



## **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**

### **Report of the Director-General**

#### **Background**

1. By its resolution on Myanmar adopted at its 101st Session in 2012 (the “2012 resolution”), the International Labour Conference decided to lift certain measures that it had adopted in 1999 and 2000 with a view to securing compliance by Myanmar with the recommendations of the Commission of Inquiry to examine the observance by Myanmar of its obligation in respect of the Forced Labour Convention, 1930 (No. 29). The 2012 resolution lifted all measures contained in the *resolution on the widespread use of forced labour in Myanmar*, adopted by the Conference at its 87th Session (June 1999), and most of the measures contained in 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 Conference at its 88th Session (May–June 2000) (the “2000 resolution”).
2. The Conference also decided to suspend for one year the recommendation enunciated in paragraph 1(b) of the 2000 resolution, with a commitment to review the recommendation in 2013 in the light of developments regarding the elimination of forced labour in Myanmar.
3. The Conference invited the Governing Body to recommend arrangements for consideration of all relevant issues concerning Myanmar at the 102nd Session of the Conference. As a result of its discussion in March 2013, the Governing Body recommended that the Conference arrangements include a suspension by the Conference on its opening day of paragraph 1(a) of its 2000 resolution,<sup>1</sup> with the effect of not organizing a special sitting of the Committee on the Application of Standards on Myanmar’s implementation of the

<sup>1</sup> See GB.317/INS/4/2, para. 9, as amended, Mar. 2013. The GB decision is 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).

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Commission of Inquiry's recommendations and of the application of Convention No. 29 (for more details see *Provisional Record* No. 2-1, ILC, 2013). Instead, the Conference is invited to decide whether to discontinue or suspend beyond 2013 the measure enunciated in paragraph 1(a) of the 2000 resolution, 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.
4. The Governing Body discussed various ILO activities in Myanmar in November 2012 and March 2013.<sup>2</sup> The outcome of these discussions did not result in any specific recommendation concerning the suspended measure adopted by the Conference in 2000, namely:
- (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.
5. The Conference is therefore invited to decide in the light of the information available to it whether this measure should be further suspended or discontinued.
6. The present document is aimed at assisting the Conference in its deliberation by highlighting information submitted to the Governing Body since the 101st Session of the Conference<sup>3</sup> and by providing an update on the current situation.

## **Forced labour and progress in the implementation of the recommendations of the Commission of Inquiry**

7. Regarding legislative aspects, the repeal of the Village Act and the Towns Act of 1907, which was specifically requested by the Commission of Inquiry, and their replacement by the Ward or Village Tract Administration Act,<sup>4</sup> was noted with satisfaction by the ILO Committee of Experts on the Application of Conventions and Recommendations.<sup>5</sup> The Committee of Experts noted, and welcomed, positive developments in the application of the forced labour Convention by the Government and encouraged it to pursue with vigour

<sup>2</sup> See GB.316/INS/5/5 and GB.317/INS/4/2.

<sup>3</sup> *ibid.*

<sup>4</sup> Which was done already before the 101st Session of the Conference (2012), see *Provisional Record* No. 2-1, ILC, 2012, para. 19(a).

<sup>5</sup> ILO: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part 1A), International Labour Conference, 102nd Session, Geneva, 2013, p. 254.

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its ongoing efforts towards the elimination of forced labour in all its forms, both in law and in practice, by fully implementing the recommendations of the Commission of Inquiry.

