



**Additional agenda item: Further review of remaining measures previously adopted by the International Labour Conference under article 33 of the ILO Constitution to secure compliance by Myanmar with the recommendations of the Commission of Inquiry**

**Arrangements for consideration of all relevant issues concerning Myanmar at the 102nd Session of the Conference**

1. When it adopted its resolution on Myanmar at its 101st Session (2012), the International Labour Conference left open the question on how matters concerning Myanmar would be discussed in the course of its 102nd Session (2013).<sup>1</sup> While committing to hold a discussion on the remaining measures adopted by the Conference in 2000 under article 33 of the ILO Constitution, the Conference postponed to a future session the decision on whether the question of Myanmar's implementation of the 1998 Commission of Inquiry's recommendations and application of the Forced Labour Convention, 1930 (No. 29), should continue to be discussed at a sitting of the Conference Committee on the Application of Standards specially set aside for the purpose, as required by paragraph 1(a) of the Conference's 2000 resolution on Myanmar.<sup>2</sup> Instead, the Conference invited the Governing Body, in paragraph 6 of its 2012 resolution, to organize at its March 2013 session a discussion, with a view to making any recommendations it deems appropriate, on arrangements for consideration of all relevant issues concerning Myanmar at the 102nd Session of the Conference (2013).

<sup>1</sup> Resolution concerning the measures on the subject of Myanmar adopted under article 33 of the ILO Constitution. The text of the resolution is reproduced in the appendix.

<sup>2</sup> Resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Myanmar, adopted by the Conference at its 88th Session. Paragraph 1(a) reads as follows: "Approves ... the actions recommended by the Governing Body, namely ... 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."

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2. In response to this, the Governing Body recommended at its 317th Session (March 2013) that at its opening sitting the Conference should suspend paragraph 1(a) of its 2000 resolution.<sup>3</sup> That suspension would be valid for the 102nd Session (2013) pending a review by the Conference on whether the remaining measures adopted under article 33 of the ILO Constitution, contained in paragraphs 1(a) and (b) of the 2000 resolution of the Conference, should be further suspended or discontinued in the light of the information available.
  3. Consequently, in 2013 there would be no special sitting of the Committee on the Application of Standards on Myanmar's implementation of the Commission of Inquiry's recommendations and application of Convention No. 29.<sup>4</sup> However, the question of whether such a special sitting would take place at a future session of the Conference would be deliberated by the current session of the Conference in the context of a new agenda item entitled "Further review of remaining measures previously adopted by the International Labour Conference under article 33 of the ILO Constitution to secure compliance by Myanmar with the recommendations of the Commission of Inquiry".
  4. In line with the Governing Body recommendation, the President of the Conference will, at the opening sitting of the Conference, formally propose suspending the requirement to organize, during the 102nd Session of the Conference, a special sitting of the Committee on the Application of Standards on Myanmar's implementation of the Commission of Inquiry's recommendations and application of the Forced Labour Convention, 1930 (No. 29). Unless there is a specific request for a vote, the Conference can, in line with the standard practice during opening sittings, take the appropriate decision without a formal vote.
  5. In the same manner, the President of the Conference would also put forward the recommendation of the Governing Body that the Conference review the two remaining measures adopted under article 33 of the ILO Constitution through the Selection Committee, as was done in 2012. The Selection Committee would then report back to the Conference plenary with its recommendation on whether the remaining measures should be further suspended or discontinued.

<sup>3</sup> Dec-GB.317/INS/4/2, March 2013, available at: [http://www.ilo.org/gb/decisions/GB317-decision/WCMS\\_208683/lang--en/index.htm](http://www.ilo.org/gb/decisions/GB317-decision/WCMS_208683/lang--en/index.htm).

<sup>4</sup> Contrary to what was stated on page 5 of the Conference Guide to the 102nd Session of the International Labour Conference, which was published before the March 2013 session of the Governing Body.

