mentioned financial support for the self-employed to participate in training.

93. Government members drew attention to the low investment rates in small and medium-sized enterprises. This was partly due to lack of awareness of the potential high returns, but also to the ease of replacing the predominantly low-skilled workers in these firms.

94. Some Government members recounted the valuable contribution of a payroll tax in providing broader access to training, particularly for smaller enterprises. One described the major role that national, regional organizations played in disbursing these funds. However, another government explained that in his country payroll taxes had not succeeded in assisting those most disadvantaged in the labour market or lessened the extent of skills mismatch. Other governments added their opposition to payroll taxes as a solution to the problem of funding, and felt strongly that governments should facilitate, and not mandate,
investment. One suggested that funding responsibilities be allocated on the basis of benefits accrued.

95. A Government member also observed that discounted minimum wages for youth appeared to have a positive influence in promoting their employment, as such lower minimum wages reflected lower skills and abilities.

96. The Employer Vice-Chairperson welcomed the views of the Government members who stressed the importance of raising awareness and motivation among workers and employers. The Employers' group endorsed the statements of the Government members who emphasized creating incentives for investment in training.

97. The Employer Vice-Chairperson noted that the experiences shared by various Government members reaffirmed the need for close coordination among the social partners in the design and implementation of training policies and programmes. The main task of governments should be to address the social aspects of continuous training, including equity, while employers and workers should concentrate on workplace learning. They agreed that the workplace was becoming more important for learning.

98. Concerning the question of time off from work to participate in training, the Employers' group stressed that the working time paradigm was changing. Training should occur both during work and during leisure time, and strict rules about time off from work for training were unrealistic. As to the question of poaching workers from firms that invested in training by firms that did not, the Employers' group considered that this was a market reality, which however will not keep enterprises who want to increase their competitiveness from continuing and increasing their investment in training.

99. The Worker Vice-Chairperson stressed the many areas in which general agreement among Committee members could be reached, such as the need for: a national framework for training policy and an employment growth strategy; permanent structures for training; and tripartite involvement.

100. The Workers' group presented an alternative view to that presented by a Government member concerning the effectiveness of that country's training levy programme. He noted that the programme had not operated for long enough to accurately assess its long-term benefits and that the levy substituted for a billion dollar training programme. When the levy was removed, long-term unemployment increased again. As concerned lower minimum wage rates for youth, the Workers' group referred to the evidence in OECD countries that such lower rates did not appear to have a positive impact on youth employment.

101. The right to training embodied in national legislation was a valuable tool that should be promoted. The Committee should emphasize that policies and programmes aimed at the informal sector should raise working conditions and living standards and formalize the sector. Finally, the Workers' group stressed that markets are a human construct and as such are open to the inclusion of moral values, especially the concept of good governance of training systems.

102. The Employer Vice-Chairperson, referring to point (4) for discussion, suggested that governments should place high priority on investing in physical and educational ICT infrastructure, including the training of teachers in ICT. The introduction of ICT courses needed substantial investment and one of the ways to tackle the issue of funding was to encourage partnerships between schools and firms. This collaboration was already visible
in many cases. Trade liberalization could help lower the costs of introducing ICT in educational settings.

103. He said that ICT could promote informal learning. Distance learning could be particularly useful for developing countries and for promoting education and training in remote areas. The Employers' group also noted that during the Summit in Lisbon in April 1999, the EU Member States committed themselves to the goal of connecting every school to the Internet.

104. The Worker Vice-Chairperson mentioned that there were two dimensions: the use of ICT in the world of training; and provision of training in the use of ICT. ICT offered enormous opportunities for workers, citizens, and society, and for greater economic growth. However, an appropriate social framework was needed, otherwise inequalities would only increase from a growing digital divide – between rural and urban areas and the rich and poor nations.

105. The Workers' group thought ICT could be used to promote distance learning; but distance learning could foster isolation and seclusion unless it was used in conjunction with traditional methods of learning. ICT had the potential for upgrading the skills of workers, especially of those in organizations where training facilities were limited. However, it also created job insecurity. The negative effects should be minimized by social interventions for ICT to have a positive impact. More attention should also be paid to adopting appropriate legal instruments to cover the contingencies arising out of use of ICT.

106. Several Government members stated that ICT provided enormous opportunities, particularly in countries with large populations of young people who required training to be able to adapt to new situations. ICT had the potential to create winners and losers. Exploiting ICT fully required a high level of education and hence those who were less educated, particularly women, were at a greater risk of being excluded. Society should ensure that all people benefited from ICT through broad access to proper equipment, training of teachers and appropriate curricula.

107. One Government member felt that ICT belonged to the upper end of the education and training continuum. Many developing countries needed to focus more on the initial stages of education involving eradication of illiteracy and innumeracy before they could reap full benefit from ICT in the education system.

108. For many other countries, ICT in primary and secondary schools was a key element for enhancing access. It was important, however, that education systems become less rigid so as to be able to fully incorporate the ICT. Parents should also be encouraged to become involved. Some Government members also emphasized that ICT had special potential for promoting distance learning – it opened possibilities for more flexible learning and enabled students to learn at their own pace.

109. Nonetheless, ICT must be part of a comprehensive learning system. Broader skills of various kinds needed to be fostered to enable people to benefit fully from ICT. People needed participatory skills for network communications and societies needed to foster skills for designing, implementing and maintaining networks.

110. A Government member pointed out the impact of ICT on corporate organizations. The relatively flat organizational structure of many companies had led to the loss of middle level jobs and transferred management skills to frontline workers. Another stressed that the rise of the information and technology society implied training not only individuals but
also society. Social and behavioural skills should be taught to all citizens, especially the underprivileged, disabled and women, to take advantage of ICT.

111. One of the Government members noted that ICT was generally available only in urban areas, where the general population had access to the required infrastructure and equipment. Rural areas were often excluded due to lack of electricity, widespread poverty, and limited industrial investment. However, even in urban areas a significant proportion of the urban poor worked in the informal sector and hence did not have access to new technologies.

112. ICT involved high costs for infrastructure and for the hardware and the software which became obsolete rapidly. Governments could not afford to bear the entire financial burden alone, particularly in developing countries, and therefore the employers should also contribute. A number of Government members emphasized the need to collaborate with employers to secure greater investment in education and training. In some cases, employers did not encourage training which reflected an inadequate appreciation of the importance of training. One of the solutions offered to help contain the high cost of ICT was importing hardware and software duty-free for educational institutions.

113. A few Government members mentioned the lack of international transfer of state-of-the-art technologies. Market liberalization alone was not likely to increase ICT diffusion, particularly if there were also geographic, cultural, and bureaucratic barriers. The international community should recognize that a number of countries and regions still did not have significant access to ICT. Some members described collaborative efforts between several governments. They also expressed the hope that the ILO would facilitate further collaboration. Exchange of information on best practices were welcomed, and it was suggested that the ILO should provide support to developing countries by arranging training seminars at various levels.

114. One Government member considered it necessary to establish national funds for the purpose of providing training in ICT. Contributions, initially, could be voluntary and made obligatory once national legislation for establishment of a training fund had been enacted. Another stated that securing funding through dialogue with the social partners was important, but it should not be made compulsory.

115. One Government member remarked that Recommendation No.150 needed to be updated, partly as a result of the spread of ICT. Given the important role of human resources development and training policies, it would be useful for governments to have updated policy guidelines. It was emphasized that the new labour standard should require dialogue among the social partners on development of ICT policies and training.

116. The Employer Vice-Chairperson supported some of the comments made during the discussion, notably the need to consider the wider dimensions of personal competence, such as social skills, and not confining the requirement of competence to ICT alone. Attention should be paid to preventing a digital divide. The international community, through agencies such as the ILO and the IMF, should provide more support to developing countries in acquiring and diffusing ICT, and preparing their education systems for more effective use of ICT.

117. The Worker Vice-Chairperson noted that developing countries could not necessarily afford to provide local ICT centres. Multinational corporations that use ICT should play a bigger role in diffusing ICT within developing countries. The funding dilemma surrounding access to ICT education and training institutions should be addressed in the conclusions.
118. The Workers' group reiterated that ICT diffusion was leading to a flatter managerial structure within the enterprises and demanded new skills and competencies of workers. The reward structure and competency standards needed to capture the changing skill requirements.

119. The Workers' group wished the conclusions to contain a concrete proposal for an international instrument which placed training in the decent work paradigm of the ILO and emphasized continuous interactions between the social partners. The Worker Vice-Chairperson stressed that in addition to standard-setting, the ILO had a role to play in providing assistance to the social partners through technical cooperation.

120. The Employer Vice-Chairperson, addressing point (5) concerning the issue of recognition of skills and competencies, emphasized that it was in the interest of both workers and employers to have appropriate instruments for evaluation and recognition of competencies acquired through work experiences. Tripartite national structures of qualifications should be established to either manage the validation process or monitor validating organizations. A national structure of qualifications would facilitate lifelong learning and help human resource managers and employment agencies to match skills demand with supply. Such a system should be flexible and regularly updated, widely accessible to workers, and integrated into the larger national system of qualifications. Evaluation instruments should also support further development of flexible forms of dual education.

121. The Employers' group stated that a new qualifications structure should indicate the informal but active role smaller firms play in providing training and enhancing entrepreneurial skills. It was pointed out that some European countries had undertaken initiatives to develop work-based skills evaluations.

122. The Worker Vice-Chairperson considered that a national qualifications framework should establish appropriate standards and a fair and non-discriminatory assessment system, and offer credible certification. Standards should have technical and occupational elements and reflect the specific skills required in high-performance enterprises such as communication and problem-solving skills, which are required but not always recognized nor rewarded. Also, flatter managerial structures have led to a shift in responsibilities from management to the workforce which should also be appropriately recognized and rewarded. Certificates should be recognized in the labour market so that skills become portable and are fairly rewarded. The academic component of standards should be made more explicit. The system of assessment should recognize currently possessed skills and should be linked explicitly to the standards. New forms of testing were needed for more comprehensive evaluation of the skills possessed by individuals, such as language and communication skills. Better testing methods would also enable individuals to identify their skills gaps and needs in relation to the market demand.

123. The Worker Vice-Chairperson stated that information was needed on the best practices in that area and the ILO had a role to play in providing an accessible database of national qualification systems.

124. Many Government members emphasized the importance of recognizing skills and competencies in the labour market and society, and a few referred to such recognition as a right. Government members shared their experiences concerning prior learning assessment and recognition — both successes and difficulties. Problems mentioned included: unproductive competition between testing and certifying institutions; corruption; lack of transparency; lack of credibility in assuring that certificates reflected the actual skills and knowledge obtained by the certificate holders; neglect of certification for white-collar
workers; and multiple layers of bureaucracy which impeded or discouraged workers from moving to jobs.

125. National qualifications frameworks were needed to harmonize standards and ensure that certificates were widely recognized. Such frameworks must encourage the smooth functioning of the labour market and ensure fair treatment for all. One Government member also suggested the following measures: removing residency requirements; publicizing and enhancing competence-based occupational licensing, certification and registration practices; and promoting cooperation between regulatory boards. Another described the one-stop approach developed in his country to reduce bureaucratic delays. All agreed that national qualifications frameworks must be part of an integrated approach to education and training, and to employability in general.

126. Skills and competencies acquired from formal and informal education, on-the-job learning, and other civic or voluntary activities should all be included for recognition and certification. One Government member described a national system for documentation and recognition of non-formal learning that would facilitate access to higher education on the basis of experience and competencies. Another mentioned that universities in her country are developing alternative access routes for mature students. Recognition of existing skills and prior learning of the workforce would encourage further learning, particularly when it opens access to higher education. This in turn would speed transition to a knowledge-based economy. More immediately, recognition and certification would increase transparency in the labour market and enhance matching of supply and demand, benefiting both workers and employers. A Government member also drew attention to the fact that testing would enable people to clearly identify their training needs.

127. One of the main contributions of recognition and certification was portability of learning across institutions, workplaces, provinces and countries. Portability would particularly benefit: people who do not have post-secondary education credentials but have work experience; those with some post-secondary credentials but who would benefit from enhanced credentials; or workers who have foreign credentials.

128. Several Government members stressed that portability presupposed a credible certification process – testing should be relevant, unbiased, fair, and free from corruption. One Government member pointed out that credibility in turn entailed periodic testing of skills and competencies, and periodic testing required governments to pay for testing centres to administer examinations. This infrastructure could be quite costly.

129. In order for skills and competencies to be portable, testing and certification standards must be harmonized. The Government members agreed that a national approach was best to ensure uniformity of standards. One Government member noted the existence of variations in training requirements between sectors and described how in her country the recognition and certification system is allowed to adapt to the labour market demands of particular sectors, but Standing Committees monitored the system on a sectoral and occupational basis. Another Government member felt that the formal and informal sectors might require different strategies.

130. International portability required harmonization of standards regionally and internationally. Harmonization was particularly important between countries with substantial migration flows. International cooperation could also bring down the costs of certification by sharing information on best practices and eliminating the need for re-certification.

131. Many Government members stressed the need for continued participation of all social partners in developing and defining a national qualifications framework. The active
participation of the social partners must be fostered, e.g. by providing financial assistance to employers’ and workers’ organizations to strengthen their capacity for participation. A Government member testified to the value of cooperation with other community and special interest groups. Two Government members also mentioned inter-ministerial cooperation, involving the ministries of education and employment in one country, and ministries of migration and human resources in another.

132. A few Government members encouraged increased bilateral assistance to developing countries to help them establish effective certification systems. One Government member expressed her country’s appreciation for bilateral aid but stressed that, although the international community has a vital role to play, ultimately national systems had to be self-sustaining.

133. Numerous Government members suggested that the ILO: develop a methodology for documenting skills; conduct further research in the area of prior learning; develop benchmarks; and play a leading role in providing accessible and reliable quantitative and qualitative data. The ILO also should continue to work closely with other international organizations in the area of prior learning recognition.

134. The Employer Vice-Chairperson was very encouraged that so many countries already had provisions for the recognition of prior learning and that others were moving in this direction. The Employers’ group noted that some Government members had described the problems caused by the absence of a national system, and endorsed the notion of a national framework for qualifications and the one-stop window described by one Committee member. The social partners should be closely involved in the national systems, and the international dimension of certification should be kept in mind. They concurred that the ILO should initiate research on recognition and certification practices.

135. The Worker Vice-Chairperson was very pleased to note the wide consensus among the Committee members that experience in society and at work should be validated. There also was a high degree of consensus regarding the process and the content of national qualifications frameworks, and the need for linkages with the collective bargaining process. Although the Committee members all appreciated the importance of tripartite involvement, specificity was still lacking. The conclusions should reflect these areas of consensus and spell out in detail the concept of a national qualifications framework and tripartite participation, including a checklist of key issues regarding good practice. The conclusions should also note that recognition of prior learning could break down barriers to higher education.

136. The Workers’ group agreed that recognition and certification systems should be national to ensure harmonization and transparency; and they should form part of an integrated lifelong learning policy. They recalled the importance of partnerships between countries, particularly between developing and developed countries. They agreed with the Employers’ group that the ILO should act as a clearing house for research and establish a database of good practices. Lastly, they supported the notion of international commitments on standards, which should be reached by including employers and workers in the dialogue.

137. The Employer Vice-Chairperson reiterated the importance of involving the social partners at various levels in promoting education and training. He stressed that the question before the Committee was not whether the social partners should have a role in promoting education but what precisely the role should be.
Partnership could occur between government and the social partners, between government and enterprises, and between social partners themselves. Although partnership in the context of the ILO traditionally meant tripartite partnerships, there were many other forms of partnership, formal and informal, that needed to be recognized.

The Employers' group recounted the possible functions that the social partners could carry out. While the government had the responsibility for initial education at all levels, the social partners had an important role to play in vocational education and training. It was stressed that involvement of the social partners in national education and training policies was highly desirable.

ILO should collect examples of good practices on establishment and maintenance of national frameworks for qualifications. ILO and UNESCO should collaborate more closely. ILO should also cooperate with the OECD on relevant research which could prove useful for the ILO member countries. The real challenge, according to the Employers' group, was to assist developing countries in strengthening their education systems and to encourage and support the social partners in investing more in training.

The Worker Vice-Chairperson also stressed the important role of the social partners in promoting education and training, especially by enriching its planning and implementation process by providing insights from the workers. According to him, social partnership should extend to areas such as developing a national qualifications framework, standard setting, negotiating financial incentives, promoting literacy and numeracy, and working with educational institutions at all levels. In addition, collective bargaining could contribute positively towards developing a consensus on training.

Increased involvement of the social partners did not imply a reduced role for the government. Government had an important coordinating and integrating function. Governments should establish permanent structures for promoting social partnerships to facilitate integration of training as an important component of national policies, and to strengthen capacities of social partners. Workers' organizations needed to be supported through public grants to contribute more effectively to national training efforts, and to network with educational institutions to promote a training culture. Better coordination amongst various governmental agencies was also needed to ensure that all available resources were optimally utilized for promoting training.

Developing countries needed assistance to meet the challenge of literacy and numeracy because the demands of structural adjustments and debt servicing were compelling some of these countries to reduce investment in education and training. ILO should also provide assistance in meeting the demands on education and training emanating from regional cooperation, and establish a world-class database and benchmarks. Greater collaboration between ILO and UNESCO was also needed.

The Workers' group pointed out a number of elements in Recommendation No. 150 that were still valid, despite the changes in terminology, indicating that more vigorous implementation was needed. They hoped that the Committee would agree to a set of guidelines which enhanced the efficacy of the provisions of Recommendation No. 150.

The Government members agreed that the social partners should be actively involved in achieving better links between education, training, continuous education, and employability. Workers and employers had important contributions to make, based on their experiences and valuable insights; and they should shoulder part of the responsibility since they benefited directly in many respects. Governments should create an enabling
environment to foster clearly defined roles which are reinforced by the appropriate institutions.

146. Some Government members stressed that the term "social partners" should be defined more broadly to include other organizations, such as professional or trade associations, small and medium enterprises, multinational enterprises and non-governmental organizations. Partnerships should also extend to coordination among various ministries of government, to ensure that policies such as structural adjustment do not undermine investment in people. Local and sectoral organizations, and organizations of particular communities, such as immigrants and indigenous peoples, should also become active social partners. Some Government members described how a bottom-up or sectoral approach had been a key element in fostering partnerships at the grass-roots level, involving, for example, local chambers of commerce. With grass-roots involvement, governments were better able to tailor programmes to the needs of the participants, and hence improve matching between skills supplied and demanded, particularly for youth.

147. Closer partnerships should be forged at the regional and international levels. Establishing an effective human resources development and training system was a step-by-step process for all countries. Although no two countries faced the exact same circumstances and problems, all countries had much to learn from sharing methodologies, innovations and lessons learned. Government members from both developing and developed countries stressed the importance of increasing funding for technical cooperation to contribute expertise and help defray the costs of developing education and training systems in an active partnership framework. One Government member described how developing countries had much to learn from each other, and how some had taken steps in that direction; but the cost of travelling for the purpose of sharing experiences prevented them from taking full advantage of the opportunity to learn from their neighbours and developed countries. Intergovernmental and bilateral assistance should be coordinated to avoid duplication of efforts.

148. Several Government members recommended strengthening the capacities of the social partners to meet the challenges of their increased responsibility for human resources development and training. For example, one Government member mentioned the need to improve communication between employer and worker representatives and their respective constituents concerning information on education and training policies and programmes. Another stated that in his country the social partners sometimes lagged behind in fulfilling their commitments. Some countries had implemented paid study leave to participate in capacity-building programmes run by employers' and workers' organizations.

149. One Government member suggested that efforts be made to increase the capacities of training institutions; another suggested that the social partners should assume a more active role working with educational and training institutions at all levels – from primary schools to universities. Another mentioned that training institutions in his country had become more customer-service oriented and were responsible for promoting their services to potential clients.

150. In addition to increasing capacities, governments must provide a framework in which training programmes and policies could flourish. Various Government members shared details about frameworks and institutions established in their countries to define the roles of the various social partners. Key features emphasized included flexibility in coping with the changing economic and social environment; a comprehensive approach with employability as the main objective; basing a system on good labour market information and research; and making full use of all existing resources. One Government member mentioned that legislation had been adopted to establish the framework. Another suggested
that the informal sector might need legislation to address its special needs. In any case, the framework should provide clearly defined roles and obligations.

151. Governments must ensure that there is equal access to training, that qualification requirements are standardized, and that skills acquired on-the-job are recognized and portable. Additionally, governments must address the special needs of economically or socially disadvantaged groups, e.g. rural workers, women, people with disabilities, victims of war, youth and displaced workers. Governments could also attempt to anticipate the skills needs of the economy, although there was a risk of the information becoming quickly outdated, and ensure that all working people have access to information on such forecasts and on the availability of education and training. In all areas where governments retain the primary responsibility, they must closely involve the social partners as broadly defined.

152. Employers should contribute to all facets of the system, but should be responsible primarily for training their employees and for working closely with governments in areas such as apprenticeships. One Government member suggested that employers also fund training for individuals who have needed to meet the future demand. Another Government member described how the private sector in his country provided a number of training centres in urban areas, allowing the Government to concentrate more on providing training free of charge in rural areas. However, the private sector training was of variable quality, indicating that employers could also benefit from capacity building.

153. Unions could play an important role in providing training. One member of the Workers' group described alliances in his country for promoting training, which included both union members and non-union workers. There were also union training centres that upgraded the skills of the workforce and provided retraining to displaced workers.

154. Individuals should increase their efforts to adapt to the changing environment by managing their own programmes of lifelong learning and contributing to the cost of training. In addition, they should assist union representatives in monitoring national training systems and contributing to the strategic review process.

155. Some Government members described slightly different divisions of responsibility. For instance, one Government member explained how in his country workers' and employers' organizations had become co-managers of their training systems, with additional inputs from recipients of training services; meanwhile, the government had moved away from direct management of training and instead acted as the coordinator of the education and training system.

156. Government members generally agreed that costs should be borne primarily by the main beneficiaries, with the governments concentrating their resources on those most in need. One Government member explained that a bottom-up approach had lent validity to how financing was allocated; another described how government contributions to the training fund, in its capacity as an employer, had set a positive example for other employers.

157. Government members felt that the ILO had an important contribution to make at the international level. It could help define roles, provide specific guidance and disseminate information on best practices. The ILO already had done much to facilitate social dialogue and strengthen capacities through technical cooperation programmes such as the Asia and Pacific Skills Development Programme (APSDEP) and the Inter-American Vocational Training Research and Documentation Centre (CINTERFOR). These efforts should be expanded, and more generally, the ILO should coordinate the activities of the international community in the area of human resources development and training.
158. Various Government members expressed their views on the need to review the Human Resources Development Recommendation, 1975 (No. 150), in the light of changes in the world of work. One Government member pointed out that some statements in the Recommendation were no longer true and therefore it should be replaced. The challenge facing the Committee was how to define a role for vocational education and training in the context of full employment and the long-term aims of social inclusion, citizenship, and the needs of enterprises.

159. The Employer Vice-Chairperson remarked on the many good examples provided of consultations in the field of human resources training and development. In addition to national-level examples, the extensive use of regional structures, local networks and sectoral-level boards for management of training systems were particularly noteworthy. Clear consensus existed on the importance of shared responsibility for training activities, which included not only governments and employers, but also individuals seeking to upgrade their qualifications. There also appeared to be general consensus within the Committee that education and training efforts needed to establish strong links with informal sector activities.

160. The Employers’ group also stressed the crucial nature of proactive research for forecasting labour market demand, but cautioned that labour market changes were so frequent that such forecasts ran the risk of being outdated by the time of publication. This rapid pace of change also had implications for the establishment of national frameworks for skills qualifications; occupational profiles could become rapidly outdated. The Employers’ group also noted that the vast array of cooperative initiatives demonstrated the enormous opportunities available for countries to build upon provided a good enabling environment existed.

161. The Worker Vice-Chairperson noted that while the need for social partnership appeared to be agreed to by all, the Workers’ group felt the need for greater elaboration of what partnership meant. This, no doubt, implied sharing of responsibility between public and private entities in the governance of training systems, including trade union involvement with industry and the educational system, and individual worker responsibility for training, education and career planning.

162. The Workers’ group highlighted some of the important points raised by Government members, including the need for a broad objective in achieving full employment and capacity building of the social partners. Quantitative and qualitative targets should be set for training, particularly to raise literacy levels, provide special assistance to informal sector workers, and improve access to training of vulnerable groups. The Workers’ group also noted the use of payroll levies to finance training and the need to adapt systems of industrial relations to the growing regionalization of markets. Other areas of consensus included the need to mainstream informal sector workers through active training policies and the significance of research and forecasting to direct training policies and programmes.

163. The Workers’ group stressed that a comprehensive approach was needed. For example, the relationship between other labour market policies and those concerned specifically with training should be examined and integrated. Supply-side policies such as investment in human resources needed to be complemented by demand-side policies such as increasing the demand for labour. The question of access to training remained a fundamental facet of this comprehensive approach, again raising issue of funding. Paid leave for time used in training was an issue to be considered carefully. A comprehensive approach required policy-makers to have access to the best practices of other countries. These aspects needed to be carefully examined in the Committee’s conclusions.
164. The Committee Chairperson noted the remarkable consensus developing within the Committee. There was general agreement that human resource development was a key component of overall development objectives; that the pace of change in the training and education domain was extremely fast; that partnership was an essential aspect but included partnership of a wide range of actors; that multiple target groups for training required a great diversity of strategies; and that basic education was a springboard to further training and education. A drafting subcommittee was appointed to prepare the Committee's draft conclusions for discussion at the next sitting.

165. Two international non-governmental organizations addressed the Meeting – the World Federation of United Nations Associations and the International Federation of University Women.

Discussion of draft conclusions on technical discussion of human resources training and development

166. The Chairperson made some introductory remarks regarding the current situation of the work of the Committee. The Committee Drafting Group had met on 6 June and produced a set of draft conclusions. One hundred and sixty-three amendments to the text had been received on 7 June but some omissions to the text had been noted. Consultations were held on that day and a number of paragraphs were reformulated and a second set of draft conclusions was produced. Following the Chairperson's introductory remarks, the Coordinator of the Committee Secretariat noted that discussion would therefore be based on C.R.H./D.165, entitled Second draft conclusions, with the corrections to the text in bold type for easy reference. Due to logistical difficulties, the revised text could not be distributed to Government members in advance of the current sitting. The Committee would thus consider amendments to paragraphs 1-8 and 14-18, since these amendments were distributed and there were no changes to the original text. Any additional amendments to the corrected paragraphs received by 7 p.m. on 8 June would be considered. The Chairperson expressed appreciation of the Drafting Committee's work and requested Committee members to be mindful of the tight time schedule in view of the large number of amendments received.

Paragraph 1

167. The Worker Vice-Chairperson introduced an amendment. He suggested that it was necessary to locate the education and training issues in the context of the social challenges faced by the world. The issues mentioned in the amendment expressed many of the important issues raised during the general discussion, including placing the conclusions of the work of the Committee firmly within the ILO's decent work paradigm.

168. The Employer Vice-Chairperson offered a subamendment in which the term "economic growth" was inserted after the word "promote" and the second sentence relating to decent work was deleted. The Government member of Ethiopia proposed that the words "attain sustained" be inserted before "economic growth". The Worker Vice-Chairperson agreed with the first part of the amendment but requested that the order of the concepts be reversed so that "full employment" would be inserted before "economic growth". He argued in favour of retaining the second sentence in its original form, an option opposed by the Employers' group.

169. The Government member of France remarked that inclusion of the second sentence regarding decent work should be retained because it accurately reflected the context of the
discussion. The Government members of Portugal, Brazil and Ethiopia also expressed their support for retention of the reference.

170. The Employer Vice-Chairperson suggested that the second sentence referring to decent work be placed in a footnote. The Workers’ group rejected retention of the reference, to which the Employer Vice-Chairperson agreed.

171. The amendment submitted by the Workers’ group was adopted as subamended and reads as follows:

A critical challenge that faces human society at the start of the twenty-first century is to attain full employment and sustained economic growth in the global economy, and social inclusivity. The ILO’s framework of Decent work addresses both the quality and quantity of employment, and provides a basis for new education and training policies and strategies.

172. The Employer Vice-Chairperson introduced an amendment to add the words “to economic development” after the word “contribute” in the second sentence of paragraph 1. The amendment, supported by the Worker Vice-Chairperson, was adopted.

173. The Government member of India introduced an amendment, seconded by the Government member of Japan, proposing deletion of the words “and good jobs” in the third sentence of paragraph 1. The phrase “decent work” captured the sense of “good jobs” and therefore was superfluous. The Employers’ group and the Workers’ group did not support the proposed amendment. It was withdrawn.

174. The Employer Vice-Chairperson introduced an amendment to replace the words “victims of inequities in employment” by the word “unemployed” in the fourth sentence of paragraph 1. The word “unemployed” sufficiently covered the notion of inequities in employment. The Worker Vice-Chairperson did not support the amendment because the two were distinct issues that should be appropriately reflected. The Worker Vice-Chairperson offered a subamendment with the phrase “unemployed or victims of inequities in employment” replacing the formulation proposed by the Employers’ group. The Government members of Portugal, Sweden, and Canada supported the subamendment.

175. Responding to the reluctance of the Employers’ group to support the subamendment, the Workers’ group suggested an alternative phrasing, “Education and skill formation could lead to less unemployment and more equity in employment”. The amendment, as subamended, was adopted, reading “Education and skills formation could lead to less unemployment and more equity in employment”.

176. The Worker Vice-Chairperson introduced an amendment concerning the inclusion of the phrase “gender equality and non-discrimination” in the sixth sentence of paragraph 1. The Employer Vice-Chairperson supported the amendment. The amendment was adopted.

177. The Government member of Portugal introduced an amendment to the sixth sentence of paragraph 1 to replace the phrase “competitive through better use of human potential” with “competitive through the existence of more skilled human potential”. The Government member of France seconded the proposed amendment and was supported by the Workers’ and Employers’ groups. The amendment was adopted.

Paragraph 2

178. The Worker Vice-Chairperson introduced an amendment to substitute paragraph 2 by an alternative text. While the positive aspects of globalization had been stressed in the text,
the negative impacts of globalization were not appropriately developed. The Employer Vice-Chairperson stated that the original text was satisfactory with minor modification and a totally new paragraph was unnecessary.

179. The Government member of Ethiopia supported the amendment as moved by the Workers’ group and noted that, should it be accepted, the amendment proposed by him concerning paragraph 2 would be withdrawn. The Government members of India, Sweden, United Kingdom and United States also supported the amendment proposed by the Workers’ group. Following consultation between the Chairperson and the Employer Vice-Chairperson the amendment was adopted without changes. The Chairperson noted that, with the adoption of the amendment, all other proposed amendments to paragraph 2 would not be considered.

Paragraph 3

180. The Employer Vice-Chairperson proposed an amendment to the first sentence of paragraph 3 deleting the words “are a necessary and integral element” and substituting “should go hand-in-hand with”. The proposed amendment would reflect the notion that training policy should stand as a policy on its own and should not be considered as being part of other policies.

181. The Worker Vice-Chairperson expressed his preference for the original text because education and training policies were an element of economic and employment policies. Despite this preference for the original text, the proposed amendment was supported by the Workers’ group and was adopted.

182. The Worker Vice-Chairperson introduced an amendment replacing the word “seize” by “utilize” in the third sentence of the text as the replacement text carried much wider meaning. The proposed amendment was supported by the Employer Vice-Chairperson and adopted.

Paragraph 4

183. The Employer Vice-Chairperson proposed an amendment in which paragraph 4 would follow paragraph 7. Paragraphs 3, 5, 6 and 7 dealt with the issues of education and training while paragraph 4 dealt specifically with issues related to the informal sector. This made sense in terms of the logical sequencing of paragraphs. The Worker Vice-Chairperson supported the proposed amendment, provided other amendments to paragraph 4 did not change its essential content. The amendment was adopted.

184. The Government member of India proposed an amendment to delete the second sentence of paragraph 4. The sentence did not properly reflect the increasingly wide variety of activities undertaken within the informal sector. The Government member of Japan seconded the proposed amendment.

185. The Employer Vice-Chairperson opposed the amendment, stating that the sentence concerned included enterprises that operated in the informal sector, with many of these engaged in survival activities. The Worker Vice-Chairperson also opposed the amendment noting that the second sentence served the function of clarifying the nature of the informal sector and hence added value to the paragraph.

186. The Government member of the United States proposed a subamendment which included “self-employment or” after the words “most of which are” in the last part of the sentence. In view of the fact that not all self-employed people work in the informal sector, the
Worker Vice-Chairperson opposed the subamendment. Considering the lack of support, the amendment was withdrawn.

187. The Government member of Japan proposed an amendment to the third sentence that replaced the part: “The role of training is not to prepare people for the informal sector or to increase the informal sector, but rather to improve the performance of enterprises and ...” by the words: “While acknowledging the socio-economic role the sector plays in respective countries, education and training should be one instrument, in addition to e.g. fiscal policies, provision of credit, extension of social protection and labour laws to enhance the performance of enterprises and ...”. Education and training were not the only instruments available to deal with the challenges of the informal sector. The Government member of India seconded the proposed amendment.

188. The Employer Vice-Chairperson introduced a subamendment that deleted the words: “in addition to” and replaced them by “and should go hand-in-hand”. The Worker Vice-Chairperson proposed a subamendment replacing the words: “While acknowledging the socio-economic role the sector plays in respective countries, education and training should be one instrument and should go hand-in-hand with other instruments, e.g. ...” by the words: “The role of training is not to prepare people for the informal sector or to expand the informal sector, but rather it should go hand-in-hand with other instruments such as ...”. The Employer Vice-Chairperson supported the proposed subamendment.

189. The Government member of Japan expressed his dissatisfaction with the proposed amendment as sub-subamended by the Worker Vice-Chairperson because it lacked acknowledgement of the socio-economic roles the informal sector played. The Government member of India offered a subamendment which added the words “not only” after “the role of training is” on the grounds that the first part of the sentence implied some ambiguities and potential misunderstandings. The Worker Vice-Chairperson and the Government member of Portugal opposed the subamendment as offered by the Government member of India.

190. The Government member of Portugal supported the proposed amendment as sub-subamended by the Worker Vice-Chairperson on the basis that it included the use of other instruments to deal with the problems of informal sector. The Government member of the United Kingdom also supported the subamendment moved by the Worker Vice-Chairperson. However, she noted that, in agreement with the Government member of India, the first part of the sentence was not very clear and proposed a rephrasing to include the words “the only means” after the words “The role of training is not ...”, a proposal opposed by the Workers’ group.

191. The Worker Vice-Chairperson offered an additional subamendment, which was to replace the words “but rather it should go hand-in-hand with other instruments” by the words “but rather it should go in conjunction with other measures”, terminology proposed by the Government member of Portugal in an amendment to be subsequently considered.

192. The Government member of Ethiopia supported the proposed amendment as submitted by the Government member of Japan, noting that there was a need to acknowledge the role played by the informal sector. The Government member of Mali suggested that there may be a semantic problem in the sentence and that it should be split into two parts. The proposed subamendment would read as follows: “The role of training is not to prepare people ... informal sector. Education and training should go in conjunction with other measures ...”. The Employer Vice-Chairperson opposed the proposed subamendment because the separation of the two sentences might be misinterpreted.
193. The Government member of Saudi Arabia expressed his concern that the amendment as sub-subamended by the Worker Vice-Chairperson could be misinterpreted to imply that training should be directed at the informal sector while the main aim of training policies with regard to the informal sector should be to move workers out of the informal sector and incorporate them into the formal sector.

194. In view of the fact that the confusion may arise out of the first part of the sentence, the Employer Vice-Chairperson proposed another subamendment that deleted the words “prepare people for the informal sector or to”. The Worker Vice-Chairperson opposed such a subamendment, noting that training could be one of the instruments that could address the challenges posed by the informal sector and that the first part of the sentence “training is not to prepare people for the informal sector” partially captured this concept. The Employer Vice-Chairperson reiterated that the part of the phrase “training is not to prepare people for the informal sector” could be confusing and did not clarify the aim of training policies with respect to the informal sector. The Government member of Japan supported this viewpoint.

195. In view of the potential confusion and misinterpretation that could arise out of the first part of the sentence, the Worker Vice-Chairperson offered another subamendment, which inserted the words “and to keep them in the informal sector;” after the words “prepare people for the informal sector”. The Employer Vice-Chairperson and the Government member of Japan supported the rephrasing of the proposed amendment as subamended by the Worker and the Employers’ groups. The amendment, as subamended and adopted, reads as follows:

The role of training is not to prepare people for the informal sector and to keep them in the informal sector; or to expand the informal sector; but rather it should go in conjunction with other measures such as fiscal policies, provision of credit, extension of social protection and labour laws to improve the performance of enterprises and the employability of workers in order to transform what are often marginal, survival activities into decent work fully integrated into mainstream life.

196. In view of the adoption of the amendment submitted by the Government member of Japan as sub-subamended, the subsequent amendments to that sentence were not considered.

197. The Government member of Japan introduced an amendment to replace the phrase “informal workers” by “the said workers” in paragraph 4 because this would better reflect the meaning of the sentence in terms of which workers were referred to. The Government member of Canada seconded the proposed amendment. The Worker Vice-Chairperson submitted a subamendment deleting only the word “informal” without a replacement phrase because this would broaden the scope concerning which workers were referred to. The Employer Vice-Chairperson submitted a subamendment replacing the words “informal workers” with “workers in the informal sector and in general”. The Worker Vice-Chairperson thereupon withdrew his subamendment and supported the proposal of the Government member of Japan. The amendment as moved by the Government member of Japan was adopted.

Paragraph 5

198. The Government member of Italy introduced an amendment to delete either paragraph 5 or paragraph 7 of the proposed conclusions. There appeared to be an inconsistency between the two paragraphs, in that paragraph 5 noted that human resources training and development by themselves were insufficient to ensure sustainable economic and social development while paragraph 7 stated that that they were major instruments to improve
such development. The Government member of Canada seconded the proposed amendment. The proposed amendment was also supported by the Government member of the Seychelles but opposed by the Government members of France and New Zealand. The Worker Vice-Chairperson and the Employer Vice-Chairperson preferred to retain the original text because the two paragraphs provided a good balance between what human resources and development can and cannot achieve in terms of social and economic development. The amendment was not adopted.

199. The Worker Vice-Chairperson introduced an amendment to add the phrase “or resolve the aggregate employment challenge” at the end of the first sentence of paragraph 5. The proposed amendment, supported by the Employer Vice-Chairperson, was adopted.

200. The Government member of India introduced an amendment to delete the third sentence of paragraph 5 beginning with the words: “Policies that expand aggregate demand” because the original wording confused the distinction between demand-side and supply-side policies or measures. The Government member of Japan seconded the proposed amendment. The Employer Vice-Chairperson and the Worker Vice-Chairperson opposed the amendment. The Government member of New Zealand also opposed the amendment. The proposed amendment was not adopted.

201. The Employer Vice-Chairperson introduced an amendment to paragraph 5 adding the word “skill” before “supply-side” in the third sentence. The Worker Vice-Chairperson proposed a subamendment that would broaden the range of such policies referred to. The subamendment, following the words “supply-side policies,” would read: “e.g. industrial and enterprise, science and technology, and education and training”. Following support by the Government member of New Zealand and the Employers’ group, the amendment as subamended by the Workers’ group was adopted.

202. An amendment submitted by the Government members of Australia, Canada, Denmark, Finland, Norway, United Kingdom and United States was introduced by the Government member of the United Kingdom. The intention of the proposed amendment, amending the fourth sentence of paragraph 5, was to clarify the meaning of the original text. The Employer Vice-Chairperson supported the proposed amendment.

203. The Worker Vice-Chairperson offered a subamendment, substituting the word “are” for “can be” so that that the subamendment would read: “Appropriate fiscal policies, social security and collective bargaining are among the means to distribute these economic gains on a fair and equitable basis, and constitute basic incentives to invest in training”. The Employer Vice-Chairperson and the Government members submitting the amendment supported the subamendment. The amendment as subamended was adopted.

204. An amendment submitted by the Government members of Australia, Canada, Denmark, Finland, Norway, United Kingdom and United States was introduced by the Government member of Australia. The proposed amendment would delete the fifth sentence of paragraph 5 that was felt to be imprecise. Since the subject matter was indeed important the Government member was amenable to retaining a sentence regarding the need for ILO research so that the sentence would read: “Pursuing these integrated policies requires a consideration of a new financial and social architecture for the global economy, a subject for ILO research”. Following discussion concerning various possible wordings, the Employers’ and Workers’ groups supported the amendment as rephrased. The amendment was adopted.
The Worker Vice-Chairperson, as requested by the Chairperson, introduced paragraph 5 as reformulated and agreed upon by the working party. The reformulated paragraph should read as follows:

It is the task of basic education to ensure to each individual the full development of the human personality and citizenship; and to lay down the foundation for employability. Initial training develops further his or her employability by providing general core work skills, and the underpinning knowledge, and industry-based and professional competencies which are portable and facilitate the transition into the world of work. Lifelong learning ensures that the individual's skills and competencies are maintained and improved as work, technology and skill requirements change; ensures the personal and career development of workers; results in increases in aggregate productivity and income; and improves social equity. Both in developed countries as well as in developing countries there are many workers without the basic skills for literacy and numeracy. National and international strategies have to be developed to eliminate illiteracy, based on concrete targets, benchmarks and quality assessment.