8. While welcoming positive developments in legislation, the Committee of Experts expressed its firm hope in 2013 that the necessary measures will at last be taken with a view to amending section 359 of Chapter VIII of the 2008 Constitution of Myanmar in order to bring it into conformity with the Forced Labour Convention, 1930 (No. 29).
9. Myanmar has also included the prohibition of forced labour in other legislative texts. For example, the 2005 Anti-Trafficking in Persons Law lists forced labour as a form of exploitation in the definition of human trafficking, which is prohibited by the law. Punishment involves heavy sanctions of imprisonment.
10. The provisions of the Jail Manual have been fully reviewed in consultation with the ILO and other stakeholders with revised provisions incorporated into a draft Prisons Act for submission to Parliament.
11. Furthermore, military orders recognize that the legislative provisions against the use of forced labour apply equally to military personnel and that personnel can be further prosecuted under the Penal Code. Instructions have been issued to the effect that civilians are not to be used for any military support activity, including portering, sentry/guard duty and camp construction/maintenance in conflict zones. Further orders have been issued instructing that any such civilian support action to military operations in non-conflict zones should be freely entered into and provided in the framework of paid employment or service contracts. Practical guidelines for military personnel to support these orders are to be drafted.
12. As was reported to the 2012 session of the Conference, in order to stop the actual practice of forced and compulsory labour, the Government has agreed with the ILO on the strategy for the elimination of forced labour. It is outlined in the Memorandum of Understanding between the Government and ILO established in March 2012 and its associated action plans that addressed the issue at three levels: awareness raising/training and understanding of rights and responsibilities under the law; the application of the law; and the application of justice with corresponding accountability under the law.
13. The application of the action plans is proceeding smoothly. Consistent reports are now being received from all parts of the country, including ethnic ceasefire areas, indicating that the incidence of the use of forced labour by both the military and the civilian authorities is falling. Given the close link between conflict and human rights abuses, it is not surprising that the exceptions reported to this trend are the conflict areas of Kachin State and Rakhine State.
14. Despite the military orders issued, concerns have been expressed about the reported continued use by the military of forced labour for portering and guide duties, and for the maintenance of camps in areas associated with civil unrest and armed conflict. There are continuing reports of the use of forced labour by the military – often associated with land confiscation and use – in connection with their economic activities and self-sufficiency requirements. In a number of long-standing cases filed under the complaints mechanism (Nos 109, 129, 537 and 878), farmers evicted from their traditional land following its confiscation by the military and their refusal to continue to work on it in conditions of forced labour, have been denied access to that land or, when access has been permitted, have been denied the right to register it in their name under the new land law. While such situations may arise from the unauthorized actions of operational military personnel, working in collusion with local civil authorities, they are strong indicators that more work in respect of military adherence to the law is required. These issues have been raised with

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the Government Working Group for the Elimination of Forced Labour and will continue to be pursued.

- 15.** Awareness-raising seminars were organized for members of the Parliament and regional parliaments, government officials and military personnel, representatives of community-based organizations, township administrators, journalists, judges within the Supreme Court structure, legal practitioners and senior police officers. Almost 1.6 million copies of a brochure on forced labour produced by the ILO have now been distributed in seven languages, and its content is often reproduced in both print and electronic media.
- 16.** Budget provisions for the undertaking of small public works at village tract and ward level have been instituted by the authorities, together with a supplementary allocation request procedure for unforeseen work requirements. Training in the use of this facility as a means of avoiding recourse to the use of forced labour is included in all workshop presentations to government officials and, in particular, in those organized for general administration officials in local governments.
- 17.** The application of the law is constantly monitored through the complaints mechanism (see below) and through frequent contacts with government working groups, political parties and the public at large.
- 18.** The ILO continues to investigate unanswered allegations recorded in the comments of the ILO supervisory bodies, and a database has been created to assist in this task.
- 19.** Under the action plans and in association with both the Myanmar Peace Support Initiative and the Myanmar Peace Centre, the ILO is actively supporting the peace process, working with ethnic nationality organizations and non-state armed groups to achieve community governance development by raising awareness of and providing training in rights and responsibilities, and also by providing best practice employment models on the basis of small-scale, community-driven, labour-intensive programmes in ceasefire zones.
- 20.** The ILO is an active member of the anti-human trafficking working group and necessary steps have been taken to ensure alignment of resources and activities between the respective action plans of this working group and the forced labour working group. The Government has reported that, of the 120 cases prosecuted under the Anti-Trafficking in Persons Law, 11 related to trafficking for forced labour.
- 21.** Agreement has been reached on a partnership between the ILO and the World Bank in support of the World Bank's nationwide community-driven development project, where the ILO would focus on awareness raising and training in the prohibition of forced labour and in other fundamental principles and rights at work, and would also provide audit services to the projects grievance mechanism.
- 22.** Regarding the enforcement of penalties, the Government reported 329 prosecutions in response to complaints under the ILO complaints mechanism (six under the Penal Code and 323 under military regulations). As a result, 11 offenders have received prison sentences, with the remainder being subjected to administrative penalties, including monetary fines, dismissal, demotion, and loss of service rights for promotion and/or pension.
- 23.** Feedback from military sources indicates that the recent publishing of reports confirming the imprisonment of offenders has acted as a strong disincentive to others. There is no doubt that such publicity has not only increased people's confidence to complain to the ILO but has also empowered them to successfully raise issues directly with the authorities.

