

Reports on credentials

Second report of the Credentials Committee

Composition of the Conference

1. Since 1 June 2016, when the Credentials Committee adopted its first report (*Provisional Record* No. 6B), there has been one change (Eritrea) in the composition of the International Labour Conference and, therefore, at present a total of 171 member States are accredited at the International Labour Conference. In addition, since the adoption of its first report, two member States, El Salvador and Paraguay, have regained the right to vote.
2. To date, there are 5,982 persons accredited to the Conference (as compared to 5,912 in 2015, 5,254 in 2014, 5,593 in 2013, and 5,327 in 2012), of whom 4,875 are registered (as compared to 4,842 in 2015, 4,457 in 2014, 4,569 in 2013, and 4,395 in 2012). The attached lists contain more details on the number of delegates and advisers accredited and registered.
3. The Committee wishes to indicate that 172 ministers, vice-ministers, and deputy ministers have been accredited to the Conference.

Monitoring

4. The Committee was seized automatically with one case, pursuant to article 26bis(7) of the Standing Orders of the International Labour Conference, by virtue of a decision of the Conference taken at its 104th Session (2015).

Djibouti

5. At its 104th Session (2015), the Conference decided, by virtue of article 26bis(7) of the Conference Standing Orders, and upon the unanimous recommendation of the Credentials Committee, to renew the reinforced monitoring measures concerning Djibouti (*Provisional Record* No. 5C, 104th Session, 2015, paragraph 34) and it therefore requested the Government to:
 - (a) submit to the Director-General of the International Labour Office, by no later than the end of 2015, a detailed report:
 - (i) on the progress achieved in Djibouti as regards to the establishment of criteria for the independent representation of workers in the country; and

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- (ii) the concrete steps undertaken following upon the commitment to re-establish a dialogue in order to fully resolve the problems existing between the Worker representatives and the Government;
- (b) submit for the next session of the Conference, at the same time that it submits its credentials for the delegation of Djibouti, a detailed report substantiated with relevant documentation on the procedure utilized to nominate the Workers' delegate and advisers, specifying the organizations consulted on the matter and according to which criteria, the numerical importance of the organizations consulted, the date and place of these consultations, the names of the individuals nominated by the organizations during these consultations and the positions they held within those organizations.
6. The credentials of Djibouti that were submitted on 16 May 2016 were incomplete, with no reference to the functions of the two workers' representatives that had been accredited. In requesting the Government to amend its credentials, the Office reminded it of the reinforced monitoring measures decided in 2015.
7. In a report dated 31 May 2016, the Government explained that it had invited in writing the four most representative organizations – the Union générale des travailleurs djiboutiens (UGTD), the Union djiboutienne du travail (UDT), the Confédération nationale des employeurs de Djibouti (CNED) and the Fédération des entreprises de Djibouti (FED) – to nominate their respective representatives to the Conference. Each of these organizations were able to do so of their own free will. In communications dated 5 May 2016, the UGTD designated its Secretary-General, Mr Said Yonis Waberi, whereas the UDT designated its President, Mr Mohamed Youssouf Mohamed.
8. As no detailed report had been submitted before the end of 2015 as requested by the Conference, and as the report of 31 May 2016 did not contain the information requested, the Committee was compelled to remind the Government to provide the requested information.
9. In a report dated 3 June 2016, the Government indicated that, with the agreement of the social partners, a system of rotation had been set up allowing the representatives of the social partners to alternate between the functions of delegate and adviser. According to the Government, the UGTD held its ninth extraordinary congress on 15 December 2015 to elect a new Secretary-General, Mr Said Yonis Waberi. Regarding the UDT, it was unable to hold its congress, as the organization had been awaiting the confirmation of the participation of the International Trade Union Confederation (ITUC), as well as representatives of the ILO. Apart from the emphasis placed on certain provisions of the Labour Code that had been modified as a result of the comments of the supervisory bodies of the ILO, the Government highlighted that two draft texts were being considered in order to create an institutional framework which would resolve the issue of representativeness of employers' and workers' organizations. One was a draft decree, defining the various forms of trade union organizations; and, the other was a draft executive order regarding the organization of national trade union elections that would be submitted in the near future to the National Council of Work, Employment and Social Security, before cabinet level-examination by the Council of Ministers. The Government declared its intention to organize, in agreement with the social partners, a social summit to strengthen tripartism and social dialogue in Djibouti.
10. *The Committee regrets that both detailed reports requested by the Conference were provided after the set deadline and only after two reminders, which demonstrates the little regard that the Government has for the decisions of the Conference.*
11. *The Committee also regrets that the elements with which it was provided do not enable it to remove doubts concerning the persistence of the phenomenon of "clone" trade union organizations, whether the UDT or the UGTD. The Committee observes that, once again,*

an objection was submitted concerning the nomination of the Workers' delegation, but that it was unable to examine it, as the objection had been submitted after the expiration of the deadline (paragraphs 31–32). The Committee notes the Government's statement on the draft texts that are intended to determine the representativeness of the employers' and workers' organizations in the country. It trusts that the comments of the ILO supervisory bodies will be duly taken into account and expects that the Government will quickly establish objective, transparent and verifiable criteria, within a framework that fully respects the capacity to act of the genuine workers' organizations in Djibouti, in full independence from the Government, in accordance with the provisions of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and Right to Organise and Collective Bargaining Convention, 1949 (No. 98), ratified by Djibouti.

- 12.** *Referring to its previous observations, the Committee recalls that a mission had been envisaged by the ITUC in order to assess the situation of the workers' organizations. The Committee hopes that it will take place in the near future, in collaboration with the Office. It trusts that such a mission will benefit from the full support of the Government and all the parties involved, so that concrete solutions may be found to the problems brought repeatedly to the attention of the ILO supervisory bodies that hamper the representation of the workers of Djibouti.*
- 13.** *In light of the foregoing, the Committee considers that it is necessary to renew the monitoring measures. By virtue of article 26quater of the Conference Standing Orders, the Committee therefore unanimously proposes that the Conference request the Government of Djibouti to submit for the next session of the Conference, at the same time that it submits its credentials for the delegation of Djibouti, a detailed report, substantiated with relevant information:*

 - (a) concerning the concrete measures undertaken with respect to the establishment of criteria for the independent representation of workers in the country, in conformity with freedom of association principles;*
 - (b) on the procedure followed for the nomination of the Workers' delegate and advisers, in consultation with representative workers' organizations, specifying the organizations consulted and according to which criteria, their numerical importance, the date and place of these consultations, the names of the individuals nominated by the organizations during these consultations and the positions they hold within those organizations.*
- 14.** *Unless there is significant progress regarding the conformity of the nomination of the Worker representatives to the Conference with the provisions of the Constitution of the ILO, the Committee will have no other option but to envisage the implementation of relevant provisions of the Standing Orders of the Conference.*

Objections

- 15.** The Committee has received 13 objections this year. These relate both to the credentials of delegates and their advisers who were accredited to the Conference, as reflected in the *Provisional List of Delegations* published as a *Supplement to the Provisional Record* of 30 May 2016 and the *Revised Provisional List of Delegations* published on 3 June 2016, as well as to incomplete delegations. The Committee has completed the examination of all objections, which are listed below in the French alphabetical order of the member States concerned.

Objection concerning the nomination of the Workers' delegate of Afghanistan

16. The Committee received an objection presented by the International Trade Union Confederation (ITUC) concerning the nomination of the Workers' delegate of Afghanistan. The objecting organization alleged that the Government had failed to comply with article 3(1) and (5) of the ILO Constitution. According to the objecting organization, the Government had requested the National Union of Afghanistan Workers and Employees (NUAWE) to designate its representative to the present session of the Conference. Pursuant to this request, the NUAWE proposed Mr Maroof Qaderi, its President, and Mr Ahmad Fawad Farzad, International Relations Adviser. Subsequently, and without consulting with the NUAWE, the Government nominated Ms Rana Barekzai of the National Union of Workers as the Workers' delegate. The ITUC indicated that, according to the information available to it, there was no registered union in Afghanistan by the name of the National Union of Workers and that Ms Barekzai belonged to the Central Council of Labour Unions of Afghanistan (CCLUA). It questioned the independence and legitimate nature of CCLUA on the basis that its President, Mr Kaku Jan Niazi, was an employer and owner of two companies.
17. The ITUC contended that the NUAWE, with 153,500 members in both the private and public sector, was the most representative workers' organization in the country, as compared to the Kabul-based CCLUA, with approximately 5,000 members. NUAWE holds congresses every three years, covers 25 provinces, has participated in tripartite dialogues, served on various committees and represented workers at previous sessions of the Conference. The ITUC considered that the nomination of Ms Barekzai by the Government breached its obligations under the ILO Constitution, and that its actions had thereby prevented the most representative workers' organization in the country from being accredited as the Workers' delegate.
18. In a written communication addressed to the Committee at its request, the Government stated that Mr Qaderi, President of the NUAWE, was initially nominated as the Workers' delegate to the present session of the Conference. However, his nomination was not approved by the relevant government authorities due to a directive of the Ministers' Council, which called for the suspension of the NUAWE's activities. It subsequently nominated Ms Barekzai, a trade union member, as Workers' delegate in compliance with the ILO Constitution, which required at least one person to be nominated from a workers' organization.
19. *The Committee notes that the Government does not question the NUAWE's representativeness. The Committee further notes that the issue before it arises out of a Ministers' Council directive calling for the suspension of the NUAWE's activities and the subsequent modification of its nomination without consultation. As the Government has not deemed it necessary to give any explanation with respect to the directive, the Committee cannot but harbour doubts as to the compatibility of the present situation with the provisions of article 3(5) of the ILO Constitution and whether there may be other motives. The Committee recalls that when a nomination is made by the most representative organization the Government must accept it. Even if there are legitimate reasons that could justify the suspension of a workers' organization, a government would still be under an obligation to consult the most representative workers' organizations in the country. In this connection, the Committee notes and the Government does not dispute that no consultation or communication took place with the NUAWE with a view to explaining the Government's decision. The Committee therefore urges the Government to take all necessary measures to ensure that the nomination of the Workers' delegation to future sessions of the Conference is fully in line with its constitutional obligations.*

Objection concerning the nomination of the Workers' delegate of Cabo Verde

20. The Committee received an objection concerning the nomination of the Workers' delegate of Cabo Verde, presented by the Secretary-General of the Union nationale des travailleurs du Cap-Vert – Centrale syndicale (UNTC-CS). The objecting organization stated that the person accredited as the Workers' delegate was the President of the least representative workers' organization in the country, the Confédération capverdienne des syndicats libres (CCSL). The UNTC-CS and the CCSL are the two trade union centers of Cabo Verde, where the unionization rate is 22 per cent. According to a 2004 independent study to assess trade union representativeness, UNTC-CS and its affiliates represented 87 per cent of organized workers, whereas the CCSL represented 13 per cent. The study, undertaken with the technical and financial support of the ILO, was commissioned and validated by the Social Consultation Council, the tripartite consultation body of the country. Absent a more recent survey or any consultation about a possible rotation scheme agreed upon by the workers' organizations themselves, the newly elected Government was under the obligation to nominate the Workers' delegate in agreement with the UNTC-CS, as the most representative workers' organization in the country, in accordance with article 3(5) of the ILO Constitution.
21. In a written communication addressed to the Committee at its request, the Government recalled that despite the existence of two representative trade union centres in Cabo Verde, since 2004 the UNTC-CS alone had represented the workers at the Conference. The nomination this year of a representative from CCSL as the Workers' delegate sought to reinforce trade union pluralism, dialogue and equal treatment between the two centres, a priority objective of the newly elected Government. Consistent with this objective, contact with the two trade union centres had been initiated, in order that they reach agreement on the Workers' delegation to the Conference. This was the case with the two employers' organizations, who had agreed to a system of rotation despite their different relative importance. While acknowledging that this process would require time to be successful, and in the absence of recent data as to the representativeness of the two centres, the Government considered that the nomination of CCSL's President as the Workers' delegate was in keeping with article 3(5) of the ILO Constitution as interpreted by the Permanent Court of International Justice in its first Advisory Opinion.
22. *The Committee notes that it is undisputed that for the past ten years, the UNTC-CS has been the only trade union centre nominated to represent the workers of Cabo Verde at the Conference. The Committee further notes that, while there has been a change in government resulting from the March 2016 elections, no significant change concerning the trade union movement in the country seems to have occurred that could justify the different approach taken this year by the Government. Equal treatment cannot be imposed in the absence of any recent and verifiable criteria showing that the organizations concerned have acquired similar representativeness, nor can the nomination of the Workers' delegation be unilaterally determined by the Government without consultation with those organizations, let alone without the agreement of the most representative organization. In this regard, the Committee wishes to recall that article 3(5) of the ILO Constitution, as interpreted by the Permanent Court of International Justice and the consistent precedent of the Committee, imposes on governments not only the obligation to base their assessment of the representative character of employers' and workers' organizations on objective and verifiable criteria, but also the obligation to consult with them and to select the delegation in agreement with those organizations. As the Committee has recalled on numerous occasions, a system of rotation can only serve as a method of nominating the Workers' delegation if the most representative organizations in the country have so decided in agreement among themselves. The Committee therefore trusts that the Government will take all necessary measures to ensure that the nomination of the Workers' delegation to future sessions of the Conference is fully in line with its constitutional obligations.*