The reformulated paragraph was adopted by consensus.

Paragraph 6

The Government member of France introduced an amendment to replace paragraph 6 with an alternative text. The intention of the proposed amendment was to explain the role of basic education that could be misconstrued in the original text as concerning primarily the concept of employability. Basic education had much broader aims than simply employability. The Government member of Canada seconded the proposed amendment.

The Employer Vice-Chairperson did not agree with the deletion of paragraph 6 in its entirety as the original text included the notions of personal development and employability as part of the aims of basic education. The Worker Vice-Chairperson requested that the Committee follow the original text and consider the amendment proposed by the Workers' group that would adequately take care of the concerns of the Government member of France.

The Government member of Italy supported the proposed amendment. The Government member of Bahrain suggested that the idea in the original text that basic education provided the foundation for employability should be retained but that the two central ideas contained in the proposed amendment, namely education as cultural guidance and as a means of helping people adapt to change, should also be included. The Government member of Bahrain offered a subamendment reading: “it is the task of basic education to provide cultural guidance, allow individuals to adapt to changes and establish the foundations of an individual’s employability”.

The Worker Vice-Chairperson requested the Committee to review the proposed amendment and suggested that it could be subamended to include the phrase “… and a full development of the human personality”, a formulation taken from the Universal Declaration of Human Rights. Employability was an important element but the text could be enriched by utilizing accepted international language. The Chairperson stated that a number of good points had been made during the discussion and proposed that a small working group be set up composed of France, Bahrain and the representatives of the Workers' and Employers' groups to draft a new text reflecting all amendments to paragraph 6. The Committee members accepted this proposal.
Paragraph 7

210. The Government member of France introduced an amendment to replace paragraph 7 with an alternative text. The alternative text added the notion of lifelong learning to the first sentence as the paragraph concerned mainly the concept of education and not training. The rest of the text was similar to the original and included references to specific needs but deleted references to the concept of targeting. The Government member of the United Kingdom seconded the amendment.

211. The Employers' and the Workers' groups did not support the proposed amendment. In view of the lack of support, the Government member of France withdrew the proposed amendment.

212. The Worker Vice-Chairperson moved an amendment to add the word "quality" at the start of the first sentence. The Employer Vice-Chairperson moved a subamendment to add the word "high" before the word "quality".

213. The Government member of Canada wanted the notion of evaluation also introduced along with the notion of high-quality education. The Workers' group remarked that this aspect would fit better when dealing with the issues related to a national qualifications framework. The Government member of Bahrain observed that there could be many descriptors for describing training. For example, apart from high-quality training, one could also speak of relevant training or effective training. The Government member of Indonesia noted that in the context of economic development, the relevance of training was an important issue. The Employer Vice-Chairperson remarked that it would be difficult to conceive high-quality training that was not relevant.

214. The Workers' group supported the subamendment proposed by the Employers' group to add the word "high" before the word "quality". The amendment was adopted as subamended.

215. The Government member of the United Kingdom introduced an amendment submitted jointly by the Government members of Australia, Canada, Denmark, United Kingdom and United States. The proposed amendment concerned the second sentence of paragraph 7 and inserted, following the words "In order to be effective they must ...", the words "cover everyone, including disadvantaged groups. Therefore they must be carefully targeted at persons ...". The Government member explained that the proposed amendment emphasized lifelong learning and the fact that it should be accessible to all, including the disadvantaged.

216. The Employers' group supported the proposed amendment and observed that it was in line with suggestions made earlier by the Government member of France on lifelong learning. The Workers' group also supported the amendment.

217. The Government member of Sweden remarked on his concern that women were grouped together with rural workers, people with disabilities, migrant workers, the long-term unemployed, etc. He felt that all measures should be adapted to the needs of men and women. There being no other comments, the amendment was adopted.

218. The Worker Vice-Chairperson introduced an amendment to replace the words "persons with special needs, including women;" by the words "women and persons with special needs, including" in the second sentence of the paragraph 7. The Worker Vice-Chairperson noted that women should not be identified in the same category as some other groups with more specific needs.
219. The Employer Vice-Chairperson opposed the amendment and stated that the original text was sufficient. He further stated that women should not be singled out as a special category with respect to the provision of general education.

220. The Government members of Italy, Sweden, Norway, Brazil, United Kingdom, Islamic Republic of Iran, Malaysia, Lesotho, Saudi Arabia, Namibia and United Arab Emirates supported the proposed amendment while the Government members of France, Canada and Japan opposed the proposed amendment.

221. The Worker Vice-Chairperson noted that the reason for singling out women as a separate group from those with more special needs was that no society had achieved gender equity. Some countries had achieved considerable progress while many remained very far from achieving gender equity. The Employer Vice-Chairperson requested for a vote by show of hands.

222. The Government member of France noted that the source of the problem might be the listing of the groups with special needs and that the list should be deleted. The Worker Vice-Chairperson argued against the deletion of the list. He further noted that the previous amendment submitted by the Workers' group in paragraph 1 was adopted and the subsequent texts should demonstrate the spirit of the introductory paragraph, which was that all societies should strive to achieve gender equality, given the current lack of gender equity at the global level.

223. Put to a vote by show of hands, the amendment was adopted by 37,004 votes in favour and 4,446 against with 32,219 abstentions.

224. The Government member of the United Kingdom introduced an amendment submitted by the Government members of Australia, Canada, Denmark, United Kingdom and United States. The amendment inserted the words “older workers” between the words “people with disabilities” and “the long-term unemployed” in the second sentence. The Government member of the United Kingdom stated that, although it was recognized that the list was not definitive, the issue of older workers was becoming a pressing issue in many countries and therefore needed to be highlighted.

225. The Employers' and the Workers' groups supported the amendment. The amendment was adopted.

**Paragraph 8**

226. The Employer Vice-Chairperson introduced an amendment to insert the words “and a duty” after the word “right” in the first sentence of paragraph 8. He stated that while the importance of lifelong learning and access to training was being highlighted, it was also important to refer to the duties of individuals in the matter of training.

227. The Worker Vice-Chairperson sought a clarification from the Chairperson as to whether he could ask for a definition of the term “child labour” for clarifying its use in the document. The Chairperson requested the Deputy Representative of the Secretary-General to provide a definition of child labour according to ILO guidelines.

228. The Government member of the United Kingdom stated that individuals had a responsibility to take advantage of training and supported the proposed amendment.

229. The Worker Vice-Chairperson requested a clarification of the word “duty” in the context of training. He explained that although documents prepared by international organizations,
including the ILO, referred to different rights, these rights were not qualified by responsibilities in those documents.

230. The Employer Vice-Chairperson offered a subamendment to the proposed amendment. He suggested that the first sentence could read as follows: "Education and training are a right for all and a responsibility for individuals." The Worker Vice-Chairperson offered a subamendment that would address the concerns of the Employers' group. The amendment proposed by him was that the first and second sentences should remain unchanged and after that a new sentence should be added as follows: "It is the responsibility of all persons to make use of the opportunities offered."

231. The proposed amendment as subamended was agreed to by the Employers' group and was supported by the Government member of Japan. The proposed amendment was adopted as subamended by the Workers' group.

232. The deputy representative of the Secretary-General clarified the definition of child labour as contained in ILO instruments. The Worker Vice-Chairperson expressed his concern that the draft conclusions gave the impression of legitimizing child labour in the first sentence. He requested that the secretariat seek alternative language concerning the issue of child labour for inclusion in the paragraph.

233. The Government member of the United States introduced an amendment submitted jointly by the Government members of Canada, Australia, United Kingdom and United States. The proposed amendment sought to amend the words “Free universal” to read “Free universal, quality public primary and secondary education” in the third sentence. The Government member of the United States said that, although universal education was referred to in the document, it was important to expressly indicate that quality primary and secondary education should be made accessible to all.

234. The Employers' and the Workers' groups supported the proposed amendment. The amendment was adopted.

235. The Worker Vice-Chairperson submitted an amendment that added the words "availability of adult and second chance education" after the words "initial training" in the sixth sentence. The Employer Vice-Chairperson stated that the intention of the proposed amendment was to emphasize the importance of adult and second-chance learning. The Worker Vice-Chairperson supported the proposed amendment. The amendment was adopted.

236. The Worker Vice-Chairperson introduced an amendment to add the words "and trainers" after the words "qualified teachers" in the seventh sentence. The Employers' group supported the proposed amendment as did the Government member of Norway. The amendment was adopted.

237. The Government member of Norway introduced an amendment, submitted jointly by the Government members of Denmark, Finland and Norway, to replace the words “and helping all children reach high academic standards” in the seventh sentence, by “for children and adults”, as the provision of quality education should be sought regardless of the academic standard achieved. The Worker Vice-Chairperson offered a subamendment, adding the phrase “reach high standards in academic and vocational competencies” at the end of the proposed amendment. The amendment, as subamended, was adopted.
238. The Employer Vice-Chairperson introduced an amendment adding “and the provision of adequate facilities” to the eighth sentence because this was also one of the critical elements of any successful educational system. The amendment was adopted.

239. The Government member of Finland introduced an amendment submitted jointly by the Government members of Finland, Norway and Denmark in which elements concerning the importance of vocational and labour market information, employment services and facilitating the school to work and further training replaced the ninth sentence. Following supporting statements by the Employer Vice-Chairperson and Worker Vice-Chairperson, the amendment was adopted and reads as follows:

In addition to education and training, career guidance and job placement services (career development services) embracing career education, career counselling, employment counselling and educational, vocational and labour market information, all have a crucial role to play in human resources development. The fostering of a career development culture throughout education and training systems as well as employment services is a means to promote continuous learning. The development of this culture among youth and adults will be of particular importance for ensuring their employability and facilitating their transition from education and training to work or further training.

240. The Employer Vice-Chairperson introduced an amendment including the concept of retraining to those of training and education to the ninth sentence. The amendment was adopted.

Paragraph 14

241. The Government member of India introduced an amendment that adjusted the language of the third sentence for the purposes of clarification. A subamendment was offered by the Employer Vice-Chairperson with the term “interpersonal skills” replaced with “personal skills”, with the new text reading: “All this increases the demand for new skills and competencies, including personal skills and ICT competencies.” The amendment was adopted as subamended.

Paragraph 15

242. The Worker Vice-Chairperson introduced an amendment replacing the third and fourth sentences with more detailed information concerning the support and development of ICT skills through the provision of ICT equipment and possible government incentives to promote such activity. The Employer Vice-Chairperson supported the spirit in which the proposed amendment was submitted but suggested keeping the third and fourth sentences and replacing the fifth sentence with a new one. Following joint consultations between the Workers' and Employers' groups, an alternative text was devised and agreed upon as follows, to replace the fifth sentence: “Enterprises may provide ICT facilities or support schemes for workers for the use of ICT at home or in general, and to schools or other training providers, in order to promote the diffusion of ICT skills and access in society. Appropriate government incentives could facilitate this development.” The amendment, as jointly subamended, was adopted.

243. The Worker Vice-Chairperson introduced an amendment in the third sentence substituting, in the interests of clarity, the word “pedagogical” with the word “teaching”. The Employer Vice-Chairperson supported the amendment and indicated support for other amendments on the same point. The amendment was adopted.
244. The Employer Vice-Chairperson introduced an amendment to replace in the second sentence the words “with huge ... illiteracy” by “with low education enrolment, high school drop-outs, growing levels of adult illiteracy”.

245. The Workers’ group had no argument with identifying the causes of adult illiteracy but this should be done with great care. Not all of the points mentioned in the Employers’ group’s amendment could be classified as causes – for example, low levels of school enrolment and high levels of school drop-outs could be attributed to the lack of resources in many developing countries. The Government member of Ethiopia concurred with the viewpoint of the Workers’ group.

246. The Employer Vice-Chairperson noted that in developed countries there is also high adult illiteracy and that in the amendment these cases were reflected. The Employers’ group withdrew the amendment on the grounds that the paragraph focused on the difficulties of developing countries and hoped that there would be an opportunity later on to include references to industrialized countries.

247. The Government member of Japan submitted an amendment replacing the words “in the least developed economies, undertake bold and substantial debt relief” in the ninth sentence by “in the developing countries”. It was not, in his view, the task of the ILO to intervene in the issue of debt relief. The Government member of India seconded the proposed amendment.

248. The Worker Vice-Chairperson wished to substitute the term “developing countries” for “least developed countries” and could not agree with the point regarding debt relief itself. Debt crisis should be seen as a constraint faced by developing countries in their struggle to promote human resources development and training. The Government member of Ethiopia concurred with the viewpoint of the Workers’ group.

249. The Government member of Japan withdrew the amendment.

250. The Worker Vice-Chairperson introduced an amendment noting that it recognized that both cases of debt relief and debt cancellation exist in the world.

251. The Employer Vice-Chairperson remarked that he was not aware of any cases of total debt cancellation and that therefore the present formulation gave enough room for alternative scenarios.

252. The Workers’ group introduced a subamendment which would read: “... debt relief and, where appropriate, debt cancellation, ...”. The Employer Vice-Chairperson supported the proposal.

253. The Government member of Japan introduced an amendment to indicate that the ILO should take the lead and develop good coordination between international agencies. There was a need to strengthen existing programmes by making better use of scarce resources. The Government members of India and Canada seconded the amendment.

254. As far as the Employers’ group was concerned, the present formulation in the text was sufficient since it clearly recommended that the ILO take a lead in this field. For this reason, the Employers’ group could not support the amendment. The Worker Vice-Chairperson agreed with the argument and did not support the amendment.
255. The Government member of Poland suggested correcting sentence eleven by adding "on" before "fair". The Government member of Japan withdrew the proposed amendment.

256. The Employer Vice-Chairperson introduced an amendment in order to stress the important role that developing countries have in developing their own economies.

257. The Worker Vice-Chairperson supported the proposed amendment. The amendment was adopted.

258. The Worker Vice-Chairperson introduced an amendment to the fourteenth sentence because measures proposed were necessary conditions for economic and social development, but other elements should also be taken into consideration. Following support by the Employers' group, the amendment was adopted.

259. The Employer Vice-Chairperson introduced an amendment to emphasize that developing countries could do a great deal to help themselves.

260. The Worker Vice-Chairperson supported the proposed amendment. The Government member of Ethiopia also supported the proposed amendment but suggested that after "... developing countries themselves" the words "make efforts" should be inserted. The amendment as subamended was adopted.

Paragraph 17

261. The Government member of the United Kingdom introduced an amendment proposing that, since the paragraph referred to partnerships between government, the social partners and other actors in the field of vocational education, there should be specific references to the vocational qualifications framework.

262. The Employer Vice-Chairperson agreed that in many countries similar vocational education frameworks to those prevailing in the United Kingdom existed. However, there were countries where an expansion of the vocational education framework was proposed to cover also university degrees. It was therefore preferable to retain the existing text with a possible subamendment to read: "... national (vocational) qualifications framework".

263. The Worker Vice-Chairperson commented that during the Committee's meetings very interesting examples had been discussed and that one of the recurring themes was the need to integrate the different strands of the education system.

264. The Government member of the United Kingdom subamended the amendment, inserting the word "vocational" between the words "qualification" and "system" in the thirteenth sentence. She explained that the distribution of responsibilities in providing education and training would be clarified. It was the vocational qualifications system that should be tripartite and not the national qualifications system since provision of general national education systems rested with the governments. The Employer Vice-Chairperson supported the subamendment.

265. The Workers' group proposed a subamendment. The sentence would now read: "The national qualifications system should always be tripartite, offer ...". The Employer Vice-Chairperson supported the amendment.

266. The Government member of India opposed the amendment by the Worker Vice-Chairperson and stated that some higher-level training programmes were sometimes
only provided by employers and could not be conducted on a tripartite basis. The Government member of the United Arab Emirates supported this viewpoint.

267. The Worker Vice-Chairperson withdrew the sub-subamendment. The amendment as subamended by the Government members of Canada, United States, United Kingdom, and Australia was adopted.

268. The Employer Vice-Chairperson introduced an amendment adding "and professional" after "industry-based" to the second sentence as this gave broader basis for different kinds of competencies required in the labour market. The Worker Vice-Chairperson supported the proposed amendment. The amendment was adopted.

269. The Government member of Norway introduced an amendment, stressing that the recognition of all forms of prior learning for all persons in the labour force, including the unemployed, should be assessed, recognized and certified. The Employer Vice-Chairperson supported the amendment.

270. The Worker Vice-Chairperson stressed that for all categories of competencies, people had the right to be assessed, recognized and certified. The building up of a system or a machinery to enable the exercising of this right came afterwards. In this regard, the conclusions should have a strong normative statement.

271. The Government members of Norway, Denmark and Finland offered a subamendment by replacing the words "worker has the right to" by the words "person should have the opportunity" and inserting the words "and non-formal" after the word "formal". The Employers' and the Workers' groups supported this. The amendment was adopted as subamended.

272. The Worker Vice-Chairperson proposed to delete the words in brackets appearing in the third sentence and replace the words by "and remunerated in accordance with the provisions of collective bargaining agreements". The amendment could be seen as promoting collective bargaining agreements, something that the ILO encouraged.

273. The Employer Vice-Chairperson did not support the amendment. He pointed out that the current trend was not to link remuneration with qualifications but to link it to competencies that were required in the job. The Government member of the United Kingdom supported the view of the Employers' group. She said that any implication that collective bargaining was the only instrument in this respect would be a misrepresentation. The Government member of New Zealand supported this viewpoint.

274. The Worker Vice-Chairperson said that it was also his contention that competencies should be linked to rewards and that collective bargaining agreements could facilitate that process. However, in view of the opinions expressed by various members, the amendment was withdrawn.

275. The Employer Vice-Chairperson introduced an amendment illustrating that the Employers' group was interested in linking competencies to rewards. The Workers' group objected to the amendment on the grounds that it was highly prescriptive. The Employers' group withdrew the amendment.

276. The Government member of Norway introduced an amendment saying that, apart from enterprises, sectors and industries, skills were required to be recognized even by the educational institutions.
277. The proposed amendment was subamended by the Employers’ group by adding the words “whether public or private” after the words “educational institutions”. The Workers’ group supported the proposal. The amendment was adopted as subamended.

278. The Worker Vice-Chairperson introduced an amendment to the ninth sentence replacing the words “with a stronger female component” with the words “with a predominant number of women workers”. The Employer Vice-Chairperson did not support the amendment.

279. The Government members of New Zealand, Canada, and United States supported the proposed amendment. The Employers’ group offered a subamendment replacing the amendment phrase with “with an overall stronger female component”. The Workers’ group supported the subamendment. The amendment was adopted as subamended.

280. The Worker Vice-Chairperson introduced an amendment concerning the globalization of the world economy and the tendency for this to lead to greater informal employment with a disproportionate impact on women in terms of the precariousness of their employment. The Employers’ group opposed the amendment which was withdrawn.

281. The Government member of the United States introduced an amendment, submitted jointly by the Government members of Australia, Canada, United Kingdom and United States, to add to the end of the fifteenth sentence a statement concerning research into recognition of prior learning “and the compatibility of national systems”. The Employer Vice-Chairperson did not support the amendment. The Worker Vice-Chairperson offered a subamendment, replacing the word “compatibility” with “comparability” as an effort to highlight that the intention of the original amendment was not for the purpose of integrating national systems but to investigate similarities and differences across systems. The Government member of India opposed the amendment. The Government member of New Zealand supported the amendment. The 11th sitting of the Committee was adjourned without reaching a decision concerning adoption of the proposed amendment.

282. The Chairperson confirmed that paragraphs 1-8 and 14-16, as amended, were adopted by consensus, except paragraph 7 which was adopted after a vote.

283. The Government member of Portugal expressed the view that in the experience of the European Union it was very difficult to expect a high level of compatibility of national qualifications systems.

284. In view of the misunderstandings that had arisen regarding the original amendment, the Government member of the United States proposed a subamendment as follows:

The ILO should develop a database on best practices in developing a national qualifications framework, conduct a general study on the compatibility of different national qualifications frameworks based on this database, and undertake research into recognition of prior learning.

285. The Employers’ group supported the subamendment. The Workers’ group also supported the amendment as subamended. The amendment as subamended was adopted.

Paragraph 18

286. The Employer Vice-Chairperson introduced an amendment deleting the text bracketed at the end of paragraph 18. The Employer Vice-Chairperson explained that what was referred to in paragraph 18 was the issue of governance and implementation of training
programmes at the enterprise level. As far as the Employers’ group was concerned it was not appropriate to discuss governance within this paragraph.

287. The Worker Vice-Chairperson remarked that all partners have responsibility for training which meant, in the view of the Workers’ group, that governance arrangements should also be included.

288. The Employer Vice-Chairperson noted that the tripartite mandate could not be applied to training at the enterprise level. The Worker Vice-Chairperson stated that the real test of the Employers’ group’s commitment to tripartism was in the sphere where they had the most influence – the enterprise level. He asked the governments to prevail on the Committee that collective bargaining is a good method for governance and implementation.

289. The Government member of France offered a subamendment, as follows, in an effort to reach a consensus: “At the sector and enterprise levels, collective bargaining can provide the appropriate conditions for the organization and implementation of training.”

290. The Government member of Ethiopia suggested an attempt to bridge the gap between different members of the Committee by utilizing the formulation “... through shared and participative management ...” instead of the term “governance”.

291. The Government member of Australia supported the Employers’ group’s proposed amendment because different enterprises had different systems for governing and implementing training. In Australia, vocational education in enterprises is very much governed by agreements based on market choices of the partners. While there was no objection to tripartite agreements at the aggregate level, Australia supported the Employers’ group’s proposed amendment.

292. The Government member of New Zealand stated that training is part of broader employment relations and, where these relations are expressed in a collective form, it is appropriate for training to be covered. If the words “can provide” are used then the text becomes a statement of fact and on that basis he would support either the suggestion of the Government members of France or Ethiopia.

293. The Government member of Luxembourg did not support the amendment proposed by the Employers’ group. In the European Union the situation described in the formulation in brackets is recognized.

294. The Government member of Poland noted that for the Employers’ group the controversial word was “governance”. If one examined the text of the proposed subamendments, which spelled out what is meant by “governance”, then the discussion on the proposed amendment could be disposed of.

295. The Government member of France suggested consideration of the following modified formulation for the replacement of the text in brackets: “at sector and enterprise level collective bargaining can allow appropriate conditions to be set for the organization and implementation of training”.

296. The Workers’ group offered a subamendment to the above formulation so that the sentence read as follows: “particularly at the sector and enterprise levels, collective bargaining can set appropriate conditions for the organization and implementation of training”. The amendment was adopted as subamended.
297. The Workers’ group submitted an amendment to insert a new sentence at the end. The proposed amendment was subamended by the Workers’ group as follows:

Such collective bargaining can provide an opportunity to develop a framework for the development and implementation of training at the enterprise and/or sector levels. Enterprise and sector training should encompass issues such as:

- skills required by enterprises and the economy;
- training necessary for workers;
- skills audits;
- development of career paths for workers;
- personal training and development plans for workers;
- facilities needed to allow the maximum benefits from training;
- assessment of skills gained in the workplace;
- recognition and reward schemes, including remuneration structuring.

298. The Worker Vice-Chairperson stated that the subamendment sought a comprehensive grasp of the issues on the role of social partners in training at all levels.

299. The Employers’ group did not support the amendment on the grounds that it overlapped with what had already been stated in paragraph 18. The Government member of Poland agreed with the Employers’ group that there was an overlap in so far as the first sentence was concerned. He felt that the second sentence of the proposed amendment could be retained. The Government members of Canada and Finland supported the amendment.

300. The Government member of France agreed with the Workers’ group that it would be useful to indicate examples of subjects to be discussed. In referring to the proposed subamendment, she suggested that the first sentence be dropped; the item “skills audit” should be deleted from the list; and that the item “assessment of skills gained in the workplace” be amended to read as “assessment of basic skills and skills gained in the workplace or during individual or associative activities”.

301. The Government members of Luxembourg, Portugal and United Kingdom supported the subamendment proposed by France. The Government member of Luxembourg stated that the item “facilities needed to allow the maximum benefits from training” in the proposed amendment appeared to be loosely worded and needed to be modified. He expressed doubts concerning the term “individual and associative activities” that were used in paragraph 18 of the conclusions.

302. The Government member of Ethiopia suggested that the items listed could be made into a shorter list by grouping them together appropriately. The Government member of the United States supported the proposed subamendment. He observed that it would not be useful to devote time in fine-tuning the list. The Government member of the United Kingdom agreed with this viewpoint but noted that such an exercise was unnecessary since the list was only an indicative list.
303. After consultations, the Employers’ and Workers’ groups agreed to the subamendment proposed by the Government member of France. The amendment, as subamended, was adopted to read as follows:

Such collective bargaining could encompass items such as:

- skills required by enterprises and the economy;
- training necessary for workers;
- assessment of basic skills and other skills gained either in the workplace or during individual or associative activities;
- development of career paths for workers;
- personal training and development plans for workers;
- recognition and reward schemes, including remuneration structuring.

Paragraph 12

304. An amendment was submitted by the Employers’ group to delete the words “[currently]” in the first sentence. The Employer Vice-Chairperson introduced the amendment by stating that he did not believe in the potential existence of a universal model of investing in training, whether in the past, present or future. The amendment was adopted.

305. An amendment was submitted by the Employers’ group replacing the words “of increasing resources for training” by the words “to foster investment in training”. The Employer Vice-Chairperson remarked that paragraph 12 considered models for promoting investment in training and hence the word “foster” was more appropriate. The phrase “increase investment in training” was documented a number of times elsewhere in the conclusions and therefore the reference was repetitive.

306. The Government member of Portugal stated that the paragraph should relate to the concept of stimulating investment in training and hence, the use of a stronger term such as “increasing” was preferred. The Government member of Luxembourg supported the Government member of Portugal.

307. The Worker Vice-Chairperson commented that in some countries, particularly the developing countries, there was a need to find ways of increasing resources for investment in training. The Workers’ group offered a subamendment, which was to replace the words “of increasing resources for training” by the words “to foster investment in training and increase resources for training”. The amendment as subamended by the Worker Vice-Chairperson was adopted.

308. The Employers’ group submitted an amendment deleting the fifth through the eighth sentences in brackets. The Employer Vice-Chairperson commented that there was a need for individuals and enterprises to be seen as being more self-reliant and that the interactive relationships between government, individuals and enterprises should consider and determine the appropriate means of financing training. Considering the special needs of smaller enterprises and developing countries, the introduction of a levy system would either force some firms out of business or would push them into the informal sector.

309. The Worker Vice-Chairperson defended the original, bracketed text and put forward an argument for a reclaimable national levy system. He first noted that a national levy system
did not preclude the tripartite element. He stated that there was a training dilemma in society and that, in some cases, individual companies did not have sufficient incentives to invest resulting in an under-investment in training overall. He argued that a compulsory national system would make all companies contribute to funding and the ability to reclaim levies would provide incentives to companies to invest more in training.

310. The Government member of Mali generally opposed the amendment and suggested a subamendment deleting the seventh sentence in the original bracketed text. He expressed his opposition to the implementation of a reimbursement mechanism.

311. In the view of the Government member of France, the bracketed text was prematurely embarking on the drafting of a new Recommendation. She suggested requesting the ILO to conduct comparative studies, the conclusions of which could be included in a new Recommendation. The Government member of France proposed a subamendment deleting the fifth through eighth sentences and adding at the end of the fourth sentence the following words: “taking account of the essential role of enterprises in such investments”. This subamendment was supported by the Employers’ group.

312. The Government member of Portugal agreed that it was premature to go into detail at this stage and supported the subamendment proposed by the Government member of France.

313. In the viewpoint of the Government member of Namibia the text related to the levy system, as elaborated by the Workers’ group, was very clear and therefore the bracketed text should remain.

314. Although he supported the sentiment of the subamendment of the Government member of France, the Government member of Luxembourg suggested that the wording of the subamendment was too diluted and proposed a subamendment as follows: “Enterprises have an essential role to play concerning the increase in investment in training. For this, a number of mechanisms should be used, to be defined according to circumstances, together with an increase in investment in training.”

315. The Government member of New Zealand noted that in the discussions the issue of tripartite partnership and collective bargaining had been discussed often. A levy might be the most effective method of financing training but it was up to the partners to decide. The Government member of New Zealand therefore supported the subamendment proposed by the Government member of France.

316. The Government member of the United Kingdom stated that it is the responsibility of the ILO to conduct comparative studies so that everyone could learn from each other. Furthermore, it would be premature to select a particular method for financing training at this stage. The Government member of the United Kingdom noted the related amendment proposed by the Government members of Australia, Canada, Denmark, United Kingdom and United States.

317. The Government member of the United Arab Emirates stated that the issue at hand was very important because investing in training is investing in human resource development. Mechanisms are required to finance training, and partnerships can facilitate this process. Government had a regulatory role to play but it is not, in the view of the Government member of the United Arab Emirates, enough to have only voluntary efforts. For this reason, the original text should be retained.

318. The Government member of Malaysia noted that the success of the levy scheme in Malaysia led him to support retention of the original text.
319. In the viewpoint of the Government member of Poland, there was a general consensus around the need for more investment in training and for everyone to contribute. Nevertheless, he supported the view of the Government member of the United Kingdom that it was not appropriate to single out one method. The Government member of Canada was also of this opinion.

320. The Government member of Australia commented on the experience of Australia and noted that the existence of a training levy fundamentally changed the process of decision-making regarding training. The existence of a levy distorted the decision-making process in Australia.

321. The Employers’ group supported the views of the Government members of Mali, France, Portugal and other countries, who had spoken about the need for the social partners to agree on instituting a levy. It was the social partners’ prerogative to decide on the appropriate method. The Employers’ group was in favour of the freedom of social dialogue and was prepared to consider supporting either the amendment proposed by the Government members of France or United Kingdom.

322. The Worker Vice-Chairperson commented that the Government member of Mali had made a point at variance with the interpretation provided by the Employers’ group. The Government member of Mali, in the view of the Workers’ group, had spoken in favour of a modest levy without reclamation. The Workers’ group did not agree with the notion that a levy system distorted the decision-making process regarding training. In the discussion some Government members had spoken positively of a levy but this was not central to the debate at this juncture.

323. The Employer Vice-Chairperson proposed a sub-subamendment keeping the fifth and sixth sentence. He then asked for a vote on the subamendment proposed by the Government member of France.

324. The Government member of Poland suggested a sub-subamendment moving the tenth sentence at the end of the sixth sentence as follows:

Enterprises have a critical role to play in investment in training. A number of mechanisms used in combination to further investment in training is required. These may include levy systems, training funds, public grants, various incentives for training and learning ... international best practice of investing in training.

325. The Chairperson suggested establishment of a small working group to formulate a compromise text. Following some discussions and consultations, a working group composed of the Government members of France, Mali, United Kingdom, and the Employer and Worker Vice-Chairpersons was formed and met to work out an alternative text.

326. An alternative text was agreed upon and was adopted by the Committee as follows:

Enterprises have a critical role to play in investment in training. A number of mechanisms used in combination to further investment in training is required. These may include levy systems on enterprises accompanied by public grants, establishment of training funds, various incentives for training and learning, e.g. tax rebates, training credits, training awards, individual training accounts, collective and individual training rights, sabbatical leave, higher wages for skills gained (and utilized) and collective agreements and emulation of national and international best practice of investing in training. Where levies are the chosen mechanism for funding training, the governance of fund distribution should be
tripartite or where these are agreed by social partners, such governance should be bipartite.

327. The Chairperson thereafter announced that with the adoption of the alternative text, all other amendments to the text in brackets under discussion would fall.

328. An amendment was moved by the Government members of Australia, Canada, Denmark, United Kingdom and United States seeking to amend the ninth sentence to read: "Decisions regarding government policies on education and training should be based on genuine social dialogue, including discussion of the best ways and means for the social partners to increase their investments in training."

329. The Employers' and the Workers' groups did not support the amendment. On suggestion from the Chairperson to reconsider the matter, the Government member of the United Kingdom withdrew the amendment.

330. The Chairperson invited views on the retention or otherwise of the words "and utilized" which were in brackets in paragraph 12. During the discussion, the Worker Vice-Chairperson suggested deletion of the words "higher wages for skills gained and utilized". The proposal was adopted by consensus.

331. Noting the special importance of training investments in small and medium-sized enterprises, the Employer Vice-Chairperson proposed an amendment to add a sentence at the end of the tenth sentence of paragraph 12 as follows: "The chosen mechanism should take into account the special needs of SMEs." The Worker Vice-Chairperson supported the amendment. The amendment was adopted by consensus.

332. The Employers' group submitted an amendment to delete the final sentence of paragraph 12: "[Facilities to increase access to training should be provided such as childcare, paid education leave and career breaks.]". The Employer Vice-Chairperson noted that the issue of facilities provision was better placed in the context of collective bargaining (paragraph 18) and not in the context of funding.

333. The Worker Vice-Chairperson opposed the amendment, and strongly put forward an argument that one of the overall messages that came out of the general discussion was that lack of facilities was one of the key factors that restricted access to training for a large number of people.

334. The Government member of Portugal offered a subamendment to add the words "development of support services for the families and individuals" after the words "sabbatical leave," in the previous sentence. She argued that this placement was valid since provision of facilities such as childcare, paid education leave and career breaks could be considered as examples of policies to increase investment and accessibility in training. The Government member of France supported the subamendment.

335. The Government members of New Zealand and Nigeria opposed the amendment and stated that the existing bracketed sentence should be included in the concluding remarks, while the Government member of the United Arab Emirates supported the amendment.

336. In expressing his opinion on the amendment as subamended by the Government member of Portugal, the Worker Vice-Chairperson strongly argued in favour of adoption since provision of facilities was understood as playing a key role in ensuring accessibility. The importance of the facility provisions should be clearly stated.
337. The Employer Vice-Chairperson proposed a sub-subamendment to the amendment as subamended by the Government member of Portugal. In view of the Workers' group's insistence that the conclusions need to address the issue of access to training, as well as the role of facilities, the amendment as sub-subamended by the Employer Vice-Chairperson was to insert the words "and to guarantee access" between the words "to further investment in training" and "is required" in the fifth sentence of the paragraph.

338. The Worker Vice-Chairperson suggested a sub-sub-subamendment to the amendment as sub-subamended by the Employers' group to replace the final sentence of paragraph 12 by the words "Measures such as the provision of childcare facilities are needed to facilitate access to training." The amendment as sub-sub-subamended by the Workers' group was adopted by consensus.

Paragraph 9

339. The Worker Vice-Chairperson introduced an amendment to delete the word "flexibly" in the third sentence of paragraph 9. While the Workers' group supported the idea of moving in and out of the labour market, they felt that using the term "flexibility" was superfluous and made the sentence somewhat contentious.

340. The Employers' group suggested retaining the word "flexibly" and adding the concept "mobility on" before the "l Labour market". The Workers' group and the Government member of Poland opposed the subamendment. The Government member of France offered a subamendment inserting after "laid off," "and move into the labour market ...". The amendment as subamended by the Government member of France was adopted.

341. The Government member of Papua New Guinea introduced an amendment to the fourth sentence of paragraph 9 adding the words "and training" after "education". The Government member of Australia seconded the amendment. The Employers' and Workers' groups supported the amendment. The amendment was adopted.

342. The Worker Vice-Chairperson introduced an amendment to delete the words "... as employees, entrepreneurs, or workers including those undertaking community-based activities" in the fifth sentence as there was no value in its retention. The Employer Vice-Chairperson supported the amendment. The amendment was adopted.

343. The Worker Vice-Chairperson introduced an amendment adding a sentence at the end of the fifth sentence of paragraph 9 as follows: "Employability also covers the ability to understand and individually or collectively, to influence working conditions and the social environment." The Workers' group was of the opinion that there had been a convergence of thinking in the general discussion that the concept of employability should be broadly defined and that therefore including the notion that employability also involved the ability to influence working conditions and the social environment was recommended, as outlined in Convention No. 142.

344. The Employer Vice-Chairperson did not support the amendment because the ideas included in it were not part of employability. The Government members of Ethiopia, Japan, Sweden and Poland supported this viewpoint.

345. The Worker Vice-Chairperson recalled that Convention No. 142 had not been criticized during the general discussion and therefore was implicitly supported by the Committee.

346. The Employer Vice-Chairperson repeated that he agreed that the issues were very important but should not be included within the concept of employability. The Chairperson
proposed a vote by show of hands and the amendment was rejected by 4,410 votes in favour, 4,704 against, with 210 abstentions.

347. The Worker Vice-Chairperson introduced an amendment to replace the bracketed words in the sixth sentence of paragraph 9 with the following: “Entrepreneurship can contribute to creating opportunities for employment and hence to employability”. The Employers’ group supported the amendment. The amendment was adopted.

348. The Government member of Canada introduced an amendment submitted by the Government members of Australia, Canada, Denmark, United Kingdom and United States to remove in the seventh sentence the square brackets around the words “the opportunity for job security, through continuing employability”.

349. The Employers’ group supported the amendment as did the Government members of New Zealand, Portugal and India.

350. The Worker Vice-Chairperson offered a subamendment. He suggested that out of all the words in the two brackets only “sustainable employment” should be kept.

351. The Employers’ group supported the proposal of the Workers’ group. The amendment as subamended was adopted.

352. The Employer Vice-Chairperson introduced an amendment to delete the eighth sentence of paragraph 9. The Employer Vice-Chairperson noted that employability was a broad concept and it was not appropriate to emphasize only one aspect of it, hence the proposal for deletion of the sentence. The Workers’ group was of the view that since occupational safety and health was one of the important concerns for the ILO as well as for workers’ organizations, it would be useful to maintain the text as it was in the document. The Government members of Canada and New Zealand also supported retaining the original text.

353. The Worker Vice-Chairperson clarified that employability, apart from the concept of securing jobs also included the concept of retaining jobs, and it was in that context that occupational safety and health became important. He also pointed out that some of the other elements that promoted employability also featured in the text. He reiterated his plea for retention of the existing text. The Employers’ group withdrew the amendment.

354. The Employer Vice-Chairperson suggested returning to the bracketed part of the third sentence of paragraph 9 and proposed to delete the brackets. The Worker Vice-Chairperson stated that there were two views on this subject - that skills, knowledge and attitudes would enhance a worker’s employability or that skills, knowledge and abilities would enhance employability. The Workers’ group would agree with the use of the word “abilities” but not “attitudes”.

355. The Employer Vice-Chairperson stated that the Employers’ group would agree to the inclusion of both “attitudes” and “abilities” because, in their view, reference to attitudes was now in common use in the educational context and attitudes were very important for employment in terms of, for example, accuracy, care for clients, attitudes to safety and health, etc. Therefore, he proposed retaining the word “attitudes”.

356. In the view of the Workers’ group “attitudes” was not appropriate and there was no universal application of the concepts of skills, knowledge and attitudes. Instead, skills, knowledge and abilities was more commonly used. The question of “attitudes” raised issues of “appropriate attitudes”. Furthermore it was difficult to measure attitudes and even
more difficult to certify attitudes. There were questions that could be raised about who determined whether an attitude is a good one or not. In his view, there are employers who would regard trade union membership as an example of a negative attitude for employment. For these reasons, "abilities" would be a more acceptable word.

357. The Employer Vice-Chairperson recognized that the measurement of attitudes was problematic but certain attitudes were nevertheless very important for employment. In addition, a positive attitude to learning was very important as well as for recruitment. The Employers' group insisted on retaining the word "attitudes".

358. The Government member of New Zealand proposed "skills, knowledge and other attributes" as an alternative formulation. The Government member of India considered that indeed "attitudes" were rather subjective and therefore "aptitude" might be a better formulation, since it related more specifically to the job context.

359. The Worker Vice-Chairperson expressed satisfaction that the Employers' group had recognized the problem of measuring attitudes. However, he thought that the examples used by the Employers' group were not in fact examples of attitudes. For example, he felt that accuracy was an ability, whereas knowledge of safety and health related to knowledge. Despite strongly preferring the use of the term "ability", the Workers' group was prepared to accept the proposal of India as a compromise.

360. The Employer Vice-Chairperson said that the inclusion of "attitudes" and "abilities" would be perfect but wished to correct the Worker Vice-Chairperson regarding safety and health. He said that the attitudes which would improve safety and health at the work place were key.

361. In the view of the Government member of France, "attitude" was an ambiguous term since employers might expect employees to have appropriate attitudes towards work but others might expect moral values too which was dangerous.