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## Operation of the complaints mechanism under the Supplementary Understanding

24. In January 2013, the Government agreed to a further one-year extension of the Supplementary Understanding. This was reported to the Governing Body in March 2013.
25. In the period from 1 June 2012 to 30 April 2013 a total of 358 cases determined to be within the ILO mandate were received. This brings the total number of such complaints received since the February 2007 introduction of the complaints mechanism to 1,315.
26. After a period of increasing numbers of complaints having been received the current period appears to suggest a levelling off.<sup>6</sup> It could be expected that as awareness of rights continues to rise and the rule of law is applied, a reduction in the number of complaints will be experienced, but this stage has not yet been reached.
27. Of the 358 complaints received during the reporting period, 284 related to individual complaints of under-age recruitment into the military, 55 concerned other individual and collective complaints of forced labour and 19 concerned trafficking for forced labour. Through this mechanism, 79 under-age recruits have been released and discharged from the military since 1 June 2012, bringing the total released/discharged to 323. This includes 56 who were both discharged and released from prison after conviction on charges of desertion. There is now a child soldier monitor and an economic reintegration expert on the staff of the ILO Office. In respect of under-age recruitment and child soldiers, the ILO continues to provide monitoring and verification support as a member of the United Nations Country Task Force on Monitoring and Reporting under Security Council Resolution 1612. Through the Joint Action Plan adopted under this mechanism in 2012, 66 under-age recruits have been identified and discharged from the military during the reporting period.
28. Under-age recruits have further been released/discharged from two non-state armed groups following receipt of parental complaints and direct follow-up with those groups by the ILO Liaison Officer.
29. The ILO Liaison Officer will continue to report to each session of the Governing Body the way the complaints mechanism continues to operate, as required under the Supplementary Understanding.

## ILO technical cooperation with Myanmar

30. The 101st Session (2012) of the Conference requested the Office to give urgent attention to the identification of technical cooperation priorities in Myanmar. This information was presented to the Governing Body in November 2012.<sup>7</sup> The Governing Body endorsed the proposed interim programme framework for technical cooperation activities in Myanmar

<sup>6</sup> Complaints received within the ILO mandate over comparable period: 2007–08: 47; 2008–09: 54; 2009–10: 166; 2010–11: 276; 2011–12: 369.

<sup>7</sup> GB.316/INS/5/5.

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and requested a report on progress on its implementation at its 319th Session (October 2013).<sup>8</sup>

31. Since then, the ILO member States have responded positively to ILO requests for assistance, with a wide range of technical assistance programmes being initiated or planned in Myanmar.
32. A freedom of association project was successfully put in place with the arrival in Yangon of an experienced Chief Technical Adviser on 18 June 2012. The focus of the project, supported by the United States and Norway, was to assist the Government and the social partners with the proper implementation of the new laws, including the Labour Organization Law, 2011, the Settlement of Labour Disputes Law, 2012, and their accompanying regulations.
33. Some 566 labour organizations had been registered by 20 May 2013 (of which 19 are employers' organizations). The majority of workers' organizations are at the basic labour organization level (enterprise level), with the exception of two seafarers' federations established under the special provisions of the legislation recognizing the nature of employment patterns in such sectors, and 14 township labour organizations, which are groupings of basic organizations by trade or activity at township level.
34. The registration process has for the most part been well administered by the Ministry of Labour, Employment and Social Security (MoLES) and the progress made in just 14 months is impressive. Consultations have been held on some difficulties in the process of registration of labour organizations, particularly the complexity of criteria for registration of broader organizations, such as federations and confederations.
35. Some concerns remain in respect of reported employer harassment of elected labour organization executive members and of workers undertaking initial organizational activity. Recommendations for the firm application of existing legal prohibitions against such behaviour have been made, in addition to recommendations for the strengthening of the law in this regard.
36. In general, very good working relationships have been established with the Minister, Deputy Minister and other officials of the Ministry of Labour, the labour activists and emerging leaders of the newly created and registered trade unions, the main business organization, the Republic of the Union of Myanmar Federation of Chambers of Commerce and Industry (RUMFCCI), as well as with other relevant organizations working in this area, such as the Myanmar Development Resource Institute (MDRI).
37. The project continues, with emphasis being placed on capacity building through training not only of those directly concerned, but also of lawyers and journalists. There is a particular demand for the capacity training of workers' organizations, which is understandable given the long absence of freedom of association in the country. Training for both social partners also focuses on collective bargaining and social dialogue in general. A variety of promotional and training materials on freedom of association has been developed by the project and made available in various languages. The recent emphasis has been on the training of trainers in order to maximize the breadth of coverage, and on structured workshop activities that bring employers and workers from the same enterprise together in both a formal seminar environment and subsequently back in their