Objection concerning the nomination of the Workers' delegate of Cameroon

23. The Committee received an objection presented by the President of the Confédération camerounaise du Travail (CCT) concerning the nomination of the Workers' delegate of Cameroon. The CCT alleged that the Workers' delegate, Mr Zambo Amougou, from the Confédération syndicale des travailleurs du Cameroun (CSTC), had been imposed by the Government. The Government would have based its decision on the results of worker representative elections to determine the representativeness of the trade unions, whereas article 20 of the Cameroon Labour Code provides that the representativeness of a trade union is defined by the number of its members. The CCT added that Mr Zambo Amougou had been excluded from the CSTC following the Congress held by the organization on 12 and 13 November 2015 and that the Workers' delegation of Cameroon did not take into account the objective of at least 30 per cent female participation in delegations. The CCT requested the invalidation of the credentials of the Workers' delegate.
24. The Committee also received a communication dated 26 May 2016 from the Secretary-General of the CSTC, Mr Baboule, stating that Mr Zambo Amougou no longer had the capacity to represent the CSTC and that the presidency of the organization was now held by Mr Moussi Nolla. Annexed to the communication was an order issued by a judge of the Court of First Instance, the Yaoundé Administrative Centre, suspending a parallel CSTC Congress called by Mr Zambo Amougou on 4 and 5 November 2015.
25. In a written communication addressed to the Committee at its request, the Government indicated that consultations had taken place in Yaoundé on 23 and 29 March 2016 for the purpose of nominating the Workers' delegation to the Conference. As the results of the 2016 worker representative elections were not yet known, those of the 2014 elections were taken into account, which demonstrated that CSTC was the most representative workers' organization. The Government recognized that there was "turbulence" within the organization, but noted that it had no legal basis to remove a member without the risk of accusations of interference.
26. *The Committee notes that the issue of the proportion of women in the Workers' delegation, raised by the objecting organization, is not in and of itself a criterion of representativeness. It is nonetheless important for ILO constituents to seek to reach the minimum target of 30 per cent of female participation (See, First Report of the Credentials Committee, Provisional Record No. 6B, paragraph 29).*
27. *Recalling prior objections concerning the country, the Committee notes that the system for the election of worker representatives had previously been used to determine the representativeness of trade union organizations for this purpose, and had not been challenged in Cameroon (See, for example, Provisional Record No. 4D, 102nd Session, 2013).*
28. *Regardless of the mechanism used to establish the representativeness of trade union organizations, whether it is based on the results of worker representative elections or the number of members within the meaning of the Labour Code, the Committee considers that it is not the representativeness of the CSTC that is called into question here, but rather the person qualified to represent it, in this case Mr Zambo Amougou, accredited as the Workers' delegate.*
29. *The Committee notes that the Government, despite the summary nature of its reply, does not deny the existence of leadership problems dividing the CSTC. While it recalls that internal leadership issues within workers' organizations do not fall within the scope of its mandate, falling instead within the jurisdiction of the national courts, the Committee observes that the*

Government had in the past chosen not to invite organizations with such problems to consultations, in order to avoid the pitfalls of dual leadership (see Provisional Record No. 4D, 102nd Session, 2013). Faced with a conflict of this nature within the CSTC, to avoid any possibility of interference by favouring one faction of the organization over the other, the Government should have referred the matter to the representative workers' organizations themselves so that they could designate, by common accord, the Workers' delegate to the Conference, a choice which the Government would then have been bound to respect.

30. *The Committee wishes to emphasize that the designation of the Workers' delegation to the Conference must be made in agreement with the most representative workers' organizations, on the basis of objective and verifiable pre-established criteria regarding the legitimacy and the representativeness of the organizations. The Committee urges the Government to intensify its efforts to promote social dialogue and to clarify the situation of the trade union movement in the country, in order to ensure that the Workers' delegation to future sessions of the Conference is nominated in agreement with the organizations recognized as being the most representative, in complete independence from the public authorities, as required by article 3(5) of the ILO Constitution.*

Late objection concerning the nomination of the Workers' delegation of Djibouti

31. The Committee received an objection concerning the nomination of the Workers' delegation of Djibouti presented by Mr Adan Mohamed Abdou, Secretary-General of the Union djiboutienne du travail (UDT), and Mr Kamil Dirane Hared, Secretary-General of the Union générale des travailleurs djiboutiens (UGTD). The authors of the objection alleged that the Government had, once again, refused to take into account the list of representatives designated by their respective organizations for participation in the present session of the Conference, preferring instead the "clone unions". In their view, the Government continued to usurp the name of the UGTD and the UDT, in breach of its commitments before the Committee.
32. *This objection, dated 10 May 2016, was not received by the Credentials Committee until 2 June 2016, at 5 p.m., well after the expiry of the time limit established for the present session of the Conference (48 hours from the publication in the Provisional List of Delegations of the names of the persons whose credentials are challenged, i.e. 1 June 2016 at 10 a.m.). The Committee notes that this objection would have been late even had the usual 72-hour time limit established by article 26bis(1)(a) of the Standing Orders of the Conference been applicable (this deadline would have expired on 2 June at 10 a.m.). The Committee therefore considers that the objection is not receivable by virtue of the deadline fixed for this year's Conference.*

Objection concerning the nomination of the Workers' delegation of Egypt

33. The Committee received an objection concerning the nomination of the Workers' delegation of Egypt, presented by the Egyptian Democratic Labour Congress (EDLC), the Egyptian Federation of Independent Trade Unions (EFITU) and supported by the Arab Trade Union Confederation (ATUC), a regional organization of the International Trade Union Confederation (ITUC). Recalling their objection from the 104th Session (2015) of the Conference, the objecting organizations submitted that the Workers' delegation derived from the Egyptian Trade Union Federation (ETUF) that was a non-representative workers' organization as its board was composed of government-appointed members. This situation stemmed from the ETUF's 2006 election being declared null and void, which was followed

by the Government issuing ministerial decrees to appoint successive boards and pending new elections that had not yet been held. The last such board renewal was to have occurred on 27 May 2016, but had not yet been confirmed as of the date of the submission of the objection. As the ETUF's by-laws only permitted one such extension of its board, which expired in 2012, further extensions were illegal.

- 34.** The objecting organizations also noted that since 2007, the Government had been reminded of its non-conformity with international labour standards by the Committee of Experts on the Application of Conventions and Recommendations due to the incompatibility between Act No. 35 of 1976 governing (official) trade unions (hereinafter "Law No. 35") and the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). Since 2008, independent trade unions and federations had been established in accordance with international labour standards, and notably Convention No. 87 and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The objecting organizations were recognized by and registered with the Ministry of Labour. Between 2012 and 2015, they had been invited by the Ministry of Labour to participate in social dialogue regarding the labour law review and they had signed several agreements with employers resolving labour disputes. Between 2011 and 2015, they formed part of the Workers' delegations to the Conference. However, since the beginning of 2016, with the circular issued by the Prime Minister requiring all ministries to refrain from dealing with independent workers' organizations, there had been a decline in the Government's commitment to their independent functioning that had led to their exclusion from all dialogues and discussions.
- 35.** This situation was compounded by the circular issued by another ministry, which recalled that the stamps of independent trade unions could not be recognized for the purpose of obtaining official documents or national identifications, as this was a violation of Law No. 35 and could only be done by those trade unions that were in conformity with its provisions, i.e. the ETUF. This effectively barred workers from worker-related services, including from participating in retirement funds or receiving medical treatment. Thus, the objecting organizations had effectively been denied recognition without any constitutional or legal basis: this was not limited to the nomination of the Workers' delegation to the Conference; it also encompassed freedom of association issues that had already been brought to the attention of the ILO. Once again, the objecting organizations contested the nomination of the Workers' delegation to the present session of the Conference, as the ETUF was not representative of Egyptian workers. They also called upon the Government to adopt clear criteria with respect to representativeness based on full respect of international labour standards.
- 36.** In a written communication addressed to the Committee at its request, the Government, recalling last year's objection and its reply, stated that no judgment had ordered the invalidation of the 2006 ETUF election for the 2006–11 term. Rather, the ministerial decrees for the renewal of the 2006 board concerned the 2001 ETUF election that covered the preceding term. The 2006 elections had been held for all trade union boards, including the ETUF, and at all levels in accordance with Law No. 35. On 29 December 2012, an Extraordinary General Assembly of the ETUF had been held, resulting in the election of a new board. On 10 October 2013, the ETUF held its regular congress, which took several decisions, including the endorsement of the board elected in 2012 for the duration of the term. This process was repeated on 20 March 2014, on 26 May 2015 and on 27 May 2016. Therefore, the ETUF's board had been freely elected in 2012 and reconfirmed by its own congresses in accordance with Law No. 35. In this regard, the Government explained that there had been amendments to Law No. 35 that permitted extensions of trade union terms. There had been no Government-appointed board by ministerial decree or otherwise since 4 August 2011. The Government also drew the Committee's attention to information in the media questioning the legitimacy of the EFITU's leadership.

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37. With respect to the nomination of the Workers' delegation to the present session of the Conference, the Government considered that it had acted in conformity with the ILO Constitution as the Workers' delegation derived from the most representative workers' organization in the country, the ETUF. It was composed of 24 general trade unions representing in excess of 5 million workers from all sectors. Among these general trade unions, there were 2,500 trade union committees at all levels of work and production in the country. Therefore, it was considerably larger than the EDLC and the EFITU.
38. Concerning the matters before the ILO Committee of Experts and the incompatibility between Law No. 35 and Convention No. 87, the Government highlighted the events that had affected the country since 2011 which had led to a state of chaos, economic instability and a precarious security situation which had negatively impacted all aspects of life. It recalled that, following the People's Revolution of 30 June 2013 and the subsequent parliamentary dissolution, a new Constitution had been adopted. Article 76 of the Constitution expressly provided for the democratic establishment of trade unions and federations and for their independent functioning. It also specified that their boards may only be dissolved by court judgment. Several of the Constitutional provisions, including Article 76, required enabling laws to be passed by two-thirds of Parliament to give them effect. In the absence of a parliament, the Government submitted that no such law could be issued.
39. Regarding the de facto recognition of independent trade unions, the Government confirmed that their establishment had been allowed and that they could register with the Ministry of Manpower. With respect to the objecting organizations, the Government indicated that they were registered with 870,980 members, and that between 2012 and 2015 they had participated in social dialogue sessions, signed agreements with employers, and had been included in the Workers' delegation to the Conference. Such was the importance of social dialogue between the social partners and the Government that their views were heard during the elaboration of the draft law in 2015 ("Trade Union Organizations and Protection of the Right to Organize") that would act as the enabling law for the relevant provisions of the recent Constitution. It considered that its actions complied with the principles of freedom of association as guaranteed in the ILO Conventions ratified by Egypt.
40. However, there were now hundreds of independent trade unions, including those associated to the objecting organizations. This large number and lack of formality by certain independent trade unions had led to rising concerns of duplicitous activities. Since a number of complaints had been filed, including with respect to the use of stamps and the fees charged by the independent trade unions, the Government had issued circulars that prohibited certain activities as well as the recognition of such stamps by any ministry. It had also referred such situations to the judicial authorities and considered this issue to be one of national security.
41. In the absence of verifiable data from the independent trade unions with respect to the number of affiliated members, the Government disputed their true representativeness, including the figures of the objecting organizations. Not only were they based on non-paying members, but they lacked credibility for several reasons, including: holding a known headquarters' address, weak infrastructure, unclear sectors of representation, possible overlapping membership with other workers' organizations (including with the ETUF), and little experience in the field of labour relations. For the foregoing reasons, the Government sought to deal with duly recognized unions under Law No. 35 pending the enactment of the current draft law. Nevertheless, the Government did not take steps to impede independent trade unions, freeze their accounts or abolish their registration.
42. *The Committee notes that for the third time since 2012, it has before it an objection concerning the inclusion of the ETUF representatives in the Workers' delegation of Egypt,*

the legitimacy of its board and the true representativeness of the various workers' organizations.