362. Following consultations with the Workers' group, the Employer Vice-Chairperson announced that a compromise decision had been reached in which the words "attitudes and abilities" appearing in square brackets in the third sentence of paragraph 9 should be replaced by the word "competencies". The Workers' group supported the subamendment. The amendment as subamended was adopted.

Paragraph 10

363. The Worker Vice-Chairperson introduced an amendment to insert the words "guaranteeing universal access" to the first sentence of paragraph 10 as an effort to strengthen the text. The Employers' group supported the amendment. The amendment was adopted.

364. The Government member of Ethiopia introduced an amendment to insert the following after the first sentence of paragraph 10: "The dire socio-economic situations of African countries particularly of the least developed countries is a cause for serious concern." The Government member of Ethiopia said that the conditions prevailing in the African countries needed to be especially highlighted and that was the reason for moving the amendment. The Government member of Nigeria seconded the amendment.

365. The Employer Vice-Chairperson opposed the amendment, stating that such a sentence should be placed in paragraph 16, which dealt with developing countries in particular. Considering paragraph 16 had already been adopted, the Worker Vice-Chairperson offered a subamendment, which was to insert a new sentence: "This is especially true for the least
developed countries most of which are in Africa, given their dire socio-economic situation." after the fourth sentence of paragraph 10. The amendment as subamended by the Workers' group was adopted.

366. The Workers' group submitted an amendment to insert at the end of the second sentence after the word “combated” the words “both by anti-discrimination regulations as by common action of social partners”. The Worker Vice-Chairperson introduced the amendment by stating that the sentence should be made more concrete by providing some of the practical measures. The amendment was adopted.

367. The Employers' group submitted an amendment to delete the word “often” before “may” in the fifth sentence. The Employer Vice-Chairperson introduced the amendment by stating that “may” more appropriately reflected the current situation in the world.

368. The Worker Vice-Chairperson offered a subamendment to the amendment, to replace the words “often may” by the words “in many cases”. The Employer Vice-Chairperson offered a subamendment to the amendment to replace the words “often may” by the words “in certain cases”, and stated the Employers’ group’s position clearly was that the wording should be either as offered in the amendment or as offered in his subamendment. The Government member of Ethiopia proposed “in a number of cases”. The Worker Vice-Chairperson agreed.

369. The amendment as subamended by the Government member of Ethiopia was accepted by consensus.

370. The Employers’ group submitted an amendment to delete in the fifth sentence of paragraph 10 the second bracketed words “[especially in developing countries]”. In light of the new sentence added to the paragraph relating to the specific needs of the developing countries, he suggested a further subamendment to delete the first bracketed words “[especially in developing countries]”. The amendment as subamended by the Worker Vice-Chairperson was adopted by consensus.

371. The Employer Vice-Chairperson introduced an amendment to delete the sixth sentence “[Market ... training.]” in paragraph 10. In introducing the amendment, the Employer Vice-Chairperson stated that the sentence was an inappropriate characterization of the current world situation and trends. By citing an example of the ICT sector in the Silicon Valley, he argued that individual mobility across enterprises was not a factor resulting in under-investment in education and training. He expressed his strong opposition to the inclusion of the sentence concerned in the conclusions.

372. The Worker Vice-Chairperson opposed the amendment and stated that the general view that emerged from the general discussion was that, in developing countries in particular, the situation of global economic crisis had led to a decrease in investment in education and training due to resource constraints.

373. The Employer Vice-Chairperson noted that given that the Workers’ group’s argument was concerned with developing countries in particular, he suggested a subamendment to place the sentence concerned after the sentence: “However ... training.” The Government member of Ethiopia offered a subamendment to the amendment as subamended by the Employer Vice-Chairperson to replace the first word “This” by the words “Furthermore, this” in the newly adopted sentence. The amendment as sub-subamended by the Government member of Ethiopia was adopted.
Paragraph 13

374. The Employers' group moved an amendment to replace the seventh sentence of paragraph 13 by the sentence: "Countries should also provide incentives for the private sector and individuals to encourage computer literacy and new communication skills to develop." The Employer Vice-Chairperson said that ICT skills deserved high priority and this was why the amendment was introduced.

375. The Workers' group offered a subamendment to replace the words "Countries should" with the words "Government may". The Government member of Ethiopia suggested that the sentence could start with the words "Governments are encouraged to ..." in place of "Governments may ..." as suggested by the Workers' group. The Government members of France and New Zealand supported the subamendment as moved by the Workers' group.

376. The Employers' group supported the subamendment proposed by the Workers' group. The amended sentence read as follows: "Governments may also provide incentives for the private sector and individuals to encourage computer literacy and new communication skills to develop." The amendment as subamended was adopted.

377. The Employers' group introduced an amendment to delete the twelfth sentence of paragraph 13 that was within the square brackets. The Workers' group offered a subamendment in which only the words "e.g. paid education leave" were deleted and wished to retain the other parts of the sentence. The Employers' group agreed with the subamendment as proposed by the Workers' group. The amendment as subamended by the Workers' group was adopted.

Paragraph 19

378. The Workers' group proposed an amendment to replace the word "maintain" in the first sentence of paragraph 19 with the word "strengthen". The Worker Vice-Chairperson introduced the amendment by stating his impression of the consensus that emerged from the general discussion was that there was a need for strengthening the social dialogue on training. The amendment was adopted by consensus.

379. The Government member of Japan submitted an amendment to replace the word "must" in the third sentence by the word "should". The Government member of India seconded the amendment. In his introduction to the amendment, the Government member of Japan noted that the word "must" was a little too strong. The amendment was adopted by consensus.

380. The Employers' group submitted an amendment to replace the word "framework" by the word "dialogue" in the fourth sentence. The Employer Vice-Chairperson introduced the amendment by noting that a "framework" could not resolve the effort to coordinate education and training policy and that it was the dialogue between social partners that could result in coordination.

381. The Worker Vice-Chairperson opposed the amendment and commented that the word "framework" was meant to capture the need for a nationally coordinated education and training policy. The Worker Vice-Chairperson proposed a subamendment which was to insert "for dialogue and partnership" after the words "This framework".

382. The Employer Vice-Chairperson proposed another subamendment to insert the words "The dialogue in" at the beginning of the sentence before the words "This framework ...". The amendment as subamended by the Employer Vice-Chairperson was supported by the Government member of France.
383. The Government member of New Zealand offered a subamendment which was to delete the word “framework” between the words “This” and “should”. The amendment as sub-subamended by the Government member of New Zealand was adopted by consensus.

384. The Government members of Australia, Canada, Denmark, United Kingdom and United States submitted an amendment to insert the words “and consultative” before the word “national” and to replace the word “boards” after the words “national and sector training” in the fifth sentence by the word “partnerships”. In the introduction to the amendment, the Government member of the United Kingdom stated that the main concern lay with the words “training boards” which was far too specific a term since different countries have different terminology for organizations undertaking similar initiatives.

385. The Workers’ group offered a subamendment that was to replace the word “partnerships” by the word “structures” and to delete the word “consultative” between the words “tripartite,” and “national”.

386. The Employer Vice-Chairperson proposed a subamendment to the amendment as subamended by the Worker Vice-Chairperson, which was to replace the word “structures” after the words “sector training” by the word “arrangements”.

387. The amendment as sub-subamended by the Employer Vice-Chairperson was adopted.

388. The Chairperson concluded the 13th sitting of the Committee by noting that the paragraphs 17, 18, 12, 9, 10, 13 and 19 had been adopted, as amended by consensus, except for paragraph 9 after a vote by a show of hands.

Paragraph 11

389. Introducing an amendment the Worker Vice-Chairperson announced that a subamended text had been agreed upon with the Employers’ group for consideration by the Committee. The text read as follows:

The cost of education and training should be seen as an investment. Increasing this investment can be fostered by recognizing that investing in education and training can be a shared responsibility of both the public and private sector. Government must always assume the primary responsibility for investing in basic education and initial training as well as invest in other forms of education and training. Government must also assume the greatest responsibility for investments directed at groups where combating social exclusion or discrimination is an important objective. Governments must also assume responsibility to invest in training as an employer. With respect to the private sector, the responsibilities of both enterprises and individuals should be recognized and, where appropriate, encouraged. These responsibilities are especially appropriate with respect to workplace-based and continuous education, which can raise workers’ employability and the competitiveness of enterprises. The organization and implementation of private sector responsibilities in this area can best be accomplished through partnerships between the government and enterprises or between government and the social partners or between the social partners. Ensuring increased investment for SMEs is especially suitable to a partnership approach. With respect to individuals, the government must also assume responsibility in order that access not be denied on financial grounds and to the detriment of the broader interest of society.

The Employer Vice-Chairperson expressed his full agreement with the submitted text.
390. The Government member of the United Kingdom stated that she had no major problems with the text of the subamendment but suggested adding the words “and individuals” after “groups” in the fourth sentence and removing the last sentence.

391. The Worker Vice-Chairperson proposed to leave the text as submitted to avoid having to include important elements of the last sentence in the text of the fourth sentence, for example, the question of denial of access on financial grounds. He thought that this would make the fourth sentence rather convoluted.

392. The Government member of Ethiopia supported the amendment as subamended by the Workers’ group but questioned the reasoning behind the concept of “… invest in other forms of education and training”.

393. The Government member of New Zealand agreed with the position of the Government member of the United Kingdom and added that the subamendment assumed that individuals do not have any responsibility. He proposed to add the issue of the denial of access on financial grounds to the fourth sentence.

394. The Government member of Luxembourg expressed some doubts regarding the proposal from the Government member of Ethiopia and mentioned that in Luxembourg and in the European Union there is a shifting of responsibility towards the social partners so that the government and the social partners really do share responsibilities.

395. The Government member of Sweden supported the position of the Government member of Luxembourg.

396. The Worker Vice-Chairperson said that in the third sentence the notion of primary responsibility was used to indicate that the government did not have the sole responsibility. The third sentence also indicated, in his view, that with regard to other forms of education and training it was explicit that the government is not expected to have primary responsibility for every type of education and training. The fourth sentence stated that the government should have the greatest responsibility because the sentence refers to social outcomes. Furthermore, he pointed out that, in the Workers’ group’s view, the last sentence does not claim that the individual has no responsibility but that the government has a responsibility to ensure that individuals are not excluded because of financial difficulties, which was to the detriment of society. He proposed the following sub-subamendments:

(a) in the sentence beginning “These responsibilities …” to add the words “investment in” before “workplace-based”;

(b) to shift the last sentence to follow the sentence which ends “... an important objective” and to replace the word “share” for “assume”.

The Employer Vice-Chairperson agreed with these proposals.

397. The Government member of Ethiopia thanked the Workers’ group for the suggestions and proposed reformulating the third sentence so that after “… initial training” the sentence would read “... and investment in other forms of education and training needs to be given appropriate consideration”.

398. The Government members of United Kingdom and Sweden agreed to the sub-subamendments of the Workers’ group.
399. The Government member of Luxembourg agreed with the Workers’ group sub-subamendments but also supported the proposal by the Government member of Ethiopia. He had difficulties with the notion that governments must always assume the greatest responsibility.

400. The Government member of Ethiopia submitted a subamendment to the amendment to insert the word “While” at the beginning of the third sentence and to replace the words “as well as invest in other forms of education and training” by the words “, investment in other forms of education and training must be given appropriate consideration”.

401. The Government members of Luxembourg and France strongly opposed the usage of the words “the greatest” after the words “Government must also assume” in the fourth sentence and suggested a subamendment to replace the words “the greatest” by the words “a shared”. The Government member of Luxembourg added that his Government cannot accept that the text expressly confirms the view that governments would have to assume the “greatest responsibility” concerning training of groups at risk. As stated by the Worker Vice-Chairperson, these are social problems and therefore all actors in society should assume their share of responsibility in the implementation of training and education of groups at risk or the excluded. This implied a shared responsibility and notably a direct responsibility of the social partners. For this reason, this philosophy was adopted by the Heads of States and Governments of the European Union at the Summits of Luxembourg (1997) and Lisbon (2000). The Government member of Luxembourg accepted with reservations the replacement of the term “greatest” by the term “major”, with the sole purpose of reaching a compromise. His agreement did not in any way alter the basic position of the Government of Luxembourg.

402. With regard to the third sentence, the Worker Vice-Chairperson noted the word “consideration” was too weak and unspecific and proposed a subamendment to replace the words “as well as” by the words “, and it should also”. The subamendment was adopted by consensus.

403. The Worker Vice-Chairperson explained that in a number of countries social exclusion is a problem, which governments have a responsibility to solve. The proposed reformulation recognizes this. It does not say that only the government should make investments or that the government has sole responsibility; only that the government should have the greatest responsibility in this area. Its wording should not be interpreted to imply that the private sector has no role to play in combating social exclusion or discrimination.

404. The Government members of Luxembourg, France and Sweden remained unsatisfied with the usage of the words “the greatest”, and asked specifically for the report to reflect their opinions and the clarification for the continued usage of the words provided by the Worker Vice-Chairperson. The amendment was adopted by consensus.

Paragraph 21

405. The Government members of Canada, United Kingdom, Australia, Denmark and United States submitted an amendment to replace the words “by means of ...” by the words “by various may which many include technical cooperation and assistance to trade union and employer organizations, learnerships, exchanging experiences and best practices between countries”. In her introduction of the amendment, the Government member of Canada remarked that the words “public grants” were too restrictive and prescriptive and that they precluded other policies that the governments may prefer to use. The Government members of Australia and France expressed their support for the remarks made by the Government member of Canada.
406. The Worker and Employer Vice-Chairpersons opposed the amendment. Before proceeding any further with the amendment, the Employer Vice-Chairperson suggested consideration of another amendment on the grounds that they were linked and that if it were to be adopted, it may resolve the concerns raised in support of the amendment under current consideration.

407. The Employers’ group submitted an amendment to replace the words “on trade union matters” in the fifth sentence by the words “the work and the organization of social partners”. The Employers’ group proposed a subamendment to insert the words “, on trade union education, business administration and the social contribution by” before the words “and the work and the organization of social partners”.

408. The Workers’ group supported the amendment as subamended by the Employers’ group. The amendment as subamended by the Employers’ group was adopted by consensus.

409. The Government members of Australia, Netherlands, and France stated that adoption of this amendment still did not fully address the concerns raised by the amendment submitted by the Government members of Canada, United Kingdom, Australia, Denmark and United States.

410. In an attempt to take into account the concerns raised by the Government members of Canada, United Kingdom, Australia, Denmark and United States, the Employers’ group submitted a subamendment to keep the original sentence in the conclusions and to insert the words “such as” after the words “by means”. The amendment as subamended by the Employers’ group was supported by the Workers’ group.

411. The Government members of Canada, United Kingdom, Australia, Denmark and United States supported the amendment as subamended by the Employers’ group on the grounds that the insertion of the words “such as” to the original sentence sufficiently demonstrated that the measures subsequently listed in the sentence were simply examples and not a prescriptive list.

412. The amendment as subamended by the Employers’ group was adopted.

Paragraph 22

413. The Worker Vice-Chairperson introduced an amendment to paragraph 22. He suggested that as a matter of procedure, the sixth sentence between the square brackets should be considered first. Based on an agreement between the Workers’ and the Employers’ groups, he submitted a subamendment to insert the words “present conclusions, adopted by the International Labour Conference, at its 88th Session, 2000, the conclusions of the Cologne Charter, 1999, the statements on this subject jointly made by international employer and trade union organizations, and the” between the words “should be based on the” and “following:”; to insert the words “and address the economic challenges” after the words “(2) enhance employability of the world’s workers”; and to delete the fifth sentence.

414. The Employer Vice-Chairperson proposed a subamendment to the amendment as subamended by the Workers’ group to insert the words “should include” after the words “trade union organizations, and”. The Workers’ group supported the amendment as sub-sub-subamended by the Employers’ group.

415. The Government member of France requested the consideration of an amendment in the sixth sentence to change point (7) to point (1), renumber the subsequent points (point (1) would now become (2), (2) becomes (3), etc.), and replace the words “advance the decent
work concept through defining the role of education and training” in former point (1) by the words “promote the concept of lifelong education and training to ensure a place for everyone in a rapidly and profoundly changing world, and decent work for all”. She emphasized that the concept of lifelong learning should be included in the terms of reference.

416. The proposal to include the concept of lifelong learning in the sixth sentence was supported by the Government members of Finland, Luxembourg, United Kingdom and Canada.

417. The Workers’ and Employers’ groups supported the placement of point (7) to point (1) and the subsequent renumbering of the following points. In order to include the concept of lifelong learning, they proposed a subamendment to the amendment as sub-sub-subamended by the Employers’ group to insert the words “promote lifelong learning,” before the words “enhance employability of the world’s workers” on the grounds that the issue of lifelong learning related more closely to the issue of employability.

418. The amendment as sub-sub-subamended by the Workers’ group was adopted by consensus.

419. Some amendments fell as a result of adopting the new text for paragraph 22. Some other amendments, including those submitted by the Government members of Ethiopia and Japan and the Workers’ group, were not taken up due to lack of time.

420. The Chairperson announced that paragraphs 11, 21 and 22, as amended, were adopted by consensus. Paragraph 20 had been removed.

421. The Chairperson closed the session.

Consideration and adoption of the report

Consideration of the report

422. The Committee considered its draft report at its 15th sitting.

423. Corrections to specific paragraphs were submitted by various members for incorporation in the report.

Adoption of the report

424. At its 15th sitting the Committee unanimously adopted its report as amended.

(Signed) L. Mishra,  
Chairperson.

J. Chetwin,  
Reporter.
Resolution concerning human resources training and development

The General Conference of the International Labour Organization, meeting in its 88th Session, 2000,

Having undertaken a general discussion on the basis of Report V, "Training for employment: Social inclusion, productivity and youth employment";

Adopts the following conclusions and invites the Governing Body to request the Director-General to give due consideration to them for the future work of the Office and to take them into account when preparing the programme and budget for the 2002-03 biennium.
Conclusions concerning human resources training and development

1. A critical challenge that faces human society at the start of the twenty-first century is to attain full employment and sustained economic growth in the global economy and social inclusivity. The ILO's framework of decent work addresses both the quality and quantity of employment and provides a basis for new education and training policies and strategies. Human resources development, education and training contribute significantly to promoting the interests of individuals, enterprises, economy and society. By making individuals employable and informed citizens, human resources development and training contribute to economic development and to achieving full employment and promoting social inclusion. They also help individuals to gain access to decent work and good jobs, and escape poverty and marginalization. Education and skills formation could lead to less unemployment and to more equity in employment. The economy and society at large, like individuals and enterprises, benefit from human resources development and training. The economy becomes more productive, innovative and competitive through the existence of more skilled human potential. Human resources development and training also underpin the fundamental values of society – equity, justice, gender equality, non-discrimination, social responsibility, and participation.

2. Technological changes, changes in financial markets, the emergence of global markets for products and services, international competition, dramatic increases in foreign direct investment, new management practices, new forms of business organization and of the organization of work are among the more significant developments that are transforming the world of work. Many of these developments are also components of globalization which is the name given to the various processes producing the dramatically increased integration of economic activity in the world today. These developments offer both opportunities and challenges for enterprises, workers and countries. For enterprises increased competition has meant more winners and losers. For countries globalization has increased both national development and disadvantages as globalization has exacerbated differences in the relative advantages of countries. For some workers these developments have resulted in career opportunities or successful self-employment, improved living standards and prosperity but for other workers they have resulted in job insecurity or unemployment, declining living standards and poverty. Many of these developments are dramatically increasing the importance of the application of human knowledge and skills to economic activity. Human resources development, education and training are necessary and essential elements required to take both full advantage of the opportunities and to rise to the challenges of these developments for enterprises, workers and countries. There is a growing recognition that globalization has a social dimension that requires a social response. Education and training are components to both the economic and social response to globalization.

3. Education and training cannot alone address this challenge, but should go hand-in-hand with economic, employment and other policies to establish, in an equitable manner, the new knowledge and skills-based society in the global economy. Education and training have distinct but converging outcomes as society is changing. They have both a dual rationale: develop skills and knowledge that will help countries, enterprises and individuals utilize the new opportunities and enhance the employability, productivity and income-earning capacity of many population groups that have been adversely affected by globalization and changes in society at large. Education and training are necessary for economic and employment growth and social development. They also contribute to personal growth and provide the foundation of an informed citizenry. Education and training are a means to empower people, improve the quality and organization of work,
enhance citizens' productivity, raise workers' incomes, improve enterprise competitiveness, promote job security and social equity and inclusion. Education and training are therefore a central pillar of decent work. Education and training help individuals become more employable in rapidly changing internal and external labour markets.

4. Human resources training and development are fundamental, but are by themselves insufficient to ensure sustainable economic and social development, or resolve the aggregate employment challenge. They should be coherent and form an integrated part of comprehensive economic, labour market and social policies and programmes that promote economic and employment growth. Policies that expand aggregate demand in the economy such as macroeconomic and other measures must be combined with supply-side policies, e.g. science and technology, education and training, and industrial and enterprise policies. Appropriate fiscal policies, social security and collective bargaining are among the means to distribute these economic gains on a fair and equitable basis, and constitute basic incentives to invest in training. Pursuing these integrated policies requires consideration of a new financial and social architecture for the global economy, a subject for ILO research.

5. It is the task of basic education to ensure to each individual the full development of the human personality and citizenship; and to lay the foundation for employability. Initial training develops further his or her employability by providing general core work skills, and the underpinning knowledge, and industry-based and professional competencies which are portable and facilitate the transition into the world of work. Lifelong learning ensures that the individual's skills and competencies are maintained and improved as work, technology and skill requirements change; ensures the personal and career development of workers; results in increases in aggregate productivity and income; and improves social equity. Both in developed countries as well as in developing countries there are many workers without the basic skills for literacy and numeracy. National and international strategies have to be developed to eliminate illiteracy, based on concrete targets, benchmarks and quality assessment.

6. Education and training of high quality are major instruments to improve overall socio-economic conditions and to prevent and combat social exclusion and discrimination, particularly in employment. In order to be effective they must cover everyone, including disadvantaged groups. Therefore, they must be carefully targeted at women and persons with special needs, including rural workers; people with disabilities; older workers; the long-term unemployed, including low-skilled workers; young people; migrant workers; and workers laid off as a result of economic reform programmes, or industrial and enterprise restructuring. In addressing the needs of these groups, particularly of young people, access to a combination of formal, off-the-job, and workplace learning should be systematically offered and developed as it provides for effective learning outcomes and increases the chance of entering the labour market.

7. Training can be one of the instruments that, together with other measures, address the challenge of the informal sector. The informal sector is not a sector in the traditional sense of economic classification but a name given to the economic activity of persons in a variety of situations, most of which are survival activities. Informal sector work is unprotected work that is, for the most part, characterized by low earnings and low productivity. The role of training is not to prepare people for the informal sector and keep them in the informal sector; or to expand the informal sector; but rather it should go in conjunction with other instruments, such as fiscal policies, provision of credit, and extension of social protection and labour laws, to improve the performance of enterprises and the employability of workers in order to transform what are often marginal, survival activities into decent work fully integrated into mainstream economic life. Prior learning
and skills gained in the sector should be validated, as they will help the said workers gain access to the formal labour market. The social partners should be fully involved in developing these programmes.

8. Education and training are a right for all. Governments, in cooperation with the social partners, should ensure that this right is universally accessible. It is the responsibility of all persons to make use of the opportunities offered. Free universal, quality public primary and secondary education must be made available to all children, and they should not be denied sustained access to education through child labour. Education cannot be separated from training. Basic and secondary education is the foundation on which an effective vocational education and training system should be built. Good quality basic education and initial training, availability of adult and second chance education, together with a learning culture, ensure high levels of participation in continuous education and training. Qualified teachers and trainers are the fundamental key to providing quality education for helping children and adults reach high standards in academic and vocational competencies. Their recruitment, remuneration, education, training and retraining, assignment and provision of adequate facilities are critical elements of any successful educational system.

In addition to education and training, career guidance and job placement services (career development services) embracing career education, career counselling, employment counselling and educational, vocational and labour market information, all have a crucial role to play in human resources development. The fostering of a career development culture throughout education, training systems as well as employment services is a means to promote continuous learning. The development of this culture among youth and adults will be of particular importance for ensuring their employability and facilitating their transition from education and training to work or further training.

9. Employability is defined broadly. It is a key outcome of education and training of high quality, as well as a range of other policies. It encompasses the skills, knowledge and competencies that enhance a worker’s ability to secure and retain a job, progress at work and cope with change, secure another job if she/he so wishes or has been laid off, and enter more easily into the labour market at different periods of the life cycle. Individuals are most employable when they have broad-based education and training, basic and portable high-level skills, including teamwork, problem solving, information and communications technology (ICT) and communication and language skills, learning to learn skills, and competencies to protect themselves and their colleagues against occupational hazards and diseases. This combination of skills enables them to adapt to changes in the world of work. Employability also covers multiple skills that are essential to secure and retain decent work. Entrepreneurship can contribute to creating opportunities for employment and hence to employability. Employability is, however, not a function only of training – it requires a range of other instruments which results in the existence of jobs, the enhancement of quality jobs, and sustainable employment. Workers’ employability can only be sustained in an economic environment that promotes job growth and rewards individual and collective investments in human resources training and development.

10. There is tripartite and international consensus about guaranteeing universal access of all to, and increasing and optimizing overall investment in, basic education, initial training and continuous training. Discrimination which limits access to training should be combated both by anti-discrimination regulations as well as by common action of social partners. These principles have been endorsed already in the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy adopted by the Governing Body, 1977. The Committee endorsed the core commitments made in the Cologne Charter of the Group of Eight leading industrialized nations (G8) in 1999 calling for renewed commitment of all partners to lifelong learning: “... by governments, investing to enhance
education and training at all levels; by the private sector, training existing and future employees; by individuals, developing their own abilities and careers”. However, structural adjustment programmes, restrictive fiscal policies, low wages, debt repayment obligations, decline of development assistance flows, competitive price pressures on enterprises and lack of resources of large sections of the population in a number of cases induce governments, enterprises and individuals to under-invest in education and training. Furthermore, market uncertainties, poaching of skills by other enterprises and the growth of insecure forms of work and consequential high turnover of staff may reduce enterprises’ incentives to invest in training. This is especially true for the least developed countries, most of which are in Africa, given their dire socio-economic situation. The culture of developing, on a continuous basis, individual and collective skills for enhanced productivity and employability in a rapidly changing environment has to be improved further.

11. The cost of education and training should be seen as an investment. Increasing this investment can be fostered by recognizing that investing in education and training can be a shared responsibility of both the public and private sector. Government must always assume the primary responsibility for investing in basic education and initial training, and it should also invest in other forms of training. Government must also share the greatest responsibility for investments directed at groups where combating social exclusion or discrimination is an important objective. With respect to the responsibility of individuals, the government must also share responsibility in order that access not be denied on financial grounds and to the detriment of the broader interest of society. Government, as an employer, must also assume responsibility to invest in training. With respect to the private sector, the responsibilities of both enterprises and individuals should be recognized and, where appropriate, encouraged. These responsibilities are especially appropriate with respect to investment in workplace-based and continuous education, which can raise workers’ employability and the competitiveness of enterprises. The organization and implementation of private sector responsibilities in this area can best be accomplished through partnerships between the government and enterprises, between government and the social partners or between the social partners. Ensuring increased investment for SMEs is especially suitable to a partnership approach.

12. There is no universal model of investing in training. Governments should create a general economic environment and incentives conducive to encourage individuals and enterprises to invest individually or jointly in education and training. This investment and the responsibility for it should generally be determined by the objectives of training, e.g. individual, enterprise or societal objectives. Countries can use different ways and means to foster investment in training and increase resources for training. Enterprises have a critical role to play in investment in training. A number of mechanisms used in combination to further investment in training and to guarantee access are required. These may include levy systems on enterprises accompanied by public grants, establishment of training funds, various incentives for training and learning, e.g. tax rebates, training credits, training awards, individual training accounts, collective and individual training rights, sabbatical leave, collective training agreements and emulation of national and international best practices of investing in training. The chosen mechanisms should take into account the special needs of the SMEs. Where levies are the chosen mechanism for funding training, the governance of funding distribution should be tripartite, or where these are agreed by the social partners, such governance should be bipartite. Decisions regarding government policies on education and training should be based on genuine tripartite dialogue and give the tripartite partners the opportunity to develop the best ways and means to increase investments in training. Measures such as the provision of childcare facilities are needed to facilitate access to training.
One means of encouraging countries and companies to increase current efforts to invest in training and to provide a measurable and comparative basis towards which we can all endeavour is to develop benchmarks. The ILO should develop a database on current expenditures on vocational and continuing training, and suggest a series of benchmarks on investment in training, possibly differentiated for different regions of the world, size of companies or sector of industry, as a mirror and point of orientation for countries, sectors, and companies.

13. Flatter hierarchical structures, and devolved decision-making, initiative and control, also widen the need for higher-level skills and training, and result in increased responsibility for workers. ICT is accelerating these management trends and changes in the world of work in general.

ICT has the potential to improve enormously people's access to quality education and training, including in the workplace. There is however a danger that these technologies may create a "digital divide" and worsen existing inequalities in education and training between urban and rural areas, between rich and poor, between those who possess and those who lack literacy and numeracy skills and between developed and developing countries. Countries should expand their investment in the infrastructure needed for use of ICT, in education and training hardware and software, and in the training of teachers and trainers. Such investments should be undertaken by both the public and private sectors, and make use of collaborative local, national and international networks. Governments may also provide incentives for the private sector and individuals to encourage computer literacy and to develop new communication skills. New modes and methods need to be deployed for training and learning when using ICT.

Distance-learning methods can be used to make training available at convenient times, at accessible places or at reduced costs. Distance learning should not replace all other learning on teaching methods but can be a valuable part of the total teaching tools available. Distance learning should, as far as possible, be combined with traditional training methods in order to avoid a sense of isolation of the learner. The social framework for training needs to be adapted to these new forms of training.

14. The many driving forces, as mentioned in paragraph 2, have a significant impact on organization and working methods of companies. Also, new sectors are emerging, many of them based on the use of ICT products and services, including the Internet. All this increases demand for new skills and competencies, including personal skills and ICT competencies. Education and training need to respond to these new demands, both those related to ICT and those related to changing work organization.

15. Electronic networking provides opportunities for learners to assist each other more actively, for learners to be more active in the training and education process, and for formal and non-conventional teaching methods to be utilized. In order to apply ICT in training, trainers must master these technologies and be systematically trained. Teaching methods need to be updated to accommodate the teaching of new developments in ICT, new types of organization of schools should be devised to take full advantage of ICT; and the individual needs to learn self-learning methods. New training is needed to provide trainers and individuals with these skills. Enterprises may provide ICT facilities or support schemes for workers for the use of ICT at home or in general, and to schools or other training providers, in order to promote the diffusion of ICT skills and access in society. Appropriate government incentives could facilitate this development.

16. For many developing countries, the challenges are much more basic. Societies with huge and growing levels of adult illiteracy, and massive debt crises, will not be able to design,
fund or implement the modern education and training policies which are prerequisites for
development and economic growth. In the age of the knowledge society, 884 million adults
are illiterate, unable to operate effectively even with the intellectual tools of the "old
economy". UNESCO estimates that, in the least developed countries, while 144 million
adults were illiterate in 1985, by 2005 this will rise to 188 million – in other words, the
number of illiterate adults will grow by 30 per cent in the least developed countries.
Additionally, structural adjustment programmes have in specific instances operated to
reduce public investment in education, thus further weakening the longer term capacity for
economic growth and development.

Much of the developing world lack access to the physical infrastructure through which
much of the new knowledge is pulsing. The lack of electricity and telephones, the cost of
computers and Internet access, all contribute to deprive citizens, enterprises and workers in
developing countries from benefiting from the ICT revolution, and create the conditions
for a "digital divide" to grow between countries. Developing countries should make greater
efforts to invest in ICT and to develop ICT-appropriate methods of teaching rather than
simply adding computers to existing teaching methods.

The international community should, as part of creating the conditions for skills formation
in the least developed economies, undertake bold and substantial debt relief, or, where
appropriate, debt cancellation; help mobilize resources for programmes to secure basic
literacy and numeracy and the development of communication and information
infrastructure; and assist with training in the new information and communication
technologies. This is a direct challenge to the ILO and international development agencies.

Multinational corporations should be encouraged to agree fair technology transfer
agreements, to develop local high-level skills in developing countries, and to help create
the infrastructure for the new knowledge economy. The contributions to development that
multinational companies can make through training as elaborated in the Tripartite
Declaration of Principles concerning Multinational Enterprises and Social Policy should be
recalled.

These measures, taken together, contribute to developing the economies and societies of
the poorest parts of the world. They provide a ladder through which developing countries
can move up the value chain in production, making goods and providing services which
add significant economic value, and which receive significant economic return in the
global economy. Education and training is one of the packages of measures to leapfrog
from underdevelopment to the information society.

In developing an education and training base in developing countries, the existence of new
technology can open up new possibilities and possibly save costs on more traditional
methods. This is a major challenge for the developing countries to invest in ICT and
develop appropriate policies.

Closer collaboration is needed between the ILO, UNESCO and other international
organizations; regional organizations, such as the EU and MERCOSUR; and donor
countries that place high priority on human resources development and training. It should
also work more closely with international financial institutions such as the International
Monetary Fund, the World Bank, and regional development banks, to ensure that structural
adjustment programmes do not inhibit investments in education and training. Greater
national and international efforts also should be made to eradicate illiteracy worldwide. All
of these measures and support can only be effective if the developing countries make
efforts to set up policies and programmes to promote economic growth and develop their
human talent.
17. The development of a national qualifications framework is in the interest of enterprises and workers as it facilitates lifelong learning, helps enterprises and employment agencies match skill demand with supply, and guides individuals in their choice of training and career. The framework should consist of a number of elements: appropriate, transferable, broad and industry-based and professional competency standards, established by the social partners, that reflect the skills required in the economy and public institutions, and vocational and academic qualifications; and a credible, fair and transparent system of assessment of skills learned and competencies gained, irrespective of how and where they have been learned, e.g. through formal and non-formal education and training, work experience and on-the-job learning.

Every person should have the opportunity to have his or her experiences and skills gained through work, through society or through formal and non-formal training assessed, recognized and certified. Programmes to compensate for skill deficits by individuals through increased access to education and training should be made available as part of recognition of prior learning programmes. Assessment should identify skill gaps, be transparent, and provide a guide to the learner and training provider. The framework should also include a credible system of certification of skills that are portable and recognized across enterprises, sectors, industries and educational institutions, whether public or private.

The assessment methodology should be fair, linked to standards, and be non-discriminatory. Potential hidden discrimination should be actively guarded against. For example, the shift to the service sector, with an overall stronger female component, often relies on greater communication and problem-solving skills, which are not always explicitly recognized. Similarly, testing systems conducted in an individual's second language sometimes distort results of technical and other skills possessed. New forms of work organization often shift the skills requirements within an enterprise. For example, flatter managerial structures are predicated on shifting certain responsibilities from management to the workforce. These should result in explicit recognition of the new competencies required by the workforce under these circumstances; and reward systems have to take these into account.

The vocational qualifications system should be tripartite, offer access to workers and anybody wanting to learn, should cover public and private training providers and be updated on a continuous basis. It should ensure multiple entry and exit points in the education and training system during a worker's career. The ILO should develop a database on best practices in developing a national qualifications framework, conduct a general study on the comparability of different national qualifications frameworks based on this database, and undertake research into recognition of prior learning.

18. Trade unions and employer associations may also contribute to training by managing their own training institutions and providing education for their members. Particularly at the sector and enterprise levels, collective bargaining can set appropriate conditions for the organization and implementation of training. Such collective bargaining could encompass issues such as:

- skills required by the enterprise and the economy;
- training necessary for workers;
- assessment of basic skills and skills gained either in the workplace or during individual or associative activities;
- development of career paths for workers;
personal training and development plans for workers;
- facilities needed to allow the maximum benefits from training;
- recognition and reward schemes, including remuneration structuring.

19. The social partners should strengthen social dialogue on training, share responsibility in formulating education and training policies, and engage in partnerships with each other or with governments for investing in, planning and implementing training. In training, networks of cooperation also include regional and local government, various ministries, sector and professional bodies, training institutions and providers, non-governmental organizations, etc. Government should establish a framework for effective social dialogue and partnerships in training and employment. This should result in a coordinated education and training policy at national level, and long-term strategies, which are formulated in consultation with the social partners and are integrated with economic and employment policies. It should also include tripartite, national and sector training arrangements, and provide for a transparent and comprehensive training and labour market information system. Enterprises are primarily responsible for training their employees and apprentices, but also share responsibility in initial vocational training of young people to meet their future needs.

20. The scope and effectiveness of social dialogue and partnerships in training is currently limited by the capacity and resources of actors. It varies between countries, sectors and large and small enterprises. Recent regional economic integration also brings a new dimension to social dialogue on training and the need for capacity building. There is a pressing need to raise this capacity by various means such as technical cooperation, public grants to trade union and employer organizations, and exchanging experience and best practices between countries. Education and training in industrial relations and on trade union education, business administration and the social contribution by the work and the organization of the social partners, should also be an integral part of capacity building and a part of initial and vocational training. Being a tripartite organization, the ILO should lead international cooperation to build up capacities for social dialogue and partnership building in training. Additional efforts should be made for the benefit of developing countries.

21. Terms of reference for a review of the Human Resources Development Recommendation, 1975, (No. 150), should be based on the present conclusions, adopted by the International Labour Conference at its 88th Session, 2000, the conclusions of the Cologne Charter 1999, and the statements on this subject jointly made by international employer and trade union organizations; and should include the following:

(1) address training and education needs in the modern world of work in both developing and developed countries, and promote social equity in the global economy;

(2) advance the decent work concept through defining the role of education and training;

(3) promote lifelong learning, enhance employability of the world’s workers, and address the economic challenges;

(4) recognize the various responsibilities for investment and funding of education and training;

(5) promote national, regional and international qualifications frameworks which include provisions for prior learning;

(6) improve access and equity of opportunity for all workers to education and training;
(7) build the capacity of the social partners for partnerships in education and training;

(8) address the need for increased technical and financial assistance for the less advantaged countries and societies.

Recommendation No. 150 should be revised in order to reflect the new approach to training. Although some aspects of the Recommendation are still valid, others have lost their relevance. There is a need for a more dynamic instrument that is more applicable and used by member States and the social partners in formulating and implementing human resources development polices, integrated with other economic and social policies, particularly employment policies. A new recommendation should be complemented by a practical guide and database that can be renewed on a continuous basis by the Office as part of its normal work.
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Ratification of an International Labour Convention by South Africa

The President (Mr. Moorhead) — I give the floor to the Clerk of the Conference for an announcement.

The Clerk of the Conference — I am pleased to announce that the ratification by the Republic of South Africa of the Safety and Health in Mines Convention, 1995 (No. 176), was registered by the Director-General on 9 June 2000.

Reports of the Chairperson of the Governing Body and of the Director-General: Discussion (cont.)

The President (Mr. Moorhead) — We shall now resume the discussion on the reports of the Chairperson of the Governing Body and of the Director-General.

Original Russian: Mr. SHMAKOV (Workers' delegate, Russian Federation) — The Report of the Director-General presented to the 88th Session of the International Labour Conference gives us a full and detailed picture of what the Organization and its Members have done over the last two years. In our view, the Report provides convincing proof of the soundness of the restructuring and of the priorities and reforms of the ILO's management bodies which are being carried out in response to the imperatives of the new millennium.

During these past two years, the ILO adopted the Declaration on Fundamental Principles and Rights at Work and the Worst Forms of Child Labour Convention, 1999 (No. 182), and Recommendation, which became the culmination of the standard-setting activity of the Organization during the course of this biennium.

However, there are certain elements which give rise to concern, and which bear witness to attempts to slow down the standard-setting process, emasculate the supervisory machinery and reduce international standards to the status of Recommendations.

We believe that in reviewing obsolete Conventions, it is unacceptable to reduce minimum standards. In elaborating new Conventions and Recommendations, we should set ourselves the goal of raising the level.

Today, we are hearing more and more frequently calls for the weakening of social standards, for the dismantling of systems of joint management in the social sphere, for the application of the loosest possible systems of labour relations in the name of economic expediency. The ILO must firmly defend its principles set out in the programmes of activities for 1998 and 1999, and it must meet the challenges of the new millennium by promoting democracy and the protection of workers' fundamental rights, promoting employment and combating poverty, and promoting decent work for all.

The necessity of all this is clear when we consider the situation in Russia, where attempts are being made, sometimes successfully, to adopt laws which directly reduce the level of guarantees given to Russian workers.

I mean by this the Government version of a new Labour Code for the Russian Federation which provides for "temporary contracts of employment", places labour relations on an entirely "individualistic" level, introduces fines to be imposed on workers and curtails all benefits for women workers. ILO experts have already pointed out the divergences between this Code and international labour standards. The trade unions have actively campaigned against this laissez-faire bill and have succeeded in delaying discussions on it in Parliament.

