
Committee on the Application of Standards

Statement by Ms Corinne Vargha, representative of the Secretary-General

I. Introductory remarks

As representative of the Secretary-General to this Committee, it is my privilege and duty to complete the information set out in the reports of the Committee of Experts on the Application of Conventions and Recommendations and the accompanying information document by bringing to your attention any important developments that will be relevant to your discussion.¹ Within the limits of the allotted time, my speech will touch upon two points: (i) the mandate and work of your Committee and (ii) a brief historical perspective in order to highlight that your Committee celebrates its 90th anniversary this year. In this respect, I would like to add my acknowledgement of the presence of the Chairperson of the Committee of Experts, Judge Abdul Koroma, who will make a statement in a short moment.

II. Mandate of the Conference Committee

Your Committee has a mandate under the Constitution and the Standing Orders of the Conference that is at the core of the ILO's work.² Your work over the next two weeks is to consider: (i) the measures taken by Members to give effect to Conventions to which they are parties; (ii) the information and reports concerning Conventions and Recommendations communicated by Members in accordance with article 19 of the Constitution; and (iii) the measures taken by Members in accordance with article 35 of the Constitution. Your Committee then reports on these matters to the plenary of the Conference.

III. Work of the Committee

Document D.1 contains all the information concerning the work of your Committee. The document reflects the results of the informal tripartite consultations that have taken place, since 2006, on the working methods of the Committee. Due to the importance of this document, its adoption was moved earlier in the working schedule of the Committee's

¹ Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1A), ILC, 105th Session (2016); General Survey concerning the Migration for Employment Convention (Revised), 1949 (No. 97), and Recommendation (No. 86) as well as the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and Recommendation (No. 151), Report III (Part 1B), ILC, 105th Session, Geneva, 2016; Information document on ratifications and Standards-related activities, Report III (Part 2), ILC, 105th Session, Geneva, 2016.

² Article 23, paragraph 1, of the ILO Constitution, and article 7 of the Standing Orders of the Conference.

opening sitting for the second time this year. This document was also made available on the Committee's website on 6 May.

The recent innovations take into account the results of the last informal tripartite consultations on the working methods of the Committee on the Application of Standards held on 19 March 2016. These aim, first, at implementing the "paper smart" policy introduced by the Office under the current Programme and Budget. This year all documents of the Committee will be made available electronically on the Committee's dedicated web page, including the draft Minutes of sittings; each intervention will be reflected in the Minutes of the Sittings only in the working language in which it was delivered or the language selected by the speaker in the request to take the floor; and amendments to the Minutes of each Sitting may be submitted not only in writing but also electronically by email.

The second innovation retained following informal tripartite consultations aims at improving time management, and the Chairperson of the Committee will revert to this point later on.

I hope that these innovations will help to facilitate the work of the Committee.

Your Committee has had a long-standing practice of focusing its discussions on a list of individual cases proposed by the representatives of the Employers and Workers of your Committee, on the basis of the report of the Committee of Experts. Tomorrow, your Committee is expected to adopt this list and the discussion of individual cases should start on Wednesday.

Tomorrow, your Committee will also begin its discussion of the General Survey of the Committee of Experts concerning the Migration for Employment Convention (Revised), 1949 (No. 97), and Recommendation (No. 86) as well as the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and Recommendation (No. 151). The discussion on this General Survey gives the Committee the opportunity to make its contribution to the international debate on labour migration, the importance and relevance of which is known to us all. While the Chairperson of the Committee of Experts, Judge Koroma, will introduce the General Survey, I should like to highlight that this General Survey and your discussions will inform the General Discussion on Migration to be held at the 106th Session of the Conference (2017) as well as the implementation of Outcome 9 of the Programme and Budget for 2016–17, namely, "Promoting Fair and Effective Labour Migration Policies".

Being aware of your increasing interest in the technical assistance provided by the Office in order to foster the implementation of ratified conventions, I would like to draw your attention to the Information Document prepared by the Office in this respect.³ It contains information notably on the missions carried out last year in two countries in order to follow up the conclusions adopted by the Conference in recent sessions.

IV. 90th anniversary from the creation of the Committee on the Application of Standards and the Committee of Experts

I now turn to the second part of my introductory statement which aims at marking the 90th anniversary this year, since the creation of your Committee. As a complement to the slide show which retraces the evolution of the two Committees and which you can enjoy at

³ Report III (Part 2), pp. 12–30.

the entrance to the room, it seemed important to me to take the time to place the work of the Committee in a historical perspective and measure the ground covered. The Resolution which established, in June 1926, the Committee on the Application of Standards requested at the same time the Governing Body to appoint a Committee which eventually became the Committee of Experts on the Application of Conventions and Recommendations.⁴ Over the years, the two bodies developed a symbiotic and mutually dependent relationship. It was in 1932 that the Committee on the Application of Standards indicated for the first time that the report of the Committee of Experts was the basis of its deliberations and that it was this “double examination” of reports by the two bodies that placed “States Members of the Organisation on a footing of equality in respect of the supervision of the application of the ratified Conventions”.⁵ The Committee on the Application of Standards described the way in which the two groups differed and complemented each other, one being dedicated to the examination of written information by a group of independent experts and the other being a tripartite organ in a position “to go beyond the mere question of conformity between national legislation and the ratified Conventions, and, as far as practicable, to verify the day-to-day practical application of the Conventions in question”.⁶ Thus, the procedures of your Committee gradually developed around the opportunity given to member States to submit explanations either orally or in writing.