43. *The Committee remains concerned about the subsisting doubts surrounding the independence and legitimacy of the ETUF's leadership, which arise from the compatibility of the amendments to Law No. 35 with freedom of association principles. The Committee also remains deeply concerned regarding the lack of progress with respect to the finalization of the draft law, which the Government stated would come into force during the course of 2015, and Government-issued circulars that have impacted certain activities of independent trade unions. However, these are questions that go beyond the nomination of the Workers' delegation to the Conference and may be better examined by the ILO's supervisory bodies. In this regard, the Committee recalls that the Committee on Freedom of Association has already been seized of this matter and has stated in its conclusions that it "firmly expects that the draft law will be adopted as a matter of priority giving clear legislative protection to the numerous newly formed independent trade unions and ensuring full respect for freedom of association rights (including the right of these organizations to freely elect their representatives, organize their administration and activities and bargain collectively). In particular, recalling that anti-union discrimination is one of the most serious violations of freedom of association, as it may jeopardize the very existence of trade unions, the Committee expects that the law will guarantee comprehensive and effective protection against anti-union discrimination of all leaders and members of the new independent unions." (See ILO: Committee on Freedom of Association, 375th Report, Case No. 3025, paragraph 210(b)). Since the Committee on Freedom of Association adopted its conclusions, one year has passed without any significant progress having been recorded.*
44. *As regards the representativeness of workers' organizations in Egypt, the Committee can only deplore the lack of clear and verifiable criteria that would allow the Government to determine their relative importance and, on that basis, the scope and modalities of its duty of consultation with the most representative organizations under article 3(5) of the ILO Constitution. In view of the doubts surrounding the conformity of the current single trade union system with ILO principles and the lack of consultation with other representative workers' organizations, the Committee can only conclude that the nomination of the Workers' delegation to the Conference is not in accordance with Egypt's obligations under the ILO Constitution. The Committee decides not to take further action this year, trusting that the matter will be resolved with the enactment of the draft law before the next session of the Conference.*

Objections concerning the failure to deposit credentials of an Employers' and a Workers' delegate by the Government of Ecuador

45. The Committee received an objection presented by the International Trade Union Confederation (ITUC) concerning the failure to deposit credentials of an Employers' and a Workers' delegate by the Government of Ecuador. The ITUC submitted that the Government had not fulfilled its obligation under article 3(1) of the ILO Constitution to accredit a complete delegation to the Conference.
46. The Committee received a second objection concerning the failure of the Government to appoint a Workers' delegate, presented on behalf of the Parlamento Laboral Ecuatoriano (PLE), composed of the Central Ecuatoriana de Organizaciones Clasistas (CEDOC-CLAT), the Confederación de Trabajadores del Sector Público del Ecuador (CTSPE), the Confederación Ecuatoriana de Trabajadores y Organizaciones de la Seguridad Social (CETOSS), the Confederación Nacional de Servidores Públicos (CONASEP) and the Confederación Sindical de Trabajadoras y Trabajadores del Ecuador (CSE). The objection indicated that the Government had not shared the letter of invitation to the present session

of the Conference with the workers' organizations, nor had these organizations been approached with a view to discussing the composition of a tripartite delegation to the Conference. They considered that the Government's failure to appoint a complete delegation as required by article 3(1) of the ILO Constitution was politically driven in view of the conclusions of the Committee on the Application of Standards concerning Ecuador and of the report of the ILO Special Technical Mission in March 2016, which highlighted difficulties regarding respect for freedom of association, collective bargaining and government interference in the public sector.

47. In a written communication submitted by the Minister of Labour on 11 May 2016 along with the credentials to the Conference, the Government explained that it had been prevented from sending a tripartite delegation to the present session due to the earthquake that had devastated the country on 16 April 2016. The country was currently focusing its resources on providing assistance to those affected by this natural disaster. As a result, the delegation of Ecuador was represented only by officials of the Permanent Mission in Geneva.
48. In a further written communication addressed to the Committee at its request, the Government recalled the devastating effects of the earthquake with its consequential impact on the approved state budget, in addition to the drastic cuts resulting from the difficult economic situation. The Government had therefore been compelled to redirect all its efforts, and all of its human, financial and material resources to the areas affected, in support of the victims and reconstruction. No international missions from Ecuador had been possible since then, as attested to by the absence of a delegation of Ecuador at the signature of the Paris Climate Change Agreement in New York in late April, or the World Humanitarian Summit held in Turkey in late May. The Government considered these circumstances to fall under force majeure as defined by the International Law Commission of the United Nations in its draft articles on the responsibility of States for internationally wrongful acts (A/RES/56/83): "The wrongfulness of an act of a State not in conformity with an international obligation of that State is precluded if the act is due to force majeure, that is the occurrence of an irresistible force or of an unforeseen event, beyond the control of the State, making it materially impossible in the circumstances to perform the obligation." The Government hoped that the exceptional current circumstances, which have generated signs of sympathy and solidarity worldwide, will not persist, in order that Ecuador's participation in international forums may be resumed in future.
49. *The Committee notes with sympathy the explanations provided by the Government with regard to the difficulties due to the April 2016 earthquake and the resulting constraints on its resources. Furthermore, the Committee observes that this year marks the first time in at least a decade that the Government has failed to accredit a complete tripartite delegation to the Conference. While understanding that the unfortunate force majeure circumstances that Ecuador has faced could explain that the Government did not accredit a complete tripartite delegation to the Conference, the Committee nonetheless considers that these circumstances should not have prevented the Government from consulting the social partners regarding Ecuador's participation. In this connection, the Committee notes, and the Government does not dispute this, that no consultation or communication took place with representative workers' organizations with a view to explaining its decision to temporarily suspend Ecuador's participation in international forums, seeking their possible agreement or offering the possibility for those organizations to be accredited to the Conference at their own expense, as seems to be the case with an Ecuadorian employers' organization accredited to the present session. The Committee hopes that the situation in Ecuador will improve in the near future and that it will once again be in a position to be represented by complete tripartite delegations at future sessions of the Conference as required by article 3(1) of the ILO Constitution.*

Objection concerning the designation of the Employers' delegation of Guinea

50. The Committee has received an objection again this year from the Employers' group of the Conference concerning the designation of the Employers' delegation of Guinea. The Employers' group alleges that the Government interfered with the independent functioning of the Conseil national du patronat guinéen (CNP-Guinée), the most representative employers' organization in the country, and had replaced several members of the Employers' delegation designated by the representatives of other, non-representative employers' organizations. The Employers' delegation of Guinea to the Conference has for many years been led by the CNP-Guinée, as the most representative organization recognized as such not only at the national level, but also internationally, as attested by its affiliation to the International Organisation of Employers (IOE), the Fédération des organisations patronales de l'Afrique de l'Ouest (FOPAO) and Business Africa. In addition, a representative of the CNP-Guinée is also a member of the ILO Governing Body.
51. According to the Employers' group, the CNP-Guinée had designated 12 representatives to the Employers' delegation. The Government had instead limited the composition of the Employers' and Workers' delegations to 11 persons each (one delegate and ten advisers), nominating nine Employer representatives from two other organizations that were not recognized as being representative of Guinean employers and only two representatives of CNP-Guinée. Of the two CNP-Guinée representatives nominated by the Government, one was the former interim President of the organization, Mr Sékou Cissé – who had been removed from office in 2015 and no longer represented the CNP-Guinée. A 12th name was included on the list of delegates, the new democratically elected President of the CNP-Guinée, who had been accredited to the Employers' delegation as “another person attending the Conference”, and thus was not accorded any official function at the Conference.
52. The Employers' group alleged, moreover, that on 22 April 2016, the Guinean Supreme Court had issued a cease and desist order attempting to prevent the Congress of the CNP-Guinée from taking place. The Congress nevertheless took place on 23 April 2016, resulting in the election of its new President and its adoption of a new Charter. In response to the recommendations of the Credentials Committee made at the prior session of the Conference, the Government had undertaken to evaluate the representative character of the various employers' organizations in the country. The evaluation had, however, been made on the basis of criteria agreed on behalf of CNP-Guinée by Mr Sékou Cissé, and subsequently disputed by the legitimate officers of CNP-Guinée, including and within the deadlines imposed by the Government that had not been possible for the CNP-Guinée to meet. Moreover, the Government had not availed itself of technical assistance from the ILO to enable it to objectively define the criteria for the evaluation and had not provided any explanation in respect of the criteria applied. The resulting evaluation was therefore not based on objective and verifiable criteria.
53. The Employers' group also noted that, on 2 August 2013, the Government had sent a letter to the IOE inviting it to favourably consider the request for affiliation to the IOE made in July 2013 by another employers' organization of Guinea. The Government's actions in this respect demonstrated its continued interference with the free and independent functioning of employers' organizations. The Employers' group also referenced a letter to the Government from the New President of the CNP-Guinée as further evidence in support of the allegations.
54. On the basis of the foregoing, the Employers' group alleged that the Government had interfered with the free and independent functioning of the CNP-Guinée, breaching its right as the most representative employers' organization of the country to nominate the Employers' delegation to the present session of the Conference, in accordance with article 3(5) of the ILO Constitution. The Committee was requested to make a determination

concerning the validity of the Government's unilateral designation of the Employers' delegation, which was made without consultation and thus without consensus. The Employers' group also requested that the Committee provide clarification in respect of the Government's affirmation that this year the ILO had limited the number of representatives to each group in the delegation to 11 persons (one delegate and ten advisers).

55. In a written communication addressed to the Committee at its request, the Government indicated that there are three employer confederations in Guinea: the CNP-Guinée, the Patronat de Guinée (PAG) and the Confédération Patronale des Entreprises de Guinée (CPEG). An evaluation of the representativity of these three confederations took place from 8 December 2015 to 25 January 2016, applying criteria agreed between the labour inspectorate and the three confederations concerned. According to the evaluation results, the CPEG represented 91 per cent of Guinean employers, with the PAG representing 5.66 per cent and the CNP-Guinée representing 3.34 per cent of Guinean employers, respectively.
56. Following completion of the evaluation, the Government contacted the three confederations, asking them to designate their representatives by consensus. The CPEG, as the most representative organization, agreed to include representatives from the PAG and the CNP-Guinée, who were therefore able to designate three and two representatives, respectively, to the Employers' delegation. The Government considered that the nomination process of designating the representatives to the Employers' delegation was transparent and expressed its surprise that the CNP-Guinée has submitted an objection in this regard after having freely designated its representatives to the Employers' delegation. In this context, the Government acknowledged that the new President of the CNP-Guinée did seek to challenge the Employers' delegation, but noted that it took steps to inform him of the nomination process that had been agreed previously. The Government considered that the objection had omitted information necessary for its review. In particular, the claims that the delegates appointed to the Employers' delegation belong to organizations not recognized as being representative of the employers in Guinea, disregard the abovementioned evaluation, which applied agreed criteria. The Government denied allegations that it had imposed deadlines that were difficult to meet, observing in this respect that the evaluation had been postponed on two occasions at the request of CNP-Guinée. Moreover, it asserted that neither it nor the Guinean judicial authorities had ever interfered in the functioning of the CNP-Guinée. Since 2007, the CNP-Guinée itself had regularly availed itself of the Guinean courts to resolve its own internal disputes. In addition, the Government challenged the standing of the new President of CNP-Guinée to bring the present objection, noting that he did not hold the position of President at the time of the evaluation, nor at the time that the list of Employer representatives was established.
57. *The Committee deeply regrets that the additional clarifications it had sought from the Government during its consideration of the objection were provided well beyond the specified deadline, at such a late stage that it was impossible for it to conduct a thorough review of the situation. Despite serious discrepancies in the information provided, that the Committee has neither the means nor the time to resolve, there is one discrete element that in and of itself is sufficient to cast doubts on whether the nomination of the Employers' delegate was in conformity with the provisions of article 3(5) of the ILO Constitution; namely, that both the evaluation of the representativity of the employers' organizations and the consultation process for their nomination involved a leader of the CNP-Guinée whose legitimacy had been disputed.*
58. *As the Committee has indicated in other cases this year, where governments are aware of leadership problems within a professional organization, they should avoid interference in the internal matters of those organizations (see paragraph 29 above). In this connection, the Government accepted on the one hand the designations to the Conference made by the CNP-Guinée on 20 April 2016, while on the other hand it ignored the designations made after the*

23 April 2016 Congress, without providing any indication that CNP-Guinée's new leadership was not representative of the organization, as the Government had accepted the inclusion of the President elected at the April 2016 Congress in the Employers' delegation. The Committee trusts that the Government will next year ensure that the nomination of the Employers' delegation will be made in agreement with the most representative organizations, without interference, and based on undisputed criteria as to their relative importance.

59. In response to the Employers' group's request for clarification as to the Government's assertion regarding the maximum number of advisers, the Committee draws its attention to page 18 of the Conference Guide for the present session of the Conference, which notes that, in accordance with paragraph 2 of article 13 of the ILO Constitution, "each delegate may be accompanied by advisers, who shall not exceed two for each technical item on the Conference agenda." The Guide clarifies that, as there are five such items on the agenda, each Government, Employers' and Workers' delegate may be accompanied by up to ten (10) advisers. This limitation notwithstanding, the Guide also indicates that additional representatives may be accredited to the Conference in other capacities.

Objection concerning the failure to deposit credentials of a Workers' delegate by the Government of the Republic of Maldives

60. The Committee received an objection presented by the International Trade Union Confederation (ITUC) concerning the failure to deposit credentials of a Workers' delegate by the Government of the Republic of Maldives. The ITUC submitted that the Government had not fulfilled its obligations under article 3(1) of the ILO Constitution to accredit a complete delegation to the Conference. The Tourism Employees Association of Maldives (TEAM) had on several occasions requested the Government to nominate a Workers' delegation to the present session of the Conference, but no response had been received. The objecting organization, therefore, requested the Committee to seek explanations from the Government for its failure to accredit a complete tripartite delegation and to recommend that it meet its constitutional obligations in this regard.
61. In a written communication addressed to the Committee at its request, the Government explained that there was currently no suitable legislative framework for the registration and governance of trade unions in the country. Despite serious concerns regarding the level of representativeness of general associations that claimed to represent workers, the Government sought to engage with them. However, they had been found to be non-compliant with the primary stipulations of the Maldives Associations Act (No. 1/2003). The Government therefore considered that it was not mandatory to include associations of the aforesaid nature within the Workers' delegation to the present session of the Conference. The Government endeavoured to accredit fully tripartite delegations and to this end had included Worker representatives to previous sessions of the Conference deriving from various sectors of the country, such as the Maldives Port Workers Union at the 104th Session (2015) of the Conference.
62. The Committee received an unsolicited communication dated 6 June 2016 from Mr Mauroof Zakir, General Secretary of the TEAM, wherein he stated that the country's workers had not been provided with an opportunity to nominate a Workers' delegation to the Conference. He added that the TEAM had been included in the Workers' delegations at the 103rd and 104th Sessions of the Conference in 2014 and 2015, albeit attending only the second week. With respect to the present session of the Conference, he specified that the names of its representatives had been provided to the Government and that no expenses were requested.