We are also very much concerned by the draft law on the introduction of a single social tax to replace contributions to extra-budgetary social funds. Consultations with trade unions in other countries where such systems have been introduced have shown that practically everywhere, they have led to a reduction in the level of social protection of workers and their families. In our country, where the level of wages, pensions and benefits is already too low even to safeguard minimum living standards, removal of social security from public control would lead to an even sharper drop in living standards which in its turn would lead to widespread social protest.

Coming back to the basic subject, which is the Report on the activities of the ILO during 1998 and 1999, I would particularly like to highlight the cooperation between the Russian trade unions and ACTRAV in such areas as the training of trade union officials. We believe that, in this area, the ILO has given Russia invaluable assistance in developing new approaches to the training of an active and competent trade union leadership capable of effectively protecting and defending the rights of workers in these new conditions. The trade unions of Russia are prepared to continue to cooperate actively with the ILO in implementing gender projects and programmes for combating poverty and child labour. All these aspects are included in the programme of cooperation between the Russian Federation and the ILO for 2000 and 2001. I hope the
 programme will be implemented in full, in the same way as the first such programme of cooperation which was signed in 1998. The Russian trade unions give it their full support.

**Original Spanish:** Mr. FAJARDO ABRIL (Workers' delegate, Colombia) — Freedom of association is a cornerstone of the ILO’s mandate, and to achieve universal recognition of this right, the ILO has made enormous efforts. That is one reason, amongst others, why the 1998 Declaration on Fundamental Principles and Rights at Work established the obligation of member States of the Organization to implement, in good faith, and even when they have not ratified the Conventions concerned, the principles relating to freedom of association and the effective recognition of the right to collective bargaining. The crucial importance of these rights and principles is clearly reflected in the important Report of the Director-General, Mr. Somavia.

Yet despite this Declaration, in many countries freedom of association is still unrecognized, violated and threatened. In the American continent, these rights are particularly precarious.

In Venezuela, for example, legislation is being adopted, in violation of the new Constitution, to permit state interference in union activities. That is contrary to ILO Conventions.

In my country, Colombia, union activity has for many years been dangerous for the life and integrity of those of us who carry it out. In recent years, according to the count of trade unions and human rights organizations, more than 2,500 unionists have been murdered, including many trade union leaders.

In Colombia, there is 100 per cent impunity for crimes against unionists and trade union leaders and acts of discrimination against the unions remains totally unpunished.

Recently, the Colombian Government has taken steps to bring domestic law into line with Conventions No. 87 and 98. We workers note these steps with interest, but we must say that they do not address the crux of the problem. The Government and employers must fully recognize the right to freedom of association. As long as the murders continue and other violations of the rights to life, integrity and freedom of trade unionists are protected by an absolute cloak of impunity, there will be no improvement in the situation.

I would like to remind you that in a resolution adopted in 1970, the Conference pointed out that where there was no guarantee for and enjoyment of civil and political rights, it was not possible to have freedom of association.

Since the direct contacts mission came in February this year, 34 unionists have been murdered. Since the start of this session of the Conference, another union worker has been murdered, in the city of Villavicencio, in the Department of Meta. I am mentioning this to underscore the concerns of the Colombian union movement about the delay in the establishment of the Commission of Inquiry which we have been requesting since 1998.

We cannot support the statements of the Colombian Government in its international campaign to stop the creation of the Commission of Inquiry, and namely the assertion that the Commission would be an obstacle in the peace process with the rebels. That is far from the truth. On the contrary, we workers feel that the conclusions and recommendations issued by a commission of inquiry would contribute to strengthening the peace process which we, as Colombians, support and hope will be successful.

We would also like to say that we workers not only believe that the Commission of Inquiry is necessary, we are also certain that in accordance with paragraph 5 of the Declaration on Fundamental Principles and Rights at Work, its conclusions and recommendations should in no case give rise to trade and economic sanctions against Colombia. No legitimate action of the ILO can result in sanctions.

In conclusion, the Colombian workers feel that if the Commission of Inquiry is not established, the Government will feel exonerated from its responsibility to protect unionists and sanction those who systematically murder them.

We are confident that the ILO, with this Commission, can carry out effective work to ensure respect for human rights and trade union freedoms in a country which is overwhelmed by violence, and that we will thus be reassured that we are not exposed to blind violence perpetrated against trade unions.

**Mr. BUCHANAN (Minister of Labour and Social Security, Jamaica) —** First, let me take this opportunity to congratulate the President and the Vice-Presidents on their election.

Permit me to express appreciation to the Director-General for his excellent Report entitled *Activities of the ILO 1998-1999*. This Report is remarkable for its comprehensiveness, clear distillation of issues, and identification of possible problem-solving strategies.

We congratulate the Director-General on this helpful and forward-looking effort. It has set high standards for transparency, accountability and sound management and is a foundation on which to build.

Let it be said at the outset that the Caribbean sub-region has benefited in many ways from the modernizing impact of ILO’s policy and operational initiatives over the biennium. A range of policy advisory activities, promoted by a strengthened ILO field office, have energized our labour market reform movement. Certain interventions are helping to facilitate the smooth transition to an open economy.

Other initiatives have concentrated on training and retraining, broadening the skills base and deepening understanding of the laws and imperatives of globalization.

The ILO has been instrumental in bringing about a considerable strengthening of labour ministries. A culture strongly oriented towards ensuring workers’ rights is emerging. Jamaica and other States in the region have begun to reap, if not maximize upon, the benefits of partnerships.

At the global level, broader issues have been promoted, major challenges have been confronted, but an unfinished agenda has yet to be implemented.

Within this increasingly globalized world, democratic impulses have generally been strengthened. Better labour standards have been established as a result of structural reforms and management improvements in the workplace.

Commitments to tripartism and social dialogue have sought to promote and sustain these positive trends. International moral and political opinion has been mobilized against abuses associated with child labour and sex-based discrimination. ILO guidance
on best practices in management, labour law and labour relations has provided reinforcement. These and other considerations underpin the positive tone of the Director-General’s Report.

A growing number of States within the international community have been mobilized to undermine the pillars of poverty and broaden the scope for productive employment for men and women. Nonetheless, elements of these problems remain resistant to public policy, private initiatives and community-based solutions. Our biggest sin would be to resort to inaction or leave space for such problems to become more deeply entrenched.

Although a promising start is needed to define efforts aimed at protecting working people, significant gaps need to be bridged in many areas of policy and with regard to many constituencies. Policy has not sufficiently accommodated a large constituency of vulnerable workers. This constituency comprises mainly women, children and migrants, the under educated, persons with disabilities, workers with no social protection, and workers exposed to occupational health hazards, as well as others who have no voice in or access to the decision-making process. The vulnerability of these working people is most pronounced in the less developed regions of the world. These problems require priority attention.

The ILO is now seen to be moving, forward as a learning organization. It is mission-driven and is rapidly assuming an adaptive style. It continues to be an important reference point for knowledge on labour issues. It remains a significant platform for debate, advocacy and policy formulation. It appears sensitive to contemporary needs. We would contend, however, that some of its research priorities and management and strategic vision should be tailored to address content-specific situations.

One cannot discount the viability of the ILO’s strategies for active partnership, or its thinking on a range of economic development and poverty alleviation initiatives or, indeed, its proven guidance on institution building. No one would quarrel with its efforts to build an administrative and technological subculture. Rather, we feel moved to stress the need for cultural sensitivity as a way of mitigating the unintended effects of general development theories, such as globalization, liberalization and the universal application of certain WTO rules.

Finally, the eight annexes to the Report are a valuable source of ideas and knowledge for ILO partners. They go a long way to validate performance and indicate trends. Nonetheless, the priority now given to meetings must give way to stronger, action-oriented and implementation considerations.

Original Macedonian: Mr. IBRAIMI (Minister for Labour and Social Policy, The Former Yugoslav Republic of Macedonia) — At the outset I would like to congratulate the President on his election at this year’s session of the International Labour Conference, as well as the Vice-Presidents, and to wish them all success in carrying out their duties.

At the same time, I would like to express my gratitude to the Director-General for the comprehensive Report on the activities of the International Labour Organization in the period 1998-99.

This year’s agenda contains several issues from different areas which are of great importance to the Former Yugoslav Republic of Macedonia.

On this occasion, I would like to emphasize the issue of tripartism and social dialogue which, I believe, is of extreme importance.

Thus far, the activities regarding the establishment of tripartism in the Former Yugoslav Republic of Macedonia were aimed at creating the institutional and legal framework for social dialogue, and initiating and implementing the process of collective bargaining on several levels.

In that respect, several separate regulations have been adopted wherein the whole system of collective bargaining was clearly defined. This created the foundation for initiating social dialogue. Two general collective agreements and about 30 collective agreements in different branches have been concluded as part of that dialogue.

Parallel to that process, the implementation of the process of collective bargaining on the level of employers was also under way.

In that period, a separate Economic Council as a tripartite body of the social partners, was established. This was not only because tripartism and social dialogue are the basic principles of the ILO, but also due to the fact that the Former Yugoslav Republic of Macedonia, as a Member of this international Organization, is making a particular effort to apply and develop these principles consistently through the work of this Organization.

In addition, at the international level, and particularly within the region, the Former Yugoslav Republic of Macedonia participated in two important conferences; one on employment, labour and social policy in South-Eastern Europe, which was organized by the ILO; and the second on civil society, democratization, participation and the stability pact for South-Eastern Europe.

At one of these conferences, an initiative for establishing a Balkan Economic Social Council was launched. This was aimed at providing conditions for the improvement of economic and social development through promotion and realization of the fundamental principles and rights to work, increasing employment and creating a more efficient system of social protection, as well as enhancing tripartism and social dialogue. The creation of the Council and development of its various activities will contribute towards achieving the fundamental goals of the Stability Pact — that is to say democratization, mutual dialogue of the neighbouring countries in the region. The ultimate goal, of course, is to conduct general economic reforms and bring about a gradual improvement in economic development of the countries. The ILO’s approach to tripartism, with an emphasis on social dialogue, can play a decisive role in this process.

In the past few years in our country, the implementation of various projects aimed at implementing reforms in the social sector and the labour market have been undertaken. As part of these projects, new regulations have been adopted and the existing ones have been amended. During this process, particular attention has been paid to the implementation of the principles and regulations contained in the ILO Conventions. In addition to the 65 adopted Conventions, the ratification process has included the Abolition of Forced Labour Convention, 1957 (No. 105), as well as the Worst Forms of Child Labour Convention, 1999 (No. 182).

As part of the Former Yugoslav Republic of Macedonia’s cooperation with the ILO, technical assistance
in such areas as collective bargaining, tripartism and reporting labour statistics, has been provided in the past two years. We are also very interested in continuing this assistance and expanding it into various areas.

In conclusion, I would like to thank the Director-General and particularly the Area Office of Budapest for this support.

Ms. BERESFORD (Workers’ delegate, New Zealand) — It is an honour to be here and, on behalf of New Zealand workers, I congratulate the President and Officers of this 88th Session of the International Labour Office upon their election.

Importantly, our appreciation is conveyed to the Director-General, Mr. Juan Somavia, for his Report, the essence of which we fully support, and the sterling work done by the Organization in the past year in pursuit of our four strategic objectives of fundamental rights and principles at work, employment, social protection and social dialogue — in short a decent society for all.

For New Zealand workers, proud to be part of the Asia-Pacific region and yet sharing some of the customs and values of our northern hemisphere sisters and brothers, the new millennium has begun well. As this plenary session has heard from our Minister of Labour in the new Government headed by the country’s first elected woman Prime Minister, New Zealand is poised to pass labour legislation that conforms with the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and that promotes observance of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). This is legislation that promotes collectiveness and cooperation, not combativeness and ever greater disparity between the advantaged and the disadvantaged.

As a small trading nation, New Zealand workers look forward to our country once again being respected, not just for the quality of the primary produce we export but also for making an enlightened contribution to the achievement of a fair and just society for all inhabitants of our global village.

New Zealand’s decade-long neo-liberal experiment has failed. It has not developed a robust economy but it has consigned a significant segment of the labour market to highly precarious employment circumstances. Claims that the New Zealand model of individualism has achieved real employment growth are simply false. Undeniable is the increase in casualized, part-time, fragmented, family-hostile jobs foisted upon particularly women, the indigenous Maori, Pacific Island New Zealanders and the young. This is not decent work. Indeed, since New Zealand’s Employment Contracts Act was introduced in 1991, the number of people working in more than one job has increased by 25 per cent. Those who want a decent job is up by 45 per cent. So, New Zealand’s change of direction is a crucial one to workers there, and also to those countries which have adopted our negative model.

Soon Conference participants will vote on the adoption of the revised maternity protection Convention. I urge delegates to vote in favour of the new Convention adopted by the tripartite Committee yesterday. In doing so, this session would take the same positive step towards women’s participation in paid work, while honouring our key role in society as the bearers and primary carers of children, as the 87th Session took last year to rid the world of exploitative child labour.

Throughout two full sessions, representatives of workers, governments and employers have worked hard to construct a forward-looking Convention that contributes to the elimination of discrimination against women in the labour market, that maximizes the use of all human capital — women and men, and that takes account of cultural and other differences. This Conference, let us be as proud of our work on maternity protection as we were last year on child labour.

I applaud the Director-General’s advocacy of creative new strategies to achieve greater gender balance at all levels of the Organization. All of us — unions, employers and governments — need to contribute to this crucial development. I would urge each of the tripartite groupings to systematically plan to ensure that this time next year and into the future our delegations reflect the gender composition of the world.

Finally, we all know that major gaps continue worldwide in the exercise of freedom of association and the right to collective bargaining and the emergence of globalization presents a new basket of challenges to us all. The ILO, and all of us who are part of it, must speed up our efforts to implement the ILO Declaration on Fundamental Principles and Rights at Work and contribute to a decent society for everyone.

Mr. ABDELLA (Minister of Labour and Social Affairs, Ethiopia) — I would like to congratulate the President and the Vice-Presidents upon the efficient manner in which they have been conducting the deliberations of the 88th Session of the International Labour Conference. I would also like to take this opportunity to congratulate the Director-General and his staff for the comprehensive Report on the activities of the ILO 1998-99.

The Report covers a very wide spectrum of activities during the last biennium. These activities highlight the three main objectives of the ILO: support to democracy and fundamental rights at work, the promotion of employment and combating poverty, and the protection of working people.

These issues constitute the most topical challenges facing the Organization.

Where the issues of democracy and fundamental rights are concerned, it should be re-emphasized that fundamental rights at work are inalienable entitlements of working people to be guarded by law. As such, the protection and the promotion of the International Labour Organization standards are based on the inherent right of individuals involved in the place of work. Full respect for these rights is also a necessity for all those individuals to safeguard their well-being and promote their occupational interests.

The adoption of the ILO Declaration on Fundamental Principles and Rights at Work is a cornerstone and a very significant step forward towards the global recognition of fundamental rights at work.

In this connection, I would like to say that in implementing the Declaration, care should be taken to follow strictly the letter and spirit of the instrument. The follow-up work so far undertaken leaves much to be desired, as we had the opportunity to observe during the sitting on the Global Report.

We are following with great interest the debate on HIV/AIDS. The AIDS pandemic, to which no cure has been found so far, is mowing down humanity worldwide without any distinction. Studies indicate
that the disease is sadly affecting the productive forces of society. The pandemic is spreading in the African continent, including my country, at an alarming rate. AIDS is rapidly becoming the most serious single danger weighing very heavily on Africa's economic and social progress. In view of this, the AIDS scourge also calls for an integrated and multidisciplinary approach where everyone must work hand in hand focusing on the path of success. The International Labour Organization should provide the necessary technical expertise and assistance to meet the daunting challenges the AIDS crisis is bringing to our societies.

Turning to the issue of women, we strongly believe that women should be freed from gender discrimination and empowered to participate in and benefit from the overall socio-economic development of their societies. We therefore welcome the ILO's programme of work focusing on five thematic areas affecting women, as indicated in the Director-General's Report. Integration of women in development should be ascertained and governments should take measures to safeguard their rights. Therefore, we fully support the revision of the Maternity Protection Convention (Revised), 1952 (No. 103), and Maternity Protection Recommendation, 1952 (No. 95), currently under consideration by the Conference.

To embark on the path of all-round development, peace has always been an indispensable prerequisite. As such, my Government has pursued a consistent policy of peaceful coexistence and friendly relations with other countries and has continued to pursue its priority objectives of fighting poverty and underdevelopment.

Finally, I would like to assure this august assembly that the Ethiopian Government will continue to deploy its efforts towards durable peace and development of our country and the region.

Mr. THAKKAR (Workers' delegate, India) — I speak on behalf of Indian workers, who hold in high esteem the objectives of Vasudhavita Kutumbakam — the world is a family and work for its realization.

This year the world is observing Women's Year. India, with its rich heritage, has always looked towards women, as Matri Shakti — the mother spirit — and shall leave no stone unturned in getting women their rightful dignity in society.

We express our gratitude for our Director-General's visit to India in February 2000. Since he took office as Director-General, he has been very sincerely trying to achieve the aims of the International Labour Organization laid down by the founders. He is pursuing the programme of decent work with all vigour.

He observed while in India, "There is sometimes a perception that the North monopolizes the moral high ground. ... The historical record of the North does not encourage this assumption. The history of slavery and colonization; the treatment of their own workers in the early stages of industrialization; and the compromises with democracy made for strategic reasons..."

Lord Bill Brett in his keynote address to the second ILO Enterprise Forum said, "We have the free movement of capital; we do not have the free movement of workers. We have the WTO talking about trade rules but no rules for workers' rights." He was pained at the textile workers' job losses in the United Kingdom.

The founders of the International Labour Organization said that "lasting peace can be established only if it is based upon social justice". Where is social justice?

Only 19 per cent of the rich consume 86 per cent of the earth's resources. These northern countries have not paid for the damage they are inflicting upon the ecological balance or on natural resources. The total cost of these is falling upon the poor of the underdeveloped countries. The cry of the poor is "our youths are unemployed because of ESAP (the Economic Structural Adjustment Programme)". Will civilization allow us to survive?

We are told globalization has come to stay and the process is irreversible. As a common man, I say "but for death and natural events, nothing is irreversible".

Various modes of globalization are tantamount to a universalization of power, now being concentrated in the hands of a few multinational actors. These transcend the sovereign nation States and supplant the spirit of internationalism developed in earlier decades. The new structures and protagonists of world power are relatively anonymous, they lack accountability and often operate without controls. And yet there is a chorus of globalization.

Let us pause and wonder who initiated the process of globalization and the free market economy? The Human Development Report 1999 says that "The world's 200 richest people more than doubled their net worth in the four years to 1998, to more than $1 trillion. The assets of the top three billionaires are more than the combined GNP of all least developed countries and their 600 million people."

The International Labour Organization was founded to fight injustice to workers and to achieve an exploitation-free world order. We fear the very wealthy are out to fill their coffers through the International Labour Organization.

The workers are advised to honour this very globalization. We humbly request this august body to kindly reconsider its entire approach and work towards achieving a world order through a paradigm shift in the concept of economy.

As opposed to the profit motive of economic pursuit, India had an economic concept where human beings, their faculties and skills, and other resources, were perceived as wealth, and the entire objective of economic activity was to engage them in the service of the whole of creation.

Even the biblical view of humankind is that of a keeper of the God. In the Book of Genesis, God says "I establish my covenant with you." Thus man and woman are to work as "his stewards" on earth, preserving and protecting the entire creation with sustainable consumption.

The concentration of economic, political, as well as intellectual, power is disastrous. Therefore, let the International Labour Organization work for a fully participatory political and economic democracy, governed by the cosmic law ensuring complete autonomy at all levels and in all spheres, assuring the right to a respectable livelihood through appropriate technology, to usher in an era of integral humanity. Let the new economy be known as humanomics.

On behalf of the workers' world, I forewarn all those out to satisfy the insatiable craze of amassing enormous wealth at all costs. Be assured, all your efforts are bound to fail. Lord Jesus has rightly said "the meek shall inherit the earth".
With these words of caution and with malice towards none, I conclude.

Original German: Mr. ARBESSER-RASTBURG  
(Employers' delegate, Austria) — First of all, on behalf of the Austrian employers, I would like to congratulate you on your election. I am convinced that with your experience, you will be successful in directing the work of the 88th Session of the International Labour Conference.

I would like to recall some observations I made at the Plenary of the 82nd Session of the International Labour Conference. Having come back from the Social Summit in Copenhagen, I talked about the increasing importance of the ILO in the United Nations' family. In a few days time in Geneva we will be holding the Special Session of the United Nations General Assembly, "Copenhagen + 5", which represents a decisive follow-up to the Social Summit and is therefore of special importance to our Organization.

I would like to add a further comment on my observations at the 82nd Session. I am very pleased to note that the Director-General has taken steps which show that he attaches a great deal of importance to the selection of staff and the provision of in-house training and further training within our Organization.

In this respect, 27 March 2000 is an important date for the ILO because on that day an agreement was signed by the Director-General and representatives of the staff. It is an agreement which bear witness to mutual confidence and cooperation. Thanks to the reinforced efforts of this Organization, it has been possible to increase the number of ratifications, above all of the most important Conventions. I would like to say in this connection that fundamentally it is more important to improve outdated Conventions than to produce new ones, which are often ratified by very few States. I would nevertheless like to emphasize the significance of the most recent Convention, which was adopted unanimously without any abstentions. That is the Worst Forms of Child Labour Convention, 1999 (No. 182). I am very pleased to observe that Austria is the 26th State to have provided additional funds for combating this problem.

I would once again call your attention to the importance of assistance given to the States of central and eastern Europe. This became very clear to me a few days ago at a conference of the European Union in Prague, where as well as representatives of some European Union states, we had representatives of governments, employers and workers of those 12 States who have announced their intention to join the European Union. Assistance to these countries is an important social obligation for this Organization.

In conclusion, I would like to comment on the activities of the ILO's Area Offices in Moscow and Budapest, where the multidisciplinary teams are working with considerable success to tackle the problems I have mentioned before.

Now more than ever, we must strive together to solve our various problems, so that social justice may lead to social peace and ultimately to world peace.

Mr. HANDJIEV  
(Employers' adviser and substitute delegate, Bulgaria) — On behalf of the Bulgarian Employers I should like to join others in congratulating the President and the Vice-Presidents on their elections and in wishing them success.

The Association of the Organizations of Bulgarian Employers, whose members are the Bulgarian Industrial Association, the Bulgarian Chamber of Commerce and Industry and the Union of Private Economic Enterprises, has held regular consultations among its members and has drafted joint proposals to the Parliament, the government and other state institutions aimed at protecting the employers' interests. Cooperation has also been improved with sectoral and regional unions, including the employers' organizations, which do not meet the national representation criteria set by the law.

The activity of the employers' organizations responded to the principles stated in the Report of the Director-General of the ILO and in the IOE Codes of Conduct. At the initiative of the employers' organizations, the Bulgarian Government has presented the Worst Forms of Child Labour Convention, 1999 (No. 182), to Parliament for ratification.

Over the last year the situation in Bulgaria has been characterized by macroeconomic and financial stability. At the same time, a number of enterprises have encountered serious problems, caused by the losses suffered as a result of the Kosovo crisis and by the long delayed process of structural reform of the economy. These difficulties have generated a marked increase in unemployment in the country and a need for the development of a policy directed at stimulating the creation of new jobs.

One of the factors impeding the efficient growth of the economic activity is the outdated labour legislation, which was adopted at a time when state ownership was governing the country.

The amendments to the labour legislation being prepared now with the participation of the social partners will partially solve these problems, but the final correction of these shortcomings demands other serious changes in the legislation.

In the course of the reform of our social insurance system, very tough negotiations were held between the organizations of employers, the workers and officials regarding the changes to be made in the existing social contributions system, almost entirely financed by the employer. These negotiations brought to agreement for the gradual proportional adjustment up to the year 2007 of social contributions which are to be paid by the employer and the employee. The Government and Parliament approved the agreement reached, and it was recorded in the social insurance law.

The Bulgarian employers actively participate in social dialogue, in the activities of the tripartite bodies for its realization, and in the management of the social funds. A Bill that had been drafted for the foundation of a National Economic and Social Council is a new forum for considering the viewpoints of the organizations of civil society. It was prepared with the participation of the social partners and has been submitted to parliament.

The Bulgarian employers welcome the invitation extended to Bulgaria to start the accession negotiations with the European Union. Their representatives have been included in various working groups.

Finally, I would like to draw your attention to the Conference on Employment, Labour and Social Policy in South East Europe, that was organised by the OIE last October. As stated in the Declaration adopted on that occasion we invited the international representatives of the social partners of South East Europe and of
the ILO to the round tables to participate in the prepar-

ation and implementation of the stability pact.

On behalf of our delegation, I must say that we are

very sorry that the special meeting on the stability pact
during this Conference was cancelled. This meeting
was planned for 8 June. However, we call on the ILO to
step up its activities aimed at realising the stability pact
and presenting and preparing projects. We are very
keen that the ILO should play an important role and
regional activities are useful in meeting the specific
needs of our region.

Mr. HERMINIE (Minister for Social Affairs and
Manpower Development, Seychelles) — I am greatly
honoured to have the opportunity to address this 88th Session of the International Labour Conference.

At last year’s Conference, I congratulated Mr. So-
mavia on his election. Today, I would like to confirm the
support of my country in the light of the positive changes he has implemented thus far.

I would like to comment expressly on the reform
process that Mr. Somavia introduced, and I commend him for concentrating ILO’s efforts on the four strate-
gic objectives, namely standards and fundamental
principles and rights at work, employment, social pro-
tection and social dialogue.

The unanimous adoption of the Declaration on the
Fundamental Principles and Rights at Work in 1998, marked a renewed universal commitment to the basic
rights and principles that underpin democracy, equal-
ity, economic efficiency and sustainable development.
In demonstration of our commitment, Seychelles has
now ratified all eight ILO core Conventions, which
promote the fundamental principles and rights at
work, and we urge other countries to comply.

We, however, recognize that ratifying Conventions
is but a first step. Turning these rights into a reality for
all, presents a major challenge which will only be met
through tripartite and international collaboration and
cooperation, and with constant attention and drive
from the ILO.

The Report entitled Decent work was a landmark
document which focused the Organization on the ma-

jor problem of the twenty-first century — that of se-
curing decent work for every man and woman
throughout the world. The unanimous adoption of the
Report sent out to the world a single message — that
the ILO is not afraid to adapt itself to the challenges
of the new global economy. The Director-General’s
new strategy approach, as outlined in the current Re-
port, indeed addresses these important challenges.

In the context of social justice, and true to his
earlier pledge, the Director-General has reinforced the
ILO’s capacity in promoting gender equality. I am
pleased to report that gender equality and social in-
clusion feature prominently in the Seychelles’ new
Social Development Strategy, which also emphasizes that employment and productivity are essential for
poverty alleviation and sustainable development.

Seychelles has also recently brought the maternity
leave provision in our employment legislation in line
with the ILO standard of 12 weeks, and we welcome
the new debate on maternity protection. I am also
proud to report that the Republic of Seychelles was the
very first ILO member State to ratify the Worst
Forms of Child Labour Convention, 1999 (No. 182),
adopted by this Conference last year.

We are reviewing our approach and strategy with
regard to HIV/AIDS. The world also needs a new
vision to combat this disease. There has been much
talk, but too little action. The time has come for the
implementation of programmes to allocate adequate
resources in making treatment accessible to all, espe-
cially in Africa and other developing countries, where
the disease has reached pandemic proportions.

I am heartened that the issue of training for em-
ployment is on our agenda this year. As your know, this
is a subject close to my heart and one which I have
been advocating here for some time now. I have al-
ways advocated that workers’ training offers the
single best way of creating conditions for employa-
bility. There is a need for integrated education and
training to enhance and maximize employability and
productivity.

“Life-long learning” is yet another area where the
new and invigorated ILO must actively participate on
behalf of its constituents. This is primordial in the
context of minimizing any negative impact of global-
ization on national economies, individual workers
and employers.

In Seychelles, we have long recognized that our
people are our most valuable resource. Thus, we have
heavily invested in education and training. Recently,
our President, Mr. France Albert René declared that
Seychelles must become a centre for learning, where
every citizen will have the opportunity to fully devel-

dop their potential for the achievement of their life
goals and aspirations. We have also decided that we
will train and educate, not only for Seychelles, but
also for the world. In this global village, the term
“brain drain” has become a misnomer. We call upon
fellow countries to support us and participate in this
initiative.

Finally, I wish the Director-General and his team
continued success in turning our Organization into an
ever-efficient and responsive player in the world
forum.

Mr. LAMPRECHT (Employers’ adviser and sub-
istute delegate, South Africa) — May I, on behalf of the employer community of South Africa, add our
congratulations on the election of the President and
the other Officers. It is an honour to take the floor
under your chairmanship.

I want to reflect on a core issue arising from the
Report under discussion. The creation of the ILO as
the first of a number of institutions to shape the world
governance during the twentieth century was indeed
far-sighted. We are, however, all deeply aware of how
our world has changed over that century. Put differ-
ently, if someone who attended the founding of this
body in April 1919 and who was around in the few
decades that followed were suddenly to be trans-
ported to the year 2000, and if that person were to end
up with us at this 88th Conference, it would indeed in
almost every way be a bewilderingly different world
that faced such a person.

Are we adapting our approach to promote decent
work for all sufficiently to reflect this change?

Economically, and consequently in its influence in
the world today, the United States surpassed the es-

stablished economies of Europe that provided much of
the contextual reference on how standards for the la-
bour markets were not only conceived, but also ap-
p lied. During the same period, we experienced the
rise of Japan and the Asian economies, which despite
the recent crisis remain of enormous influence. The
developing economies of Africa, South America and
elsewhere have added their share of influence and varied labour market complexities.

More dramatic change in the relative influence of States no doubt lies ahead. China will take its place among the dominant economies of the world and it is predicted that nine of the developing economies will at least equal the current developed economies in the next two decades.

How different things were in 1919! The labour markets then, and for a number of decades that followed, were situated in national economies ring-fenced by tariff barriers that ensured relative product price parity, in spite of factor price advantages in competing economies. The rise of globalization and the ongoing elimination of tariff barriers, which either eliminated or dramatically reduced the shield against factor price advantages, including labour prices in more cheaply priced environments and currencies, held dramatic consequences for this structure. E-commerce will even more dramatically accelerate this trend. As is the case with financial capital, the labour market for managerial, highly skilled and professional staff has also become global and very mobile. This highly prized human capital is equally searching globally, and no longer merely nationally, for the best yields and returns on its abilities.

On all these changes, the clock cannot be turned back. No labour market can remain immune from these forces. No standard-setting system in respect of such labour markets can remain unaffected by it. This is also evident from the ground-breaking position taken in Decent work. However, in practice, very little in recognition of these vast changes has yet changed in our standard-setting approach or application thereof.

This is again evident from the excellent Report of the Director-General for this last year, in spite of the achievements noted therein in other spheres, particularly in respect of AIDS and the promotion of tripartism.

There is an enormous challenge waiting for us — to tackle this issue with speed if we want to ensure that genuinely decent work will be available across the globe, and where it is not, that proper progress is made towards it. This is not possible unless our approach to the application of standards is rapidly adapted. Often it appears as if the focus is on bureaucratic and rigid compliance with inflexible and often overly centralized bargaining or other bureaucratic structures, or with no longer appropriate templates. The focus should be on the critical underlying values.

Overall, through its labour market focus, the purpose of the ILO which we all support is to promote human rights. But this is not without context. This must be done in a manner that will aid in human development. In today's world this requires an approach that is sensitive to promoting a framework capable of fostering ever-greater prosperity for all, through more efficient labour markets, both nationally and internationally.

To be so relevant, we must ensure that the ILO is capable of being sufficiently dynamic in its processes so that it can react to real-life situations in time. For how many years have we struggled with the situation in Myanmar and other countries? Otherwise, we run the risk of functioning in the past tense and often being irrelevant at critical times in the national life of a member State.

Zimbabwe appears to be a case in point this year. All the world could witness on television some of the abuses of the rule of law, basic human and labour rights and generally the trampling of the rights of groups of employers and workers alike. This has brought discredit to the African continent and Zimbabwe's own national economy, and it has directly impacted on the economies of the region. It is therefore of considerable irony that it appears that the only reference to Zimbabwe in this year's deliberations of the Committee on the Application of Standards can be found in the Committee of Experts' report, compiled at the end of last year but now under discussion, which states, and I quote: "The Committee notes with satisfaction the information forwarded by the Government of Zimbabwe." The report then goes on to note the ratification of a number of Conventions, including Convention No. 98, ironically the very Convention dealing with the right to organize and collective bargaining.

In conclusion, it would be sad to leave the 88th Session on such a note if I were not convinced and hopeful that we will again rise to the challenge, just like our forebears did in 1919. To this end, we should also build on our relationships with the United Nations, the World Trade Organization and the World Bank to play our rightful part in shaping a better world.

Original Spanish: Mr. GONZALEZ (Workers' delegate, Cuba) — According to an important Uruguayan writer, Eduardo Galeano, the world in which we are living is upside down. Some, the few, have freedom and others, the many, do not enjoy any freedom.

The IMF, the World Bank, the World Trade Organization and the powerful governments who support and manipulate these institutions, for example, have full freedom to impose on the remaining countries the toughest conditions and policies for economic, social and political adjustment.

The governments of these countries have the "freedom" only to accept said conditions — which enterprises and services to privatize, which cutbacks to make to social expenditure, which type of labour flexibility to apply, how and when to privatize social security, among others.

The other alternative these governments might have would be to fight beside their people to defend their sovereignty and self-determination. But, unfortunately, there are really very few who decide to stand and fight beside their people and their workers for the destiny of their country.

We all know in this room that in Latin America, for example, there have very recently been workers' demonstrations that were brutally repressed because they opposed the new laws of flexibility and labour reform imposed by the IMF.

During this Conference we have looked at and partially discussed the Global Report of the Director-General under the follow-up to the Declaration on Fundamental Principles and Rights at Work. There are few countries which, in this Report, get away with not being singled out as regards the application of the fundamental principles and rights at work. This demonstrates the complex and delicate nature of the work which gathers us together here.

Moreover, in this Report there are unacceptable references on a highly sensitive topic such as the right of each country to adopt the political system it pre-
fers. This is recognized in the Charter of the United Nations.

Countries should be singled out for what really occurs within them and not because of the political system they have chosen. This is not a function of this institution, the ILO, nor of its Director-General, at least not according to its Constitution and its constituents.

For the past 61 years, and that means since pre-revolution days, there has been a single trade union organization in my country. This organization was, and is, the fruit of the spirit of unity which characterizes the Cuban population and its workers. Does this mean that to please a few we must renounce trade union unity?

Today the principles regulating the organization of trade unions in Cuba are the same as they were 60 years ago. These principles have not changed. What has changed is that then neither the trade unions nor the workers had any rights, unless it was the right to be unemployed or dismissed from employment, to die from hunger and disease, or, as is frequent today with some militant brothers in other countries, as in Colombia for example, the right to be assassinated.

If there is one thing that is incompatible, and it always will be, it is capitalism and workers' rights; neoliberalism and respect for fundamental principles and rights at work. We can be sure that one thing does exclude the other. Just ask the World Bank, or even better, ask the millions of men, women and children who live badly today in this world in inhuman conditions and without no rights whatsoever.

I share the serious efforts made by the ILO, and particularly by its Director-General, to help seek solutions to these very serious problems. However, what is at stake here is to understand that if the conditions of inequality, domination and subjection, which prevail today, do not change for the trade and international financial bodies; if the governments and the peoples do not have the real possibility to regulate the fates of their countries in cooperation with the rest of the world, then nothing much can be done for people and workers to enjoy the right to a real human, dignified, decorous life.

Mr. SIRIWARDENA (Workers' delegate, Sri Lanka) — Let me first thank the Director-General of the ILO, and this distinguished gathering, for the opportunity to address this assembly.

We gather here, on the occasion of the 88th Session of the International Labour Conference, to discuss and find solutions to the various problems confronting us internationally in the field of labour.

The Director-General made some very admirable remarks in his speech with regard to globalization and the difficulties the working class is facing. The Director-General's Report, in particular, clearly shows the hardships that workers living in occupied territories such as Palestine and the Gaza Strip face when seeking employment.

May I take this opportunity briefly to address you on the major problems that the trade unions are facing. With the advent of the open economy and globalization, unionization has become difficult. Unionization is possible in traditional sectors such as metalworking, textiles, plantations and transport.

As a result of privatization and the introduction of advanced and modern technologies, employment in these sectors has gradually diminished, and while employment has increased in the service sector and in small workplaces, the unions have found it difficult to organize workers in these sectors. Furthermore, the method of work has changed from manual to white collar occupations, which changes the pattern of living of the working class.

The type of work these enterprises are handling is more or less on a temporary and a contract basis. Furthermore, there is a marked change in that workers are tending not to stay in a particular job for continuous periods, and to change to new employment when terms are more favourable; this trend is apparent throughout the world. As a result of this, the workers who are employed in these sectors do not expect to be in employment for long periods, and prefer not to organize, thus discouraging an active trade union movement.

May I also be permitted to state something pertinent with respect to the application of labour laws in Sri Lanka. Our country recognizes the existence of the trade union movement. Although legal status has been given for the formation of trade unions, until recently there was no compulsion to recognize trade unions. Since December 1999 legislation has been adopted in our country along the lines of the ILO Conventions Nos. 87 and 98, giving legal status for collective bargaining. This law was introduced by the honourable Minister of Labour, Mr. John Senvirathan, with the concurrence of Her Excellency, the President Mrs. Chandrika Bandaranayke Kumaratunga.

Original Arabic: Mr. DERBI (Government delegate, Libyan Arab Jamahiriya) — In the name of God, the Merciful, the Compassionate! I would like to echo those who have preceded me and congratulate the President and Vice-Presidents on their election at this Conference. I want to wish them a resounding success.

The Report of the Director-General that we have before us for this session concerning the activities of the Organization for the 1998-99 biennium gives a detailed account of all the activities undertaken by the Organization and the many important achievements that have been secured, based on the noble goals enshrined in the ILO Constitution and the Declaration of Philadelphia. These goals include the strengthening of democracy; broad commitment to the Declaration on Fundamental Principles and Rights at Work; promotion of employment; the eradication of poverty; and the protection of workers.

The programmed activities of the Organization have been carried out in the regions in a manner consistent with other developments in the international world of work. The Organization has spared no effort to pursue these activities, which we wholeheartedly support. We hope that they will contribute to the achievement of a just, balanced and sustainable form of development.

The structural reforms and administrative initiative launched by the Director-General of the ILO, consisting of the restructuring of technical assistance programmes, to be based on the four strategic objectives, the establishment of an internal structure for each technical sector and an in-depth review of the Office's monitoring, evaluation and reporting system, represents an important step forward, but requires highly skilled management that is democratic, impartial, transparent and inclusive. This management will need
to maintain high professional and ethical standards, rooting out corruption in cooperation with other organizations, since this is a scourge which is not the exclusive preserve of any one State, but can be found in all countries, whether developed, developing, rich, poor, industrialized or non-industrialized. This is why we call on the Organization to take preventive and curative measures at home first, so as to be able to subsequently fight against corruption in the external world.

While the headquarters and regional programmes that have been implemented have been excellent, Africa faces some very special circumstances, which I think you are all aware of, that require additional technical cooperation.

First of all, more subregional programmes should be implemented and additional sources of funding found for them. These programmes need to focus on combating poverty and the problem of HIV/AIDS, which kills hundreds of thousands of working people. The ILO should cooperate with the Organization for African Unity to find ways and means of implementing these programmes. We would like programmes implemented in the Arab region to be more effective. To this end, coordination and cooperation between the ILO and the Arab Labour Organization should be strengthened so as to avoid duplication of effort and promote joint programmes.

The Arab world needs to be considered as a single geographical area with regard to the implementation of technical cooperation programmes, without, of course, in any way undermining existing structures. The Arabic language has to become an official language of the Organization, as it is in other international organizations, so that millions of people can benefit from access to the ILO's documents, studies and publications.

The Report of the Director-General on the situation of Arab workers in Palestine and the other occupied Arab territories outlines a large number of flagrant violations by the Israeli authorities of occupation of the Organization's Constitution and of international labour standards. Steps should be taken to bring a halt to inhuman conditions in both Palestine and the Golan. The Organization should intensify its technical cooperation programmes for the benefit of the workers concerned.

We would also like to mention the plight of workers, employers and children in Iraq, who have been suffering because of the sanctions. We hope that the ILO will put in place a programme of technical cooperation aimed at promoting employment and helping children in Iraq, until such time as the sanctions are lifted and the Iraqi people are able to resume a normal life, and that it will implement economic and social development programmes that have been suspended for ten years.