<sup>8</sup> GB.316/PV, para. 151.

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own workplaces, with the aim of supporting the practical development of social dialogue mechanisms.

38. The advisory function of the project has also been very important. Tripartite consultations have been organized on the shortcomings of the Settlement of Labour Disputes Law, which is in operation, with the prescribed tribunals having been established and the necessary amendments in respect of the enforcement measures identified.
39. The ILO Office in Yangon, with full support from headquarters and the Regional Office for Asia and the Pacific, developed technical assistance projects in the areas of labour migration, social security and social protection floors, vocational training, small and medium-sized enterprise development and community entrepreneurship training, child labour (IPEC) and responsible investment (Better Work). Basic funding for the projects has been agreed with the donors and the ILO is about to put in place the necessary logistics to begin implementation. Several projects have peace-related elements, which should contribute to political efforts in the country.
40. More specifically, with funding from member States the ILO is currently engaged in planning or implementing the following projects:
  - (a) continuation of funding for forced labour/child soldier project (European Union);
  - (b) forced labour awareness project (the Netherlands);
  - (c) peace and stability project (European Union);
  - (d) forced labour and labour standards awareness/ monitoring (World Bank);
  - (e) peace-related labour-intensive infrastructure work (Japan);
  - (f) preparation for Better Work (Switzerland);
  - (g) Start and Improve Your Business (Norway);
  - (h) vocational training demand-side analysis (Switzerland);
  - (i) migrant workers (Australia).
41. The ILO has also been providing advice on new legislation and the implementation of regulations in Myanmar regarding, in particular, occupational safety and health, minimum wages and working conditions, skills, and social security.
42. For all these technical cooperation activities, the Government confirmed in January 2013 the application of privileges and immunities to the ILO in Myanmar.

## **Situation of the ILO Office in Yangon**

43. The Conference also recommended an increase in the capacity of the ILO Office in Yangon. Using various sources of funding, the total number of staff of the Office reached, by 15 May 2013, eight internationally recruited staff in the Professional category and some 30 locally recruited staff. These increased numbers required additional office space, and the Office moved to new rented space in April 2013.

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## Other developments

44. The first Workers' Labour Organizations Leaders Forum was held in Yangon on 29–30 April 2013 with over 400 registered participants. The Forum, supported by the ILO and the Friedrich Ebert Stiftung (FES), was developed in consultation with labour leaders. The Forum was a valuable support for the ongoing development of a free democratic worker representative structure in Myanmar. Representatives of the workers' organizations registered at the Forum elected the Workers' titular delegate and two advisers for nomination to the Myanmar delegation to the 102nd Session of the International Labour Conference (2013).
45. The Government has announced its decision to take the necessary steps for the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182). It has further commenced consultation with the ILO towards the possible ratification of the Domestic Workers Convention, 2011 (No. 189), and the Maritime Labour Convention, 2006 (MLC, 2006).