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63. *The Committee observes that for the 101st (2012), 102nd (2013), 103rd (2014) and 104th (2015) Sessions of the Conference, the Government of the Republic of Maldives had accredited a Workers' delegation that had included representatives of the TEAM: twice as Workers' delegate and twice as adviser and substitute delegate. Short of a more convincing explanation as to the reason why the TEAM or other workers' associations could no longer legitimately represent the country's workers, and noting the claim that at least one such association had asked to be included in the Workers' delegation at no cost to the Government, the Committee is deeply concerned that the failure to appoint a Workers' delegate could be due to other motives. Moreover, the Committee notes with concern that no consultations took place prior to the accreditation of the country's delegation to the present session of the Conference.*
64. *The Committee therefore urges the Government to clarify the legislative framework in the country and, in the meantime, to continue consulting existing workers' organizations when nominating the country's delegation to the Conference.*

Objection concerning the nomination of the Workers' delegate of Myanmar

65. The Committee received an objection concerning the nomination of the Workers' delegate of Myanmar presented by the Myanmar Industries Craft & Services Trade Unions of Federation (MICS-TUsF), formerly known as the Myanmar Trade Union Federation (MTUF). The objecting organization expressed its concern that the Workers' delegate, Mr Maung Maung, President of the Confederation of Trade Unions of Myanmar (CTUM) with 700 basic level unions, was currently applying the same system for electing the Workers' delegation that he himself had challenged in 2014. The objecting organization, citing support from other members from its federation, questioned the representative nature and activities of the CTUM. More specifically, a system of rotation had been agreed upon by the workers' organizations in 2015, but had been reneged upon by the CTUM, who had responded by applying a system of competition based on its relative importance. In 2013, the Workers' delegation was comprised of the Agriculture and Farmers Federation of Myanmar (AFFM) and the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF); in 2014, of the AFFM and the MTUF; and last year in 2015, of the CTUM and the AFFM, following agreement with the MTUF, who had ceded its turn. The MICS-TUsF objected to the nomination of Mr Maung Maung as the Workers' delegate.
66. In a written communication addressed to the Committee at its request, the Government stated that a meeting had been organized by the Ministry of Labour, Immigration and Population on 27 February 2016 for the purposes of nominating the Workers' delegate to the present session of the Conference. This meeting was attended by Government representatives, led by the Permanent Secretary of the Ministry, as well as representatives from the AFFM-IUF, the CTUM and the MIC-TUsF who represented the majority of the country's workers. At this meeting it was decided that the designation should be submitted by 15 March 2016, after consultations among the workers' organizations and with due regard to the ILO's practice. If they failed to arrive at a consensus, the Workers' delegate would be chosen in accordance with the ILO's criteria. On 7 April 2016, as no designation had been received by the appointed deadline, the Ministry informed the CTUM, the AFFM-IUF and the MICS-TUsF that it would proceed to nominate the Workers' delegate on the basis of the decision made at the meeting of 27 February. In this context, it requested that supporting documentation be provided by 22 April. In response, Mr Maung Maung was designated by the CTUM; whereas, the AFFM-IUF and the MICS-TUsF jointly designated Mr Kyi Oo. The competing designations were supported by documentation: the CTUM submitted labour organization registration certificates, in contrast to the AFFM-IUF and the MICS-TUsF, who only provided the number of organizations and their total membership. The documents indicated

that the CTUM's designation was supported by a total of 60,340 members and 701 affiliates, as compared to the 53,323 members and 530 affiliates supporting the AFFM-IUF's and MICS-TUsF's designation. On 4 May 2016, a meeting was convoked by the Ministry, wherein the Government informed the different organizations that Mr Maung Maung of the CTUM had been nominated as the Workers' delegate on the basis of the documents furnished and with due regard to the ILO's criteria.

67. *The Committee wishes to recall that, for it to fully discharge its functions, adequate supporting documentation is required when it is seized of an objection. In the present case, the Committee notes that the objection consisted of a simple allegation with no supporting documentation with respect to any agreement among the workers' organizations regarding a system of rotation nor any figures as to the workers' organizations membership and affiliation. For its part, the Government did furnish details concerning its initial convocation of 27 February 2016 to the three most representative workers' organizations, wherein it requested that they consult among themselves and submit their Workers' delegate designation by 15 March 2016. No agreement having been reached by the deadline, the Government requested that they provide details with respect to their relative importance. Only after the Government received this information did it proceed to nominate the Workers' delegate on the basis of the information received.*
68. *According to the figures provided, the CTUM is a more representative organization than the AFFM-IUF and the MICS-TUsF taken together. In the absence of any other information, the Committee can only conclude that, absent an agreement between the three organizations, the Government acted in accordance with article 3(5) of the ILO Constitution in nominating as Workers' delegate the representative designated by the most representative organization.*

Objection concerning the nomination of the Employers' delegation of Peru

69. The Committee received an objection concerning the nomination of the Employers' delegation of Peru, submitted by the Employers' group. The author of the objection alleged that the nomination of the Employers' delegation of Peru had not been made in agreement with the most representative employers' organization, the Confederación Nacional de Instituciones Empresariales Privadas (CONFIEP).
70. In response to an invitation of 4 April 2016 from the Minister of Labour and Employment Promotion to designate the Employers' delegation to the present session of the Conference, the CONFIEP provided on 16 April 2016 the names of its four representatives, including its President, whose expenses would be covered by the Government. In a letter dated 28 April 2016, the Government, recalling the 2011 decision of the Consejo Nacional de Trabajo y Promoción del Empleo (CNTPE) that Employers' delegations to the Conference be composed of a delegate and three advisers, invited the CONFIEP to identify among its four designated representatives the Employers' delegate, as the three advisers had already been designated by the three other representative employers' organizations: the Cámara de Comercio de Lima (CCL), the Sociedad Nacional de Industrias (SNI) and the Asociación de Exportadores (ADEX). The CONFIEP was also informed that if it wished to include advisers in the delegation, it would have to cover their expenses, as the Government would only cover those of the CONFIEP's designated delegate. On 29 April 2016, the CONFIEP notified the Government of its disagreement with the nomination of the Employers' delegation on the grounds that it was by far the most representative employers' organization, with 24 member organizations across all sectors of the national economy, whereas the three other employers' organizations that had designated advisers were active only at the sectoral or regional levels. The Government was under the obligation to consult the CONFIEP with a view to determining the composition of the Employers' delegation and it was for the CONFIEP to determine whether to include representatives of those other sectoral or regional

organizations in the delegation, as had been done in the past. To the extent that this year's nomination had been made without consultation with the CONFIEP or its agreement, such nomination was incompatible with article 3(5) of the ILO Constitution.

71. In a written communication addressed to the Committee at its request, the Government confirmed the 2011 agreement within the CNTPE that the national delegation to the annual sessions of the Conference would include four members (the delegate and three advisers) of the respective Employers' and Workers' groups, whose expenses would be borne by the Government. In addition to the CONFIEP, the CCL, the SNI and the ADEX, two other employers' organizations were represented in the CNTPE: the Asociación de Pequeños y Medianos Empresarios Industriales del Perú (APEMIPE) and the Conglomerado de Pequeña Empresa del Perú (CPEP). Consultations as to the nomination of the Employers' delegation started in early April through the dispatch of individual invitations from the Ministry of Labour and Employment Promotion to the CONFIEP, the CCL, the SNI and the ADEX, requesting them to designate their representative for the present session of the Conference and for such designated representative to attend an information session on 7 April 2016. On the employers' side, the meeting was attended only by representatives from the CONFIEP and the SNI. At a CNTPE meeting held on 26 April 2016, attending employers' and workers' organizations were informed of their respective nominations to the Conference. No objection was raised by the CONFIEP regarding the inclusion in the Employers' delegation of representatives deriving from other organizations. On the same day, the CONFIEP submitted the names of its four representatives. The Government informed the CONFIEP that it would include all four names in the delegation although only the expenses of one could be covered. The nomination of the Employers' delegation was thus made in consultation with the most representative employers' organizations, based on the agreement reached within the CNTPE and therefore in accordance with the obligations under article 3(5) of the ILO Constitution.
72. *The Committee notes that the CONFIEP has led the Employers' delegation of Peru for many years. Since the CNTPE agreement concerning the funding of four members in each of the Employers' and the Workers' delegations, the Employers' delegation of Peru has been composed exclusively of CONFIEP representatives, with the exception of 2013, when one of the advisers to the CONFIEP's delegate was nominated by the SNI, with agreement with the CONFIEP. The Committee further notes that the Government does not question that the CONFIEP is the most representative organization of employers.*
73. *As regards the various initiatives undertaken by the Government with a view to determining the composition of the Employers' delegation to the Conference, the Committee considers that these do not correspond to the duty to carry out consultations as required under the ILO Constitution. Where there are several representative organizations in a country, such duty goes beyond the mere dispatch of a letter to each of them asking for their designations, and includes efforts to encourage the organizations concerned to reach an agreement between themselves. Where such an agreement does not prove possible, the Government would require the consent of the most representative organization. While the Government refers to the CONFIEP's acquiescence during the CNTPE meeting of 26 April to including advisers from other organizations, it provided supporting documentation. On the other hand, the documents provided to the Committee indicate that CONFIEP did not agree to such inclusion. The Committee therefore concludes that the CONFIEP's agreement to the nomination of the Employers' delegate and his three advisers was required under article 3(5) of the Constitution for its validity. The Committee expects that the Government will in future ensure that the nomination of the Employers' delegation is in full conformity with the provisions of the ILO Constitution.*

Objection concerning the failure to deposit credentials of an Employers' delegate and a Workers' delegate by the Government of Sierra Leone

74. The Committee received an objection presented by the International Trade Union Confederation (ITUC) concerning the failure to deposit credentials of an Employers' and a Workers' delegate by the Government of Sierra Leone. The ITUC submitted that the Government had not fulfilled its obligation under article 3(1) of the ILO Constitution to accredit a complete delegation to the Conference. It requested the Committee to call upon the Government to furnish an explanation regarding its failure to accredit a complete tripartite delegation and to recommend that it meet its constitutional obligations in this regard.
75. *The Committee regrets that the Government has not responded to its request for information nor has it accredited a fully tripartite delegation to the present session of the Conference, despite having accredited a fully tripartite delegation in 2014 and 2015. The absence of a reply curtails the Committee's ability to discharge its mandate under article 5(2)(a) of the Conference Standing Orders. The Committee reminds member States of their obligation under article 3(1) of the ILO Constitution to nominate tripartite delegations to the Conference. By sending a delegation that is exclusively governmental, the Government deprives the employers and workers of the country of their right to be represented in the highest policy-making body of the ILO and to participate in its work. Without the participation of Government, Employers' and Worker representatives, the Conference cannot function properly or attain its objectives.*
76. *The Committee expects that next year the Government will ensure the participation of a fully tripartite delegation and that it will explain the reasons for not having done so this year in the context of the ILO Governing Body's examination of periodic reports on the absence of tripartite delegations or incomplete tripartite delegations at sessions of the Conference, Regional Meetings or other tripartite meetings.*

Objection concerning the nomination of the Workers' delegation of Somalia

77. The Committee received an objection concerning the nomination of the Workers' delegation of Somalia presented by the International Trade Union Confederation (ITUC). The objecting organization alleged that the Government had failed to comply with article 3(1) and (5) of the ILO Constitution, since it had not consulted the most representative, independent and democratic national trade union centre, i.e., the Federation of Somali Trade Unions (FESTU). This was despite the Government's written recognition in 2014 that the FESTU was the legitimate representative workers' organization and notwithstanding the FESTU's written objections of 22 March 2016, submitted by its General Secretary, Mr Omar Faruk Osman. Instead, the Government proceeded to nominate the same individuals whose legitimacy had been questioned at the 104th (2015) Session of the Conference, namely: Mr Mohamed Osman Haji Ali, as Chairperson of the Somali Congress of Trade Unions (SCTU) and Workers' delegate; Mr Mohamed Ibrahim Isak as the FESTU General Secretary; Mr Abdikadir Abdurahman Mohamud, as Acting Secretary-General of the SCTU; Mr Abdishakur Mohamed Shahad as the SCTU's Deputy for International Relations; and Mr Abdurahman Hassan Omar, as the FESTU's Vice-President – the latter four being Workers' advisers and substitute delegates.
78. According to the objecting organization, the SCTU was neither a genuine nor a representative workers' organization, having been established by the Government with the intention of undermining the independent and representative workers' organizations in the

country. In reality, Mr Shahad was a businessperson in Kenya, and Mr Isak was neither a member nor leader of the FESTU. Concerning the nomination to the present session of the Conference, the objecting organization stated that on 21 February 2016, the SCTU had requested that the Ministry of Labour dissolve FESTU's legitimate national congress. On 23 February 2016, a request in this regard was made, but was declined. Thereafter, on 2 April 2016, the SCTU attempted to obtain a court injunction; however, this request was dismissed. The FESTU thereafter held its Third National Congress in Mogadishu on 6 and 7 April 2016, free and independent of government control, which was attended by the General Secretary of the ITUC-Africa. Mr Ahmed Osman Said and Mr Omar Faruk Osman were elected as the FESTU's President and General Secretary, respectively. A government-sponsored parallel election was held, purportedly resulting in the election of Mr Mohamed Ibrahim Isak as General Secretary of an illegitimate FESTU. An individual affiliated with the Government, Mr Ali Haji Ahmed Hassan, was part of the three-member parallel electoral committee and he later organized the SCTU's congress. These acts demonstrated that neither the SCTU nor the illegitimate FESTU were true and independent workers' representative organizations, and that the Government had continued its campaign to harass and destabilize the legitimate FESTU. This situation had been reported to the Committee on Freedom of Association and independently documented.