This Organization combats discrimination in all its forms; however, there is discrimination in the permanent membership of the Governing Body. The Constitution was amended after long years of debate, but the amendment was not implemented because of the opposition of five permanent members. I hope that the Director-General takes this into consideration, because discrimination is unacceptable in an organization that combats all forms of discrimination.

Original French: Mr. MOUSSENI (Workers' delegate, Cameroon) — May I first of all associate myself with the previous speakers in extending my warmest congratulations to the president on his election to preside over this very important session of the Conference. I also extend congratulations to all the Officers.

I would like to congratulate the Director-General of the ILO and the Chairperson of the Governing Body on the clarity, precision and relevance of the Global Report, Your voice at work, under the follow-up to the ILO Declaration on the Fundamental Principles and Rights at Work, which was adopted in 1998 in this same room.

The Cameroonian Union of Free Trade Unions (USLC), and the Cameroonian workers feel that the Global Report does indeed strengthen the strategic aim of the 2000-01 programme. Fundamental principles and rights, jobs, social protection and social dialogue can only have a positive impact on workers if there is a rational follow-up to the effective implementation of these principles in the field.

The ILO should pay special attention to social dialogue at all levels, education and training of workers, which should be directed towards social peace, the fight against poverty, social justice, the promotion of women and respect of trade union rights.

The USLC is pleased that Yaoundé Cameroon is the home of the ILO Area Office for Central Africa, and also of a multidisciplinary team. The USLC works together with the ILO in many areas, in the interests, above all, of ensuring strict implementation of the ILO's core instruments and promoting employers' and workers' associations.

Cameroon is involved in the ILO-PRODIAF programme and also in the Jobs for Africa programme. Cameroon workers support development, the strengthening and the implementation of these programmes, which will make an important contribution to improving the lives of workers.

I would like to avail myself, once again, of the opportunity to inform you that the USLC is a national, inter-professional, free and independent trade union confederation, which was set up democratically by the workers themselves and which today operates across ten provinces in Cameroon, as well as internationally as affiliate of the WCL.

To conclude, I would make a vibrant appeal to governments and employers' organizations that, in their work they always respect fundamental human rights, namely the freedom of association and collective bargaining. Authorities should recognize that good governance of the labour market, based on the respect of fundamental principles and rights at work, will make an enormous contribution to a stable economic, political and social development, and to real progress, which will be the basis for the fight against poverty.

Original Spanish: Mr. GALLEGOS-CHIRIBOGA (Government delegate, Ecuador) — I would like to congratulate the President on his election to such a high post, and state that the delegation of Ecuador is certain that he will know how to conduct the work of this Conference with efficiency, professionalism and well-recognized experience. It is an honour that a Latin American is presiding over the 88th Session of the International Labour Conference.

The delegation of Ecuador reiterates its support for the objectives of the ILO and in particular for the new approach adopted by the Director-General, Mr. Juan Somavia, in his efforts to promote the objective of
decent work and to provide a social dimension to globalization.

As long as the imbalance of the international system persists, leaving some in poverty while enriching others, there can be no way to relieve humanity of the crisis which has beset it as this stage of its history. It will not be possible to do away with poverty and destitution, avoid social confrontation and the decline of the legal and democratic order if there is no significant change in the world order.

During the past five decades the developing countries have become part of the multilateral trade system. They have made great efforts to reduce their tariff duties, dismantle their trade barriers and open up their economies to international competition, with the understanding that liberalization promotes economic efficiency, competition, investment flows, growth, trade expansion, income through investment, without debt and the transfer of technology, and that it would expand their economies.

The creation of decent work, as Mr. Juan Somavia calls it, is central to all this. Work that gives dignity to men and women is the only way to fill the deep gaps which exist between our peoples.

Theoretically, this liberalization will lead our people to benefit from better living conditions, where we eliminate poverty and where we create a state of world well-being. However, despite the substantial contribution of liberalization, many developing countries continue to face growing marginalization and an unfair situation within the multilateral trade system. Protectionist tariff barriers, high and progressive tariffs persist in some industrialized countries and prevent the developing countries' goods and services from gaining market access.

In agriculture, exports are restricted owing to the enormous domestic assistance granted in the developed countries. For many, there is a double standard, whereby economic globalization is promoted and demanded, and parameters among all nations must be universally liberalized, yet at the same time any opening of trade is blocked, thus condemning the most vulnerable to poverty irreversible process of indebtedness.

The multi-faceted phenomenon of globalization has demonstrated that the current international financial system has been incapable of protecting the world economy from financial crises. Because of the integration of financial markets, the effects of such crises are becoming increasingly devastating to the world economy.

Financial globalization without borders and without limits has had profound economic, social and political consequences. It is what the Director-General calls a casino economy, which produces serious insecurity in all countries of the world. In the world of labour, this means unemployment and underemployment, not only in the developing world, but in the 15 or 20 developed countries as well.

We must ask ourselves what work will be secure if the partial liberalization of international trade, the fluctuation of the international financial markets and the enormous mergers of transnationals and multinationals continue. In what social security system can an individual place his trust that his life-long efforts will not be wasted? What education should we give our children and ourselves to be able to survive in an economy of constant change, with the spectacular technological revolution in which we live and which can rapidly displace even the most skilled workers? I think it is necessary to take a look at the new realities imposed by globalization so that workers, employers and governments may together seek new objectives and go beyond the outdated ideologies which disappeared with the fall of the Berlin Wall. Relying on our own capacities, we should be able to face the challenge that lies before us.

We must seek or — even better — demand that the United Nations and the specialized agencies study the way in which their mandates and their activities respond to the challenges created by the new world economic order. We must demand that confrontation be abandoned at international forums, in favour of cooperation for the well-being of all of our peoples.

My country is experiencing the biggest crisis in its history. The economy of Ecuador collapsed in 1999. The President, Gustavo Noboa, with great courage and patriotism, had to take measures to promote economic and financial stability. He has taken these measures with a profound sense of social responsibility, taking care with each step to ensure that the poorest and the most vulnerable social classes will not be affected. This crisis has not only affected the country's economy; it has also had tremendous social and political consequences, endangering the democratic process in my country.

Ecuador trusts that tomorrow we will be able to find solutions to our problems and that we will be able to overcome the crisis which affects us. For that, we will require the understanding of the entire international community and particularly the developed countries, so that they can open up their markets, and so that international creditors can understand our situation and negotiate our foreign debt under payable terms. International organizations should help us draw up a strategy to eliminate poverty, lessen the impact on the most vulnerable sectors of economic measures and support our efforts to achieve greater development, prosperity and well-being for our nation.

I must thank the Director-General of the ILO for his commitment in supporting Ecuador and involving the ILO in an inter-agency mission of the United Nations to draw up a social strategy. The ILO must seek new paths which are imposed by these new realities. Discussions of the past and the imposition of authoritarian, anti-democratic and centralized models undermine our ability to look to the future and find elements in our present circumstances to promote the individual and to create a more equitable and just international society.

Original Arabic: Mr. MATAR (Employers' delegate, United Arab Emirates) — In the name of God, the Merciful, the Compassionate! The Federation of Chambers of Commerce and Industry of the United Arab Emirates fully supports the Report of the Director-General entitled Activities of the ILO 1998-1999, and welcomes the efforts that he has undertaken to improve the functioning of this Organization, including through the strengthening of the Organization's mechanisms to meet the challenges of the new world economy.

As for the Global Report, Your voice at work, we welcome the Declaration on Fundamental Principles and Rights at Work and would like to say that this is a promotional Declaration. We have to make sure that the follow-up to this Declaration should also be pro-
motional, raising awareness in as many countries as possible so that the contents of this Declaration are widely known and countries are helped to put into practice the principles enshrined therein.

My country would like to tell you about the freedoms that exist in the United Arab Emirates. We have ratified four fundamental Conventions, including the Equal Remuneration Convention, 1951 (No. 100), the Minimum Age Convention, 1973 (No. 138), and the Abolition of Forced Labour Convention, 1957 (No. 105). We have not ratified these Conventions simply for them to remain a dead letter. In fact we have put them into practice, in keeping with our beliefs, traditions and culture.

Our economy is a market economy, and we have enacted a set of laws and regulations which facilitate, for example, the work of foreigners. We have commercial licensing and corporate laws which make it possible for a foreigner to establish a joint or wholly owned enterprise. A foreign national may own up to 49 per cent of a local company. We also have various free trade areas where the state does not impose any kind of taxes or levies. Any person has the right to engage in any form of industrial or commercial activity, provided that he or she has a local agent or guarantor. Citizens from all around the world can come and work in our country, in conformity of course with national legislation.

My country is also making considerable efforts to improve basic infrastructure, roads, bridges, airports and so on. We continue to upgrade our communications and telecommunications systems. We have a well-developed communications and Internet network, providing information in a variety of areas.

With regard to the Director-General's Report on the situation of Arab workers of the Arab occupied territories, we would like to confirm that the rights of workers and employers continue to be violated in the occupied territories. Discrimination as to wages, treatment, social security and working conditions is consistently practised in flagrant violation of the rights of the workers concerned. This represents a clear challenge to international labour standards. We call upon the international community to assume its responsibilities for bringing an end to this situation. We call upon the ILO in particular to provide these workers and employers in Palestine and the other occupied Arab territories with additional assistance.

We also call on the international community to support the efforts of civil society and the Government in Lebanon to build and renew institutions in the liberated parts of Lebanon. The ILO should step up technical cooperation for that region but indeed to assume its responsibilities for bringing an end to this situation. We closed the special sitting. The plenary of the Conference — and the plenary alone stands for world public opinion — retains its responsibility for bringing an end to this situation.

The keynote speech on this was given by my friend and colleague, Ashraf Tabani, last week from this rostrum, when he spoke on behalf of the International Organisation of Employers. I had asked him to do this in my stead, so that I could devote my own speaking time exclusively to a very special subject from the Report of the Director-General, that is, the activities of the Office in the Arab countries.

I am also doing this in order to keep the promise I made to my Arab friends, when I asked for their understanding concerning the decision taken by the Employers' group in the Governing Body to speak out against the holding of the usual special sitting on the situation of workers of the occupied Arab territories.

I have listened very carefully to the contributions on this subject that have been made over the last few days. I have heard criticism of this decision and regret expressed in varying tones. Perhaps I can contribute something to a constructive and fruitful discussion of this question in the future by explaining to you frankly the reasons why I did not and do not think it expedient to continue the practice of special sittings.

The special sitting is seen by many as a privilege which has been granted especially to a particular group, and of which it has now been deprived. I do not share this view. It was not a privilege; the special sitting had increasingly become a place of banishment, a form of discrimination with regard to the aspirations of the workers in these territories.

If we think back, we had reached a situation where the Arab States were virtually the only ones present at that special sitting. The plenary of the Conference — and the plenary alone stands for world public opinion in the ILO — remained closed to them.

I, at any rate, welcome my first opportunity to express my views to the plenary on this subject, which concerns us all.

The Director-General's Report shows that, despite some positive developments, there is still a great need for action. Therefore, I would urge the Office not only to continue its active partnership policy and technical cooperation for that region but indeed to strengthen it.

I think there should be three focal points. First, we have to construct functioning employers' associations and trade unions. They have an important role to play in the dialogue, that has to be carried out at all levels and between all parties. Second, we have to promote small enterprises in particular. It is from the small enterprises that the most effective impetus will come for the creation of new jobs. Lastly, training opportunities for young people should be promoted. This is perhaps the most important aspect. It is the young people who must have prospects, because it will be their task to build the peace that all those who have political responsibility and are of good will are now striving to achieve.
Involvement in the peace process and its promotion — this is the most effective contribution which the International Labour Organization can make to improving the situation of the workers in these territories.

We all share joint responsibility to support the International Labour Organization in this task, without political excitability but with resolve and with a dignity which is commensurate with the significance of the task.

(Mr. Agyei takes the Chair.)

Original Spanish: Mr. PINZÓN SALAZAR (Workers' delegate, Guatemala) — On behalf of the workers of my country, I greet the Director-General of the ILO and welcome his Global Report, which is the subject matter of the present discussion.

Inter alia, the Report makes a reference to the central problems and themes that the ILO has always focused on, and which continue to be precariously applied throughout the world, particularly in Guatemala.

It is extremely important to deal with the positive and negative aspects of globalization and its effects and consequences of globalization. It is also very important to discuss decent work and the standards which refer to fundamental rights: the right to work, employment, social protection and social dialogue.

It is also striking to observe and listen during different sittings of the committees of the present Conference, to the voices and desires of those who claim to deregulate and infringe the Conventions which have been, and will continue to be, the fundamental pillars of the ILO.

Likewise, those of us who have had the privilege of consulting the reports on the Application of Standards of the Standards Committee and the Committee of Experts on the Application of Conventions and Recommendations of the ILO cannot be nothing but struck by the impunity which prevails in so many countries when they do not comply with the core standards, particularly the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to organise and Collective Bargaining Convention, 1949 (No. 98).

In the case of my country, it is not decent at all that all sweatshop workers in the textile industry do not have the right to organize trade unions, and that those who do are immediately dismissed, they lose their job, and can never be reinstated.

It is not decent, either, that farmers who are also dismissed in many farms for creating their trade unions become condemned on earth, because never again do they manage to find decent work.

The Report of the Director-General deals with the different problems which are a tremendous trial for the workers of my country, but it does not deal with a crucial, and essential fact; being that penal and criminal action is being used to stop action in the workplace.

The ILO must pay attention to this anti-trade union phenomenon, which is only a strategy employed by some employers and labour lawyers to slow down, persecute and abolish Guatemalan trade union action.

The cases of many farmers in some farms, including the Banana Workers' Trade Unions (SITRABIP) are dramatic examples of what I have outlined.

We thank the Director-General for dealing with the analysis of the ILO's activities, the standards, the Conventions and the Declaration on Fundamental Principles and Rights at Work.

Of course, it is not sufficient to make declarations, it is necessary to continue fighting for their implementation. It is within this implementation framework that we hope that the Government, which is today at the helm of my country, will not just make declarations and promises of good intent. We hope that it will fulfil its promise to promote tripartism and successfully undertake reforms to the Labour Code, according to ILO requirements, and ratify the Worst Forms of Child Labour Convention, 1999 (No. 182), which to date sleeps the sleep of the just.

Let us hope that the Law on Industrial Property will not be approved in its present terms, as this will leave thousands of people who survive in the informal sector throughout the country without work. Greater unemployment will increase the violence and un-governability which continues to affect my country.

Nonetheless, I harbour some prudent hope knowing that the extreme neo-liberals are understanding and accepting that the pure market economy has enriched the rich and that today we have a globalized market of poverty, destitution and social exclusion, and that, if this does not change, the scarce areas of formal democracy will collapse.

The statements from the former Managing Director of the IMF, Mr. Camdessus, from the current Governor of the Bank of Spain and from 14 world leaders, including President Clinton, demonstrate this when, inter alia, they say that Poverty is morally unacceptable, economically absurd and socially dangerous.

What can be said about a process. (Globalization) which promises great benefits but cannot guarantee their equitable distribution amongst nations and social groups, and within a process which entails dangerous effects.

The State must not only correct the excesses of financial markets, but also ensure the fair distribution of the well-being generated by technology.

We want growth and social justice.

I should like to conclude by paying an emotional tribute to the Secretary-General of CLAT, and the Vice-President of the WCL, Brother Emilio Maspero, who recently died.

Original Spanish: Mr. CHACÓN DÍAZ (Employers' delegate, Cuba) — The detailed Report presented at this Conference shows that despite the ILO's efforts during 1998-99, there still remain serious injustices in the world of work affecting employers and workers, especially in poor countries.

Globalization of the economy and trade, technological progress and the use of information technology continue to advance in the world, but without any agreements which would close the gap between rich and poor countries, make it possible to "globalize" social justice, and give hope to millions of women and children, and workers in general, who suffer terrible exploitation, discrimination and inhuman working conditions in many parts of the world.

We are very pleased to say here today that the fundamental principles and rights defended by the ILO, which are vitally important in combating the scourges affecting many countries, are not mere words in my country. They are tangible realities in our society,
The rejection of child labour; respect for the principles and rights are the basis of democracy, and our executive committee and president were elected democratically.

Despite the embargo imposed in defiance of international law by a great power, the United States, our economy is making steady and sustained progress. Our company system is working efficiently and effectively on the basis of decentralization and the granting of special provisions to our companies for the purpose of developing initiative, creativity and responsibility. This means that collective bargaining will become increasingly important on the basis of greater freedom of association for employers.

In recent years, the Government has consulted our employers' group about any draft decrees or legislation that have a direct impact on the labour sector. This means that we can comment, make suggestions and point out discrepancies in total freedom, without any Government pressure.

Today, in Cuba we have some 400 companies based on foreign capital from 50 countries and this number is to be extended. This is a tangible sign of freedom of association.

Cuban employers ratified the ILO Declaration on Fundamental Principles and Rights at Work. Those principles and rights are the basis of democracy, equality, economic efficiency and sustainable development. We shall always continue to apply trade union freedom, freedom of association and the effective exercise of collective bargaining rights in order to defend the achievements of workers and employers in our country. Those achievements are: the right to work; job security; safety at work; justice and dignity; the rejection of child labour; respect for the rights of women in the labour market; and the elimination of discrimination on grounds of age, gender, race or creed.

Cuban employers will continue to use freedom of association and collective bargaining to protect our society from poverty and the social inequalities associated with globalization and neo-liberal practices.

We are pleased and proud of the fact that decent work and many of the other ILO aspirations with regard to the fundamental principles and rights at work referred to in the Director-General's Report are already a reality in our country.

Mr. ALEMAYEHU (Workers’ delegate, Ethiopia) — It is a pleasure and an honour for me to be given this opportunity to make a statement at this International Labour Conference representing the Ethiopian workers.

I would like to congratulate the President and other Officers on their election to lead the work of this august assembly. I am confident that through their wise guidance and leadership the work of this Conference will be crowned with success. My thanks also go to the ILO Director-General and his team for making all the necessary preparations and for providing us with background documents on the agenda just before the Conference.

Since it was reorganized in 1997 the Confederation of Ethiopian Trade Unions has undertaken several initiatives in a bid to fully discharge the responsibilities entrusted to it by Ethiopian workers. With a view to building capacities in the area of human resource development and creating awareness among the Ethiopian workers, our Confederation has organized different important training programmes. Furthermore, we have finalized all the necessary preparations for establishing a full fledged national training centre in Ethiopia. We believe that when fully operational, the training centre will be an effective means of upgrading the skills of our members through various technical and vocational training programmes.

We are also in the process of finalizing the design and preparation of a curriculum for the general training that the new centre is expected to provide. However, in order to prepare a curriculum for vocational training we found it important to draw relevant lessons from the best practices and experiences of similar but long-established training centres around the world. We also believe that the ILO's technical assistance activities and advice in the area of curriculum design for vocational training will be of paramount importance in assisting our efforts.

The Confederation of Ethiopian Trade Unions has been heavily involved in a series of extremely constructive dialogues with its partners, especially with the Government of the Federal Democratic Republic of Ethiopia. Last year, for the first time in the history of our country, the Government, employers and workers of Ethiopia held important deliberations on the national labour legislation. Through regular consultation and dialogue the three parties agreed on the need to modify the existing legislation so that it will include the basic ILO Conventions. The necessary modifications have already been finalized and submitted to the Government.

Regarding the Worst Forms of Child Labour Convention, 1999 (No. 182), which was adopted during the 87th Session of the International Labour Conference, we are exerting every pressure on our Government for quick ratification. It is to be recalled that Ethiopia has played an important role in the processes that led to the adoption of the Convention in 1999.

Let me put on record our appreciation to the ILO for organizing an important symposium on social dialogue for African countries in Addis Ababa, Ethiopia, in October 1999. The symposium has provided the impetus to develop and strengthen the culture of tripartite consultation in Ethiopia and has greatly assisted us in drawing the relevant lessons based on best practices. We have no doubt that the ILO will step up its efforts and continue organizing similar workshops and symposiums at the national and regional level which would supplement our efforts.

The unprecedented changes in technology and world economic realities, driven by the processes of globalization and liberalization, have brought both opportunities and challenges to the world of work. However, the ability of a country, society or individual to maximize the benefits resulting from these changes, while minimizing the associated adverse consequences, varies from one country, society and individ-
ual to another. The marginalization of workers in developing countries in general, and in the least developed countries in particular, in today's increasingly interdependent world, has become a reality. The number of workers laid off as a result of privatization and structural adjustment programmes has been increasing throughout the 1990s. It is imperative for the World Bank and the IMF to change their long-standing position of prescribing reform programmes that do not take into account the objective socio-economic situation in the poorest countries of the world. This "one size fits all" policy advice and the related conditions are working against the intended objectives and perpetuating poverty, social unrest and various forms of crime. It is equally important for the ILO, in cooperation with other international organizations, donor communities and governments, to take urgent action in order to create safety nets mechanisms for workers retrenched as a result of these policies in many of our countries. Such mechanisms could include, among other things, establishing credit associations and formulating projects to absorb the laid-off workers.

The ILO has an important role and responsibility in leading global efforts aimed at reducing unemployment and poverty in all countries by supporting national efforts through job creation and income generation. The ILO's Jobs for Africa Programme has a vital role in this regard that should be continued and expanded further. Although Ethiopia has been benefiting from the Jobs for Africa Programme, the resources allocated for the Programme are not commensurate with the planned activities. We encourage the Office to enhance the allocation of resources and strengthen the monitoring and evaluation mechanism so that the activities under this programme will be implemented on schedule.

The other serious problem facing developing countries, particularly sub-Saharan African countries, is the dramatic spread of the HIV/AIDS pandemic. Many families have broken up as a result of the disease and many more are at risk. Elders remain without people to care for them and children without families. The grimmest part of the problem is the fact that HIV/AIDS attacks, primarily, the most productive segment of the population. The problem is now beyond the capacities of national governments and concerted action is required at the national, regional and international level in order to curb the further spread of the disease. Our Confederation is determined to do its level best in joining hands with the Government in the fight against HIV/AIDS. We believe that the role of the ILO and of the international community in fighting against the problem is critically important and efforts must be intensified in this regard.

On gender issues, I am pleased to inform you that the efforts being exerted by our Confederation to enhance the participation of women in the political, social and economic activities of the country have brought tangible results. We have been successful in protecting working women from various forms of pressures and gender-based discrimination at the workplace. The number of women in the leadership portfolio of our Confederation has increased substantially over the last couple of years, although a lot remains to be done. We have also established a Women's Affairs Division within the Confederation of Ethiopian Trade Unions.

In conclusion, I would like to stress, once again, that the ILO should expand and strengthen its support to African countries, especially in the areas of poverty alleviation through employment creation. The strengthening of labour unions and their efforts to secure decent work for all workers should be given utmost priority. At field levels, our Confederation has already established firm grounds for effective cooperation with the East African Multidisciplinary Advisory Team (EAMAT) of the ILO area office based in Addis Ababa. This should contribute positively to the full realization of the active partnership policy of the ILO.
An important feature of this session is the fact that in a most timely way we have resumed discussions on the current situation and prospects for professional training of managers. Just how timely this was shown by the high degree of interest shown by the participants in the discussion of this topic. I would like to recall that our delegation has more than once said at various forums that for a country such as Russia, and not only Russia, the issues of a high-quality and carefully targeted training of managers in modern conditions should be based on the experience of the developed countries in this area and on the active application of information and telecommunications technologies. This must also include the introduction of various forms of learning.

It is impossible not to agree with the President of Portugal, who in his address during this session said that in conditions of globalization, inadequate attention to information and telecommunications technologies by our Organization will only deepen the divide between poor and rich countries and will aggravate existing social tensions. An attempt during this session by the Workers’ and Employers’ delegates of various developed and developing countries to highlight this matter in the form of a separate resolution unfortunately did not meet with success, but I think that the urgency of this issue of information and telecommunications technology is well known in the light of the realities of our time. I think that in the very near future the International Labour Organization will have to return to this issue.

Original French: Mr. WADE (Employers’ delegate, Senegal) — First, on my own behalf and on behalf of the delegation of Employers’ of Senegal and the National Council of Employers of Senegal, I would like to congratulate warmly the President of the 88th Session of the International Labour Conference, Mr. Alberto Flamarique, for being elected to the presidency of this session. I would like to also congratulate all the members of the Office.

Last year from this rostrum I welcomed the process of reform and modernization that was launched at the International Labour Organization by the Director-General, Mr. Juan Somavia, and the relevance of the goals identified, which included the principles and rights at work, job protection, social protection and social dialogue.

The implementation of these four strategic aims, as we all know, hinges on the need to ensure decent work for the men and women of our planet.

In the face of globalization of the economy and technological development, and the impact these have on jobs, the Director-General has acted as a visionary by placing the human dimension at the centre of his concerns and by conducting studies on the social impact of globalization of the economy.

These studies demonstrate that, despite the gains in economic growth, negative consequences have been felt on salaries and in the labour market in general.

This is further proof of the relevance of the vision of the Director-General and I would like to warmly thank him because his approach takes into account the concerns of the poorest people who are not far from experiencing what people experienced in the 1930s Great Depression in the United States which made jobs precarious.

In Africa, the situation has led to the development of an informal sector which has increasingly expanded and today represents some 60 per cent of existing jobs and 90 per cent of new jobs. This is the case, in fact, for most of our countries.

The notion of a decent job, a concept so rightly picked out of the wreckage left by the Depression years in the United States, constitutes for us in Africa a real lifeline.

With this in mind I am delighted by the fact that in Abidjan, Côte d’Ivoire, last year, a Ninth Regional African Meeting on the topic of decent work and social protection for all took place in December.

The Director-General of the International Labour Organization personally came to Africa, and by his presence, enhanced the authority to the event as well as providing a living expression of the message of hope of the International Labour Organization.

While it is true that economic growth is improving in many of our countries, nevertheless Africa is often subject to various calamities which have been the scourge of its development. These include conflicts, disease, poverty, unemployment, weak social protection of workers in the formal and informal sectors, and many others.

I therefore would like to express my delight at the orientations chartered by Mr. Somavia.

The turn taken by the International Labour Organization under his leadership is reassuring and is a source of hope. We would like to renew our encouragement, our congratulations, and our whole-hearted support for his efforts. Furthermore, we are ready to be in the vanguard of the coalition for decent work.

It is on the strength of this conviction that the National Council of Employers of Senegal, which I chair, has done everything possible to be in step with the reform process initiated by the Director-General of the ILO.

I would also like to share with you the main activities that we have carried out regarding the four strategic aims that are part of the new strategy.

With respect to promoting the principles and rights at work, Senegal hosted a regional workshop organized by the International Labour Organization on the Declaration on Fundamental Principles and Rights at Work in Dakar in 1999.

I would also like to inform you that the National Council of Employers, with the support of the International Labour Organization and the IEO, set up an operational centre for the struggle against child labour and has ceaselessly fought to eliminate this scourge from Senegal through various actions. On 10-12 April 2000 we organized, again in Dakar, and in cooperation with the International Labour Organization and the IEO, a subregional workshop for defining an employers’ strategy with a view to eradicating the worst forms of child labour.

Around ten African countries were represented and an appeal called the Dakar Initiative was launched on this occasion in order to raise awareness, educate and inform target groups to step up the struggle against child labour.

I would also like to welcome the fact that Senegal was one of the first countries to ratify, in March 2000, the Worst Forms of Child Labour Convention, 1999 (No. 182).

As regards the promotion of jobs, especially in the struggle against poverty, the Senegalese employers recently signed with the Government a national convention for the employment of young people. This in-
The Report gives a comprehensive and interesting overview of the work of the ILO during the last two years. The Declaration on Fundamental Principles and Rights at Work has strengthened the role and the relevance of the ILO in the world of globalized economies. Several ratifications of the core Conventions have been registered since the Declaration was adopted. This is encouraging, but there are still many countries which have not ratified and implemented these Conventions.

Member States have to do more to promote the Declaration. Core labour standards should be fully respected in all countries. Coming myself from a country, Finland, where we have strong trade unions and good tripartite cooperation, I find it very difficult to understand why there are still many member States which have not ratified the Convention on freedom of association. Freedom of association is the basis for democracy and economic and social development.

The Worst Forms of Child Labour Convention, 1999 (No. 182), adopted last year, has already been ratified by 27 member States. There is really a broad commitment and political will to eliminate effectively the worst forms of child labour. And it is really possible to abolish the worst forms of child labour fast. It is a moral obligation, as the Director-General, Mr. Somavia, said in his statement to the Conference. Many countries have ratified the Minimum Age Convention, 1973 (No. 138), during the last two years. I want to underline that creating decent jobs for all adults and providing comprehensive social security are essential steps in ending child labour.

I want to take this opportunity to state my strong support for the Director-General's commitment to mainstream gender equality in all aspects of the work of the ILO. But I want to remind you all that mainstreaming is not enough. Gender-specific projects and activities are needed. We still have a long way to go, and a lot of work has to be done before women and men have equal opportunities in working life and in society as a whole.

Original French: Mr. CAMBUS (representative of the International Confederation of Executive Staff) — Allow me first of all, on behalf of the International Confederation of Executive Staff, which it is my honour to represent here today, to congratulate the President on his election to preside over the 88th Session of the International Labour Conference, and to wish him to the very end of this Conference complete success.

I would also like to welcome the work carried out by the ILO in the framework of the first Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, and also to express our congratulations to the Director-General of the ILO, Mr. Somavia, and to those who assisted him in drafting this Report.

On behalf of the International Confederation of Executive Staff, I would like to comment on a few specific points.

The first one is directly related to the Report of the Director-General on the right to work, especially the right to decent work, so that every man and woman, wherever they are born, has a real opportunity to become master of his or her own life, and to build the kind of life which he or she can feel satisfied with or even proud of.

The Director-General has emphasized the fact that economic globalization has led to an increase throughout the world of informal and precarious work, and he stated that this, in his view, was not an adequate solution. We at the executive level are also convinced, in the same way as the Director-General, that work should not only be a factor of profitability at the global level, but it should in fact reflect people's aspirations; it should not prevent children from going to school; it should not allow discrimination, other intolerable practices, or just pure and simple exploitation.

The Director-General is right when he says that the notion of decent work is not based on any kind of single model, but on the contrary should take into account the diversity of aspirations and cultures and the differences between societies and their levels of development.

This brings me to the second point of my intervention. Globalization is the consequence of technological advances in transport, information and communications. Another consequence is the entry into what in Europe we have recently come to call the society of knowledge and innovation. This new society of innovation and knowledge in fact raises three issues. First
of all, the role of training. Secondly, the specific ability of executives to articulate their vision. And thirdly, the new rights of workers in enterprises.

As regards training, I would like to express our satisfaction that a general discussion has begun this year on enhancing the role of human resources through vocational guidance and vocational training. Vocational training, on either an initial or ongoing basis, will play a key role in the ability of men and women to maintain and develop their skills throughout their professional lives, and be able to aspire to decent work. For the organization that I represent, the right to quality education is a fundamental right which really deserves a strong political signal from the ILO.

I would also like to speak about the need of executive staff to have a voice in terms of being organized within trade unions, or in separate unions. Everyone can understand that when the productive capital is the intellectual capital, executive staff and their views take on strategic importance for enterprises and for economies. We have said on a number of occasions, myself from this very rostrum at the 86th Session, that in many developed countries today, be it the United States, Canada and certain European Union countries such as Belgium, Austria, Spain and others, the two fundamental principles of the ILO, the two essential rights for working men and women — freedom of association and the right to collective bargaining — do not apply to the group that we represent, executive staff. This is a matter that we will continue to raise in the ILO until an acceptable solution is found.

Finally, I would like to broach the matter of new fundamental rights in enterprises. It is important that while the ILO is taking steps to ensure that fundamental rights are complied with in the youngest economies, the modernization of the economy as a result of the Internet and e-society should also lead to improved rights for employees in the areas of information, consultation and participation in enterprise activities. In the most developed countries these rights to economic democracy are among the conditions that characterize what can be called decent work. The ILO should give due consideration to such rights as globalization contrives to improve levels of development.

To conclude, I would like to just mention the matter of the clarity of ILO action. The complexity of our Organization translates into the complexity of its standard-setting instruments. The ILO's standard-setting action would gain in political clarity and its instruments would be easier to implement and follow up, particularly the Conventions, if they were more condensed in their wording and focused on political principles and objectives, putting the details that often overload them in annexed interpretational documents.

I would like to thank you for giving me this opportunity to speak before the plenary of this Organization in order to highlight these important points. Allow me once again, on behalf of my organization, to express my wishes for utmost success to this 88th Session of the International Labour Conference.

Mr. OSWALD (representative of the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations) — On behalf of the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations (IUF), I am delighted to have this opportunity to address the 88th Session of the International Labour Conference.

In welcoming the commendable Report of the Director-General it is clear that the Conference this year has before it some particularly challenging themes.

In these remarks, however, I wish to speak mainly about the proposed Convention on safety and health in agriculture. I do so on behalf of the millions of agricultural workers whose unions are affiliated to the IUF-workers who work in a sector that ranks alongside mining and construction in the shamefully high levels of fatalities, accidents and ill health inflicted upon the workforce. Over half of the more than 300,000 fatal workplace accidents each year take place in agriculture, which employs an estimated 1.3 billion workers internationally. Agricultural workers also figure disproportionately among the more than 250 million workers injured each year and the over 160 million who fall ill due to workplace hazards and exposures.

The Committee on Safety and Health in Agriculture this year has concluded the first discussion of the proposed Convention and Recommendation on that subject. I should first go on record to thank all those who participated in a constructive and positive discussion within that Committee, and particularly to note the significant support that exists among a large majority of members of that Committee for both the Convention and accompanying Recommendation. While naturally the process must be completed at next year's International Labour Conference, this significant support gives us every reason to anticipate a second constructive and positive discussion next year, and the adoption of a Convention and accompanying Recommendation by the 2001 session of the Conference.

In doing so the ILO will have expressed its commitment to those who work in the world's largest sector employing, as it does, approximately 50 per cent of the world's workforce. The ILO will have, once again, established that our world needs minimum standards, basic social rules, if we are to look forward to sustained and equitable development in the future. Without such rules, development can be neither equitable nor, I would contend, sustainable.

The Convention and Recommendation that are being discussed this year and next quite rightly call for minimum standards in a number of areas affecting the health and safety of agricultural workers. This applies especially to the use of pesticides and other chemicals often produced under stringent safety standards but then used, particularly in the developing world, in a manner so unsafe that it endangers not only the workers directly handling them but also the environment as a whole.

At least the same caution must also be shown towards the evolution of bio-technology in the agricultural sector. To date there is little to reassure workers and their representatives in that sector that guarantees about the safety of such technology to both workers and the environment can be believed. It is clear that the major and growing public unease about the use of this technology in food and agriculture can only be met by a responsible, cautious, safe and publicly accountable approach to its introduction. Until that is guaranteed there should be no further development of its use in the agricultural or food sectors.

The future ILO instrument will speak to the need for minimum international standards in these and
other areas affecting the health and safety of those working in agriculture. We would look for rapid and extensive ratification following its adoption next year and to its positive and significant impact on the ground.

Successful implementation will naturally be largely dependent on the support from governments and the relevant government agencies charged with the responsibility for implementing the standards that emerge. However, I would wish to conclude with a point about the role of workers in this process.

There is no doubt that the adequacy and the effectiveness of health and safety protection depend on daily control and vigilance. While government agencies can supply periodic inspections and expertise, they cannot substitute for effective locally based systems of permanent control and vigilance. Nor can employers be expected to do so alone, not least because they will often be seeking to balance economic interest with the health and safety interests of those working for them. Workers have a crucial and responsible role to play, however, to do so workers and their workplace representatives must feel secure and confident enough to speak up when health and safety matters are not adequately addressed. To do that they must be allowed to form and join trade unions, since trade unions remain the only independent form of workers' organization, and thus the only structures through which workers can make their voices truly heard. In agriculture the struggle to establish freedom of association and the right to bargain is far from over. Workers in this sector too often find employers unwilling to recognize such rights. I would contend that respect for such rights in the agricultural sector is one of the prerequisites for concretely improving health and safety conditions and thus one of the prerequisites for sustainable development. These are therefore rights that should be embraced and defended by all taking part in this important United Nations body.

Mr. CELI VEGAS (representative of the Exchange and Cooperation Centre for Latin America (CICAL)) — It is an honour for me to address this 88th Session of the International Labour Conference. On behalf of CICAL, I would like to extend greetings to the Officers of the Conference and especially to the President, the Minister of Labour of Argentina, Mr. Mario Alberto Flamarique, for the remarkable way in which he is leading the work of the Conference.

At this stage of globalization social structures are changing. The so-called developed countries have, to a certain extent, been able to cope with the restructuring of companies that has been required.

The restructuring of company assets, which were previously competitive, resulting in mergers, acquisitions or other similar approaches, has been carried out under the supervision and control of the American and European authorities. The government leaders of developing countries have had to accept the rules of the game which, once more, have been transferred from developed economies.

As regards Latin America, this continent is a patchwork of countries which have predominant informal economies, with cyclical periods of inflation and recession, which interrupts the democratic process. Also, there are some economic analysts who indicate various high-risk countries per investment, whereas others feel that Brazil, Mexico and Argentina to be well placed in the world economic scale. However, as with all societies, there are very positive aspects which strengthen our integrationist ideas and enable us to face up to the changes in the international economy. The economic integration within MERCOSUR, the Andean community, the Central American Common Market, the Group of three, etc. is complemented with regional political forums such as the Organization of American States (OAS), the Latin American Integration Association (LAIA) and the Latin American Economic System (SELA). These regional structures have followed the changes in the international community, and it is logical to assume that technological globalization will have a negative impact on the Latin American economies.

However, the most important factor is that our region is in a climate of peace, without inter-ethnic wars and, therefore, an increased recognition of humanistic values. If we look at present society, we see that the traditional players as regards international law (e.g. the international organizations, States, companies and individuals) have directly, or indirectly, been obliged to take urgent measures, sometimes desperate measures, in order to avoid the perverse effects of globalization. The culture of the traditional players has been transformed into the international context. International organizations have had to take action in the field. The texts of Declarations, such as the right to development, approved by the United Nations in 1996, are becoming increasingly important in defending individual rights.

As regards States, government representatives must also recognize the social claims of the majority of their citizens. Companies which are active managers of the new markets, such as Nasdaq, feel the need to cover the market, accepting the rules of the games established by monetary authorities in different countries and even accept the rulings of the courts.

Referring to the individual, all the players mentioned believe that he should be given decent work, but subject to the new market conditions. In other words, we have to learn to live with globalization and to try to be more productive. This means that we must: (a) recognize the increased virtual links between individuals through the Internet; (b) accept relocation of companies from the centres of production; (c) understand that mergers and acquisitions are a way in which companies seek to survive in this very competitive economy; (d) accept that products and services derived from these new technologies have a very short life-span and are becoming increasingly sophisticated and; (e) accept that the wage gap between workers is growing as a result of increased productivity, which includes using new instruments, such as languages and computers. There is a common point here — a reduction in production costs, including wages, and the retraining of some workers in view of the new activities which have appeared on the scene. All the positive and negative changes have to be taken on board so that we can change societies' philosophy and try to ensure that the well-being of workers is not only based on income considerations, but recognizes other cultural values. We need to ensure that future generations can enjoy economic development which has a human face. To do this, agreements between States, companies and workers are the basis for sustained development. This development must consider democratic principles when reforms are being introduced to help the underprivileged masses. All this can be achieved with the increasing support of regional and
international organizations, without interference in the internal affairs of each country.

CICAL is an institution which represents civil society and speaks for those who do not have the possibility of having direct contact with the international players. In our work we have established a programme entitled “Business Partners in Foreign Trade”, which is a network of companies and advisers aimed at promoting and carrying out commercial and financial projects which help the activities of Latin American small and medium-sized enterprises. This is a difficult task and could be confused with the work of national development agencies. However, we go further than simply providing information, we work with project leaders and establish strategic alliances with foreign operators. This is the result of a present need in the international context, because SMEs frequently have comparative advantages for the implementation of projects with foreign associates, but in the long term they are overwhelmed and discouraged by the accompanying complications, and frequently abandon their projects due to ignorance of the mechanisms of the international market.

Our actions are focused on SMEs because we are convinced that sustained development in our countries depends on this type of company. We are aware that it is a difficult path to follow, that there are similar programmes financed by international organizations, and that the official agencies in countries have important information which is necessary to put them into contact with foreign economic players. We know that this is a fact. However, we know that decent work where workers in SMEs enjoy not only an economic, but also a cultural well-being, will enable our societies to develop in keeping with changing technologies during this stage of globalization.

To conclude, we would like to ask the following of the Conference: to encourage governments to implement the resolutions of international organizations, incorporating the human values of the worker, and ensuring that they have appropriate training to be integrated into the new world economy. Secondly, we ask large companies to help SMEs become part of the national economy, thus helping to create new employment and contributing to the internationalization of the projects of SMEs.