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## Appendix

### **Resolution concerning the measures on the subject of Myanmar adopted under article 33 of the ILO Constitution, 2012**<sup>1</sup>

The General Conference of the International Labour Organization, meeting at its 101st Session, 2012,

Taking note of the measures previously adopted by the Conference with a view to securing compliance by Myanmar with the recommendations of the Commission of Inquiry that had been established to examine the observance by Myanmar of its obligation in respect of the Forced Labour Convention, 1930 (No. 29), namely the resolution on the widespread use of forced labour in Myanmar, adopted by the International Labour Conference at its 87th Session (June 1999) (the “1999 resolution”), and the resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Myanmar, adopted by the International Labour Conference at its 88th Session (May–June 2000) (the “2000 resolution”),

Having been informed by the Officers of the Governing Body, the International Labour Office, member States and other international organizations of the progress made by Myanmar towards complying with the recommendations of the Commission of Inquiry,

Taking note of the conclusions adopted on 4 June 2012 by the Committee on the Application of Standards resulting from the discussion at its special sitting on Myanmar at this session of the Conference,

Considering that maintaining the existing measures would no longer help in attaining the desired result of compliance with the recommendations of the Commission of Inquiry,

1. Decides that the limitation of ILO technical cooperation or assistance to the Government of Myanmar enunciated in paragraph 3(b) of the 1999 resolution is lifted with immediate effect to enable the ILO to assist the Government, employers and workers on a variety of issues coming within the ILO’s mandate;

2. Decides that the measure enunciated in paragraph 3(c) of the 1999 resolution is also lifted to allow the Government of Myanmar to participate in ILO meetings, symposia and seminars in the same way as any other Member, with social partners from Myanmar receiving the same treatment;

3. Determines that the remainder of the 1999 resolution ceases to apply with immediate effect;

4. Suspends for one year the recommendation contained in paragraph 1(b) of the 2000 resolution with immediate effect. The International Labour Conference will review the recommendation again in 2013 in the light of information available to it in respect of the elimination of forced labour in Myanmar. The Governing Body is requested to include this item on the agenda of the 102nd Session of the Conference (2013);

5. Requests the Director-General to prepare for the November 2012 session of the Governing Body a report on ILO technical cooperation priorities for Myanmar, including the resources required. The report is to include progress made in the implementation of the Joint Strategy for the elimination of forced labour in Myanmar, the operation of new labour legislation, including freedom of association, and on the impact of foreign investment on decent working conditions in the country;

6. Invites the Governing Body to organize at its March 2013 session a discussion, with a view to making any recommendations it deems appropriate, on arrangements for consideration of all relevant issues concerning Myanmar at the 102nd Session of the Conference (2013);

<sup>1</sup> Adopted on 13 June 2012.

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7. Requests the International Labour Office to give urgent attention to the identification of technical cooperation priorities in Myanmar in close consultation with the Government and social partners in the country. This should be in addition to the established priorities of effective and full realization of freedom of association and the elimination of forced labour, particularly through the effective implementation of the Joint Strategy. It is noted that the Government has acknowledged the need for immediate action on the Joint Strategy, with a view to its full implementation before the declared target date;

8. Calls upon Members and international organizations to make available to the ILO the financial resources necessary for it to provide the technical assistance that Myanmar requires to meet the opportunities and challenges of its rapidly changing circumstances;

9. Invites the Governing Body and International Labour Office to make adequate budget provisions to support the ILO Office in Myanmar on a reasonable and stable basis;

10. Requests Members and international organizations to continue following the situation closely and share with the ILO Liaison Officer any information on the occurrence of forced labour in Myanmar;

11. Requests that the ILO coordinate its work with the UN system and other international organizations to seek their support for ILO priorities in Myanmar;

12. Requests the Government of Myanmar to facilitate the enlarged scope of the activities of the International Labour Office in Myanmar through appropriate arrangements;

13. Notes that the provisions of paragraph 1(c), (d) and (e) of the 2000 resolution have ceased to apply; and

14. Invites the Director-General to communicate to the relevant international organizations referred to in article 12, paragraph 1, of the ILO Constitution, the text of this resolution.



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