- 79.** The objecting organization contended that the nomination of the Workers' delegation of Somalia had not been made in accordance with the ILO Constitution, since the legitimate FESTU had been prevented from designating the Workers' delegate and the Government had disregarded prior recommendations of the Credentials Committee.
- 80.** In an unsolicited communication addressed to the Committee, Mr Mohamed Ibrahim Isak, Workers' adviser and substitute delegate to the present session of the Conference, questioned the foundation of the objection and asserted that he was the FESTU's legitimate leader. He considered that instead of facilitating a resolution, the objecting organization had exacerbated a conflict internal to the FESTU. Mr Isak stated that he had reached a binding agreement with Mr Omar Faruk Osman that sought to resolve a long-standing conflict with respect to both the FESTU and another organization, the National Union of Somali Journalists (NUSOJ) – entities that they had both founded. The objecting organization had not respected this unification agreement, but instead it had supported Mr Osman in undertaking FESTU elections. Objections were filed with the Government and the judicial authorities, but when these failed, genuine FESTU elections took place on 5 to 6 April 2016, in Mogadishu. These elections were attended by over 60 representative delegates and resulted in his election as General Secretary. Mr Isak added that a legal challenge had been filed that nullified Mr Osman's written authorization to hold a FESTU congress as well as any subsequent results of the congress. On this basis, he requested that the objecting organization cease its interference in FESTU affairs.
- 81.** In a written communication addressed to the Committee at its request, the Government, recalling last year's objection, stated that Mr Osman was not the legitimate leader of the FESTU. The Government had not interfered with the designation process of the Workers' delegation to the present session of the Conference. It contended that regular contact with the FESTU and the SCTU had been maintained, including through monthly consultations regarding policy and industrial relations issues. Government ministries and Parliament members also met with the FESTU and the SCTU. The Government denied interfering with the operations of the two organizations in question. While it did not always agree with their activities or the positions that they advocated, the Government was committed to remaining engaged with them in a spirit of social dialogue, as they were the legitimate Worker representatives whose independence they respected. For these reasons, the Workers' delegation derived from these organizations. Mr Osman had not been accredited, as he had a dubious reputation and was not supported by the workers of the country.

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82. The Government recognized the results of the FESTU's extraordinary general assembly held on 29–30 September 2013. This assembly had elected Mr Ali Omar Jimale to the post of Secretary-General. This election had been reported as being free and fair by the Somali Chamber of Commerce and Industry (SCCI) and the Ministry of Labour. The Government, in full cognizance that its Federal Constitution guarantees freedom of association and assembly, recognized that it had no right to interfere with an organization's internal rules and procedures.
83. The Government also cited the ongoing working relationship between the SCTU and the FESTU's leaders who had been integrated into this year's Workers' delegation as support for its position. In 2014, the SCTU had been engaged in a port strike that was considered to be the largest industrial action in the country in decades. Dialogue with the Government, even in that situation, had been maintained and had ultimately led to a negotiated settlement. These acts undermined accusations that the SCTU was under government control.
84. The Government remained concerned at the level and nature of the objecting organization's in-country activities. It also questioned whether favouritism of an individual existed, even when that individual was not supported by workers in the country. The Government had formed a National Tripartite Social Dialogue Council (STSDC), which was composed of the Ministry of Labour and Social Affairs, the FESTU, the SCTU and the SCCI. It looked forward to the ILO's initiative for a Decent Work Country Programme and called for such discussions to take place in situ.
85. *The Committee takes note that for the third time in the span of one year objections have been filed concerning the nomination of the Workers' delegation of Somalia: in 2015 and 2016 to the Conference and once to the 2015 African Regional Meeting. On each occasion, the question has turned on the legitimacy of FESTU and of its leadership.*
86. *With respect to the FESTU's leadership, the Committee considers that the Government's continued reference to the results of the FESTU's extraordinary general assembly of September 2013 is in conflict with its actions: for the 103rd Session (2014) of the Conference Mr Osman had been the Workers' delegate to the Conference. For the 104th Session (2015) of the Conference, the Government had initially nominated Mr Osman, but unilaterally replaced him without consultations prior to the opening of that session. In addition, FESTU's nominated representative to this year's Conference was not the General Secretary elected by the 2013 extraordinary general assembly, but the General Secretary elected by the disputed April 2016 Mogadishu congress. This, together with the bias with which the Government refers to Mr Osman in its communications, cannot but reinforce the conclusions reached by the Credentials Committee last year that the matter at issue appears to be a long-standing conflict between the Government and the FESTU's leadership.*
87. *The Committee considers that the issues of legitimacy raised before it this year are for the national judicial system. In selecting as the FESTU's representative to the Conference a leader from one faction over the other, the Committee considers that the Government has interfered in the FESTU's internal matters, contravening article 3(5) of the ILO Constitution. The Committee wishes to recall in this connection its conclusions and recommendations from last year, including the general principle that the right of workers' organizations to elect their own representatives freely is an indispensable condition for them to be able to act in full freedom and to promote effectively the interests of their members. As emphasized by the Committee on Freedom of Association in Case No. 3113 on Somalia, for this right to be fully acknowledged, it is essential that the public authorities refrain from any intervention which might impair the exercise of this right, whether it be in determining the conditions of eligibility of leaders or in the conduct of the elections themselves (see ILO: Committee on Freedom of Association, 376th Report, Case No. 3113, October 2015, paragraph 986).*

88. *As regards the broader issue of the consultation process for the nomination of the Workers' delegation and the relative importance of the various trade union federations appointed to the delegation, the Committee still lacks the reliable information necessary for it to discharge its mandate. It therefore unanimously recommends to the Conference that it request the Government of Somalia, by virtue of article 26bis(7) of the Conference Standing Orders, to submit for the next session of the Conference, at the same time that it submits its credentials for its delegation, a detailed report substantiated with relevant documentation on:*

- (a) the names of the representative workers' organizations in Somalia, together with figures indicating their comparative importance; and*
- (b) information as to which of those organizations were consulted on the designation of the Workers' delegation, as well as the date(s) and place(s) of such consultation(s).*

Objection concerning the nomination of a Workers' adviser of Chad

89. The Committee received an objection from the President of the Union des syndicats du Tchad (UST), concerning the nomination of the Workers' adviser to the present session of the Conference. The author of the objection alleged that the Government had not respected the UST's choice to nominate from its ranks its interim Secretary-General, Mr Gounoung Vaima Gan-Fare, as a member of the Workers' delegation to the present session of the Conference. On 29 April 2016, his name had been communicated to the Minister of Public Service, Labour and Employment in response to the Minister's request to the UST to designate its representative. On 18 May 2016, the Minister unilaterally appointed Mr François Djondang even though he had been suspended until the next UST congress and this information had been communicated to the Minister in a letter dated 3 May 2016. According to the author of the objection, Mr Djondang had no official capacity to represent the UST, including in the ILO's Governing Body. He considered that the Government, in contravention of ILO's Conventions on freedom of association, had interfered in the UST's internal affairs, had violated its right to freely designate its representatives to the Conference and to represent the largest number of workers in the country as the most representative workers' organization. Consequently, he requested the invalidation of the credentials of the delegation of Chad and that the matter be brought to the attention of the Committee on Freedom of Association.

90. In a written communication addressed to the Committee at its request, the Government stated that Mr Djondang had not been nominated in his function as UST Secretary-General. Notwithstanding his suspension from his functions, the Government had included him in the Workers' delegation as an ILO Governing Body member. For the Government, Mr Djondang's suspension from his post as Secretary-General was an internal problem of the UST in which it would not interfere. The mandate of Mr Djondang being *intuitu personae*, the Government considered that he had not yet lost his function as a Governing Body member and that in this capacity he had to be part of the Workers' delegation of Chad. Finally, the Government contends that the UST is openly associated with opposition parties and civil society that call upon the population to civil disobedience to prevent the current head of state to run for a further term.

91. *The Committee notes the Government's statement that Mr Djondang had been included in the Workers' delegation of Chad to the present session of the Conference in his personal capacity as an ILO Governing Body member. In this regard, the Committee wishes to recall that the representatives of employers and workers are elected to the Governing Body for a three-year term, at some specific point in time, by the Employers and Workers' delegates to the Conference. During this term, it is possible that the elected members' status within their*

respective organizations may evolve, just as the representative character of these organizations may fluctuate, without calling into question their legitimacy as Governing Body members. Governing Body membership therefore cannot be considered, in and of itself, as meeting a criterion of representativeness. Moreover, the Committee notes that in conformity with article 2(3)(c) of the Standing Orders of the Conference, members of the Governing Body who are not delegates or advisers within their national tripartite delegation have the right to participate at sessions of the Conference.

- 92.** *The Committee also wishes to recall that the nomination of the Workers' delegation to the Conference must be made in consultation with the most representative workers' organizations in the country and that governments must comply with the choice of the organizations and their representatives. Otherwise, the autonomy of the groups at the Conference, which is an essential condition to its proper functioning, would be seriously compromised.*
- 93.** *The Committee therefore considers that the Government should have accepted the UST's request to be represented at the Conference by its acting Secretary-General, Mr Gounoung Vaima Gan-Fare. The Committee also wishes to stress that any consideration with respect to a workers' organizations' political leanings must remain wholly extraneous to the criteria regarding the designation of the most representative organizations and their representatives. Any other result would contravene the principles of freedom of association.*
- 94.** *The Committee expects that the Government will ensure that the nomination of Worker and Employer representatives to future sessions of the Conference will be made in complete independence of public authorities and in full compliance with the provisions of article 3(5) of the ILO Constitution.*

Objection concerning the nomination of the Workers' delegation of Trinidad and Tobago

- 95.** The Committee received an objection from the Workers' delegate of Trinidad and Tobago, the Secretary-General of the National Trade Union Centre (NATUC), concerning the nomination of his adviser. The author of the objection alleged that in a letter dated 10 May 2016, the Government invited NATUC to meet with two other workers' organizations to agree on the designation of the Workers' delegate to the present session of the Conference. As the most representative organization in Trinidad and Tobago, NATUC declined the Government's invitation to discuss the composition of the Workers' delegation; instead, it submitted to the Government the name of its delegate and adviser. Subsequently, and without consultation with NATUC, the Government nominated NATUC's delegate and an adviser from another workers' organization, the Joint Trade Union Movement (JTUM). In contrast, NATUC observed that, although there were several employers' organizations in the country, the Government did not require them to agree among themselves on the designation of their delegate, inviting only the most representative to make such a designation. According to further communications from NATUC, submitted upon the arrival of its representative in Geneva, JTUM was registered with the Trade Union Registry on 31 March 2016, and had not yet held a delegates' convention to elect officers and formally adopt its constitution. In comparison, NATUC, recognized as the most representative organization for over 25 years, had 13 member organizations representing over 50,000 workers.
- 96.** In a written communication addressed to the Committee at its request, the Government stated that it had established the Workers' delegation through a consultative process and nominated its members solely based on the designations received from the representative organizations. At present, there were three representative organizations in Trinidad and Tobago, namely NATUC, the JTUM and the Federation of Independent Trade Unions and Non-

Governmental Organizations (FITUN), in which several trade unions had dual membership. This situation had therefore blurred the clear numerical primacy of NATUC.