Original Spanish: Mr. DE ARBELOA (Employers’ delegate, Venezuela) — On behalf of FEDECAMARAS, the most representative organization of Venezuelan employers, I would like particularly to congratulate the President and the Vice-Presidents of this Conference on their well-deserved elections.

The interesting Report this year is no doubt a source of inspiration and motivation for the social partners and is, first and foremost, yet another demonstration of the commitment which the Director-General, Mr. Juan Somavia, has undertaken with his constituents, optimizing in this way the already fertile work of the ILO in search of social justice and a better quality of life.

Venezuela is a country strategically located in the north of South America on the Caribbean. It possesses immeasurable natural resources which guarantee its progress and extensive future development. To achieve this it has many public and private universities, as well as workers ready to take on challenges that will stimulate us in the fight for the progress of our people. Venezuela also has extraordinary conditions in which to develop tourism, with tremendous contrasts between snowy Andean mountains, virgin Amazon jungles, fertile plains and unrivalled tropical beaches. There is no doubt that Venezuela has incalculable potential not only for its own benefit but also to contribute to the development for other people.

Currently, our country is undergoing a new political experience which has as its objective the modernization and adaptation of our democracy to meet the new challenges and requirements of the globalized and competitive world.

The process of change represents a set of requirements for all sectors to correct the pitfalls into which Venezuelan democracy might have fallen in more than 40 years of existence. We hope that the adjustments will be urgently carried out, but with the strictest respect for the conditions of a generally democratic system. There cannot be any justification to sacrifice this principle.

Unfortunately, we have observed with great concern that in many of the measures which the current Government claims to put into effect to renew democracy, there have been situations which, at a certain point in time, might have imperilled the very essence of the system of freedom which a state of law requires.

However, we hope that our Government will find the way, with due urgency, to create a more prosperous, safer country so that we might continue, as in the past, to be a guiding light for the rest of Latin America.

In this difficult moment of transition, we stress the leading role that this Organization can play particularly with the policies of the Director-General, Mr. Juan Somavia, to implement preventive activities to avoid the serious situation of a lack of compliance with the Declaration of Human Rights and the core Conventions of the ILO, in particular the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

In this respect, we trust that the Venezuelan Government will be more precisely guided by the indications which, as of 14 January this year, several ILO missions have provided for consideration of a new Venezuelan Constitution, such as the relevance of some of the adopted decrees and measures which seriously affect the relevance of social dialogue, tripartism and freedom of association in our country.

The Report of the Director-General, referring to Latin America, and specifically to Venezuela, points to the success obtained in our country recently by a tripartite commission, which achieved reforms in labour legislation and the social security system in an exemplary way. We hope that our new Government will assimilate these positive activities of the social partners, and adapt its policy to strengthen such measures, thus increasing social dialogue as much as possible.

We found the overall result achieved at the 14th American Regional Meeting, held in Lima, in which a whole set of priorities was set for regions, very promising. It is worthwhile to highlight strengthening educational training systems for our workers and the population in general, as well as the promotion of an atmosphere of harmonious labour relations. At FEDECAMARAS we are convinced that these two priorities form the fundamental basis from which we
can put an end to the scourges of poverty, unemployment and the informal sector on our continent; but this, of course, within the tenets of the most respectful and profound social dialogue advocated by the ILO, to which the employers and workers from Venezuela are unconditionally committed. The political stability of the country, the creation of decent and productive employment, the promotion of national and foreign investment, and the difficult economic and social situation which our country is experiencing, require this. We can delay no longer if we wish to avoid the extremes which have cost so much suffering in our region during its historical past.

We take this opportunity to congratulate the ILO on the extraordinary Enterprise Forum which was carried out last November, and in which the President of FEDECAMARAS, Vicente Brito, and the regional leaders took part. Some of the aspects mentioned in this intervention were also mentioned there in a sincere, positive and optimistic announcement. Let us hope that these forums will continue, as their results and guidelines are particularly valuable for developing countries such as ours.

As a member of the board of the ILO Turin Centre and recognizing its important and productive labour, I cannot conclude without requesting, at the same time, that the cost of its activities for constituents in developing countries be duly adjusted, so that those who are the furthest from the centre should not be excluded due to high cost, for example, of air transport. We must all have similar opportunities to participate in the activities of the Turin Centre.

Finally, in view of the natural disaster which struck our country last December, which caused the loss of many lives and the destruction of basic infrastructure in communication and housing, we thank the international community for the generosity with which it has contributed to mitigate this disaster.

We conclude with the fact that we are inspired by and committed to the policy of reform which the Director-General is carrying out, and by the transition situation which the Venezuelan democracy is experiencing. We hope that both paths will take us rapidly towards a better future.

(The Conference adjourned at 1 p.m.)
COMMUNICATION OF THE CLERK OF THE CONFERENCE

Original Spanish: The PRESIDENT — Before taking up the first item on our agenda, I should like to inform the distinguished delegates that I have received a letter from Lord Brett relating to the speech by the Minister of Labour of Myanmar in plenary yesterday morning, and I would like to give the floor to the Clerk of the Conference so that she can read out the letter sent by Lord Brett.

Original Spanish: The Clerk of the Conference — The letter is addressed to the Honourable Mario Alberto Flamarique, President of the 88th International Labour Conference, dated Geneva, 12 June 2000. It reads as follows:

Mr. President, I write to protest at the abuse of Conference procedures by the Minister of Labour of Myanmar, Major-General Tin Ngwe.

This morning, the Burmese Minister attacked the resolution of the Selection Committee of 9 June 2000 under article 33 of the Constitution, even though the report of the Selection Committee and that resolution have yet to be presented to the Conference.

Major-General Tin Ngwe further sought to persuade delegates to reject that resolution when it is presented. Both these actions are an abuse of the Constitution and procedures of the International Labour Conference. I tried to raise this as a point of order during the Minister's speech, but was unable to catch your eye as you, as Chairman, were reminding the speaker that he was over his allotted time, an appeal he ignored. However, I do hope that on reflection you will recognize the abuse that has taken place and agree that these protests should be placed on the Conference record.

Signed: Yours sincerely, Lord W. Brett, Chairperson, Workers' group, 88th International Labour Conference.

Original Spanish: The PRESIDENT — Probably my intention to interrupt the Minister of Labour of Myanmar yesterday was not clearly interpreted by Lord Brett, and I should like to clarify the point. A minute after the bell announced the end of the time available for his intervention, I did try to inform the speaker that his time was up, and that his speech was out of order. In the meantime I was informed that Lord Brett was submitting a point of order and I tried to interrupt the speaker, but he ended his speech before Lord Brett was able to take the floor.

REPORT OF THE RESOLUTIONS COMMITTEE:
SUBMISSION, DISCUSSION AND ADOPTION

Original Spanish: The PRESIDENT — The first item on the agenda of this sitting is the examination and adoption of the report of the Resolutions Committee, which is to be found in Provisional Record No. 19. I call on Mr. Óry, Government delegate, Hungary, Chairperson and Reporter of the Resolutions Committee, to present the report.

Original French: Mr. ÓRY (Government delegate, Hungary; Chairperson and Reporter of the Resolutions Committee) — It is my pleasure to present to you and commend for adoption the resolution adopted by our Committee concerning HIV/AIDS and the world of work. The Committee had 16 draft resolutions before it, but for reasons of time this is the only one we were able to examine in our plenary meetings.

The Resolutions Committee produced an excellent document. The ILO now has before it a resolution concerning HIV/AIDS and the world of work which recognizes the important contributions that employers' and workers' organizations and governments can make in combating this universal pandemic.

The general discussion on the effects of HIV/AIDS and the world of work clearly highlighted the way this subject affects the objectives of the Organization.

The ILO has to consider this pandemic as being a threat to economic and social progress, and not only as a health problem. The propagation of the disease leads to the social exclusion of the people who contract it and has a number of other negative effects on the working population, such as discrimination in employment, increased inequality between men and women and the fact that the children of the workers concerned become orphans and very often join the ranks of child labour. Old people, too, are very affected by this pandemic.

I have the pleasure of being able to inform you that this resolution, which was originally presented by the Employers' group, enjoyed broad support from the Workers' group. It is thus able to meet the requirements of the workplace. Governments, too, supported it because they see in it an important instrument which will allow us to create a partnership between enterprises and unions with a view to preventing the disease.

The discussion took place according to a very pragmatic approach. On the one hand, enterprises are invited to take practical measures. There are plans for the dissemination of information on best practices and occupational safety and health systems will be adapted to protect the groups at risk.

On the other hand, we have to strengthen capacity in order to develop social and labour policies that can attenuate the disastrous effects of the pandemic on the active population, enterprises and, particularly, the sector of small enterprises.
Developing countries particularly welcomed the adoption of this resolution, which recognizes that widespread poverty and other constraints aggravate the propagation of HIV/AIDS still further on their territory.

I would like to draw your attention to a paragraph of the resolution which requests the Director-General to propose a meeting of experts to draw up international guidelines regarding the measures to be taken in the workplace as regards HIV/AIDS. We hope that thanks to this resolution the ILO will expand its work concerning the control of HIV/AIDS at the workplace and that it will intensify its cooperation with other international organizations concerned with the problem.

I therefore very sincerely would like to thank the representatives of Governments, employers and workers, for having helped me to carry out my mission. In particular I would like to record the understanding between Ms. Patricia O'Donovan and Mr. Bokkie Botha and the desire they shared to ensure that control of HIV/AIDS should progress in the world of work. Their positive attitudes attest to the fact that when faced with serious problems the groups are able, jointly with Governments, to find mutually acceptable solutions.

Mr. BOTHA (Employers' delegate, South Africa; Employer Vice-Chairperson of the Resolutions Committee) — The Employers' group proposed two resolutions to the year 2000 International Labour Conference. One concerns international labour standards, the other concerns HIV/AIDS. Both were, for us, important and necessary resolutions. We cannot hide the fact that we were disappointed that our resolution on international labour standards was not better supported. We know that a sensible, modern, comprehensive review of the International Labour Organization's standards-related activities requires strong support and that it is both timely and appropriate. Even though the proposed resolution did not receive sufficient support, we would commend it for the attention of the tripartite partners.

On the other hand, we were and are delighted that the draft resolution on HIV/AIDS received such strong support. This resolution demonstrated the support which can be afforded by the First World in what is still sometimes perceived to be a Third World problem. It demonstrated that Workers, Governments and Employers can work on an Employers' text to produce tripartite improvement of the text. And it demonstrated the concern the world has for this universal pandemic, which affects all people, but particularly singles out groups such as women, children, homosexuals, the poor and the elderly to wreak its havoc.

This pandemic not only kills people in a short period, it devastates countries, communities and families and leaves it mark on the infected and those otherwise affected by it, both weak and strong, poor and rich. Much of our discussion revolved around where to put the emphasis, for example, ensuring that sufficient concern was noted for the particular effect on developing countries and on economically and socially disadvantaged and excluded groups.

The debate was focused, with little "point scoring". The factors which complicate the pandemic received serious attention, with little attempt to speed up or hold up the debate.

We noted at an early stage in the proceedings that this was a unique opportunity for the International Labour Conference to make a highest-level statement for the first time on an issue which has the most devastating effects imaginable in the workplace. We noted, too, that the pandemic has been raging for close to two decades. It was and remains our view that international action in the world of work will play a significant role in reducing the culture of denial and could develop ground-breaking, credible guidelines to assist managers, workers, trade unions, employers' organizations and governments to deal with its complexities.

The Employers are of the view that this is everybody's problem and that it must be approached through concerted action by all. Outside the Committee, it was often expressed to me that this was a Third World problem only, that it had been solved by the First World which had dealt with it in time, that multinational enterprises had solved their problem by developing guidelines, and that it was not the International Labour Organization's problem but one which UNAIDS and the World Health Organization should deal with.

I want to say to those who gave this advice that HIV/AIDS needs to be attacked on all fronts, by all institutions and in an all-encompassing sense. And we in the ILO have a particular role to play in the world of work. Our institutions individually and on a tripartite basis can and should eliminate the stigma and discrimination which accompany HIV/AIDS. We should mobilize resources, continue research on actions to be taken and cooperate with other international organizations.

We believe that we should concentrate on our area of expertise, the world of work, but we should also support wider efforts to focus technical and financial assistance, to reduce the cost of drugs and to redirect international assistance.

We would wish to commend the International Labour Organization for arranging a special sitting on HIV/AIDS and for signing a cooperation agreement with UNAIDS. Some of us could not attend the session because our Committee was working, but I recommend that everyone should read the Record of Proceedings.

We look forward to the implementation of the resolution and will particularly focus attention on its effects.

Finally, I would like to pay tribute to the Worker Vice-Chairperson, Ms. O'Donovan, and the Workers' group. I believe we were able to work together to achieve a better result than we could have achieved each on our own. Also, we worked well with those Governments who wanted a constructive outcome. We are particularly thankful to the African and IMEC groups in this regard. We were fortunate to have a well-experienced and proactive secretariat working for a positive result. We thank our Chairperson, who had to move the discussion along when it sometimes appeared to become bogged down over the same issues. He did a good job. And I thank my own group, whose members have been experienced, helpful and always dedicated.

Ms. O'DONOVAN (Workers' delegate, Ireland; Worker Vice-Chairperson of the Resolutions Committee) — When the Director-General, Mr. Somavia, presented his Report to the Conference last Monday, on 5 June, he said that the ILO "is about being able to
address the real problems of today and to call them by their real name and at the same time to be able to work together so that we can find solutions”.

The resolution on HIV/AIDS and the world of work adopted by the Resolutions Committee is a particularly good example of the link between the real lives of millions of people affected by HIV/AIDS and the contribution which governments and employers’ and workers’ organizations, working together on a tripartite basis, can make to finding solutions to this global human tragedy.

The resolution focuses on the world of work and tries to identify the added value which the ILO as an organization and its tripartite constituents can bring to the fight against HIV/AIDS. The Workers’ group gave a priority to this resolution because we believe that the workplace provides a unique opportunity to address important aspects of prevention and treatment and care for those living with HIV/AIDS. In many of our countries, trade unions are already actively engaged in developing and negotiating workplace programmes around these issues.

But we believe that much more can be done, and we hope that this resolution will provide a new stimulus to achieve more through workplace initiatives.

The resolution highlights the fact that 95 per cent of people currently living with HIV/AIDS are in developing countries, therefore any realistic effort to tackle the challenges presented by HIV/AIDS must focus on the capacity of developing countries to respond. The resolution quite rightly draws attention to the impact of some structural adjustment programmes on public health systems, on education and on social protection systems in developing countries. It also recognizes that the spread of HIV/AIDS in developing countries has been accentuated by the non-availability and limited access to drugs and treatments at affordable costs.

But it would be a mistake to see HIV/AIDS as a problem primarily for developing countries. While acknowledging and indeed emphasizing its disproportionate impact on developing countries, the resolution puts it into a global context, and calls for an integrated, coordinated and sustained international response. In developed countries, as well as in developing countries, it is poor people and other economically and socially disadvantaged groups who are disproportionately affected. In all our countries, these people are denied the resources and access to health and care services which would enable them to cope better with the economic, social and human consequences of HIV/AIDS.

Through the workplace, we can target resources at workers and reach out to their families and communities. Indeed, for millions of people, the workplace may be the only place where they can access the necessary information and education which could help them to meet the challenges posed by HIV/AIDS.

The Workers’ group is disappointed that the resolution does not contain more guidance for workers’ and employers’ organizations as to the elements which could constitute effective workplace programmes. Unfortunately, due to time and other constraints, the Committee did not have an opportunity to consider an important proposal from the Workers’ group which provided more specific guidance on this matter. But it is clear that effective workplace programmes should be developed on a partnership basis, involving workers’ representatives at the level of the enterprise, and should include some or all of the following elements.

There should be a prohibition on direct and indirect discrimination.

There should be protection of occupational benefits.

Working time and conditions of employment should be adapted to facilitate necessary medical treatment.

Education and information programmes should be provided.

There should be free distribution and availability of condoms through the workplace.

There should be protection of the right to privacy and confidentiality about the health status of workers.

There should be free testing and counselling services.

These elements, of course, are not put forward as a prescriptive list, but as an indicative list as to what should comprise an effective workplace programme.

The preamble of the resolution refers to the additional distortion of gender inequalities brought about by HIV/AIDS. This points to the need for more efforts and measures to be taken to overcome existing cultural barriers, ignorance and inequality.

The Workers’ group believes that the ILO should now follow up this resolution by becoming a co-sponsor of UNAIDS, developing a strategy that will incorporate HIV/AIDS as a cross-cutting issue and integrating it into appropriate technical cooperation projects and programmes in all the regions.

The Workers’ group in the Resolutions Committee believes that it was both desirable and possible for us to have achieved more during this session of the Conference. In particular, we were disappointed that the Committee failed to discuss and adopt the second priority resolution which would have provided a clear statement on the ILO’s role and social development in the twenty-first century.

It is important, we believe, that the opportunity should now be taken by the Office, between now and the next Resolutions Committee in 2002, to review the working methods and procedures which govern the work of this Committee. The Resolutions Committee is a valuable mechanism which should be used to bring forward new ideas and to promote new policy initiatives for the ILO. We should also work together to enable it to fulfil this role more effectively and efficiently.

I should like to express my sincere thanks to the Employer Vice-Chairperson, Mr. Botha, who worked with us in a true spirit of social partnership.

My thanks also go to those Government members of the Committee who demonstrated, not just by their words, but also by their actions, their real commitment to this issue. We sincerely hope that this commitment will translate into effective tripartite action in each of our countries.

Our appreciation is also due to Mr. Öry, our Committee Chairperson. He facilitated the work of the Committee in a quiet and calm way, which enabled us to complete our work on this resolution.

Finally, our work was greatly facilitated by the expert and professional ILO staff who assisted us. We thank them, not just for their professionalism, but also for their capacity to retain a sense of humour and good will even when the going got tough.

Original Spanish: THE PRESIDENT — The general discussion on the report of the Resolutions Committee is now open.
Mr. ZAINAL (Workers' delegate, Malaysia) — I am very pleased to speak on behalf of the Asian and Pacific Group at this 88th Session of the International Labour Conference in support of the adoption of the report of the Resolutions Committee.

The report contained a single, but very significant resolution covering HIV/AIDS.

The damage done by HIV/AIDS is well documented in many ILO reports and publications. All of us who heard our sister from South Africa, Ms. Makhamele, Founder of the National Women's Alive AIDS Network of South Africa, speak at the special high-level meeting in this Assembly Hall on 8 June 2000, will remember the vivid detail in which she described the destructive effects of HIV/AIDS on individual human beings, society as a whole, the world of work and the social and economic development of countries.

She reminded us, through her painful experience in both the personal realm and the world of work that HIV/AIDS-related problems need to be addressed and overcome through the combined efforts of workers, employers and governments.

The resolution concerning HIV/AIDS and the world of work, submitted for adoption by the Resolutions Committee, is the result of consensus achieved following deliberations and consultations between the tripartite members of the Committee.

Having closely followed the Committee's work, I am convinced that this joint effort by workers, employers and governments provides us with an excellent guide as to ways and means of combating HIV/AIDS.

The operative part of the resolution provides us with clear guidelines as to how workers, employers and governments can undertake measures individually and collectively to eliminate and overcome the many problems and challenges arising from HIV/AIDS.

The resolution provides clear instruction to the International Labour Office on how it should mobilize its expertise and resources to combat HIV/AIDS in ILO member States.

The Asia and Pacific region, like Africa, Latin America and Europe, continues its struggle to find ways and means of alleviating the burden that HIV/AIDS places on workers and their families.

I conclude that while there is positive effort, much more needs to be done through joint collaboration and cooperation between workers, employers and governments. The adoption of this significant resolution in the year 2000 will encourage and motivate us all, namely workers, employers and governments, to work together to defeat HIV/AIDS which destroys our society.

I also do hope this resolution will not remain a mere resolution. The resolution clearly indicates the enormous potential of employers' and workers' organizations as well as States to contribute to the fight against the spread of HIV/AIDS in our society.

Again, speaking on behalf of the workers, the organizations of the Asia and Pacific region strongly recommend the adoption of the report of the Resolutions Committee by the 88th Session of the International Labour Conference.

Original French: Mr. SOW (Workers' adviser and substitute delegate, Senegal) — The 88th Session of the International Labour Conference is an historic event because it is the last session of the millennium, but also because it will examine, and I believe will adopt, a resolution on a subject of great importance for the future of humanity. The AIDS pandemic today affects different people to different degrees, men or women, rich or poor, developed or developing countries. On my continent, Africa, we are very seriously affected. Africa is also affected because it is losing the most productive part of its labour force and is seeing its meagre health-care resources dwindle by the day. Our resolution will concern the world of work, our families, the whole of humanity.

I was very pessimistic the other day and I was afraid when I heard a sister from South Africa speaking, but today I am a little more optimistic with this resolution on HIV/AIDS proposed by the Committee in which I worked. I would call on all workers and all employers and governments to adopt this resolution, and I pray to God to help humanity in its fight against this plague, as he has done with other plagues.

Resolution concerning HIV/AIDS and the world of work: Adoption

Original Spanish: The PRESIDENT — We will now move on to the adoption of the report and the resolution presented by the Committee. We will begin first by adopting the body of the report.

Can I take it that the report, paragraphs 1-216, is adopted?

(The report — paragraphs 1 to 216 — is adopted.)

Resolution concerning HIV/AIDS and the world of work: Adoption

Original Spanish: The PRESIDENT — We shall now proceed with the adoption of the resolution. If there are no objections, may I take it that the resolution concerning HIV/AIDS and the world of work is adopted?

(The resolution is adopted.)

We have now concluded the examination of the report of the Resolutions Committee and the resolution contained in the report.

I would like to thank the Chairperson and the Vice-Chairpersons and all members of the Committee, as well as its secretariat, for the excellent work that they have done.

Reports of the Chairperson of the Governing Body and of the Director General: Discussion (cont.)

Original Spanish: The PRESIDENT — We shall now resume our discussion of the reports of the Chairperson of the Governing Body and of the Director-General.

Mr. KARA (Workers' delegate, Israel) — I would like to congratulate the President and Vice-Presidents on their election, and I hope that the discussions will be fruitful for all the social partners.

I am proud to bring greetings from the workers of Israel organized under the framework of Histadrut. As regards our voice at work, we believe that the ILO has an important role in the social development of all aspects of our society, especially in view of the
problems which society may face in the coming years in areas such as employment, social exclusion and quality of work. In these matters, the ILO has a crucial function which we should support.

Increasing employment is not enough. We should strengthen the ILO in advancing the principles and values which have been the basis of its core Conventions. These Conventions must be fully implemented.

The ILO should also promote collaboration between social partners at both national and international level. We believe that only by strengthening social dialogue can these objectives be achieved.

Special effort should be made to encourage workers' education and training, particularly in high technology. The ILO should also continue to promote gender equality in all respects of working life, such as wages and conditions of employment. Histradut, the organization I represent, has always supported these principles and has helped legislation in this direction.

The subject of vocational training and education of workers is vital in this era of globalization and open borders. We are very active in this sphere, using the facilities of our own network of vocational schools and taking full advantage of clauses on this subject in collective agreements in many sectors. One aspect of vocational training which is gaining more importance daily is assistance to workers in adapting to a changing society and a changing workplace.

In workplaces all over the country, works committees are involved in various aspects of safety and health in cooperation with the employers. We cooperate with those committees to ensure that the terms of collective agreements are carried out. It is essential that all workers can exercise their basic human rights, so that the free market does not become a slave market.

We are proud of our independence as an organization and proud to support the Government of Israel in its steps to advance the peace process. We are also happy to play our part in this process, since we believe that workers' associations have a major role to play in translating peace from agreements between politicians to real, tangible, relations between people. These relations are vital for the building of confidence and good will and creating real peace between the peoples of the region.

Only such a peace can encourage technical cooperation in the region and attract investment from abroad to develop our societies. We are proud of our good relationship with the Palestinian Trade Union Federation and call upon trade unions in the neighbouring countries to accept our outstretched hand of friendship for the benefit of all peoples in the region. We believe that we have much to offer each other and look forward to a better future in the Middle East for all its peoples.

Mr. VAN LEEUWEN (representative of Education International) — Eight days ago, as this debate began, the Director-General spoke of the pursuit of a new vision for the ILO: the simple, reasonable idea adopted here a year ago of decent work. We believe that teachers and other workers in education, 24 million being represented by Education International throughout the world, have a special responsibility to help turn that vision into reality.

We are in the infancy of a new revolution in technology, in information and communication and in the organization of work, and the role of education as that revolution unfolds and develops is crucial. Out of the industrial revolution grew the necessity for education for all, and in the course of the twentieth century industrialized societies developed on the foundation of the education of all their citizens. Yet as that century drew to a close, the right to education — the basis for national development and personal fulfilment — was still denied to too many children and young people in too many countries. The goal of education for all has been set, but it has not been achieved. That is why Education International joined with Oxfam International and many other organizations to launch a vast campaign to make education for all a reality.

The worldwide mobilization not only of our own members but of many other actors of civil society has been dramatic. Why? Because people know that education is the key to the future. Equity of access and equality of opportunity through education were some of the keys to democracy in the twentieth century, and that is why the public provision of education has been vital to the underpinning of our democratic systems. That is all the more true in the era of globalization and a digital divide.

In the past, education in basic skills, literacy and numeracy and vocational skills laid the foundations for a lifetime of work. But, in an era of change, restructuring and mobility, education is now a lifelong necessity. Recently, the ILO sectoral meeting on education noted that lifelong education has consequences for everyone, for every sector of industry, for employers and governments, as well as for workers. That is why employers' federations are so interested in our education sector meeting, and why an important dialogue has begun in which our own members have a key role but whose implications reach out into all sectors. That is also why we are pleased with the progress made by the Committee on Human Resources, Training and Development at this session, including the references to education and training as a right for all, to investment, to tripartite negotiations and to the recruitment of qualified teachers whose remuneration, education and training are critical elements of any successful education system.

The majority of our members are women. The progress made here on revision of maternity protection will not only help to ensure their rights, but will also help to retain them in teaching, continuing to make their priceless contribution to the development of each society.

Soon, the Committee of Experts on the Application of the Recommendation concerning the Status of Teachers will meet here in Geneva again, this time with its mandate extended to include the new UNESCO Recommendation concerning the Status of Higher Education Teaching Personnel. Last time the Committee met, it reported on a sorry state of affairs — of the degradation of the status of teachers around the world. We do not expect the Committee to report much progress this year. If we believe political declarations, the prospects are better for the future, but the reality is still with us and that reality is still appalling. Still, our members in too many countries have to seek second jobs to survive. And how many teachers are working in the informal economy? Millions! Still, our local and national union leaders pay too often for their commitment and dedication with the loss of their jobs and violations of their rights. And remember, many of our members are on the front line of the world's numerous civil conflicts.
Like the International Labour Organization, our organization mobilizes solidarity in situations of serious crisis. Education International affiliates play a major role in restoring peace and building democracy. In Kosovo and other countries in the Balkans, we are helping to rebuild the school system. In Sierra Leone we support the efforts of the Minister of Labour to reintegrate child soldiers into school. But let us not have any emotions. The revolution in technology that underlies globalization is unstoppable. But globalization has a dark side socially. There will be more breakdowns in social cohesion, more civil conflicts, as long as there is injustice and exploitation. The fundamental labour standards defined through the International Labour Organization must be mainstreamed into the entire multilateral system of our global society.

Recently, a number of international trade secretariats joined the ICFTU in a meeting with the United Nations Secretary-General on the Global Compact and we agreed with the Secretary-General that business and labour should participate in this Compact on the basis of moral imperatives and ethical standards. Nobody can reasonably claim that child labour is somehow acceptable. Children should be in school, given hope for the future, not exploited. Ending child labour is a moral imperative.

There is a growing acceptance of core labour standards. The International Labour Organization has done, and continues to do, good work, and we should make that work more visible, more comprehensible to people and as the Director-General so rightly said, it has to be real. Enough of rhetoric. We need action.

**Original Spanish:** Mr. ECHAVARRÍA (Employers' adviser and substitute delegate, Colombia) — I would like to add my congratulations to those of the speakers who have taken the floor before me, and commend the President, as well as the other Officers of this meeting.

The principles and fundamental rights of work are, of course, part and parcel of a broader framework of civil and political liberties within democracies. In countries like my own, where there are so many forces undermining the stability of legitimately set-up institutions, this notion takes on its true proportions. This is why we, as Colombian employers, support the process of political negotiation, which the Colombian Government has undertaken, to put an end to 40 years of armed conflict. We would like to make a special appeal in this connection to workers so that, quite apart from the normal differences of opinion and disputes they might have within the world of work, they join forces with us to preserve democratic values.

Having said this, we are still concerned by the fact that trade unions over the course of this Conference have circulated a document — a pamphlet more than anything else — saying that they want the International Labour Organization to make direct contact with Colombia and that this will be brought up at the Governing Body next Friday.

The ILO, States, and other international law organizations are called upon to uphold democracy in the world. However, their task is much the trickier because they have to strike a balance between non-intervention on the one hand and upholding democracy and human rights on the other. This is why we kindly ask the ILO that, without ceasing to ensure respect for the fundamental rights and principles of work, it is wary of the temptation to set itself up as the sole arbiter of labour conflicts in the world.

In other words, national authorities are the natural entities to resolve such conflicts in their own countries and the ILO cannot ride roughshod over them and impose its opinion. In particular, the ILO must uphold national decisions because, as I said, they come from bona fide administrative and jurisdictional entities. In other words they are part of the res judicata.

Just as democracy is a prerequisite for these fundamental principles and rights of labour to be upheld, so are economic efficiency and competitiveness for the generation of wealth and employment.

Today, where change is the only constant, the ways and means to bring about these economic efficiencies and competitiveness are substantially different to those that existed in the first half of the twentieth century. We cannot base new economic approaches on standards conceived in a totally different context.

We therefore support the revision of international labour standards. Yet we are concerned that labour decisions imposed by the new economic and technological realities in the national and international legislative context and in the individual enterprises, such as decision-making processes or mergers, are not analysed as well as they should be and tend to be immediately qualified as posing a threat to labour rights.

The social interlocutors, mainly the workers, need to understand that the survival of the enterprises, from whence comes employment, is only possible by adopting these measures. Those who do not do so will not survive.

In these times of change and natural uncertainty social dialogue is of even greater importance. The world looks on astounded and perplexed at a wave of technical development which coexists with institutions and approaches that have not managed to evolve apace, and which gives priority to such technical development to the detriment of human dignity. The greatest risk is derived from the belief that man believes anything is possible and will succeed, even at great cost to himself.

At the beginning of the twenty-first century we must all take great care to ensure the preservation and modernization of this and other fora for social dialogue. We therefore fully support the reform and modernization of this Organization as promoted by the current Director-General. We want a flexible and imaginative institution that provides solutions and does not just observe and analyse situations. For this reason we are pleased to see the Organization, and in particular its Director-General, enter into communications with other international organizations, such as the World Bank, the IMF, the WTO, the G-8 and others.

There will always be subjects, indeed challenges, for social dialogue, such as ways in which to eliminate the worst forms of child labour, the effect of demographic change on employment and social protection models, ways in which to overcome economic crises and save enterprises and jobs, professional training for work and many others.

Finally, we would like, once again, to acknowledge publicly all those institutions that, like the ILO and the IEO, have offered their invaluable support to our achieving the social harmony and coexistence to which we aspire in our country.

**Original Spanish:** Mr. BROWN YOUNG (Workers' delegate, Costa Rica) — This Conference is taking
place at a time of great uncertainty affecting millions of men and women, whose frustrations are growing as they see their conditions of life deteriorating.

We are living in an era of globalization of the market economy. It is a globalization without rules, in a market which is undisciplined and where wealth is concentrated in a few hands to the detriment of the great majority, who are defenceless. It is a world without frontiers, in which labour market regulation has serious deficiencies. A world of flexibility and deregulation, in which the State no longer has any power to protect the most vulnerable.

In the name of competitiveness, millions of men and women are living in marginality and poverty, despite the advent of the science and technology revolution which is serving to create insane wealth for the favoured few. Of more than 6 billion inhabitants of our planet, 3 billion subsist on less than two dollars per day, 1.3 billion on less than one dollar per day, whilst 56 per cent of the world's population has 5 per cent of the total income.

The Director-General's Report tells us that about 1 billion workers, that is, one third of the world's active population, are unemployed or underemployed, despite economic growth. Among other things, poverty means deterioration in purchasing power as a result of restrictive wage policies and rising prices. All in the name of competitiveness.

The Director-General's Report on the activities of the ILO tells us on page 9 of the cases in respect of which the Committee of Experts was able to express satisfaction at the improved recognition of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). Costa Rica is among the cases listed, but I believe this is inaccurate. The Committee on Freedom of Association deals with many complaints concerning violations of trade union rights, and in its conclusions it decides on whether the complaints are well founded. Historically, we are one of a group of countries which have produced the greatest number of complaints, and there has been no change in this anti-union conduct which would allow us to endorse the assertion made in the Report concerning "improved recognition" of the Convention.

Only a week ago, the Constitutional Court gave a ruling on the constitutionality of collective agreements in the public sector, placing severe restrictions on their legality. Many of these agreements will become invalid as a result. This amounts to a veritable attack against trade unionism and a total disregard for Convention No. 98.

It is a pity that the ILO allowed the assertion to be made and fell into the trap of double talk. We hope that at the next Conference we will indeed be able to agree that we are making progress. This might be possible if the Government, the political parties and Congress were to honour their commitments, made with the trade union leaders, to approve a series of labour laws. As usual, this was not done. The political class in our country has cheated us once again.

Record vote on the resolution concerning the arrears of contributions of the Republic of Kazakhstan

Original Spanish: The PRESIDENT — As was announced during yesterday afternoon's meeting, we will now take a record vote on the resolutions concerning the arrears of contributions of the Republic of Kazakhstan, of Ukraine and of the Republic of Liberia, which are to be found in Provisional Record No. 16.

I would like to remind you that, in accordance with article 13, paragraph 4, of the Constitution of the ILO, the Conference can, by a two-thirds majority of the votes cast be the vote of the delegates present, permit a member State which is in arrears in the payment of its financial contributions to vote if it concludes that the delay is due to circumstances beyond the control of that Member.

Under article 19, paragraph 5, of the Standing Orders of the Conference, we have to proceed to a record vote.

We shall therefore now proceed to the record vote on the resolution concerning the arrears of contributions of the Republic of Kazakhstan.

(A record vote is taken.)

(The detailed results of the vote will be found at the end of the record of this sitting.)

The result of the vote is as follows: 302 votes in favour, 0 against, with 4 abstentions. Since the quorum is 268 and the required two-thirds majority is 202, the resolution is adopted.

(The resolution is adopted.)

Record vote on the resolution concerning the arrears of contributions of Ukraine

Record vote on the resolution concerning the arrears of contributions of the Republic of Liberia

Original Spanish: The PRESIDENT — We shall now proceed to hold a record vote on the resolution concerning the arrears of contributions of Ukraine.

(A record vote is taken.)

(The detailed results of the vote will be found at the end of the record of this sitting.)

The result of the vote is as follows: 306 votes in favour, 1 against, with no abstentions. Since the quorum is 268 and the required two-thirds majority is 205, the resolution is adopted.

(The resolution is adopted.)

Record vote on the resolution concerning the arrears of contributions of the Republic of Liberia

Original Spanish: The PRESIDENT — We will now proceed to a record vote on the resolution concerning the arrears of contributions of the Republic of Liberia.

(A record vote is taken.)

(The detailed results of the vote will be found at the end of the record of this sitting.)

The result of the vote is as follows: 294 in favour, 2 against, with 2 abstentions. Since the quorum is 268,
and the required two-thirds majority is 198, the resolution is adopted.

(The resolution is adopted.)

REPORTS OF THE CHAIRPERSON OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION (concl.)

Original Spanish: The PRESIDENT — We will now continue with the discussion of the reports of the Chairperson of the Governing Body and of the Director-General.

Mr. KLEIN (representative of the International Christian Union of Business Executives) — My organization has great pleasure in recording its appreciation for the most impressive achievements accomplished since we last met here. It is particularly gratifying to note that the concept of decent work which we were discussing last year has led to the development of a new vision for the ILO and the formulation of four strategic objectives and corresponding programmes and matching management structures. This is a considerable achievement which required great leadership and direction for which I would like to commend the Director-General.

Among the many important subjects on which we were invited to comment, there is one which is at the heart of the ILO’s mandate. I am, of course, referring to its standard-setting activities. The long-standing and successful tradition of the impact on national legislation of the ILO’s standard-setting activities and accompanying supervisory mechanism is universally acknowledged. This outstanding accomplishment, which has led to the ILO having been designated internationally to be the competent agency to set and deal with labour standards, commits it, not only to safeguard its effectiveness, but to improve on it whenever required. It is precisely this concern for progressive improvement and adjustment which guarantees the relevance of ILO standards.

However, the rapidly changing world context, driven by globalization and the information, communication and technological revolution, has resulted in hitherto inexperienced and far-reaching economic, social and political changes. If in the not too distant past it was not unusual for a new instrument to be designed to have a useful life of up to 20 years, is it still possible to confidently rely on the same assumptions today?

There now exists a growing consensus that the hitherto practised process of continuing improvement will have to be adjusted, if not substantially revised, in order to cope with an international context which has already been profoundly changed and will most likely continue to be so. It will affect both the nature of new instruments, as well as the effectiveness of supervisory mechanisms.

The complexity of the problem excludes partial approaches and the search for an effective solution has to be global in nature and should be performed in the spirit of consensus for which the ILO is famous. For the successful outcome of this process, a set of basic criteria and principles will have to be agreed upon, the most important resting on the understanding that the reform process must in no way weaken the standard-setting effort of the ILO, but rather enhance its effectiveness.
tion (International Labour Standards) Convention, 1976 (No. 144).

This is the best demonstration of our commitment to a democratic process based on political pluralism which is under way in Yemen. It also reflects the efforts of the social partners to develop a number of aspects of work. These efforts in fact need greater support from or through this Organization, especially as Yemen prepares for the implementation of a wide-ranging programme of reform of the civil service in our country and of the labour market aimed at promoting employment. We look forward to receiving moral and technical support and guidance from the Organization, for my country is among the least developed countries. It is feeling the effects of demographic pressure, unemployment and globalization, as are many developing countries. We look forward to receiving technical assistance from the ILO to strengthen the Federation's union activities, broaden trade union freedoms and democracy, consolidate tripartite dialogue, promote employment opportunities for women and eliminate child labour.

Chapter 5 of the Report deals, inter alia, with the work of the Organization in the Arab region. Here, we would like to affirm the importance of ensuring the effectivity of this role and of the adoption of the Arabic language as an official language of this Organization, as is the case in many of our sister organizations.

We would also like to stress the need to support the human rights and the rights of Arab workers in the occupied Arab territories. Our steadfast position is that all international resolutions concerning the Middle East dispute must be implemented. We support the establishment of an independent State of Palestine, with Jerusalem as its capital in Jerusalem, and call for the liberation of all the occupied Arab territories, including the Golan Heights and the parts of Lebanon that continue to be occupied. Here, I would like to warmly congratulate the Lebanese people on the liberation of southern Lebanon.

Efforts should be intensified to bring an end to the economic embargo imposed on the people and workers of Iraq so that they may enjoy the right to life and to live in dignity.

Finally, we wish the Organization every success in achieving progress for the benefit of the social partners.

Mr. POWELL (representative of the International Metalworkers' Federation — IMF) — I wish to draw your attention to the denial of fundamental trade union rights, which is taking place in Turkey at this moment.

The earthquake which devastated much of Turkey in 1999 resulted in extensive damage to the main naval base at Gölcük. This resulted in the Turkish navy needing to secure alternative provisions until the Gölcük Shipyard could be reopened.

However, the subsequent action taken by the Turkish Government only serves to underline their utter disregard for fundamental trade union rights.

The Turkish Government passed an official decree transferring that part of the Alaybey Shipyard, which was involved in commercial shipbuilding, as well as the entire Pendik Shipyard into the national defence sector.

The workers in these two shipyards were then informed that they had to relinquish their membership of the union, DOK, GEMI-IS, and join the Harbi Shipyard union, which has the sole rights to represent the workers in Turkey's naval shipyards, but whose collective agreement does not allow them the right to strike.

DOK, GEMI-IS appealed this decision, and was initially informed that it could continue representing its workers at these two shipyards, while the current collective agreement remained in force, that is, until the end of the year 2000. However, the National Defence Authorities refused to accept this decision and DOK, GEMI-IS took its case to court. The union based its claim on the fact that there has not been any change in the type of activities undertaken in these two shipyards, which is the fundamental basis upon which the sectoral division of industry is founded in Turkey.

Furthermore, the Labour Act stipulates that international standards and practices must be taken into consideration in the sectoral classification of industry. There is no such distinction in democratic countries, where shipyard workers are free to join the trade union of their choice.