At the end of the Second World War, your Committee made a determining contribution to the constitutional amendments eventually adopted in 1946, leading to the strengthening of the ILO’s supervisory machinery notably by introducing the obligation of Member States to report on the submission of Conventions and Recommendations to the competent authorities and on the effect given to unratified Conventions and the Recommendations, as well as the communication of reports on ratified Conventions and on Recommendations to the most representative national organizations of employers and workers for their comments.⁷

Until 1954, the Committee on the Application of Standards would examine all the observations made by the Committee of Experts, together with subsequent information received from Governments and the views expressed by delegates. In 1955 the Committee introduced for the first time, a “principle of selectivity: it asked its officers to make a choice among the observations and requests for supplementary information put forward by the Committee of Experts, and to concentrate only on those points in regard to which the Experts had drawn attention to definite discrepancies between the terms of certain ratified Conventions on the one hand and the national legislation and practice on the other”.⁸ In 1959, the first list of cases was presented and discussed.⁹

In the same year, a decision was taken to extend the reporting cycle from one to two years following an intense debate both in the Governing Body and the Committee on the

⁴ Resolution concerning the methods by which the Conference can make use of the reports submitted under Article 408 of the Treaty of Versailles (current article 22 of the ILO Constitution), ILC, Eighth Session, 1926, *Record of Proceedings*, Vol. I, Appendix VII, p. 429.

⁵ ILC, *Record of Proceedings*, 25th Session, 1939, Appendix V, p. 414.

⁶ ILC, *Record of Proceedings*, 25th Session, 1939, Appendix V, p. 414.

⁷ ILC, Report II(1), Reports of the Conference Delegation on Constitutional Questions, 29th Session, 1946.

⁸ ILC, 38th Session (1955), *Record of Proceedings*, Appendix V, p. 583, paras. 6–7.

⁹ ILC, 43rd Session (1959), *Record of Proceedings*, Appendix VI, p. 669, para. 15.

Application of Standards on a proposal made by the Committee of Experts to address the increasing workload. Your Committee emphasized on that occasion “the great confidence and esteem which it has always had for the work of the Experts”.¹⁰

In the 1950s the dialogue between the two supervisory bodies and Member States was amplified by the first references to technical assistance to overcome difficulties in the application of Conventions. Your Committee first made explicit reference to technical assistance in 1953¹¹ while the Committee of Experts included such references in the late 1950s. The importance of technical assistance steadily grew, as new member States joined the organization, tripling its membership between 1945 and 1982 and raising new and diversified needs.

In 1964, the Committee of Experts started to record cases of progress. Today, the total number of cases “of satisfaction” at the progress achieved, has risen to 2,999.¹²

The convergence of views between the Employers’ and Workers’ groups has been the greatest strength of the ILO from the 1960s to the late 1980s, contributing to the increased participation of employers’ and workers’ organizations in the process of supervision of standards which ultimately maintained the confidence of all parties. As emphasized in a 1977 Resolution of the ILC:

... absolute impartiality in the ILO supervision of international standards is the key to their credibility in order to ensure that obligations freely contracted are complied with and remain the same for all countries irrespective of their size, economic and social system and level of economic development.¹³

The submission of comments by employers’ and workers’ organizations gradually became an established feature of the supervisory mechanism. The comments received increased from nine in 1972, to 82 in 1983, to 183 in 1990, to 1,004 in 2012 and 1,143 in 2015.

A heightened level of interaction between the two bodies in discharging their respective mandates led to greater coordination between the two Committees, at the initiative of the Committee on the Application of Standards and with the help of the Office, to strengthen the follow-up to cases of serious failure by member States to fulfil their reporting and other standards-related obligations and to promote the provision of technical assistance to member States for the implementation of the Conventions.

However, the most recent period has also been marked by divergences concerning the mandate of the Committee of Experts and the respective functions of the two Committees. In June 2012, the Committee on the Application of Standards was for the first time unable to adopt a list of individual cases for discussion because of this difference of views.

As you know, this impasse ultimately sparked off a challenging but useful dialogue within the ILO on its standards system. A Tripartite Meeting held in February 2015, led to a

¹⁰ ILC, 43rd Session (1959), *Record of Proceedings*, Appendix VI, pp. 668–669.

¹¹ ILC, 36th Session (1953), *Record of Proceedings*, Appendix VI, p. 365.

¹² Report III (Part 1A), op. cit., para. 52.

¹³ ILC, 63rd Session (1977), Resolution concerning the strengthening of tripartism in the ILO supervisory procedures of international labour standards and technical co-operation programmes; preamble. See also ILC, 56th Session (1971), Resolution concerning the strengthening of tripartism in the over-all activities of the International Labour Organisation.

Joint Statement of the Workers' and the Employers' groups and two statements from the Government group, ultimately enabling the March 2015 session of the Governing Body to adopt the Standards Initiative presented by the ILO Director-General with the objective to establish full tripartite consensus on the functioning of an authoritative standards supervisory mechanism and to enhance the relevance of international labour standards through a Standards Review Mechanism.

V. Concluding remarks

This brief historical overview primarily serves to highlight the way in which, over the years, the mandate, scope and interaction of the Committee of Experts and the Committee on the Application of Standards evolved in response to changing circumstances in terms of ILO membership, socio-economic context and the consequent needs of the Constituents. Constant evolution may be challenging under certain circumstances, but it also constitutes a distinguishing mark of a living organization capable of adapting to its changing environment.

As this is the first time I attend this Committee as Director of the International Labour Standards Department, allow me to conclude my statement by emphasizing the commitment of the Office to do all in its purview to support and reinforce this constructive engagement among the tripartite constituents of the Committee and the common trust in an authoritative standards supervisory mechanism in which all constituents share a sense of ownership and involvement. As head of the Secretariat of your Committee, I look forward to working with you and providing every support that you may need in this respect.