97. The new Government elected to office in the general elections of September 2015 was committed, inter alia, to encouraging proper industrial relations practices and effective democratic trade unionism and to ensure meaningful and active representation by labour in the decision-making process at all levels. As a result, the Minister of Labour met with the three representative workers' organizations shortly after taking up office to consult and involve them in the various initiatives. A National Tripartite Council was established in March 2016 with representatives of all three organizations and tripartite consultations had been held on a wide variety of labour issues of national importance. The ILO Decent Work Team had been involved in these consultations. It was in this context that, on 10 May 2016, the Government sent an invitation to each of the three representative organizations to consult among themselves with a view to the designation of one representative as the Workers' delegate by 17 May 2016. The prevailing economic situation did not permit the funding of more than one Workers' delegate and only for the second week of the Conference, as for the rest of the tripartite delegation. Separate responses were received from NATUC and JTUM, each nominating one representative from their respective organizations. On 25 May 2016, following further discussions between the Government, NATUC and JTUM, NATUC agreed to its representative being nominated as the Workers' delegate. While Workers' delegates at prior sessions of the Conference had historically been drawn from NATUC, the Government noted that representatives of FITUN had also previously been designated as advisers within Workers' delegations led by NATUC. By consulting all three workers' organizations for the purpose of determining the composition of the Workers' delegation to the Conference, the Government had acted in conformity with the observations of the Committee of Experts on the Application of Conventions and Recommendations regarding Article 1 of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). Those observations were to the effect that the expression "[m]ost representative organization of employers and workers" in the Convention does not mean only the largest organization; "if in a particular country there are two or more organizations which represent a significant body of opinion, even though one of them may be larger than the others, they may all be considered to be most representative organizations for the purpose of the Convention".
98. Upon request of the Committee, the Government confirmed that it had acted in the spirit of inclusion and consultation. In the context of an evolving labour situation in the country, there was overlapping membership among the three most representative workers' organizations, NATUC, JTUM and FITUN. In an effort to ensure the widest possible representation of workers at the Conference, the Ministry's Cabinet eventually decided to fund the participation of two Worker representatives: one from NATUC and one from JTUM.
99. *Despite the scarcity of information regarding membership and affiliation figures for NATUC, FITUN and JTUM, the Committee notes that it has received no evidence indicating that NATUC is no longer the most representative workers' organization of Trinidad and Tobago. The only verifiable and significant change that could justify the different approach taken this year for the designation of the Workers' delegation to the Conference would seem to be the change in Government in late 2015. In this connection, no genuine consultations with a view to the workers' organizations reaching agreement can be said to have taken place. Rather, the Ministry sought designations separately from each of the three organizations and the Government unilaterally decided on the composition of the delegation, without seeking the agreement of the most representative organization or informing it of the nomination of an adviser from a different organization. There is also no evidence about any consultation regarding the last-minute decision to fund the participation of two Worker representatives, whereas it had been clearly stated that the Government would cover the expenses of only one. All these elements lead the Committee to the conclusion that the*

nomination of the Workers' delegation to the Conference has not been made in accordance with the obligations incumbent upon the Government under article 3(5) of the ILO Constitution.

- 100.** *Neither the letter nor the context of the obligations arising from article 3(5) of the Constitution and Article 1 of Convention No. 144 cited by the Government are the same. Whereas Article 1 of Convention No. 144 defines most representative organizations for purposes of tripartite consultations concerning international labour standards, article 3(5) of the Constitution refers to the nomination of the Workers' delegation to the Conference being made "in agreement with the industrial organisations which are the most representative of employers or workpeople". In accordance with Advisory Opinion No. 1 of 1922 of the Permanent Court of International Justice and subsequent case law of the Committee, where several representative organizations exist, Governments must take them all into consideration when proceeding to the nomination of a delegation and, ideally, obtain the agreement of all the most representative among them. However, while both the Government and the organizations concerned should strive to achieve such an agreement, and while a plurality of organizations may better represent the views of employers and workers in a country, such a plurality cannot be imposed by the Government. Failing an agreement among most representative organizations, the Government must assess, based on objective and verifiable criteria, which organization (or group of organizations that have agreed on a common proposal) is the most representative. The Employers' and Workers' delegate and advisers will have to be chosen in agreement with such most representative voice (See Provisional Record No. 5D, 100th Session, 2011, paragraph 28). In the absence of an agreement between the workers' organizations concerned, the Government should have consulted NATUC, as the most representative workers' organization and was bound to respect the nomination of its delegate and adviser to the Conference. Notwithstanding the foregoing, the Committee decides not to recommend any action this year, as it trusts that the Government will in future comply with its constitutional obligations, seeking if required the assistance of the Office.*

Objection concerning the nomination of the Workers' delegation of the Bolivarian Republic of Venezuela

- 101.** The Committee received an objection concerning the nomination of the Workers' delegation, presented by the Confederación de Trabajadores de Venezuela (CTV), the Confederación General de Trabajadores (CGT), the Confederación de Sindicatos Autónomos (CODESA) and the Unión Nacional de Trabajadores de Venezuela (UNETE). The authors of the objection reiterated their objection from the past four sessions of the Conference, alleging that the Government had once again, unilaterally and without consultation, nominated a Workers' delegation composed exclusively of representatives of the Central Bolivariana Socialista de Trabajadores y Trabajadoras de la Ciudad, el Campo y de la Pesca de Venezuela (CBST).
- 102.** The authors of the objection recalled that there are six trade union confederations in Venezuela recognized as being the most representative – the CTV, the Central Unitaria de Trabajadores de Venezuela (CUTV), CODESA, CGT, UNETE and, beginning in 2012, the CBST. Since the 91st Session (2003) of the Conference, all six of these representative organizations had been included in the Workers' delegation. In past years, the Government had held meetings with the representatives of the trade union confederations to seek to reach consensus with regard to the composition of the Workers' delegation. Since 2014, the Government had accredited Workers' delegations drawn exclusively from the CBST. In 2016, the Government had not convened meetings with any of the confederations concerned, but had unilaterally and without consultation accredited a Workers' delegation once again composed entirely of representatives from the CBST. Following various joint meetings between CTV, CGT, CODESA and UNETE, each confederation individually submitted to

the Government its proposed representatives for the Workers' delegation to the 105th Session of the Conference. No response was received to these proposals.

- 103.** The status of the objecting organizations as representative workers' confederations had been recognized by the Government and they had formed part of the Workers' delegations to past sessions of the Conference. It was therefore important to ensure balance in the composition of the Workers' delegation, which should be made up of a proportional number of representatives of independent workers' organizations, based on their respective representativity. However, despite repeated calls by the Credentials Committee that the nomination of the Workers' delegation be based on objective and concrete criteria to facilitate an accurate determination of the relative representativity of each trade union confederation, the Government continued to nominate the Workers' delegation exclusively from the CBST, a workers' organization that, according to the objecting organizations, is the sole trade union that is wholly associated with and dependent upon the Government.
- 104.** The authors of the objection expressed, moreover, their concern that their exclusion from participation in the Workers' delegation was being used to silence the independent workers' organizations in the country in relation to claims that they had made in past years before the ILO Committee on Freedom of Association and the Committee of Experts on the Application of Conventions and Recommendations. The authors of the objection requested that it be communicated to the Committee on Freedom of Association.
- 105.** In a written communication addressed to the Committee at its request, the Government noted that it would respond only to those elements in the objection regarding the nomination of the Workers' delegation to the present session of the Conference. The Government indicated that the nomination had been carried out in full observance of the provisions of article 3(5) of the ILO Constitution. The CBST is currently the largest and most representative workers' confederation in the country. The Organic Labour Law, adopted on 30 April 2012 under Decree No. 8.938 and published in the *Official Gazette* of 7 May 2012, had established the National Trade Union Registry, in which all employers' and workers' organizations were required to be registered. The Registry, established under article 517 of the Organic Labour Law, provides objective and verifiable criteria on the basis of which a reliable and accurate database establishing the representativity of all of the employers' and workers' organizations in the country was compiled, in accordance with prior recommendations of the Credentials Committee. The Government noted that Registration Bulletin No. 365 of 19 January 2012, submitted to the Registry by the CBST, confirms its numerical importance and representativity. The Bulletin shows that the largest and most important workers' confederations in the country are affiliated to the CBST, and that it currently represents 60 per cent of all workers affiliated to registered unions. In contrast, the objecting organizations, together with the CUTV, currently represented less than 10 per cent of unionized workers and cannot therefore be considered to be the most representative workers' organizations. The Government notes that about 30 per cent of unionized workers were members of duly registered unions that were, however, not affiliated to any of the workers' confederations in the country. It further indicated that the CBST's status as the most representative workers' organization was demonstrated not only by its numerical importance, but also by the assemblies, demonstrations and other activities that only it convened.
- 106.** The Government indicated that it had received communications from the CBST and the objecting organizations, proposing the nomination of their representatives to the Conference. The Government consulted the CBST, as the most representative workers' organization at two meetings with the CBST held on 19 and 26 April 2016, followed by an exchange of written communications dated 3 and 9 May 2016. The Government made numerous attempts to seek an agreement between the CBST and the less representative workers' organizations, but the CBST did not accede to these requests and maintained its position that its

representatives should make up the Workers' delegation to the Conference. Noting past decisions of the Committee whereby the Government may not impose advisers on the Employers' or Workers' delegates, the Government contended that in accrediting an all-CBST Workers' delegation, it acted in full compliance with its obligations under the ILO Constitution.

- 107.** The Government denied both the allegation that it had accredited the Workers' delegation unilaterally and without consultation as well as the claim that the CBST was linked to and dependent upon the Government, noting that one of the principal rights established under its Organic Labour Law was that of freedom of association, a right enjoyed by all workers' organizations in the country. It once again denied the allegations that the nomination of the Workers' delegation to the current session of the Conference was aimed at silencing the voice of the independent workers' organizations having submitted complaints in recent years to the ILO Committee on Freedom of Association and the Committee of Experts on the Application of Conventions and Recommendations.
- 108.** *The Committee wishes to express its deep concern that no serious efforts appear to have been undertaken by the Government to dissipate the grave doubts identified in previous sessions of the Conference concerning the validity of the nomination of the Workers' delegation of the Bolivarian Republic of Venezuela.*
- 109.** *While the Government claims to have made repeated attempts to seek consensus regarding the composition of the Workers' delegation, it has failed to provide any concrete information in support of this affirmation. Similarly, the Government has once again failed to provide objective evidence regarding the representativeness of the CBST and of the other organizations concerned. Despite its reference to a list of organizations affiliated to the CBST available in the National Trade Union Registry since 19 January 2012, the Government has not provided a copy of said list, nor has the Government provided the updated annual list of the members of trade union affiliates of the various confederations required under article 518(4) of the Organic Labour Law of 2012.*
- 110.** *The absence of the information that the Committee has repeatedly requested in this long-standing case gives rise to deepening concerns regarding the conformity of the nomination of the Workers' delegation with the provisions of article 3(5) of the ILO Constitution. The Committee notes among these concerns, the discrepancies in the information referenced by the Government, according to which it determined CBST's status as the most representative workers' organization on the basis of a Registry Bulletin submitted to the Registry on 19 January 2012, whereas the Organic Labour Law that called for the establishment of the Registry was published on 7 May 2012.*
- 111.** *While this case raises elements that could warrant examination by the Committee on Freedom of Association, the Credentials Committee nevertheless considers it appropriate that this long-standing situation be monitored by the Conference; consequently, it unanimously recommends to the Conference that it request the Government of the Bolivarian Republic of Venezuela, by virtue of article 26bis(7) of the Conference Standing Orders, to submit for the next session of the Conference, at the same time that it submits its credentials for its delegation, a detailed report substantiated with relevant documentation on:*
- (a) the procedure followed for the nomination of the Workers' delegation, specifying the organizations consulted and the time(s), place and nature of those consultations; and*
 - (b) copies of all up-to-date information available from the National Trade Union Registry regarding affiliation of the various workers' confederations and membership of their respective trade unions.*

Complaints

112. The Committee also received and dealt with five complaints, which are listed below in the French alphabetical order of the member States concerned.

Complaint concerning the non-payment of travel and subsistence expenses of the Workers' advisers by the Government of Spain

113. The Committee received a complaint submitted by Ms Cristina Faciabén Lacorte of the Confederación Sindical de Comisiones Obreras (CCOO), Workers' delegate, and Mr Jesús Gallego García of the Unión General de Trabajadores (UGT), Workers' adviser, concerning the non-payment of travel and subsistence expenses of the Workers' advisers.
114. The CCOO and the UGT are the two most representative workers' organizations in the country (with 37 per cent and 34.7 per cent representation, respectively), followed by two less representative organizations: Solidaridad de los Trabajadores Vascos (ELA-STV) and the Confederación Intersindical Gallega (CIG) (with 2.9 per cent and 1.7 per cent representation, respectively). The complainants maintained that, for the fifth consecutive year, the Government continued to pose obstacles to the adequate participation of the Workers' delegation to the Conference. Until 2011, the Government had covered the expenses of nine participants in the Workers' and Employers' delegations: the delegate and eight advisers. In 2012, due to economic constraints, the Government reduced its funding to three members in each of the Workers' and Employers' delegations: the delegate and two advisers. While in 2015 the Government had increased funding of expenses from three to four members of each group, this reduced number of representatives still did not allow the Workers' delegation to cover all of the items on the Conference agenda adequately and for the necessary period of time during the Conference.
115. The complainants also challenged the Government's continued imposition of conditions on the allocation of funding since 2012, requiring that the four most representative workers' organizations reach consensus regarding those members of the delegation whose expenses would be covered. This requirement subjected the complainants to unfair treatment compared with the less representative organizations, and resulted in an imbalance in the Workers' delegation. The complainants also contested the Government's repeated modification of criteria for travel and lodging arrangements, whose late communication made it difficult to make affordable early reservations. They also contested the continued freeze since 2005 on the maximum allowable subsistence expenses in euros, despite the appreciation of the Swiss franc. Additionally, and contrary to established practice in past sessions of the Conference, since 2015 the Government required the delegates to advance all costs for their participation at the Conference.
116. In light of the improving economic situation in Spain and the reduced length of the Conference, the Government's failure to cover the travel and subsistence expenses of a larger number of advisers to the Workers' delegation was unreasonable and unjustified. In addition, the Government continued to disregard the recommendations of the Committee in past sessions, in which the Committee had concluded that conditioning the reimbursement of expenses on an agreement between the most representative workers' organizations was incompatible with article 13(2)(a) of the ILO Constitution and that, in the absence of an agreement, the Government should give priority to the most representative organizations.
117. In a written communication addressed to the Committee at its request, the Government recalled that the economic crisis had impacted the public budget, and it had therefore been compelled to put into place a cost containment policy in recent years. When it became

possible, beginning in 2015, the Government had increased the number of members it would fund for the Workers' and Employers' delegations from three to four. The amounts allocated to cover the expenses of the entire delegation of Spain continued to be fixed pursuant to Royal Decree No. 462/2002 of 24 May 2002. The Government noted that the practice in past sessions had always been for the social partners to handle their own logistical arrangements in attending the Conference. Moreover, advance payment of travel and subsistence expenses was only permissible for public officials, as the Employers' and Workers' delegations were not subjected to the same regulations. The Government maintained that its funding of the participation of four members of the Workers' delegation did not prevent the Workers' delegation from covering the expenses of additional advisers, up to the maximum stipulated in the rules of the Conference.