Consequently, DOK, GEMI-IS fully expected that its right to represent shipyard workers would be upheld, or at least made the subject of an independent study, given that Turkish legislation clearly specifies that the classification of industrial sectors is determined on the basis of the type of work which is carried out. Therefore, the status of the employer should not bear any relevance.

However, when the judge passed his verdict at the second hearing on 30 May, he rejected the union's claim stating that, in effect, the transfer of these shipyards to the national defence sector automatically disqualified DOK, GEMI-IS from representing the shipyard workers.

In reaching this decision, which we believe was the result of a considerable amount of pressure from "above", Judge Abdulvahap Suna ignored both Turkish law and his obligation to respect international standards.

Furthermore, while the case was awaiting review, the Government announced the subsequent closure of two other state-owned shipyards, resulting in the loss of 1,200 jobs, which the Government claimed to be necessary as part of the process of privatization of the shipbuilding industry.

It is our belief that the decision to privatize the shipbuilding sector and the dismissal of the workers in these two shipyards, which took place without any discussion or consultation with DOK, GEMI-IS officials, constituted a deliberate attack on the union, which has virtually all of its membership in these four shipyards.

Such actions reflect a total disregard for accepted international standards in respect of fundamental trade union rights, and is made much worse by the fact that the Turkish Government has ratified both the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

In response to this calculated attack on trade union rights, the International Metalworkers' Federation has launched a worldwide campaign, calling upon our 22 million members, as well as our colleagues in other international trade secretariats, the ICFTU and the ETUC, and the wider labour movement, to lend their support and solidarity to our Turkish colleagues.
Indeed, I can inform this meeting that the Workers' group participating in this Conference unanimously approved a resolution calling for worldwide support for our campaign for trade union rights in the Turkish shipbuilding sector, and condemning the undemocratic, anti-union actions of the Turkish Government.

The IMF is also in the process of preparing a formal complaint, which we will submit to the ILO's Freedom of Association Branch, calling upon the ILO to fully investigate these issues as a matter of some urgency, and to demand that swift action be taken by the Turkish Government to rectify this gross miscarriage of justice.

In addition, and reflecting the high level of importance that Turkey has placed on its application for membership of the European Union, we have given considerable prominence in our campaign to keeping the Presidents of the European Commission and the European Parliament fully informed of all these developments.

We have also called upon our colleagues in the ICFTU and the ETUC to press the European Parliament to pass a motion of censure against the Turkish Government, which will bring further pressure to bear on the Turkish authorities, as the recognition of trade union rights is one of the key conditions for entry into the European Union.

This deliberate attack on DOK, GEMI-IS, which is a free and independent trade union, does not only represent a threat to the Turkish trade union movement, but if allowed to succeed, it will constitute a significant defeat in the struggle to achieve fundamental trade union rights and democratic justice throughout the world.

On behalf of our affiliate DOK, GEMI-IS, and trade unionists everywhere, I call upon this meeting to give its strong support to our fight to preserve fundamental trade union rights in Turkey.

Original Spanish: Mr. LAZO PERALTA (Workers' delegate, Peru) — On behalf of the workers of Peru, and particularly of the Autonomous Confederation of Workers, I would like to extend my very fraternal and sincere greetings to you all. I would also like to express my deep gratitude to and commend Mr. Juan Somavia on his Report and its excellent content.

Part of the Report refers to the importance of freedom of association and the effective right to collective bargaining. These rights are today under threat, and in some instances have disappeared due to the neo-liberal policies that governments have been implementing, to a large extent under duress from international bodies such as the IMF, the WTO and the IDB. This is the case for Peru and the other countries in Latin America, which have been very stringently applying these policies of so-called labour flexibility, on top of privatizations, leading to an increase in unemployment, which in turn has generated poverty.

The workers of Peru still place their trust in the ILO as an organization which favours closer contacts between employers, workers and governments. It is an organization that takes up workers' complaints. We recognize its commendable action and would urge it to make ongoing appeals to international organizations such as the IMF and the Inter-American Development Bank to try to persuade them to change the monetary policies they are applying in our countries in order to make them more humane, allowing debts to be cancelled. We call on the ILO to recommend to countries, above all those in Latin America and particularly to Peru, to review their current labour policies in the area of unemployment and to fight poverty.

We urge the ILO to recommend the revision of labour flexibility legislation and the return to labour stability; we plead for the full restoration of collective bargaining; we appeal for the revision or abolition of agencies providing service personnel and cooperatives, because through them, workers are exploited which in practice translates as human beings renting their labour in exchange for minimal remuneration while the agencies or cooperatives earn much more than what they pay their staff. A further problem is that such agencies and cooperatives disappear from one day to the next without paying any social benefits.

Also, apprenticeship contracts have been thrown out in favour of youth contracts which enable employers to exploit young people, benefiting from the best of their youth for paltry sums that do not constitute remuneration and avoiding paying any social contributions. For these reasons many enterprises prefer to engage only young people.

Finally, we place great hope in the work of the ILO, and hope that through this tripartite organization we can attain not only the recognition of workers' rights, but also their inclusion in the national legislations of all countries so as to secure better standards of living and a more promising future for the coming generations.

Peruvian workers want a new country, a different Latin America, a world where equality opportunity is secured. We are fighting for the globalization of solidarity, the globalization of justice and the defeat of neoliberalism.

I would like to conclude this brief address by paying tribute to a giant of trade unionism, Emilio Máspero, who passed away on 31 May last, but whose spirit endures among us.

Original French: Mr. ABERKANE, (Employers' adviser, Algeria) — First of all, I would like to congratulate the President on his election as the head of this Conference, and all of those who have contributed to the proper conduct of this 88th Session of the International Labour Conference.

It is a great honour and pleasure for me as representative of the Algerian National Confederation of Employers to put forward some of the worries and problems which concern this institution and relate to the changes in our contemporary world. In our humble opinion, the main problem, which has become structural, which weakens and threatens the economic and social equilibrium of many developed countries, and even more of developing countries, is as always unemployment. The consequences of structural adjustment plans adopted in all countries, including my own, have been felt mainly in employment: almost 500,000 jobs in different sectors have disappeared in Algeria following the flood of company and plant closures. It is obvious that this loss of jobs, and the considerable resources needed to fund recovery and growth, is a major obstacle.

At the moment, globalization is experienced as a loss of employment and income for whole sectors of the economy and of society. This is why now is the time to find the best ways to mitigate the excesses and indeed the damage caused by globalization which, if
Finally, we are convinced that our assembly placed on the need to reform the entire standard-setting system of the ILO. Governments and employers have told us that it is a question of the Organization's credibility. Other people said that the standards were out of date and they had to reflect today's working world. Many people told us that we had to be conscious of today's realities.

On this last point, the reality that I have known is one in which employers have no respect for human values, and have no qualms, often with a meaningful silence on the part of certain governments, about using child labour in unthinkable conditions and about exploiting women and men all over the world.

The reality is that workers have to carry on fighting in order to obtain or preserve their rights to freedom of association and collective bargaining, and to hold their own against the constant attacks by certain governments that act under the pressure of employers' organizations and that do not care to know the consequences of the denial of these fundamental rights for men, women and children at work.

The reality is the thousands of working men and women who die all the time because employers refuse to give them the necessary protection at work, not to mention the thousands of others who are harmed for life.

The reality can be found in numerous ILO studies and the reports of the Committee of Experts. For many, the reality is discrimination, racism and intolerance. The reality is forced labour in Burma, in the most deplorable conditions, with a Government that refuses even to recognize the fact of its existence — a fact known to everyone. It is a Government that tries to teach us lessons on the way the ILO should deal with this horror, and which denounced the Governing Body and the Selection Committee for taking decisions on this question.

Another reality is Colombia, where 39 trade unionists have been killed since the discussion held in November 1999.

As regards standards, which should reflect today's working world, I can only recall the systematic opposition by the employers to the adoption of standards to protect workers with respect to questions that are realities in today's working world.

The question of the ILO's credibility is, I admit, very important. But who should we be credible to? Firstly, we must be credible with the Organization's constituents and the working men and women around us, whom we try to protect, and who wonder whether we are really in a position to change unacceptable behaviour or at least to adopt measures for that purpose. Credibility has to be earned, and sometimes to do that you have to have the courage of your convictions. But first you have to have these convictions, so as to act according to the principles we all adopted with the Declaration and its follow-up.

During the discussion on the Global Report, we heard some Governments and Employers stress the promotional aspect of the Declaration and say that the Report should not refer to specific countries. I would have liked to hear the same people saying that, as employers, their enterprises had taken measures in their respective countries in support of human dignity at work, and that those measures had borne fruit. I would have liked to hear those Government speakers describing concrete measures that had been taken in their countries, and the results obtained, to establish or restore human dignity in their countries.

After all these years of discussions it would be nice to hear the same speakers talk about the way in which they have used this promotional aspect that they have told us so much about, about the effectiveness of the measures they have taken and above all the concrete results that they have achieved. Do we have any examples where children have gone back to school and the number of industrial accidents and deaths have decreased considerably, where forced labour has been replaced by decent, well-paid work and where there has been an end to discrimination in employment, etc.? And why do we not hear governments telling us
that they have now decided to ensure freedom of association and the right to collective bargaining for workers who did not have it before, or that they have facilitated access to unions rather than making it more difficult to form them, as is increasingly the case today? Why do not employers encourage governments to facilitate the formation of trade unions rather than lobbying governments to take measures to make enjoyment of that right more difficult?

Such action, confirmed by the facts, would be the materialization of the commitments undertaken when the Declaration and its follow-up was unanimously adopted.

It is not the promotional aspect that we adopted with the Declaration, it was promotion itself. Our true follow-up to the commitments we have entered into to re-establish human dignity in the world of work is a step towards decent work for all. Being conscious of today's realities, reflecting the working world today and having credibility, are realities which cannot justify the non-respect of human dignity or renunciation of our commitments.

In conclusion, I would like to congratulate the Director-General for having integrated the policy of gender equality into the International Labour Organization. I would also like to emphasize the importance of the decision adopted a few years ago to have three official languages in the International Labour Organization. I know that English is becoming more and more important at an international level, but English should not, in practice, become the official international working language in the International Labour Organization, without such a policy having been debated and adopted by our institutional bodies. There has to be a certain equity between the three languages in all fields, such as the drafting of documents, the recruitment of staff and translation services, etc.

(\textit{The Conference adjourned at 5.30 p.m.})
Vote par appel nominal sur la résolution concernant les arriérés de contributions du Kazakhstan

Record vote on the Resolution concerning the arrears of contributions of Kazakhstan

Votación nominal relativa a la resolución sobre las contribuciones atrasadas de la república de Kazajstán

**Pour/For/En Pro: 302**

**Abstentions/Abstentions/Abstenciones: 4**

**Quorum: 268**

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DE REGIL, Sr. (E)

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AL-ALABDUWANI, Mr. (G)
AL-RABEEY, Mr. (E)
AL-SHABIBI, Mr. (T/W)

République-Unie de Tanzanie/United Republic of Tanzania/República Unida de Tanzania
KILLO, Mr. (G)
MAENDA, Mr. (E)

Trinitié-et-Tobago/Trinidad and Tobago/Trinidad y Tabago
SUPERSAD, Ms. (G)
HILTON CLARKE, Mr. (E)

Tunisie/Tunisia/Tnez
CHOUBA, Ms. (G)
KCHAOU, M. (G)
TRABELSI, M. (T/W)

Turquie/Turkey/Turquia
BERBER, Mr. (G)
ISIK, Mr. (G)
ILTER, Mr. (E)

Uruguay
CALLORDA SALVO, Sr. (G)
FERNANDEZ, Sr. (T/W)

Venezuela
RODRIGUEZ CEDEÑO, Sr. (G)
RAMIREZ LEON, Sr. (T/W)

Viet Nam
NGO, Mr. (G)
TRAN, Ms. (G)
LE, Mr. (E)
VO, Mr. (T/W)
Yemen
OBAD, Mr. (G)
JUBARI, Mr. (G)
AL-KOHLANI, Mr. (T/W)

Zambia
MUTANTIKA, Mr. (G)
NYIRENDA, Mr. (G)
TEMBO, Mr. (T/W)

Zimbabwe
DZVITI, Mr. (G)
MUSEKA, Mr. (G)
ZINDOGA, Mr. (T/W)

Abstentions/Abstenciones: 4

Cap-Vert/Cape Verde/Cabo Verde
LOPES, M. (E)

Congo
MADZOU, M. (G)
MONGO, M. (T/W)

Madagascar
RABEMANANTSOA, M. (E)
Vote par appel nominal sur la résolution concernant les arriérés de contributions de l’Ukraine

Record vote on the Resolution concerning the arrears of contributions of Ukraine

Votación nominal relativa a la resolución sobre las contribuciones atrasadas de Ucrania

Pour/For/En Pro: 306
Contre/Against/En contra: 1
Quorum: 268

Pour/For/En Pro: 306

Afrique du Sud/South Africa/Sudáfrica
LUSENGA, Ms. (G)
MATLHAKO, Ms. (G)
BOTHA, Mr. (E)

Algérie/Algeria/Argelia
MESSAOUI, M. (G)
KHEDDACHE, Mme (G)
MALIKI, M(T/W)

Allemagne/Germany/Alemania
WILLERS, Mr. (G)
OHNDORF, Mr. (G)
HESS, Mr. (E)
ADAMY, Mr.(T/W)

Angola
LUSSOKE, M. (G)

Arabie saoudite/Saudi Arabia/Arabia Saudita
AL-MANSOUR, Mr. (G)
ALHADLAQ, Mr. (G)
DAHLAN, Mr. (E)
AL-HA'IRI, Mr.(T/W)

Argentine/Argentina
KRITZ, Sr. (G)
SAPPIA, Sr. (G)
Funes de ROJAS, Sr. (E)
RUEDA, Snr.(T/W)

Australie/Australia
DREVER, Mr. (G)
STEWART, Mr. (G)
NOAKES, Mr. (E)

Austrie/Austria
MELAS, Mr. (G)
DEMBESHER, Ms. (G)
ARBESSER-RASTBURG, Mr. (E)
DJALINOUS, Ms.(T/W)

Bahamas
SYMONETTE, Mr. (G)
DEAN, Mr. (G)
ARNETT, Mr. (E)
MOSS, Mr.(T/W)

Bahrain/Bahrain/Bahrein
ALSAHABI, Mr. (G)
MOHAMED, Mr. (G)
ABDUL HUSSAIN ABDULLA, Mr.(T/W)

Bangladesh
HYDER, Mr. (E)

Barbade/Barbados
SIMMONS, Mr. (G)

Bélarus/Belarus/Belarús
KOPOT, Mr. (G)
STEPANENKO, Mr. (G)
BYKAVA, Ms. (E)
HANCHARYK, Mr.(T/W)

Belgique/Belgium/Bélgica
PEIRENS, M. (G)
DA COSTA, M. (E)
COTEBEECK, M.(T/W)

Bénin/Benin
ONI, M. (G)

Bolivie/Bolivia
ASTURIZAGA, Sr.(T/W)

Botswana
SEBELE, Mr. (G)
MOJAFI, Mr. (G)

Brésil/Brazil/Brasil
MACHADO, Mr. (G)
GOMES DOS SANTOS, Ms. (G)
BITTENCOURT DA SILVA, Mr. (E)
DE BARROS, Mr.(T/W)

Bulgarie/Bulgaria
KRASKEVA, Ms. (G)
DRAGANOV, Mr. (G)
CHRISTOV, Mr.(T/W)

Burundi
NDUWAYO, M. (G)
NZISABIRA, M. (E)
NIYONGABO, M.(T/W)

Canada/Canada
ROBINSON, Ms. (G)
PERLIN, Ms. (G)
LAWSON, Mr. (E)
PARROT, Mr.(T/W)

Cap-Vert/Cape Verde/Cabo Verde
SPENCER, Mme (G)
CARDOSO, Mme (G)
LOPES, M. (E)
SILVA, M.(T/W)

Chili/Chile
LAZO GRANDI, Sr. (G)
MORAGA CONTRERAS, Sr.(T/W)

Chine/China
LI, Mr. (G)
ZHANG, Mr. (G)
QIU, Ms. (E)
XU, Mr.(T/W)

Chypre/Cyprus/Chipre
EFRYCHIOU, Mr. (G)
SAMUEL, Ms. (G)
KITTENIS, Mr.(T/W)

Colombie/Colombia
RIAÑO BARON, Snr. (G)
REYES RODRIGUEZ, Sr. (G)
ECHAVARRIA, Sr. (E)
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                      | ABU BAKAR, Mr. (G)  
                      | DR. MOKHZANI, Mr. (E)  
                      | ZAINAL, Mr.(T/W)  |
| Malte/Malta           | PULLICINO, Mr. (G)  
                      | AZZOPARDI, Mr. (G)  
                      | MALLIA MILANES, Mr. (E)  
                      | CUTAJAR, Mr.(T/W)  |
| Maroc/Morocco/Marruecos | BENJELLOUN-TOUMI, M. (G)  
                      | AZZOPARDI, Mr. (G)  
                      | MALLIA MILANES, Mr. (E)  
                      | CUTAJAR, Mr.(T/W)  |
| Maurice/Mauritius/Mauricio | SAMWY, Mr. (G)  
                      | JOLIE, Mr. (G)  
                      | LUTCHMUN ROY, Mr.(T/W)  |
| Mozambique            | HERCULANO, Mr. (G)  
                      | MANJAZE, Mr.(TAV)  |
| Namibie/Namibia       | SCHLETTWEIN, Mr. (G)  |
| Nicaragua             | MONTENEGRO CASTILLO, Sr. (G)  
                      | PERALTA PAGUAGA, Sra. (G)  
                      | DE REGIL, Sr. (E)  |
| Niger/Niger           | MAMANE, M. (G)  
                      | ELHADJI DADDO, M.(TAV)  |
| Nigéria/Nigeria      | AHMAD, Mr. (G)  |
| Norvège/Norway/Noruega | VIDNES, Mr. (G)  
                      | BRUAS, Mr. (G)  
                      | HOFF, Mr. (E)  
                      | BUVERUD PEDERSEN, Ms.(T/W)  |
| Nouvelle-Zélande/New Zealand/Nueva Zelanda | CHETWIN, Mr. (G)  
                      | KINLEY, Mr. (G)  
                      | BERESFORD, Ms.(T/W)  |
| Oman/Omán            | AL-YAHYAI, Mr. (G)  
                      | AL-ALABDUWANI, Mr. (G)  
                      | AL-RABEY, Mr. (E)  
                      | AL-SHABIBI, Mr.(T/W)  |
| Ouganda/Uganda       | OLWENY, Mr. (G)  |
| Pakistan/Pakistán     | JANJUA, Ms. (G)  
                      | AKRAM, Mr. (G)  
                      | AHMAD, Mr.(T/W)  |
| Pays-Bas/Netherlands/Países Bajos | NOTEBOOM, Ms. (G)  
                      | HUNTJENS, Mr. (E)  
                      | BJILLEVELD, Ms.(T/W)  |
| Portugal              | RIBEIRO LOPES, M. (G)  
                      | BARCIA, M. (G)  
                      | DA ROCHA NOVO, M. (E)  
                      | HUGO SEQUEIRA, M.(T/W)  |
| Qatar                 | AL-KHOURY, Mr. (G)  
                      | AL-KHALIFA, Mr. (G)  
                      | AL-FIHANI, Mr. (E)  
                      | AL-KHAL FAKROU, Mr.(T/W)  |
| République arabe syrienne/Syrian Arab Republic/República Arabe Siria | YASSIN KASSAB, M. (G)  
                      | HANA, M. (E)  |
| République-Unie de Tanzanie/United Republic of Tanzania/República Unida de Tanzania | KILLO, Mr. (G)  
                      | MAENDA, Mr. (E)  |
| République tchèque/Czech Republic/República Checa | SOMOL, Mr. (G)  
                      | RYCHLY, Mr. (G)  
                      | BERAN, Ms.(T/W)  |
| Thaïlande/Thailand/Tailandia | PAYAKANITI, Ms. (G)  
                      | BURAPHATANIN, Mr. (G)  |
| Trinité-et-Tobago/Trinidad and Tobago/Trinidad y Tabago | SUPERSAD, Ms. (G)  
                      | HILTON CLARKE, Mr. (E)  |
| Tunisie/Tunisia/Túnez | CHOUBA, Mme (G)  
                      | KCHAOU, M. (G)  
                      | TRABELSI, M.(TAV)  |
| Uruguay               | CALLORDA SALVO, Sr. (G)  
                      | FERNANDEZ, Sr(T/W)  |
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RAMIREZ LEON, Sr. (T/W)

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TRAN, Ms. (G)
LE, Mr. (E)
VO, Mr. (T/W)

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AL-KOHLANI, Mr. (T/W)

Zambie/Zambia
MUTANTIKA, Mr. (G)
NYIRENDA, Mr. (G)

Zimbabwe
DZVITI, Mr. (G)
MUSEKA, Mr. (G)
ZINDOGA, Mr. (T/W)

Contre/Against/En contra: 1

Japon/Japan/Japón
SUZUKI, Mr. (E)
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<th>Autriche/Austria</th>
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<td>MELAS, Mr. (G)</td>
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<td>MATLHAKO, Ms. (G)</td>
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<td>BITTENCOURT DA SILVA, Mr. (E)</td>
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<td>BOTHA, Mr. (E)</td>
<td>DJALINOUS, Ms(T/W)</td>
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<td>ARNETT, Mr. (E)</td>
<td>Niyongabo, M.(T/W)</td>
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<td>Arabie saoudite/Saudi Arabia/Arabia Saudita</td>
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<td>LAWSON, Mr. (E)</td>
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<td>Bélarus/Belarus/Belarús</td>
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<td>KOPOT, Mr. (G)</td>
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<td>STEPANEKNO, Mr. (G)</td>
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<td>Argentine/Argentina</td>
<td>BYKAVA, Ms. (E)</td>
<td>LOPES, M. (E)</td>
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<td>KRITZ, Sr. (G)</td>
<td>HANCHARYK, Mr.(T/W)</td>
<td>SILVA, M.(T/W)</td>
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<td>SAPPIA, Sr. (G)</td>
<td>Belgique/Belgium/Bélgica</td>
<td>Chili/Chile</td>
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<td>FUNES DE RIOJA, Sr. (E)</td>
<td>PEIRENS, M. (G)</td>
<td>LAZO GRANDI, Sr. (G)</td>
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<td>RUEDA, Sr.(T/W)</td>
<td>DA COSTA, M. (E)</td>
<td>MORAGA CONTRERAS, Sr.(T/W)</td>
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<td>Australie/Australia</td>
<td>CORTEBECK, M.(T/W)</td>
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<td>DREVER, Mr. (G)</td>
<td>Bénin/Bonin</td>
<td>ZHANG, Mr. (G)</td>
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<td>STEWART, Mr. (G)</td>
<td>ONI, M. (G)</td>
<td>QIU, Ms. (E)</td>
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<td>NOAKES, Mr. (E)</td>
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<td>XU, Mr.(T/W)</td>
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<td>SEBELE, Mr. (G)</td>
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<td>MOJAFI, Mr. (G)</td>
<td>EFTYCHIOU, Mr. (G)</td>
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<td>KITTENIS, Mr.(T/W)</td>
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<tr>
<td>Country</td>
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<td>Role/Title</td>
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<tr>
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<tr>
<td>Colombie/Colombia</td>
<td>RIAÑO BARON, Sra. (G)</td>
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<td>REYES RODRIGUEZ, Sr. (G)</td>
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<td>ECHAVARRIA, Sr. (E)</td>
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<td>Congo</td>
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<td>MONGO, M.(T/W)</td>
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<tr>
<td>République de Corée/Republic of Korea/Republika de Corea</td>
<td>LEE, Mr. (G)</td>
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<td>CHUNG, Mr. (G)</td>
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<td>PARK, Mr.(T/W)</td>
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<td>Costa Rica</td>
<td>PENROD, Sr. (G)</td>
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<td>BROWN YOUNG, Sr.(TAV)</td>
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<td>Côte d'Ivoire</td>
<td>ZEHIA, M. (G)</td>
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<td>GAULE KOKOBA, M. (G)</td>
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<td>ADIKO, M.(TAV)</td>
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<td>Croatia/Croatia/Croacia</td>
<td>HORVATIC, Ms. (E)</td>
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<td>CASTILLO SANTANA, Sr. (G)</td>
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<td>FOLDBERG, Mr.(TAV)</td>
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<td>AL AZALI, Mr.(T/W)</td>
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<td>El Salvador</td>
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<td>JOONSAAR, Ms. (G)</td>
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AZZOPARDI, Mr. (G)
MALLIA MILANES, Mr. (E)
CUTAJAR, Mr.(T/W)

Maroc/Morocco/Marruecos
BENJELLOUN-TOUIMI, M. (G)

Maurice/Mauritius/Mauricio
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JOLIE, Mr. (G)
LUTCHMUN ROY, Mr.(TAV)

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CARVALHO SOTO, Sra. (G)

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Niger/Niger
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ELHADJ DADDI, M.(T/W)

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AL-KHALIFA, Mr. (G)
AL-FIHANI, Mr. (E)
AL-KHAL FAKROU, Mr.(T/W)

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MUNTEANU, M. (E)

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LAMBERT, Mr. (E)
BRETT, Mr.(T/W)

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BIRYUKOV, Mr. (E)
SHMAKOV, Mr.(T/W)

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VILLANI, M. (E)
MACINA, M.(T/W)

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YACOB, Ms.(T/W)

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JEREBS, Ms. (G)
SERAZIN, Ms. (E)

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ELHASSAN, Mr. (G)
OMER, Mr. (E)
ABDOON, Mr.(T/W)

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JONZON, Mr. (G)
WALLSTEN, Ms. (E)
EDSTROM, Mr.(T/W)

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YASSIN KASSAB, M. (G)
HANA, M. (E)

Région-Unie de Tanzanie/United Republic of Tanzania/República Unida de Tanzania
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MAENDA, Mr. (E)

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RYCHLY, Mr. (G)
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BURAPHATANIN, Mr. (G)

Trinité-et-Tobago/Trinidad and Tobago/Trinidad y Tabago
SUPERSAID, Ms. (G)
HILTON CLARKE, Mr. (E)

Tunisie/Tunisia/Túnez
CHOUBA, Mme (G)
KCHAOU, M. (G)
TRABELSI, M.(TAV)

Türkiye/Turkey/Turquia
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ISIK, Mr. (G)
ILTER, Mr. (E)

Venezuela
RODRIGUEZ CEDEÑO, Sr. (G)
Viet Nam
NGO, Mr. (G)
TRAN, Ms. (G)
LE, Mr. (E)
VO, Mr.(T/W)

Yemen/Yemen
JUBARI, Mr. (G)
AL-KOHLANI, Mr.(T/W)

Zambie/Zambia
MUTANTIKA, Mr. (G)
NYIRENDA, Mr. (G)
TEMBO, Mr.(T/W)

Zimbabwe
DZVITI, Mr. (G)
MUSEKA, Mr. (G)
ZINDOGA, Mr.(T/W)

Contre/Against/En
contra: 2

Kenya
MUNYAO, Mr.(T/W)

Panama/Panamá
DURLING, Sr. (E)

Abstentions/Abstentions/
Abstenciones: 2

Lettonie/Latvia/Letonia
BERTRANS, Mr. (E)
RADZEVICS, Mr.(T/W)
Credentials

Second report of the Credentials Committee

Composition of the Conference

1. Since 31 May 2000, when the Committee adopted its first report, credentials have been received from Armenia. This brings the total number of member States at present represented at the Conference to 159. The delegations of seven member States are exclusively governmental and that of one Member is incomplete. It is interesting to note that among the 175 member States of the Organization, 146 Ministers or Vice-Ministers of Labour will have taken part this year at the Conference as against 152 last year. A total of 3,581 persons were accredited to the Conference with 3,115 registered at this time. Details concerning the number of registered delegates and advisers are contained in the annex to this report.

2. The Committee also took note of the information compiled by the secretariat from the information provided by governments in the form for credentials for the Conference concerning the payment of travel and subsistence expenses of delegations accredited to the Conference. This year, the governments of 90 member States (as against 86 last year) had responded to the request for information when they issued the credentials of their delegation. Seventy-two of those governments (as against 66 last year) had declared that they had paid the expenses of their whole delegation and 18 (as against 20 last year) had said that they only covered the expenses of some members of their delegations or only part of the expenses of their delegations.

3. The Committee noted that a significant number of governments had not indicated on the form for credentials of delegations the capacity in which delegates and advisers were participating in the delegation, especially in the case of Employers' and Workers' delegations. This information being indispensable for the Committee to fulfil its mandate, it urged governments to clearly specify, for all delegates and advisers on the Employers' and Workers' official delegations, the organization which they represented and their function within that organization.

Objection to the nomination of the Workers' delegate of Saudi Arabia

4. The Committee had before it an objection concerning the nomination of the Worker's delegate of Saudi Arabia submitted by the International Confederation of Free Trade Unions (ICFTU). According to the objecting organization, the appointment of the Workers' delegate had not been made in accordance with article 3, paragraph 5, of the ILO Constitution. According to the provisional list of delegations, the Workers' delegate was the Chief, Labour Relations Department, Saudi ARAMCO — that is, the person held neither an elected position in a representative workers' organization nor had he been appointed by any such organization to represent the workers of his country at the Conference.

5. In a written communication to the Committee made at its request, Mr. Ali bin Ibrahim Al-Namlah, Minister of Labour and Social Affairs of the Kingdom of Saudi Arabia, stated that the Workers' delegate to the Conference had been chosen in accordance with article 3, paragraph 5, of the ILO Constitution. The Government recalled that a similar objection had been submitted by the same organization at the 78th Session of the Conference (1991) and that on that occasion the Committee had decided not to uphold the objection. Since then, workers had continued to be represented in the delegation of the Kingdom of Saudi Arabia. Whereas there were no trade union organizations at present in the Kingdom, the selection of the Worker representative was made in consultation with several enterprises from different sectors, which had indicated that ARAMCO, with more than 55,000 workers, was the most appropriate corporation to represent workers at International Labour Conferences. The aims and objectives behind the establishment of trade union organizations were achieved in Saudi Arabia through the Labour Code and the national Constitution. Moreover, studies were being conducted regarding the establishment of mechanisms for consultation with workers.

6. Responding orally to questions asked by the Committee concerning the procedure for nominating the Workers' delegate, the Government delegate to the Conference, Mr. Abdulaziz Alhadlaq, Director-General, International Organizations, Ministry of Labour, accompanied by Mr. Othman Altwaijri, Assistant Deputy Minister for Labour Affairs, clarified that, in the absence of trade union organizations, the Government had consulted with the largest corporations to decide on the nomination of the Workers' delegate. The Workers' delegate was responsible for labour relations in ARAMCO, the largest corporation in Saudi Arabia in terms of the number of workers, and the Workers' adviser was from the second largest one. Mr. Alhadlaq was not aware of the procedure actually followed within the enterprises to designate their Worker representative, as the Government merely sent a request to the selected corporations.
asking that the management and the workers agree on a nominee. He gave the assurance that the Government was very keen to put in place mechanisms, independent from management and the Government, for consultations with workers.

7. The Committee agreed that there were no workers' organizations in Saudi Arabia within the meaning of article 3, paragraph 5, of the Constitution. It recalled, however, the obligation under article 3, paragraph 1, of the Constitution for the Government to nominate "delegates representing respectively the employers and the workpeople of each of the Members". This meant in the first place that the Worker representative must be chosen by workers, rather than after consultation with the management of a corporation. No indication was given either that the person appointed as Workers' delegate to the Conference was as representative as possible of the workers of the country or that he held a truly representative function even within his corporation. In the circumstances, the Committee concluded that the nomination had not been made in accordance with the ILO Constitution, undermining the independence of the groups and thus the proper tripartite functioning of the Conference, and considered that the conditions had been met for a possible invalidation. The Committee, however, noted with satisfaction the willingness of the Government to put appropriate consultation mechanisms in place. Trusting, therefore, that these would result next year in the nomination as Workers' delegate and advisers of true representatives of the workpeople of the country, freely chosen by the workers themselves, the Committee decided not to recommend this year the invalidation of the credentials of the Workers' delegate.

Objections concerning the nomination of the Workers' delegation of Argentina

8. The Credentials Committee had before it three objections concerning the nomination of the Workers' delegation of Argentina, submitted by the Central de trabajadores Argentinos (CTA), the Confederación General de Trabajo de la República Argentina (CGT-RA) and the Confederación General del Trabajo (CGT), respectively. According to the first objecting organization, CTA, the nomination of the Workers' delegation was irregular. The CTA, which has more than 800,000 members (direct and indirect), as well as 234 affiliate organizations was one of the two recognized trade union centres, the other being the CGT. Although the CTA requested, already in February 2000, the inclusion of its representatives in the composition of the Workers' delegation to the Conference, the Government had not replied to that request, limiting itself to nominating the delegation on the basis of the representatives proposed by the other trade union centre, under pretext of the Law on Trade Union Associations (No. 23.551). That Law provides for a system of exclusiveness that the supervisory bodies of ILO have repeatedly considered as being contrary to the principles of freedom of association and the international obligations subscribed to by Argentina. Since the Government had not even attempted to consult both trade union centres with a view to nominating the delegation, the nomination was contrary to its obligations under article 3, paragraph 5, of the ILO Constitution, as interpreted by the Permanent Court of International Justice in its Advisory Opinion No. 1. The second objecting organization, CGT-RA, maintained that the nomination of the Workers' delegation of Argentina constituted interference in the internal affairs of the trade union centre. Pursuant to elections held in March 2000, the CGT, renamed CGTRA, had integrally renewed its executive board. The trade union centre had subsequently notified the Government, on 2 May 2000, of a list of its members for inclusion in the Workers' delegation to the Conference. Nonetheless, the Government ignored this notification and nominated as Worker representatives persons who were members of the previous executive board of the trade union centre, in violation of the provisions of article 3, paragraph 5, of the ILO Constitution. The third objection was submitted by the CGT, upon publication of the revised provisional list of delegates, and made reference to the enlargement of the Workers' delegation of Argentina to include a representative of the CTA, nomination which had not been done in consultation with the CGT, thereby violating the provisions of the ILO Constitution.

9. In written communications to the Committee made at its request, Mr. Jorge Sappia, Secretary of Labour and Government delegate to the Conference, stated, as regards the objection by the CTA, that even when there were two representative trade union centres in the country, CGT and CTA, according to the legislation in force only the organization with the greater number of affiliates enjoys general consultative status ("personalidad gremial"). Such was the case of the CGT, while the CTA was simply a registered organization. Therefore, only the CGT had been consulted with a view to the nomination of the delegation. This had been the situation for years without the CTA objecting to it. Moreover, since the publication of the first provisional list of delegations, the Government had accepted to include the representative of the CTA present in Geneva, at the request of the latter, in the Workers' delegation of Argentina, in accordance with article 2, paragraph 3(i), of the Standing Orders of the Conference. Thus, the Government considered that the objection was without object and was, moreover, totally unfounded. Mr. Sappia further indicated that the authors of the objection submitted on behalf of the CGT-RA represented in fact a splinter group from the CGT which had not been recognized but pretended to represent it. The Government had consulted only those organizations which were legitimate CGT affiliates.

10. In a written communication to the Committee, the representative of the CTA, co-author of the objection and who had been included in the Workers' delegation, stated that his nomination to the Workers' delegation in accordance with article 2, paragraph 3(i), of the Standing Orders of the Conference was not a satisfactory reply. Persons nominated in accordance with that provision did not exercise any official function in the Conference and, therefore, that nomination did not solve the fundamental problem of non-compliance with the constitutional obligations of a member State to include in the Workers' delegation, as delegates or advisers, representatives of the most representative organizations in the country.

11. The Committee observed, regarding the objection submitted by the CGT-RA, that the documents made available by the latter did not demonstrate that the CGT had renewed its executive board. They were
simply notarized records of a meeting and a request for registration of election results addressed to the national office for trade union associations. There was no proof that the said executive board had been accepted for the purpose of registration. Moreover, the Committee remarked that among the members of the executive board were persons who formerly had participated in the Conference as representatives of the CGT. This, added to the information provided by the Government, confirmed that the objecting organization was in fact a splinter group of the CGT, recognized neither by the latter nor by the Government. Therefore, the Committee considered that the objection was unfounded.

12. As regards the objection by the CTA and the subsequent objection of the CGT, the Committee observed that the CGT had in the past been the only trade union organization consulted with a view to nominating the Workers' delegation without that having given rise to any objection submitted to the Committee. Although no one challenged that the CGT was the most representative workers' organization, the Government had not provided any data which could permit evaluation of the CTA's relative representativity. The Committee recalled in this regard that when there existed several representative organizations, the Government was obliged, in accordance with the ILO Constitution, to have consultations with all of them, irrespective of the existence of national legislation, as invoked by the Government, which established a system of exclusiveness regarding trade union representation. In the absence of sufficient evidence, the Committee decided not to uphold those two objections. Concerning the meaning of a nomination by reason of article 2, paragraph 3(i), of the Standing Orders of the Conference, the Committee put on record that such a nomination, although it increased the number of persons admitted to enter the Conference meeting rooms, did not result in a nomination which would permit active participation in the work of the Conference or one which could be the subject of an objection.

Referring to the nominations and to the conflict resulting from the situation prevailing in the country, the Committee considered that the nomination of the Workers' delegation of Cameroon was contrary to article 3, paragraph 5, of the ILO Constitution since it had been made without the agreement of the CSTC, the most representative worker organization in the country. That representative character resulted from its presence in the country, with 412 trade unions in all branches of economic activity, 52 departmental unions and 17 federations affiliated to it, as against 24 trade unions and two departmental unions affiliated to the other trade union confederation, Union des syndicats libres du Cameroun (USLC). According to the public declarations of the Minister of Labour himself, the CSTC represented 40 per cent of organized workers, as against 19 per cent for the USLC. However, the Government continued to exclude the CSTC from the Workers' delegation, notwithstanding the conclusions of the Credentials Committee of previous years. Such a situation could only confirm that motives foreign to the criteria provided for in the ILO Constitution had determined the nomination of the Workers' delegation of Cameroon.

15. The Committee noted that it was not the representative character of COSYBU which was being challenged, but the person having the capacity to represent it, pursuant to a power struggle which recently surfaced within the executive organs of the organization. It noted in this regard that the credentials of the same representative of COSYBU did not give rise to any objection last year. The information submitted to the Committee was insufficient for it to determine whether the nomination of the Workers' delegation had been made in conformity with the provisions of article 3, paragraph 5, of the ILO Constitution. It considered that the questions raised by the objection were essentially internal to the COSYBU, and of the competence of the relevant national authorities or possibly of ILO's supervisory bodies and not within the Committee's mandate. The Committee therefore decided not to uphold the objection.

Objections concerning the nomination of the Workers' delegate of Cameroon

16. The Credentials Committee had before it an objection concerning the nomination of the Workers' delegate of Cameroon submitted by the Confédération syndicale des travailleurs du Cameroun (CSTC) and supported by the International Confederation of Free Trade Unions (ICFTU). According to the objections, the nomination of the Workers' delegation was contrary to article 3, paragraph 5, of the ILO Constitution since it had been made without the agreement of the CSTC, the most representative worker organization in the country. That representative character resulted from its presence in the country, with 412 trade unions in all branches of economic activity, 52 departmental unions and 17 federations affiliated to it, as against 24 trade unions and two departmental unions affiliated to the other trade union confederation, Union des syndicats libres du Cameroun (USLC). According to public declarations of the Minister of Labour himself, the CSTC represented 40 per cent of organized workers, as against 19 per cent for the USLC. However, the Government continued to exclude the CSTC from the Workers' delegation, notwithstanding the conclusions of the Credentials Committee of previous years. Such a situation could only confirm that motives foreign to the criteria provided for in the ILO Constitution had determined the nomination of the Workers' delegation of Cameroon.

17. In a written communication to the Committee made at its request, Mr. Pius Ondoua, Minister of Employment, Labour and Social Security, Head of delegation of Cameroon at the Conference, questioned the capacity of the author of the objection to act on behalf of the CSTC and to submit an objection,
since the leadership of CSTC had been the object of internal dissent since the end of 1997. In this respect, the Committee decided that, irrespective of whether the author should be considered as representing the CSTC or simply a faction, he had a legitimate interest in this case in making the objection.

18. As regards the substance, Mr. Ondoua indicated that there were two trade union centres in Cameroon, the CSTC and the USLC, and that at the last elections of shop stewards in companies and the administration, held in 1998, they had obtained 39 per cent and 19 per cent, respectively, of the delegates, the remaining 39 per cent being independents. As regards consultations with a view to the nomination of the Workers' delegation to the Conference, in the light of the internal conflict within the CSTC, the Government had refrained, out of respect for neutrality and non-interference, from involving either one of the two rival factions. Instead, it had consulted the Union départementale des syndicats de Wouri (Departmental Trade Union of Wouri), affiliated to the CSTC and which alone represented 80 per cent of the trade unions affiliated to that trade union centre, and the USLC and nominated the Workers' delegation comprising a representative from the latter as Workers' delegate and one of the CSTC as Workers' adviser.

