

## **Statement of the Chairperson of the Committee of Experts on the Application of Conventions and Recommendations, Judge Abdul G. Koroma**

Thank you, Madam Chairperson. Let me begin by congratulating you on your appointment to the important function of Chairperson of the Conference Committee on the Application of Standards. I also wish to convey my congratulations to [...] and [...] for their appointment respectively as the Employer Vice-Chairperson and the Worker Vice-Chairperson.

Madam Chairperson, on behalf of the Committee of Experts, I wish to express our appreciation to the Committee on the Application of Standards for having renewed the invitation made to all the Chairpersons of the Committee of Experts since 1993. I feel privileged to participate as an observer in the general discussion of your Committee as well as in its discussion of the General Survey on the right of association and rural workers' organizations instruments.

The furtherance of the cause of social justice and universal peace through the effective application of international labour standards can only be sustainable if, in particular, it is embedded in a solid relationship between the two Committees in the spirit of mutual respect, cooperation and responsibility which has consistently prevailed over the years. I wish to underline that, in this spirit, the Committee of Experts has always taken the proceedings of the Conference Committee into full consideration, not only in respect of general matters concerning standard-setting activities and supervisory procedures, but importantly with regard to specific matters concerning the way in which States fulfil their standards-related obligations. In this context, at its last session, the Committee of Experts once again invited the Employer Vice-Chairperson (Ms Sonia Regenbogen) and the Worker Vice-Chairperson (Mr Marc Leemans) of the Committee on the Application of Standards at the 2014 session of the Conference to participate in a special sitting of the Committee of Experts.

Since 2012, the exchange of views during the special sittings focused on matters arising from the discussions of the Committee on the Application of Standards in June 2012. The Committee of Experts has reflected in detail these exchanges in its general reports. I will thus limit myself to the following three observations.

First, having duly noted that the statement of its mandate in its 2014 General Report had been welcomed by the Governing Body, the Committee of Experts decided to reiterate this statement in its 2015 General Report.

Second, stressing that tripartite consensus on the ILO supervisory system was an important parameter for the work of the Committee and that, although an independent body, it did not function in an autonomous manner, the Committee noted that divergences of views between constituents on certain matters had an impact on the Committee's work and required it to pay particular heed to abiding strictly by its mandate and its core principles of independence, objectivity and impartiality.

---

Third, the Committee of Experts indicated that it would continue to examine and improve its methods of work, as it had done over the years. Allow me this year to explain in more detail the work that has been undertaken by the Committee of Experts in this regard, in particular at its last session. Indeed, the Committee took due note of the invitation by the Governing Body, in March 2014, that it continue to examine its methods of work with a view to further enhancing its effectiveness and efficiency.

Consideration of its working methods by the Committee of Experts has been an ongoing process since its establishment, and, in this process, the Committee has always given due consideration to the views expressed by the tripartite constituents. In its reflection on possible improvements and the strengthening of its working methods, the Committee of Experts directed its efforts towards identifying ways to adapt its working methods to better meet its challenges, in particular that of its workload and of better assisting the tripartite constituents in meeting their obligations in relation to international labour standards.

More specifically, the Committee addressed the issue of the **streamlining of the content of its report**. In this respect, the Committee considered that there was a need to make clear that its *objective* was to ensure a better understanding and an enhanced quality and visibility of its work, which would not only *facilitate the work of the Conference Committee on the Application of Standards*, but also *help the tripartite constituents*, and in particular governments, to better identify and understand the Committee's requests, implement them with a view to complying with their obligations in relation to international labour standards and report back effectively. To achieve this objective required striking the right balance.

In particular, the Committee discussed the importance of ensuring uniformity in carrying out its work, including in the application of the criteria to distinguish between observations and direct requests, and in the language used to formulate its views and requests. It underlined that coherence in the supervision of the application of ratified Conventions was to be ensured not only by subject matter, but also by country.

The Committee of Experts intends to continue the examination of its working methods in the future, so as to pursue further improvements, as may be necessary.