- 118.** The Government claimed that it had observed the criteria of proportionality and balance to the tripartite delegation. Apart from the ministerial delegation and accompanying assistants, the Government delegation was composed of two delegates and eight advisers from the Ministry of Employment and Social Security, two for each of the items on the agenda of the Conference. Its delegation was also supported by staff from the Permanent Mission in Geneva, who were following the Committee on Application of Standards. To facilitate the use of the four travel and subsistence grants accorded to the Workers' delegation, the Government had communicated to them the possibility of "... sharing these grants where there was no overlap in terms of days, with the exception of travel tickets." The Government sought to have the four workers' organizations concerned reach consensus to establish criteria for distributing the funding available without excluding any of the organizations, and only for the purpose of enabling the Government to proceed with financing the participation of the Worker representatives in the Conference. This year an agreement had been reached between the two most representative organizations, the CCOO and the UGT, accepted by the other two organizations. As was the case in 2015, according to the agreement, the CCOO and the UGT would receive three of the four grants available.
- 119.** *The Committee regrets that, for the fifth consecutive year, it has received a complaint from the same workers' organizations alleging non-payment of travel and subsistence expenses for a sufficient number of representatives to the Workers' delegation. Moreover, the Government does not dispute the complainants' allegation that it continues to require the four workers' organizations concerned to reach an agreement regarding the distribution of the four travel/subsistence grants, in the absence of which no funding would be provided.*
- 120.** *As the Committee observed in its conclusions and recommendations at the 104th Session (2015) of the Conference, when a Government decides to cover the expenses of only part of a delegation, the distribution of payments cannot ignore the relative representativeness of the organizations whose representatives compete for them. It therefore reiterates that, where an agreement cannot be reached between the organizations, allocation of funding should be based on their relative representativity. As it appears from the Government's reply and from the records of the present session of the Conference that an agreement was reached, the Committee considers that it need not address this point further.*
- 121.** *In respect of the allegations that the Government has failed to cover the expenses of a sufficient number of advisers to the Workers' delegation, the Committee recalls that article 3(1) of the ILO Constitution imposes an obligation on each member State to appoint a minimum delegation: of two Government delegates, one Employers' delegate and one Workers' delegate. While paragraph 2 of the same constitutional article provides that each delegate may be accompanied by a maximum of two advisers for each of the technical items on the Conference agenda, it does not establish a constitutional obligation to appoint advisers in sufficient numbers to cover all the agenda items. Nonetheless, as specified in the Guide to the Conference, "to allow for a full and equal participation of Government, Employer and Worker representatives, in line with the principles of tripartism, the number*

of advisers accompanying each of the delegates should be balanced.” The mandate of the Committee to examine complaints under article 26ter(1)(b) of the Standing Orders of the Conference is specifically to assess whether there is a serious and manifest imbalance as between the number of advisers in the Government, Employers’ and Workers’ delegations whose expenses have been covered.

- 122.** *According to the records of this session of the Conference and the information made available to the Committee, the Government delegation includes eight advisers from the capital and five additional persons from the Permanent Mission in Geneva (one of whom is accredited as adviser and substitute delegate). In comparison, the expenses of only three advisers in the Workers’ delegation are covered by the Government.*
- 123.** *Even if, as indicated by the Government, the costs associated with the brief visits of a ministerial delegation may not be taken into account in this context, the Committee observes that the ratio of Government to Workers’ advisers whose costs are covered (3:1) cannot be considered to be in alignment with the 2:1:1 ratio for the composition of delegations required by article 3(1) of the ILO Constitution. This clear imbalance would be even greater were the four officials of the Permanent Mission in Geneva accredited as “other persons attending the Conference” to be taken into account, since, while their participation at the Conference carries no additional cost to the Government, their availability to supplement the Government’s coverage of all Conference agenda items puts the non-governmental delegations of Spain at a distinct disadvantage. Indeed, while the Government can adequately cover the plenary, the four technical committees and the additional maritime item on the agenda through its 15-member strong delegation (comprising two delegates, nine advisers and four additional government officials from the Permanent Mission), the financial means provided by the Government to the Workers’ delegation would at most permit the latter to follow the plenary and three committees.*
- 124.** *The Committee believes that the spirit, if not the letter of the ILO Constitution requires member States to facilitate the participation of its tripartite delegations on conditions that, without necessarily being equal, would give the Government, the Employers’ and the Workers’ delegations similar capacities to actively take part in the Conference. This obligation concerns not only the funding for a balanced number of participants in each of the groups, but also the conditions of such funding. In this connection, the Committee’s precedent establishes that a reimbursement system, in particular in respect of the Workers’ members of a delegation, may effectively impede the latter from participating actively in the Conference where they are unable to advance their attendance costs.*
- 125.** *The Committee trusts that, on the basis of the clarifications provided, the Government will increase its efforts to ensure a more balanced distribution of resources between the three groups in the delegation and under similar conditions.*

Complaint concerning the non-payment of travel and subsistence expenses of the Workers’ delegation by the Government of Gabon

- 126.** *The Committee received a complaint concerning the non-payment of travel and subsistence expenses of the Workers’ delegation submitted by the President of the Confederation syndicale des Travailleurs du Gabon (CSTG), who was accredited as Workers’ adviser and substitute delegate to the Conference. The complainant indicated that the Government provided a subsidy to the workers’ organizations that was meant to cover, inter alia, their expenses to the Conference. However, to the extent that such subsidy was insufficient to cover reasonable expenses in Geneva for the duration of the Conference, the complainant considered that the Government had failed to meet its obligations under the ILO Constitution.*

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127. In a written communication addressed to the Committee at its request, the Government confirmed that for many years, the funding of the expenses of the Employers' and Workers' delegations to the Conference was made through an overall annual public subsidy to the social partners, distributed between the most representative organizations based on their relative weight. This system was aimed at guaranteeing the maximum autonomy of the organizations' concerned, including by enabling them to make their own arrangements for their participation. Such subsidy was reduced from CFA205 million (US\$350,000) in 2015 to CFA185 million (US\$320,000) in 2016 due to budgetary constraints.
128. *The Committee's mandate is limited to the situations referred to in article 26ter(1)(a) and (b) of the Conference Standing Orders. This provision refers to cases where the Government has not undertaken to pay the expenses of a tripartite delegation composed of at least two Government delegates and an Employers' and Workers' delegate, or where there exists a serious and manifest imbalance as between the number of Employers' or Workers' advisers whose expenses have been covered in the delegation concerned and the number of advisers appointed for the Government delegates. Although it is not clear from the information made available to the Committee whether the conditions of use of the subsidy system make it possible to cover a balanced number of advisers in the Employers' and Workers' delegations of Gabon as compared to the Government delegation, the Committee notes that at the halfway-point of the Conference (on Saturday 4 June 2016), nine members of the Government delegation had registered to the Conference, including the Minister and four accompanying persons, compared to 14 members of the Workers' delegation, including its delegate and five advisers. The Committee further notes that neither the Workers' delegate nor his other four advisers have alleged non-payment of their expenses nor a serious and manifest imbalance vis-à-vis either the Government or Employers' delegations. The Committee therefore considers that the situation raised does not correspond to article 26ter(1)(b) of the Standing Orders of the Conference.*

**Complaint concerning the non-payment
of travel and subsistence expenses of
a Workers' adviser of Guatemala**

129. The Committee received a complaint submitted by the International Trade Union Confederation (ITUC) concerning the non-payment of travel and subsistence expenses for Mr Carlos Enrique Mancilla García, accredited as adviser and substitute delegate to the Workers' delegation of Guatemala. The ITUC claimed that it had paid for Mr García's travel and subsistence expenses given that the Government had failed to do so, and that Mr García would not otherwise have been able to attend the Conference. On this basis, the ITUC considers that the Government was in breach of its obligations pursuant to article 13(2)(a) of the ILO Constitution.
130. In a written communication from the Government addressed to the Committee at its request, the Government noted that, in 2016, the budget allocated to the Ministry of Labour and Social Welfare had been considerably reduced. The Government informed the social partners of this reduction at a meeting of the Tripartite Committee on International Labour Affairs, held on 19 May 2016, notifying them that the Government would be covering the costs of the Employers' and the Workers' delegate to the Conference, and undertaking necessary measures to ensure the participation of two representatives of each group to future sessions of the Conference. The Government had offered its support to manage the financing for additional representatives to each of the two groups. The Workers' delegation had availed itself of this support, and requests for funding had been sent to various institutions.
131. The Government noted that, in covering the travel and subsistence costs for the Workers' delegate, it had complied with its constitutional obligations under article 3(1) of the ILO Constitution, which required that a delegation be composed, at a minimum, of four

representatives: two Government representatives, one Employer representative and one Worker representative. The efforts made by the Government to seek additional funding for another Worker representative was evidence of the Government's commitment to supporting the participation of the Worker representatives in the Conference.

132. *The Committee notes that the Government has met its obligation to appoint a minimum delegation of two Government delegates and one Employers' and Workers' delegate, and to cover their respective expenses. However, the mandate of the Committee under article 26ter(1)(b) of the Standing Orders of the Conference also includes the review of situations of serious and manifest imbalance between the number of Employers' and Workers' advisers whose expenses have been covered in the delegation and the number of advisers appointed for the Government delegates. In this respect, the Committee notes that the Government delegation to the present session of the Conference includes eight advisers. While the Committee has observed that only three members of the Government delegation come from the capital, and that the participation of representatives from the Permanent Mission do not imply additional costs for the Government, there is little doubt that the situation is that of a manifest imbalance. Noting, however, the efforts to afford funding for an additional member in the Workers' delegation, the Committee decides to take no further action this year, and trusts that the Government will ensure greater balance in the distribution of resources between the three groups in the delegation at future sessions of the Conference.*

Complaint concerning a serious and manifest imbalance between the number of Employers' and Government advisers whose expenses were covered by the Government of the Democratic Republic of the Congo

133. The Committee received a complaint concerning a serious and manifest imbalance between the number of advisers of the Employers' delegation and those of the Government whose travel and subsistence expenses were covered by the latter. The present complaint was made by Mr Marc Atibu Saleh Mweke, Secretary-General of the Fédération des employeurs du Congo (FEC), adviser and substitute delegate, and was submitted by the Employers' group to the Conference.
134. The complainants allege that the Government failed to respect its constitutional obligations, as set forth in article 13(2)(a) of the ILO Constitution. They submit that the Government covered the travel and subsistence expenses for 14 Government representatives, but for only two Employer representatives and four Worker representatives. On this basis, the complainants consider that there is a serious and manifest imbalance between the Government delegation and the delegations of the social partners. They allege, moreover, that the Government covered the expenses of two of the Employer representatives only for a period of eight days, and not for the entire duration of the Conference.
135. In a written communication addressed to the Committee at its request, the Government indicated that, due to budgetary constraints, it had not been in a position to cover the expenses of the number of advisers requested by the Employers' and Workers' organizations. Nonetheless, the alleged imbalance had been corrected by the Government in covering the expenses of one additional Employer representative. There were, therefore, three members of the Employers' and three members of the Workers' delegations whose expenses had been covered by the Government. The latter further stated that it had covered these expenses by granting lump-sum amount to each delegation. The Government indicated nevertheless that it was ready to take the necessary measures to comply with its obligations as a member State of the ILO.