19. The Committee invited Mr. Benoît Essiga, President of the CSTC and accredited to the Conference as a representative of the ICFTU, and Mr. Maximilien Ntone Diboti, of the Union départementale des syndicats de Wouri (Departmental Trade Union of Wouri), affiliated to the CSTC and which alone represented 80 per cent of the trade unions affiliated to that trade union centre, and the USLC and nominated the Workers' delegation comprising a representative from the latter as Workers' delegate and one of the CSTC as Workers' adviser. Mr. Ntone Diboti denied that the Union départementale des syndicats de Wouri (Departmental Trade Union of Wouri), affiliated to the CSTC and which alone represented 80 per cent of the trade unions affiliated to that trade union centre, and the USLC and nominated the Workers' delegation comprising a representative from the latter as Workers' delegate and one of the CSTC as Workers' adviser.

20. Mr. Ntone Diboti denied that the Union départementale des syndicats de Wouri (Departmental Trade Union of Wouri), affiliated to the CSTC, although he admitted the existence of a declaration by which that Departmental Union dissociated itself from the existing internal leadership conflicts of the CSTC. He also denied having taken part in the creation of the FSTC, as he was not even aware of its existence and was surprised to see his name appearing on the list of signatories. In reply to the Committee's query as to whether he considered it normal for the Government to consult a departmental union rather than the CSTC, Mr. Ntone Diboti indicated that the Government did not know whom to address in the CSTC leadership and for that reason had addressed his union as the most representative within the confederation. Concerning the 1999 congress of the CSTC, since the Wouri Departmental Union had not taken part in it, he did not know the results of the elections to the executive board.

21. The Committee noted that it was indisputable that CSTC was the most representative workers' organization in Cameroon and therefore considered that the nomination of the Workers' delegation ought to have been done in agreement with that confederation. Accordingly, the nomination of a representative of the USCL as Workers' delegate could not be in conformity with the ILO Constitution. The Committee observed, however, that the objection was also linked to the question concerning the legitimacy of the person nominated as Workers' adviser and substitute delegate to represent the CSTC at the Conference. In this regard, although there could be doubt as to the legitimacy of the various bureaux elected following the split within the leadership of the CSTC in 1997, the information made available this year was not of such a nature as to challenge the validity of the results of the 1999 congress aimed toward unity at which the Government had been represented. On the one hand, the Committee had at its disposal proof of the election of Messrs. Essiga and Ntone Diboti to the bureau of the CSTC in 1999; on the other hand, the fact that the action challenging the regularity of the results of that election was not upheld by the courts in Cameroon was not denied. Nevertheless, it was also reasonable to believe, taking into account the available information, that a part of the bureau of the CSTC, to which Mr. Ntone Diboti belonged, had broken off from the confederation, also resulting in a split within the Wouri Departmental Union — the weight of which within the CSTC was recognized by all — and that split had not been the subject of a challenge by the CSTC.

22. The Committee considered that conflicts of this nature, while not within its competence but rather of the relevant national authorities, had, in this particular case, bearing on the examination of the conformity of the nomination of the Workers' delegation with the provisions of the ILO Constitution. In this respect, in consulting one of the departmental unions of the CSTC, that of Wouri, which itself was experiencing internal conflict, the Government had not complied with its obligation under article 3, paragraph 5, of the Constitution, to nominate the Workers' delegation in agreement with the most representative organization in the country. However, the Committee decided not to uphold the objection, trusting that the Government, as well as all interested parties in the CSTC, would find the means to ensure that, in future, the nomination of the Workers' delegation to the Conference could be made in agreement with the country's most representative workers' organization, in its entirety.

Objection concerning the nomination of the Workers' adviser of Colombia

23. The Committee had before it an objection concerning the nomination of Mr. Luis Ernesto Medina
Dueñas as Workers’ adviser in the delegation of Colombia to the Conference, submitted by Mr. Hector Fajardo Abril, Secretary-General of the Central Unitaria de Trabajadores (CUT), in his capacity as Workers’ delegate. Mr. Fajardo Abril objected to the nomination of the said adviser because his name was not on the list of Colombian delegates to the Conference nominated by joint agreement among the three trade union confederations in Colombia — to wit, the CUT, the Confederación de Trabajadores de Colombia (CTC) and the Confederación General de Trabajadores Democráticos de Colombia (CGTD). The Government had once again partially ignored the list and included names which did not correspond to those nominated by the workers, as was the case with Mr. Medina Dueñas.

24. The Committee regretted that the Government had not responded to its request for comments on the substance of the objection, and therefore had reason to doubt that the inclusion of one adviser in the Workers’ delegation had been made in agreement with the most representative organizations in the country. The Committee noted that, where a government is given a proper opportunity to present its position to the Committee but refrains from doing so, it would be legitimate for the Committee to propose invalidation in any case in which the objections organization had provided sufficient information. However, in the present case, the information provided was not sufficient for the Committee to arrive at a definite conclusion.

Objection concerning the nomination of the Workers’ adviser and substitute delegate of Malawi

25. The Committee had before it an objection, submitted by the Civil Servants Trade Union of Malawi (CSTU), concerning the nomination of the Workers’ adviser and substitute delegate of Malawi, Mr. Thomas BANDA, President of the Congress of Malawi Trade Unions (COMATU). According to the objecting organization, Mr. Banda had been illegally nominated to represent the workers of Malawi at the Conference in that the federation which he represented, COMATU, had no actual existence in membership or affiliation terms and had been created in violation of the Statutes of the CSTU. In addition, Mr. Banda’s claimed leadership of CSTU, as part of COMATU, had been challenged before the Industrial Relations Court.

26. In a written communication to the Committee made at its request, Mr. Peter Chupa, Minister of Labour and Vocational Training, Head of the delegation of Malawi to the Conference, explained that since the instauration of democracy in the country in 1994, the number of unions had increased from five to 17. Until 1997, all emerging unions had become affiliates of the Malawi Congress of Trade Unions (MCTU). Thereafter, the affiliation of five unions, including the CSTU, was suspended. Elections took place within the MCTU in late 1999 from which CSTU and other unions were excluded. CSTU and those other unions therefore formed a new trade union federation, COMATU, which was registered on 18 April 2000. Mr. Banda, as head of the CSTU, was elected interim President of COMATU on 4 March 2000. The alleged dispute concerning CSTU’s leadership, was in fact a deliberate move by MCTU to divide CSTU and recu-

Objection concerning the nomination of the Workers’ delegation of Morocco

27. The Committee noted that the objection was mainly to the effect that the Workers’ adviser could not claim himself to be the legitimate leader of CSTU. Subsidiarily, the objection was aimed at challenging the existence and representativeness of the COMATU, which the Workers’ adviser represented at the Conference. However, the question to be determined was whether or not he had been nominated in agreement with the most representative workers’ organization. Concerning the representative character of COMATU, while the Government had not provided official documentation to support its assessment, the objecting organization had not given a clear indication which could allow the Committee to assess COMATU’s relative importance in terms of membership and affiliation. In the absence of sufficient and reliable information, the Committee decided not to uphold the objection.

28. The Committee had before it an objection concerning the nomination of the Workers’ delegation of Morocco submitted by the Union Marocaine du Travail (UMT) supported by the International Confederation of Free Trade Unions (ICFTU). According to the objecting organizations, even when only the UMT had met the criterion of the most representative workers’ organization in accordance with article 3, paragraph 5, of the ILO Constitution, the UMT had been excluded, for the third consecutive year, from the nomination of the Workers’ delegation by the Government, which preferred to nominate a delegation whose members belonged to an organization close to the Government. The UMT was the only organization having signed collective agreements at sectoral and national level, and the only affiliate and Moroccan partner of the large regional and international workers’ confederations. Its representative character was justified by the organization’s membership, its geographical presence, its influence, its activities and its organic and political independence. The objecting organizations rejected the rotation system, according to which the trade union centres of the country ought to be alternately, from year to year, nominated to the Workers’ delegation to the Conference, alluded to by the Government in the past. It was argued that such a system was not provided for in the ILO Constitution and that it could not be imposed without the agreement of the most representative organization and that, moreover, the Government itself had not applied it.

29. In a written communication to the Committee made at its request, Mr. Mohamed Tadili, Government delegate to the Conference, stated, on behalf of the Minister of Social Development, Solidarity, Employment and Vocational Training, that the trade
union landscape in Morocco was characterized by the predominance of three most representative trade union confederations — the Confédération Démocratique du Travail (CDT), the UMT and the Union générale des Travailleurs du Maroc (UGTM) — which, at the last shop stewards elections in the public and private sectors, obtained 20.93 per cent (CDT), 16.91 per cent (UMT) and 9.09 per cent (UGTM) of the delegates. The three trade union centres were invited by the Minister to take part in a meeting on 18 April 2000 with a view to nominating the Workers' delegation of Morocco to the Conference. However, only the CDT and the UGTM accepted the invitation and participated in the meeting. In addition, the UMT had not replied to a communication requesting it to nominate two representatives for the Conference as Workers' advisers. The two organizations present at the meeting had insisted on the application of an agreement, concluded between them on 1 November 1999, which made provision for a system of rotation regarding the nomination of delegations to the ILC, the African Regional Conference and the Arab Labour Conference. It was indicated that the agreement had been applied between the CDT and the UGTM and that it also foresaw integrating the UMT into the rotation system if the latter organization decided to adhere to it.

30. Clarifications requested by the Committee were provided orally by Mr. El Miloudi El Mokharek, member of the UMT and accredited to the Conference as a representative of the ICFTU. He stated that the Workers' delegate to the Conference was from an organization which, at the latest shop stewards elections in 1997, according to the official results, had obtained the lowest results of the three most representative organizations. It was argued that the statutory provisions regarding the number of delegates, for the purpose of shop stewards elections, had been skewed to systematically favour those areas of economic activity where the UMT's trade union presence was weakest, i.e., mainly public administration, resulting in an exaggeration of CDT presence. Although no statistics were available in the country as regards membership or affiliation, he stated that the UMT was the most representative workers' organization, based on its capacity to conclude collective agreements, according to the list of collective agreements published by Government which was handed out to the Committee. The UMT had not responded to the invitation to engage in consultations, at the Department of Labour, with a view to nominating the Workers' delegation, because it felt that such consultations were never carried out in good faith. Moreover, in this particular case, consultations were pro forma, since the outcome was announced in the media (radio and television) prior to the date of the consultations. Mr. Mokharek reiterated that UMT was not in favour of any system of rotation for the purpose of nominating the Workers' delegation because that would imply accepting arbitrary choices, especially since, according to him, CDT and UGTM were closely linked to political parties in the Government and were therefore not authentic workers' organizations. Finally, he acknowledged that the UMT had not accepted the offer of two Workers' advisers' positions on the delegation, since the UMT, as the most representative organization, was not being nominated to be titular Workers' delegate.

31. The Committee noted that there were still no statistics in Morocco concerning trade union membership and affiliation to the large confederations. The only available figures were those concerning the results of the 1997 shop steward elections, the reliability of which had been challenged by the UMT and in respect of which the Committee itself had last year expressed certain doubts. Moreover, the Committee noted that, according to the information held by the Government, the UMT was the only confederation which had concluded collective agreements in all sectors of economic activity. The nomination of the Workers' delegation once again reflected a rotation system agreed between the CDT and the UGTM in which the UMT had refused to participate. The system had led this year to the nomination of a Workers' delegate, according to the criterion of shop steward elections, of the least representative of the three main trade union confederations. Finally, in the light of the criteria applied by the Government, there was no justification for it having proposed only two adviser positions to the UMT out of the 11 advisers registered in the Workers' delegation of Morocco.

32. The Committee felt obliged to recall that, according to its case law, based on Advisory Opinion No. 1 of the Permanent Court of International Justice, trade union membership and affiliations of an organization are important factors and, all things being equal, decisive in judging its representative character, for the purpose of article 3, paragraph 5, of the ILO Constitution. The Committee noted in this regard that the Government was not in a position to determine which of the organizations was the most representative on the basis of such criteria. In their absence, the Government ought to have taken into account other factors in order to determine the presence and influence of the organizations, for example, the number of collective agreements negotiated by the confederations. In view of the available data, the UMT seemed to be the most representative organization. In the circumstances, the Government ought not to have been satisfied with a rotation system without the agreement of the UMT. Whereas it was true that the objecting organization acknowledged that it had refused any participation in consultations organized by the Government, it was nevertheless true that doubts could persist as to the nature of those consultations. Although the Committee did not have at its disposal sufficient information to draw conclusions in this regard, it recalled, as it did last year, that the Government should take the necessary measures so that it could base its evaluation of representativity on objective and transparent criteria. The Committee hoped that the Government would ensure the establishment of such criteria for the purpose of the nomination of the Workers' delegation to the next session of the Conference and that, generally, the parties would strive to engage in genuine consultations in a spirit of cooperation.

Objections concerning the nomination of the Workers' delegate of Myanmar

33. The Committee had before it an objection concerning the nomination of the Workers' delegate of Myanmar appearing in the provisional list published as a supplement to the Provisional Record of 30 May 2000, submitted by the International Confederation of Free Trade Unions (ICFTU). The objecting organ-
ization stated that the function of the Workers’ delegate was stated to be Educator of Workers, without any indication as to the workers’ organization she was representing. To the extent that the person nominated as Workers’ delegate did not hold an elected position in a representative workers’ organization or had been appointed by such organization, the nomination was contrary to the provisions of article 3, paragraph 1, of the Constitution. Since the workers’ delegate whose credentials were challenged in the objection had been replaced and no longer formed part of the delegation of Myanmar to the Conference, the objection became without object. However, a second objection relying on the same arguments was submitted to the Committee by the same objecting organization against the Workers’ delegate whose name appeared in the revised provisional list of delegations issued on 7 June 2000 in that the organization which she represented, the Myanmar Nurses Association, was not a representative workers’ organization within the meaning of article 3, paragraph 5, of the Constitution.

34. At the Committee’s request, Mr. Soe Nyunt, Director-General, Department of Labour, accompanied by Mr. Tun Shin, Director-General, Attorney-General’s Office, and Mr. Denzel Abel, Deputy Permanent Representative in Geneva, provided written observations on the second objection and answered questions orally. They confirmed that there were no workers’ organizations in Myanmar within the meaning of article 3, paragraph 5. For the nomination of the Workers’ delegate this year, the Ministry of Labour had first made a selection among the independent non-governmental organizations registered with the Ministry of Home Affairs. There were some 300 of these organizations and they covered about 200,000 workers, in a total workforce of 3.35 million. The Myanmar Nurses Association, whose President was finally nominated as the Workers’ delegate, was the largest such organization, covering about 12,740 nurses with 146 branches throughout the country. In addition, the choice of that organization was justified by the agenda of this year’s session as well as its international affiliation with the International Council of Nurses. The President had devoted her life to nursing in Myanmar and other countries. She had been elected to that position by an assembly consisting of members elected at the township level and had been nominated as Workers’ delegate to the Conference by the Association’s Executive Committee. The purpose of the Association was to promote the welfare of nurses, including training and an old-age scheme, as well as the negotiation of conditions of employment and the possibility to represent workers’ interests before a tripartite Disputes Settlement Committee.

35. The Committee recalled, with respect to the objection to the nomination of the Myanmar Workers’ delegate that was made last year, that the latter had been nominated after consultation with the “Workers’ Welfare Association” in the enterprise employing the largest number of workers (15,000) in the country. The Credentials Committee had considered that the Government had not fulfilled its constitutional obligation as the Government “should at least have consulted the workers in other enterprises or sectors in the country so as to ensure that the person nominated by it was as truly representative of the workpeople in the country as was possible in the circumstances”. It had indicated that a proposal would be made for the invalidation of the credentials of the delegate appointed if the Government had not taken the necessary measures to comply with its constitutional obligations. Noting a certain similarity in the number of workers covered respectively by last year’s welfare association and this year’s non-governmental organization, the Committee asked the Government representatives to explain what improvement had been made over the situation last year. According to them, the improvement consisted essentially in the fact that the representative of the workers had been chosen by and from an organization that was fully independent of the Government, which had not been the case with the welfare associations.

36. The Committee noted the above statement as well as the fact that, whereas previously the workers of only one enterprise had been represented, the organization of the person appointed this year was stated to represent the workers in a sector of activity in the country. The fact remained however that, like last year, the Workers’ delegate could be considered as representative of only a small proportion of the workpeople of Myanmar. Only one association had been consulted and the Government had not attempted to widen its consultations to other sectors in the country so as to ensure that the person appointed was a true representative of as many workers as possible in Myanmar.

37. In this respect, as was the case last year, the Committee was of the view that, while article 3, paragraph 5, of the Constitution was not applicable as no workers’ organizations exist in Myanmar, the Government nevertheless had an obligation, under paragraph 1 of the same article, to take measures to ensure that the Workers’ delegate was as representative as possible. The Committee recognized some changes in the new procedure adopted by the Government and in the representative character of the delegate appointed, but nevertheless considered that the conditions set out in article 3, paragraph 1, of the Constitution had not been met. The Committee therefore concluded that the Government had again failed to take the necessary measures to comply with its constitutional obligation to nominate a true representative of the workpeople in Myanmar. But for the changes made by the Government this year, which were however not sufficient, the Committee would have proposed invalidation. It anticipated that the Credentials Committee would have to propose such an invalidation next year, unless the Government met the fundamental obligation underlying article 3, paragraph 1.

Objection concerning the nomination of the Workers’ delegate of Oman

38. The Committee had before it an objection concerning the nomination of the Workers’ delegate of Oman submitted by the Workers’ delegate of the Libyan Arab Jamahiriya to the Conference. According to the objection, the Workers’ delegate nominated by the Government was not a trade union representative as there were no workers’ organizations in that country, which was not a party to Conventions Nos. 87 and 98 and did not authorize workers to organize.

39. In a written communication to the Committee made at its request, Mr. Amer Shuwain Al-Hosni, Minister of Social Affairs, Labour and Vocational
Training informed the Committee that the practice followed by Oman, since it joined the ILO in 1994, had been to nominate the Workers' delegate based on consultations with the works committees, provided for by the Labour Code of Oman. These committees, which consisted of workers' and management representatives in enterprises employing more than 50 workers, existed in a number of enterprises in the private sector and had been consulted prior to the nomination of the Workers' delegate to the Conference.

40. Clarifications requested by the Committee were provided orally by Mr. Ali Hassan Al-Alabduwani, Chief, Manpower Planning Office, Ministry of Social Affairs, Labour and Vocational Training, accompanied by Mr. Hamood Al-Yahyai, Director-General, Ministry of Social Affairs, Labour and Vocational Training. He remarked that there had never been an objection to the nomination of the Workers' delegate of Oman. He indicated that the Workers' delegate held the position of Director of the Personnel Department in an enterprise and that he had been elected representative of the workers on the works committee of that enterprise. In explaining why there was no freedom of association or right to union centres, the Government currently deployed other means to achieve the objectives of the ILO and envisaged, with the help of ILO expertise, putting in place mechanisms which would strengthen workers' representation.

41. The Committee agreed that there were no workers' organizations in Oman within the meaning of article 3, paragraph 5 of the Constitution. It recalled, however, the obligation under article 3, paragraph 1 of the Constitution for the Government to nominate "delegates representing respectively the employers and the workpeople of each of the Members": This meant that the Worker representative must be chosen by workers and be capable of representing the workers. In this regard, the Committee noted that the person appointed as workers' delegate held a position incompatible with the very idea of representation of the workers. At the same time, the Committee accepted that the Government may have made it clear to the enterprise, when it requested the nomination, that the Workers' delegate should be chosen by the works committee of the enterprise concerned. But this was not entirely satisfactory as, in the first place, representatives of the employer also participated in the works committee and, in addition, the Government had directly requested the management to propose persons to be nominated as delegate without taking any steps to ensure that workers actually participated in the selection in conditions under which they could freely express their choice. However, taking into account Oman's recent membership in the ILO and trusting that the Government will next year take all necessary steps to ensure that the nomination of the Workers' delegate was fully in conformity with the Constitution of the ILO so that the delegate be a true representative of the workpeople of the country, the Committee decided not to propose any further action on the objection.

Objection concerning the nomination of a Workers' adviser of Paraguay

42. The Committee had before it an objection concerning the nomination of Mr. Jerónimo López Gómez, Secretary-General of the Confederación Paraguaya de Trabajadores (CPT), as Workers' adviser on the Workers' delegation of Paraguay, submitted by the CPT. According to the objection organization, Mr. López Gómez did not represent the CPT, at no time was he proposed to form part of the Workers' delegation of Paraguay to the Conference and his presence at the Conference had not met with the approval of the executive organ of the CPT and accordingly the validity of his nomination was challenged.

43. In a written communication to the Committee made at its request, Mr. Jorge Luis Bernis, Vice-Minister of Labour and Social Security and Government delegate to the Conference, indicated that his Ministry had invited five trade union centres, among which the CPT, to propose candidates to be part of the Workers' delegation of Paraguay to the Conference. Annexed to the Government's communication was the copy of a letter dated 22 May 2000 addressed to the Minister, in which the Secretary of International Affairs of the CPT communicated that Mr. López Gómez had been nominated as representative of his organization to participate in the Conference. For that reason, the Ministry of Justice and Labour had nominated Mr. López Gómez who, moreover, had participated on behalf of the CPT in all the consultation meetings held with the trade union centres.

44. The Committee considered that the objection organization had not provided any evidence that Mr. López Gómez did not belong to the CPT. On the other hand, the Government had demonstrated that he had been nominated by the CPT as candidate to be Workers' delegate to the Conference. In those circumstances, the Committee decided that the objection was unfounded.

Objection concerning the nomination of the Workers' delegation of Peru

45. The Committee had before it an objection submitted by the Confederación general de los Trabajadores del Perú (CGTP), concerning the nomination of the Workers' delegation of Peru to the Conference. The objection organization maintained, firstly, that the nomination of the Workers' delegation of Peru to the Conference. The objection organization maintained, firstly, that the nomination of the Workers' delegation of Peru to the Conference had not been done within the time limit of 15 days prior to the Conference, provided for in article 26, paragraph 1, of the Standing Orders of the Conference, regarding the deposit of the credentials of the delegates and advisers. Secondly, the nomination of the Workers' delegation had not been done in agreement with the CGTP which, by reason of its 2,500,000 members, was the most representative worker organization in the country, notwithstanding proposals and repeated requirements addressed to the CGTP in this regard. The attitude of the Government, shown as much by its dilatory tactics in the nomination of the Workers' delegation as by its deliberate disregard of previous statements by the Credentials Committee, confirmed the intention to exclude the CGTP because of its opposition to the Government's social policy. Since the Workers' delegate was not the one proposed by the CGTP, the nomination of the Workers' delegation
was contrary to the provisions of article 3, paragraph 5, of the ILO Constitution.

46. In a written communication to the Committee made at its request, Mr. Díaz Palao, Director-General of the Office of the Legal Adviser of the Ministry of Labour, indicated that, as regards the supposed late composition of the delegation of Peru to the Conference, information regarding the composition had been sent to the ILO on 18 May 2000 and that the decision approving the credentials of the delegation was issued on 26 May 2000. The Government had consulted with the trade union centres registered in the Ministry, the CGTP being one of them, requesting that they each propose three persons with a view to the nomination of the titular delegate and the advisers to the Conference. In the invitation addressed to the confederations, the Government had indicated that it would meet the travel and subsistence expenses of the person who would be nominated and accredited as Workers’ delegate. The Central Sindical Nacional (CSN) and the Central Autónoma de Trabajadores del Perú (CATP) had each proposed three persons, while the CGTP and the Central Unitaria de Trabajadores (CUT) had jointly designated one representative of the former as Workers’ delegate as well as a number of advisers. The Government, in the interest of ensuring pluralism and guaranteeing the rotation that the trade union centres themselves requested, finally nominated a representative of the CATP as titular delegate and two representatives each from the CGTP and the CUT as advisers. It was also pointed out that the register of trade unions only included the number of affiliated workers at the time of creation of the organization, and there was no periodic update of statistics.

47. The Committee noted that the CGTP was recognized by the Government as a representative workers’ organization, as evidenced by the fact that two of its members were Workers’ advisers on the delegation. No objective data had been provided which could permit evaluating the relative weight of each one of the trade union centres. The sole criterion invoked by the Government to justify the nomination of a representative of CATP as Workers’ delegate was a rotation system, applied more or less regularly by the Government among the CGTP, Confederación de Trabajadores del Perú (CTP) and CATP. The Government acknowledged that the only agreement was that existing between the CGTP and the CUT, according to which they nominated a single candidate to be Workers’ delegate. The Committee also remarked that the Government had not provided any indication regarding the criteria applied for selecting, among the nominations proposed by the trade union centres, the representative who would participate in the Conference.

48. In accordance with the conclusions of the Committee on previous occasions, namely that a rotation system cannot be imposed by governments and could only serve as a criterion for the nomination of the Workers’ delegation in agreement with the most representative organizations, the CGTP’s rejection of a rotation system meant that the Government ought to limit itself to a nomination in conformity with the provisions of article 3, paragraph 5, of the ILO Constitution, especially since in the present case the Government was only meeting the travel and subsistence expenses of the titular delegate. In the absence of any information which could determine the most representative of the trade union centres, the Committee however decided not to uphold the objection. Nevertheless, the Committee wished to point out that governments should be in possession of reliable, objective data which would permit the most representative trade union centre or centres to be identified, for the purpose of applying article 3, paragraph 5, of the Constitution. At the same time, the Committee wished to underscore, as it had occasion to do regarding another objection this year, that governments had an obligation, in accordance with the ILO Constitution, to respect the nominations presented by organizations.

Finally, the Committee noted that the delay in the nomination of the Workers’ delegation was not in itself relevant to the application of article 3, paragraph 5, of the ILO Constitution, but considered that undue delay in informing the persons designated as workers representatives of their nomination could impact negatively on the capacity of the latter to prepare themselves for the work of the Conference.

Objections concerning the nomination of the Workers’ delegation of the Russian Federation

49. The Committee had before it two objections concerning the nomination of the Workers’ delegation of the Russian Federation submitted by the Trade Union Association of Russia SOTSPROF (SOTSPROF) and the All-Russia Confederation of Labour (VKT). The objecting organizations maintained that they had not been consulted regarding the choice of the members of the Workers’ delegation, even though they had communicated to the Government the names of persons whom they wished to include in the Russian delegation. SOTSPROF reproached the Government for having proceeded with the nomination of the members of the Workers’ delegation to the Conference solely on the basis of the views of the trade union component of the Russian Tripartite Commission for Labour Relations, where the trade union centres of the country are represented. The Government however knew that the trade union component had not been legitimately constituted, since SOTSPROF was excluded from it and that the matter was currently the object of proceedings before a Moscow tribunal. SOTSPROF argued that it has been active in Russia for 11 years and that its representatives, which participated in the Conference from 1992 to 1995, had considerable experience both at the national and international level. It comprised 11 affiliated branch trade unions which were also affiliated to the International Confederation of Free Trade Unions (ICFTU), and had concluded agreements with other Russian trade unions to represent them in the context of international organisms. VKT stated that Mr. Efremenko, Workers’ adviser at the Conference and appearing on the list of delegations as “President of the Council of VKT”, was not in fact appointed by the VKT to represent it at the Conference. The objecting organizations considered that the Government, by its actions, had interfered in the internal affairs of the trade unions, had exerted pressure on the free trade union movement and had violated Russian legislation as well as certain fundamental principles of the ILO.

50. In a written communication to the Committee made at its request, Mr. V.P. Roghkov, First Deputy
The Committee noted with satisfaction that the opposition of the French trade union centres was received with interest by the Government. However, it is noted that, in the past, there have been occasions where the Government has not been able to resolve the conflict between the trade union centres and the National Tripartite Commission. This is because of the difficulties in reaching a consensus on the representation of the workers' organizations.

The Committee has also noted that the Government has been able to resolve the conflict between the trade union centres and the National Tripartite Commission. This is because it has been able to achieve a consensus on the representation of the workers' organizations. However, it is noted that the Government has been able to resolve the conflict between the trade union centres and the National Tripartite Commission.

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stressed that, while the Government could make its views known during the consultations with the organization concerned, if no agreement was reached, it must accept the organization's choice for the person to be nominated as Workers' delegate.

Late objections concerning the nomination of the Workers' delegates of Bahrain, Oman, Qatar, Saudi Arabia and the United Arab Emirates

58. On 5 June 2000, the Committee received objections concerning the nomination of the Workers' delegates of Bahrain, Oman, Qatar, Saudi Arabia and the United Arab Emirates submitted in each case separately by the Workers' delegate of Lebanon, the Workers' delegate of Tunisia and the Workers' delegate of Yemen, as well as three objections concerning the nomination of the Workers' delegates of Bahrain, Oman and Saudi Arabia, submitted by the Workers' delegate of Iraq.

59. The names of the Workers' delegates whose credentials were objected to appeared in the provisional list published as a supplement to the Provisional Record of 30 May 2000. Since all these objections were received by the Committee three days after the 72-hour time limit provided for in article 26, paragraph 4(a), of the Conference Standing Orders, the Committee concluded that they were not receivable in accordance with that provision of the Standing Orders.

Late objection concerning the nomination of the Workers' delegation of Togo

60. On 2 June 2000, shortly before midnight, the Committee received via telefax an objection, dated 1 June 2000, communicated by the Union nationale des syndicats indépendants du Togo (UNSIT), concerning the nomination of the Workers' delegation of Togo to the Conference. The organization submitting the objection expressly requested that the criterion of distance be taken into consideration should the objection arrive late.

61. The names of the persons comprising the Workers' delegation of Togo appeared in the provisional list published as a supplement to the Provisional Record of 30 May 2000. The objection was received by the Office after the 72-hour time limit provided for in article 26, paragraph 4(a), of the Standing Orders of the Conference. Although article 26, paragraph 4(a) had provided up till 1997 for the possibility of the Committee extending this delay in the case of objections emanating from distant countries, that provision had been deleted by the 85th Session of the Conference in 1997. The Committee concluded, therefore, and taking into consideration the means of communication utilized to transmit the objection, that the objection was not receivable in accordance with the abovementioned provision of the Conference Standing Orders.

Complaints concerning the non-payment of travel and subsistence expenses of certain members of the Employers' delegation of Belize, the Democratic Republic of the Congo, Lithuania and Venezuela

62. The Committee had before it complaints concerning the non-payment of travel and subsistence expenses of the Employers' delegation (or of some members) of four countries, namely, Belize, the Democratic Republic of the Congo, Lithuania and Venezuela, submitted by the Employers' group of the International Labour Conference at the request of the Employers' delegates of Belize and Lithuania and of the Employers' delegations of the Democratic Republic of the Congo and Venezuela.

63. According to the Employers' delegate of Belize, the Government had paid her travel expenses but she had only received subsistence expenses until 9 June, thus preventing her from attending the whole Conference and, in particular, from exercising her right to vote during the last week of the Conference. The Employers' delegation of the Democratic Republic of Congo stated that the Government had not paid any expenses for the delegate and four of his advisers. As regards the Employers' delegate of Lithuania, the Government had only paid the travel expenses of the delegate but no subsistence expenses. Lastly, the Employers' delegation of Venezuela stated that, despite the Government's promise last year to reimburse the travel expenses of the delegate after the Conference, no payment had been made. This year, the Employers' delegate had received no payment towards his travel expenses nor any information as to his subsistence expenses. The advisers to the Employers' delegate had likewise so far not received travel or subsistence expenses.

64. In a written communication to the Committee made at its request, the Government of Belize stated that necessary steps had been taken for the Employers' delegate to remain for the whole duration of the Conference.

65. In a written communication to the Committee made at its request, the Government of Lithuania provided a copy of a Prime Minister's Decree nominating the Employers' delegate and indicating that both his travel and subsistence expenses were to be borne by the Ministry of Social Security and Labour. The latter had accordingly issued an order to cover such expenses.

66. In a communication to the Committee, the Government of Venezuela explained, as regards last year's expenses, that despite the Government's attempts to reimburse the expenses of the Employers' delegate in accordance with established financial procedures, no claim had been submitted. As to this year's expenses of the Employers' delegate and his advisers, the Government stated that the travel and subsistence expenses of the Employers' delegate will be reimbursed upon request at the Ministry of Labour and provided evidence that the employers' organization of Venezuela, FEDECAMARAS, had agreed to bear the cost of the participation of its other representatives to the Conference.

67. Concerning the Employers' delegate of Belize, the Committee welcomed the Government's attitude in rectifying the matter and was confident that in future the Government will continue to comply with its obligation under article 13, paragraph 2(a) to pay the travel and subsistence expenses of a full tripartite delegation for the whole duration of the Conference.

68. As regards the Employers' delegation of the Democratic Republic of Congo, the Committee regretted that the Government had not responded to its
request for comments and therefore had reason to doubt that, despite the statement in the credentials form according to which the Government would bear the expenses of all non-governmental delegates and advisers, the Government had complied with article 13, paragraph 2, of the Constitution.

69. With respect to the complaint of the Employers' delegate of Lithuania, the Committee was satisfied that provision had been made to cover the delegate's travel and subsistence expenses.

70. Regarding the complaint of the Employers' delegation of Venezuela, the Committee noted that steps had been taken to cover the travel and subsistence expenses of the Employers' delegate and that the employers' organization would have agreed in September 1999 to bear the costs of all its participants to ILO meetings or that those participants will themselves bear such costs. In May 2000, the employers' organization would have further agreed to cover the expenses of three of its representatives accredited as advisers to the 88th Session of the Conference. It seemed clear that the Government had taken measures to cover the expenses of the Employers' delegate and that it was possible that there was an arrangement with the employers' organization to cover the expenses of other members of the Employers' delegation to the Conference. However, the Committee considered that the minimum obligation to cover the expenses of at least a full tripartite delegation had to be fulfilled in advance rather than by way of reimbursing expenses after the Conference, as this could prevent the actual participation of delegates who could not afford to advance the cost of travel and subsistence. The Committee therefore hoped that the Government would in future comply with its obligation under article 13, paragraph 2, of the Constitution in such a manner that the members of the Employers' delegation did not themselves have to meet their expenses in advance.

Complaint concerning the non-payment of subsistence expenses of the Workers' delegate of Belize

71. The Committee considered a complaint concerning the non-payment of subsistence expenses of the Workers' delegate of Belize, submitted by Mr. Eduardo Melendez, Workers' delegate of Belize to the Conference. The complainant stated that the Government had failed to comply with its obligation under article 13, paragraph 2, of the ILO Constitution in that it had only covered his subsistence expenses until 9 June, thereby depriving him of the possibility to exercise the right to vote during the last week of the Conference.

72. In a written communication to the Committee made at its request, the Government of Belize stated that necessary steps had been taken for the Workers' delegate to remain for the whole duration of the Conference.

73. The Committee welcomed the Government's attitude in rectifying the matter and was confident that in future the Government will continue to comply with its obligation under article 13, paragraph 2(a), to pay the travel and subsistence expenses of a full tripartite delegation for the whole duration of the Conference.

Complaint concerning the partial payment of travel and subsistence expenses of the Workers' delegate of Mauritius

74. The Committee had before it a complaint concerning the partial payment of travel and subsistence expenses of the Workers' delegate of Mauritius, submitted by the International Confederation of Free Trade Unions (ICFTU) on behalf of Mr. N.L. Roy, Workers' delegate of Mauritius to the Conference. The Workers' delegate stated, supported by documentary evidence, that the Government of Mauritius had agreed to provide him with an air ticket for which the departure was fixed for 29 May 2000 and the return for 9 June 2000. Any fare increase resulting from a modification in the dates or the itinerary of the air travel should be borne by the Workers' delegate. In addition, the Government had decided to cover subsistence expenses until 8 June only, thus depriving the Workers' delegate of his voting rights during the last week of the Conference. Since, according to the complainant, no particular financial difficulties could be invoked by the Government, in refusing to meet the travel and subsistence expenses of the Workers' delegate for the whole duration of the Conference, the Government had failed to comply with its obligations under article 13, paragraph 2, of the Constitution of the ILO.

75. According to a written communication addressed by the Government of Mauritius to the Workers' delegate of that country and made available to the Committee, the Government had undertaken to meet subsistence expenses until the end of the Conference and to bear the cost of the modification of the air ticket accordingly.

76. The Committee welcomed the Government's attitude in rectifying the matter and was confident that in future the Government will continue to comply with its obligation under article 13, paragraph 2(a), to pay the travel and subsistence expenses of a full tripartite delegation for the whole duration of the Conference.

Complaint concerning the non-payment of travel and subsistence expenses of the Workers' delegate of Rwanda

77. The Committee had before it a complaint submitted by the Workers' delegate of Rwanda concerning the non-payment of his travel and subsistence expenses. The complainant stated that, contrary to its obligation under article 13, paragraph 2(a), of the Constitution, the Government never paid the travel and subsistence expenses of the Workers' delegate to the Conference alleging lack of financial resources; however the Government could every year afford to pay such expenses for the Government delegates.

78. In a written communication to the Committee, made at its request, the Government of Rwanda explained that the non-payment of the expenses of the Workers' delegate was indeed due to a true financial crisis in the country after several years of civil strife. Since 1995, the Government had in fact been able to afford sending only one Government delegate from the capital. This year, as a result of an interview between the Minister of Labour and the Workers' delegate, the Workers' delegate had agreed to finance himself his travel expenses. Concerning the subsist-
ence expenses, they agreed to further examine the availability of financial resources. The complaint therefore came as a surprise.

79. The Committee acknowledged the difficult situation which Rwanda had been facing over the past years and could understand the financial burden that the participation of a full tripartite delegation to the Conference implied. However, it noted that, in addition to the two representatives accredited from the Permanent Mission in Geneva, the two Government representatives from the capital had been actually registered. This, together with the fact that no Employer representative had been accredited, created an imbalance in the composition of the delegation. The Committee hoped that the Government would in future provide the Workers' delegate (and the Employers' delegate) with the same kind of financial support as that given to the Government delegates.

Complaint concerning non-compliance with article 13, paragraph 2, of the Constitution with respect to the expenses of the Employers' delegation of Senegal

80. The Committee had before it a complaint alleging a serious and manifest imbalance as between the number of members of the Employers' and Workers' delegations whose expenses had been covered by the Government, submitted by Mr. Y. Wade, Employers' delegate of Senegal to the Conference. The complainant stated that for several years there had been a serious imbalance between the Workers' and Employers' advisers whose travel and subsistence expenses were borne by the Government. This year, the Government had paid such expenses in respect of six Workers' advisers, but only for one Employers' adviser.

81. In a written communication to the Committee made at its request, the Government of Senegal stated that it had complied with the constitutional obligation to send and bear the expenses of a full tripartite delegation to the Conference. It had in addition decided, upon request, to include and pay the expenses of a number of advisers in each non-governmental delegation. Since in Senegal the representative trade union centres were far more numerous than the representative employers' organizations, ten to two, a strict balance in the number of advisers in each group whose expenses were borne by the Government would result in an inequitable situation in favour of the employers' organization represented at the Conference. Lastly, during the consultations held for the nomination of the delegation of Senegal, the Employers had only proposed two advisers, against six nominees by the Workers.

82. The Committee appreciated the willingness and financial efforts of the Government to ensure the largest possible trade union representation in the composition of the Workers' delegation. It noted, however, that the primary objective of the attendance of advisers at the Conference was to ensure that the three groups could follow properly the work of the Conference in respect of the different items on its agenda. By only nominating one Employers' adviser as against six Workers' advisers, thus considerably limiting the possibility for the Employers to participate in the work of the various Committees, the Government had created a serious imbalance in the effective participation of the social partners at the Conference. However, the Committee decided not to uphold the complaint, trusting that the Government would next year also take account of this important aspect in determining the number of advisers in each group whose expenses were to be borne by the Government.

Communication concerning the Workers' delegation of Nepal

83. The Committee received a copy of a communication addressed by the General Federation of Nepalese Trade Unions to the Prime Minister of Nepal concerning the composition of the Workers' delegation of Nepal to the Conference. The Committee considered that the communication did not constitute an objection and that it accordingly called for no action on its part.

Communication concerning the delegation of the Netherlands

84. The Committee received a copy of a communication concerning the composition of the delegation of the Netherlands to the Conference submitted by the President of a Trade Union of Aruba. The Committee considered that the communication did not constitute an objection and that it accordingly called for no action on its part.

85. This report was adopted by the Credentials Committee unanimously. It is submitted to the Conference in order that the Conference may take note of it.

Geneva, 13 June 2000

(Signed) Mr. Jules Medenou Oni,
Chairperson

Mr. Daniel Funes de Rioja

Mr. Ulf Edström
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