Furthermore, the importance of the Committee being able to function with its full membership was highlighted. It was a matter of concern that the full membership had not been reached since the 70th Session of the Committee in 2001. The Committee therefore expressed the hope that the existing vacancies would be filled in the near future. In this regard, I was happy to be informed of the decision taken by the Governing Body in March 2015 to appoint, in order to fill three of the four current vacancies, three new experts as members of the Committee.

I will not enter into a detailed presentation of the content of the Committee of Experts' report. This report provides your Committee with an analysis of the extent to which member States have fulfilled their obligations under the ILO Constitution in relation to standards (reporting obligations, obligation to communicate to the representative employers' and workers' organizations copies of the reports on ratified and unratified Conventions, obligation to submit to the competent authorities all instruments adopted by the Conference) and the extent to which their legislation and practice are in conformity with ratified Conventions. In this regard, I would like to draw your Committee's attention in particular to the cases in which, in view of the seriousness of the issues addressed, the Committee of Experts has requested governments to provide full particulars to the Conference (known as "double-footnoted" cases). As always, serious consideration was given by the Committee as a whole in identifying these cases.

---

Let me finish this brief statement with the General Survey which concerns, as the representative of the Secretary-General mentioned, Conventions Nos 11 and 141 and Recommendation No. 149. The purpose of Convention No. 11 is to ensure that agricultural workers have the same rights of association and combination as other workers. Convention No. 141 reaffirms and builds on the principles of freedom of association of rural workers, basic rights which are already recognized by Conventions Nos 11, 87 and 98, as a basis for giving rural workers a voice in economic and social development.

When it selected the subject of the General Survey, the ILO Governing Body recalled that agricultural workers were often persistently excluded from the right to associate and bargain collectively, and that rural workers were at particular risk due to inadequate legislative protection and insufficient mechanisms for the promotion of their collective voice. Having reviewed the reports submitted to it for the purposes of the General Survey, the Committee of Experts was unfortunately obliged to note that the dismal living and working conditions in the rural sector of many countries often appeared to be largely the same as they had been when Convention No. 141 was adopted in 1975 – and, in fact, in some places were not dissimilar from the conditions that had existed in 1921, when Convention No. 11 was adopted. A number of the problems that had existed previously were reported as current obstacles, to which new challenges had been added.

The Committee emphasized that legal and practical obstacles reported by member States and workers' organizations were not insurmountable, and that the instruments were key to national economic and social development and integral to nation building, by allowing rural workers to participate fully in the development of their countries through organizations of their own choosing. Further, the Committee noted that governments and social partners did not always appear to have fully understood the promotional nature of Convention No. 141, which provides more than a rights-based, legislative framework for equal rights for rural and agricultural workers, but actually focuses on the importance of taking active measures to associate their collective voice in the elaboration of economic and social policies related to rural development. The Committee of Experts emphasized that Recommendation No. 149 contained a set of guidelines for constituents, that responded to many of the challenges described in member State reports and was hopeful that the potential of the instruments would be taken up as a blueprint for how to address obstacles.

In considering possibilities for building on common commitments and involving all stakeholders in dialogue to achieve the full potential of the instruments, the Committee of Experts noted that a number of governments and workers' organizations requested technical assistance from the Office on the application of the instruments in accordance with national circumstances, including capacity building, the compilation of good practices and exchanges of ideas and experiences across countries. As the representative of the Secretary-General noted, the Committee of Experts encouraged the Office to conduct background work for consideration of the usefulness of consolidating, in a broad and comprehensive manner, the various instruments on agricultural and other activities in rural areas and promote their effective implementation within the framework of the Standards Review Mechanism decided upon by the Governing Body. The Committee trusts that the Office will be able to provide the technical and advisory support requested, to ensure that the full potential of these very important instruments is reached.

Madam Chairperson, distinguished members of the Committee on the Application of Standards, I would like to reiterate that the Committee of Experts is looking forward to strengthening its relations with your Committee, including by pursuing a meaningful dialogue, in the interest of an authoritative and credible ILO supervisory system and ultimately for the cause of ILO international labour standards and Social Justice worldwide. I wish you a fruitful discussion.