## Concluding remarks

46. As reported to the Conference in June 2012 and the Governing Body in November 2012 and March 2013, progress on democratic, social and economic reform continues in Myanmar (see detailed reports of the ILO Liaison Officer submitted to the Governing Body in March 2013).<sup>9</sup> There is a commitment from the Government to further review the new labour laws in order to address shortcomings identified by the ILO. The Government continues to engage on a constructive and ongoing basis with the ILO.
47. The ILO Liaison Office continues to report ongoing successful identification and resolution of cases of forced labour and the punishment of perpetrators under the Penal Code and military regulations. A continued commitment is required to the application of the Memorandum of Understanding and associated action plans for the elimination of all forms of forced labour by 2015, particularly by the military.
48. Similarly, progress is continuing on the application of freedom of association, with now over 560 labour organizations registered. Exiled Federation of Trade Unions Burma (FTUB) (renamed as the Federation of Trade Unions of Myanmar (FTUM)) leaders returned to Myanmar, established an office in the country and submitted an application for registration as a labour organization in April 2013.
49. The Director-General was specifically requested by the Governing Body to submit a Liaison Officer's report on ILO activities in Myanmar at March sessions of the Governing Body.
50. In the light of the above, the Office considers that there is no longer a need to continue the measures contained in paragraphs 1(a) and (b) of the 2000 resolution.
51. *In view of the decisions of the 317th Session of the Governing Body and the information contained in the present report, the Conference may wish to decide:*
  - (a) *that the measure enunciated in paragraph 1(a) of the 2000 resolution is (suspended or discontinued); and*

<sup>9</sup> GB.317/INS/4/2, Appendix II "Report of the ILO Liaison Officer for Myanmar".

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*(b) that the measure enunciated in paragraph 1(b) of the 2000 resolution is (suspended or discontinued).*

**52.** *In this context, the Conference may wish to decide: (1) to invite the Governing Body to keep under review the situation in Myanmar until the full elimination of the practice of forced or compulsory labour in the country has been achieved; (2) to call upon Members and international organizations to support the efforts of the ILO and the Government to eliminate forced labour in Myanmar and to further social justice in the country, including by making available necessary financial resources to this effect; and (3) to request governments, employers' and workers' organizations and international organizations to continue to follow closely the situation and share with the ILO any information on the occurrence of forced labour in Myanmar.*

**53.** A draft resolution taking into account these proposals is contained in Appendix I and submitted to the Conference for its consideration.

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## Appendix I

### Resolution concerning remaining measures on the subject of Myanmar adopted under article 33 of the ILO Constitution

The General Conference of the International Labour Organization, meeting in Geneva at its 102nd Session, 2013,

Taking note of 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) 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) (the “2000 resolution”),

Taking note of the suspension for one year of the recommendation contained in paragraph 1(b) of the 2000 resolution with immediate effect pursuant to the resolution concerning the measures on the subject of Myanmar adopted under article 33 of the ILO Constitution, adopted by the International Labour Conference at its 101st Session (May–June 2012) (the “2012 resolution”),

Taking note of the information provided to the Conference by the International Labour Office, the Governing Body and the Government of the Republic of the Union of Myanmar,

Encouraged with the progress made by Myanmar in compliance with the Forced Labour Convention, 1930 (No. 29),

Considering that maintaining the remaining measures would no longer be appropriate for the implementation of the recommendations of the Commission of Inquiry;

- (a) *Decides* that the measure enunciated in paragraph 1(a) of the 2000 resolution is (suspended or discontinued);
- (b) *Decides also* that the measure enunciated in paragraph 1(b) of the 2000 resolution is (suspended or discontinued);
- (c) *Requests* the Office and the Government to continue their commitment to the application of the MOU and associated action plans for the elimination of all forms of forced labour by 2015;
- (d) *Invites* the Governing Body to keep under review the situation in Myanmar until the full elimination of the practice of forced or compulsory labour is achieved;
- (e) *Calls upon* Members and international organizations to support the efforts of the Government, with the assistance of the ILO, to eliminate forced labour in Myanmar and to further social justice in the country, including by making available necessary financial resources;
- (f) *Requests again* Governments, employers’ and workers’ organizations and international organizations to continue to follow closely the situation and share with the ILO any information on the occurrence of forced labour in Myanmar.

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## Appendix II

### Conference resolutions (2012 and 2000)

#### ***Resolution concerning the measures on the subject of Myanmar adopted under article 33 of the ILO Constitution, 2012***

The General Conference of the International Labour Organization, meeting in Geneva 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);

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

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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 closely the situation 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 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;

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

## **Resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Myanmar, 2000**

The General Conference of the International Labour Organization,  
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;

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(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 organisations, 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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