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136. *The Committee notes that it has received a complaint from the Employers' group for the second consecutive year on the same issues. It notes that this year, Mr Marc Atibu Saleh Mweke was accredited to the Workers' delegation as adviser and substitute delegate.*
137. *The Committee recalls that article 13(2)(a) of the ILO Constitution imposes on member States an obligation to pay the travel and subsistence expenses of the delegates and advisers of the entire tripartite delegation. The competence conferred to the Committee in 1997 to examine complaints regarding the non-respect of that provision is, however, limited to the situations envisaged in article 26ter(1)(a) and (b) of the Standing Orders of the Conference, that is, failure to cover the expenses of at least a tripartite delegation comprising two Government delegates, the Employers' and Workers' delegates, and cases of serious and manifest imbalance between the number of Employers' and Workers' advisers whose expenses have been covered by the Government and the number of Government advisers appointed for the Government delegates. In the course of the discussions that led to the introduction in 1997 of these provisions, it was stated that the purpose of these provisions was to ensure that the financial means available for the participation of a tripartite delegation to the Conference would be distributed between the Government, the Employers' and the Workers' delegations at least in a proportion similar to that envisaged in the ILO Constitution for the composition of delegations to the Conference.*
138. *In this context, the Committee notes that the two Government delegates are accompanied by 11 advisers, who are all registered to the Conference, whereas the Employers' delegation is composed of one delegate and eight advisers, of whom three have had their expenses covered by the Government. The Committee observes that the Government acknowledged in its response that it covered the travel and subsistence expenses of only three members of the Employers' group while covering the expenses of almost four times as many advisers within its own group. It therefore considers that the conditions for participation in the work of the Conference for the Government group and those for the Employers' group demonstrate a manifest imbalance. Nevertheless, recalling the efforts undertaken since the prior session of the Conference, the Committee trusts that the Government will ensure a greater balance in the distribution of resources between the three groups in the delegation, so as to permit them to carry out work at future sessions of the Conference under similar conditions.*

Complaint concerning the non-payment of subsistence expenses of Workers' advisers from Swaziland

139. The Committee received a complaint submitted by the Trade Union Congress of Swaziland (TUCOSWA) alleging the non-payment of subsistence expenses of the Workers' advisers, resulting in an imbalance between the number of Employers' and Workers' advisers whose expenses have been covered in the delegation concerned and the number of advisers appointed for the Government delegates, contrary to article 3(2) of the ILO Constitution. TUCOSWA contended that the Government had paid the full travel and subsistence expenses of the Workers' delegate, while covering only the travel expenses for two Workers' advisers, one from TUCOSWA, and the other from the Federation of Swaziland Trade Unions (FESWATU). In comparison, the Government covered the full travel and subsistence expenses of nine advisers in its group. TUCOSWA alleged that the Workers' group has been treated in a discriminatory manner by the Government and requested that the Government fulfil its obligations pursuant to article 13(2)(a) of the ILO Constitution to pay the subsistence expenses of those in the Workers' group who were only paid their travel expenses.
140. In a written communication addressed to the Committee at its request, the Government stated that it held meetings on 11 and 19 May 2016 with TUCOSWA and FESWATU, whereby the idea of one fully paid Workers' delegate and two Workers' advisers with only travel expenses paid was discussed. This arrangement was necessary due to financial constraints

and the existence of two different Workers' federations in the country. When TUCOSWA was the only federation in Swaziland, the Government covered the full expenses of the Workers' delegate and one adviser from that federation. Following the registration of a second federation in 2015, FESWATU, the Government maintained the funding of the Workers' delegate, but split the full participation cost of the adviser (travel and subsistence) in two in order to cover the travel expenses of two advisers, one from each federation. The Government indicated that the Workers' organizations did not object to this arrangement.

- 141.** Concerning the issue of imbalance between the number of Government and Workers' advisers, the Government argued that it had only paid for six members of its group. It stressed that three representatives of the Swaziland National Provident Fund (SNPF) had been accredited as Government advisers, but had received no Government funding for their participation at the Conference, as the SNPF was an autonomous entity.
- 142.** *The Committee notes that it is not disputed that the expenses of the Workers' delegate have been met. The matter before it in accordance with article 26ter(1)(b) of the Standing Orders of the Conference is to assess whether there is a serious and manifest imbalance as between the number of advisers in the Government and Workers' delegations whose expenses have been covered, including the extent of the expenses covered.*
- 143.** *According to the records of the present session of the Conference and the information made available to the Committee, the Government delegation has accredited nine advisers, of whom six are from the capital and three are officials of the Permanent Mission in Geneva. In comparison, the partial expenses of only two advisers to the Workers' delegation have been covered by the Government. The Committee considers that the fact that travel and subsistence expenses of three Government advisers are covered by a public undertaking such as the SNPF and not directly by the Government, or that the participation of three additional Government advisers from the Permanent Mission entails no additional cost to it have little bearing in assessing the nature of the imbalance between the number of Government advisers and those in the Workers' delegation whose expenses are fully funded. In the circumstances, the imbalance appears to be manifest not only as regards the number of advisers in the Government and the Workers' delegations whose expenses have been covered, but also the extent of such financial coverage. The Committee trusts that the Government will endeavour to redress this years' imbalance by reimbursing the subsistence expenses incurred by the two Workers' advisers whose travel expenses have been covered and that it will ensure a more balanced distribution of resources between the three groups in the delegation in future sessions of the Conference.*

Communications

- 144.** The Committee received two communications this year.

Communications concerning the Workers' delegations of Mauritania and Paraguay

- 145.** On 2 June 2016, the Credentials Committee received a copy of a complaint addressed to the ILO Director-General and the Committee on Freedom of Association from Mr Samory Ould Beye, Secretary-General of the Confédération Libre des Travailleurs de Mauritanie (CLTM) alleging that the Government had discriminated against his organization by excluding it from the Workers' delegation to the present session of the Conference. Mr Beye requested that adequate measures be taken, given that complaints submitted by the CLTM against the Government were before the Committee on the Application of Standards, yet the CLTM had not been able to be present to advocate for its position, as it had been prevented by the Government from participating in the present session of the Conference.

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- 146.** Also on 2 June 2016, the Committee received a complaint addressed to the Committee on Freedom of Association from the Central Sindical de Trabajadores del Paraguay (CESITP), alleging that the Government had wrongfully excluded the CESITP from the Workers' delegation in violation 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).
- 147.** *Recalling that, pursuant to paragraph 14 of the Digest of decisions and principles of the Freedom of Association Committee, fifth (revised) edition, "the question of representation at the International Labour Conference falls within the competence of the Conference Credentials Committee", the Committee considers that the two above-referenced two communications might have been better formulated as objections and addressed to it under section B of the Conference Standing Orders. At the same time, the Committee notes that even if these two communications from the CLTM and the CESITP had been formulated and accepted as objections concerning the composition of the Workers' delegations of Mauritania and Paraguay, respectively, they would have been irreceivable under article 26bis(1)(a) of the Standing Orders of the Conference, as they were received on 2 June 2016 after the expiry of the time limit established for the present session of the Conference (48 hours from the publication in the Provisional List of Delegations of the names of the persons whose credentials are challenged, i.e. 1 June 2016 at 10 a.m.).*

Other matters

- 148.** The Committee wishes to recall that, for it to treat objections and complaints effectively, and particularly in the two-week Conference format, it is essential that these be submitted to the Committee as early as possible, while bearing in mind the provisions of the relevant Standing Orders of the Conference.¹
- 149.** For objections to be receivable, they must be timely and contest either the inclusion/exclusion of a particular person's or persons' name, or their function(s), as published in either the *Provisional List of Delegations* or *Revised Provisional List of Delegations*. In this context, the Committee calls upon governments to transmit the credentials of their tripartite delegations through the online accreditation system and respect the deadline for their submission.
- 150.** To enable the Committee to examine such matters with due care and attention, objections and complaints must be accompanied by directly relevant supporting documentation, drafted clearly and concisely, and be submitted in English, French or Spanish. It is also crucial that governments make every effort to respond to allegations swiftly and fully, and within the deadlines specified by the Committee, failing which late information may be disregarded.
- 151.** The Credentials Committee adopts this report unanimously. It submits it to the Conference in order that the Conference may take note of it and adopt the proposals contained in paragraphs 13, 88 and 111.

Geneva, 9 June 2016

(Signed) Mr Thobile Lamati
Chairperson

Mr Fernando Yllanes Martínez

Mr Jens Erik Ohrt

¹ See, Section B of the Standing Orders of the International Labour Conference.

List of accredited delegates and advisers

1) Government delegates

2) Employers' delegates

3) Workers' delegates

4) Government advisers

5) Employers' advisers

6) Workers' advisers

List of accredited delegates and advisers

1)	2)	3)	4)	5)	6)	1)	2)	3)	4)	5)	6)	1)	2)	3)	4)	5)	6)	1)	2)	3)	4)	5)	6)		
Afghanistan.....	2	-	1	2	-	Dominican Republic.....	2	1	1	5	3	10	Lithuania.....	2	1	1	1	-	Serbia.....	2	1	1	2	1	2
Albania.....	2	1	1	8	1	Ecuador.....	2	-	-	3	-	-	Luxembourg.....	2	1	1	2	6	Seychelles.....	2	1	1	-	-	-
Algeria.....	2	1	1	11	10	Egypt.....	2	1	1	12	4	7	Madagascar.....	2	1	1	5	-	Sierra Leone.....	1	-	-	-	-	-
Angola.....	2	1	1	4	-	El Salvador.....	2	1	1	3	-	2	Malawi.....	2	1	1	5	3	Singapore.....	2	1	1	8	3	8
Antigua and Barbuda.....	-	-	-	-	-	Equatorial Guinea.....	2	1	1	3	-	-	Malaysia.....	2	1	1	5	6	Slovakia.....	2	1	1	5	3	3
Argentina.....	2	1	1	7	10	Eritrea.....	2	1	1	-	-	-	Maldives.....	2	1	-	-	-	Slovenia.....	2	1	1	1	1	1
Armenia.....	2	1	1	3	-	Estonia.....	2	1	1	5	1	-	Mali.....	2	1	1	20	1	Solomon Islands.....	-	-	-	-	-	-
Australia.....	2	1	1	10	3	Ethiopia.....	2	1	1	3	4	4	Malta.....	2	1	1	9	4	Somalia.....	2	1	1	8	1	4
Austria.....	2	1	1	7	2	Fiji.....	2	1	1	1	-	-	Marshall Islands.....	-	-	-	-	-	South Africa.....	2	1	1	8	4	7
Azerbaijan.....	2	1	1	4	4	Finland.....	2	1	1	4	2	2	Mauritania.....	2	1	1	5	1	South Sudan.....	2	1	1	11	-	1
Bahamas.....	2	1	1	4	-	France.....	2	1	1	10	4	10	Mauritius.....	2	1	1	3	-	Spain.....	2	1	1	9	5	9
Bahrain.....	2	1	1	5	4	Gabon.....	2	1	1	12	6	10	Mexico.....	2	1	1	8	10	Sri Lanka.....	2	1	1	9	-	5
Bangladesh.....	2	1	1	13	9	The Islamic Republic of Gambia.....	-	-	-	-	-	-	Republic of Moldova.....	2	1	1	-	-	Sudan.....	2	1	1	8	2	6
Barbados.....	2	1	1	2	-	Georgia.....	2	1	1	2	1	-	Mongolia.....	2	1	1	3	3	Suriname.....	2	1	1	-	-	-
Belarus.....	2	1	1	9	2	Germany.....	2	1	1	15	5	7	Montenegro.....	2	1	1	2	-	Swaziland.....	2	1	1	9	2	4
Belgium.....	2	1	1	13	5	Ghana.....	2	1	1	10	10	9	Morocco.....	2	1	1	12	4	Sweden.....	2	1	1	6	4	5
Belize.....	-	-	-	-	-	Greece.....	2	1	1	3	6	4	Mozambique.....	2	1	1	8	1	Switzerland.....	2	1	1	11	6	8
Benin.....	2	1	1	7	1	Grenada.....	-	-	-	-	-	-	Myanmar.....	2	1	1	10	3	Syrian Arab Republic.....	2	1	1	-	1	4
Bolivia, Plurinational State of.....	2	1	1	6	1	Guatemala.....	2	1	1	8	9	3	Namibia.....	2	1	1	6	2	Tajikistan.....	-	-	-	-	-	-
Bosnia and Herzegovina.....	2	1	1	1	-	Guinea.....	2	1	1	15	10	10	Nepal.....	2	1	1	4	6	United Republic of Tanzania.....	2	1	1	5	4	5
Botswana.....	2	1	1	2	-	Guinea-Bissau.....	2	1	1	1	-	1	Netherlands.....	2	1	1	16	2	Thailand.....	2	1	1	15	7	7
Brazil.....	2	1	1	17	10	Guyana.....	2	1	1	-	-	-	New Zealand.....	2	1	1	5	2	The former Yug. Rep. of Macedon	2	1	1	2	1	1
Brunei Darussalam.....	2	1	1	1	-	Haiti.....	2	1	1	1	1	1	Nicaragua.....	2	-	1	2	-	Timor-Leste.....	2	1	1	6	-	-
Bulgaria.....	2	1	1	6	5	Honduras.....	2	1	1	3	1	2	Niger.....	2	1	1	16	10	Togo.....	2	1	1	11	7	6
Burkina Faso.....	2	1	1	11	4	Hungary.....	2	1	1	4	2	4	Nigeria.....	2	1	1	17	10	The Kingdom of Tonga.....	2	1	1	-	-	-
Burundi.....	2	1	1	2	-	Iceland.....	2	1	1	2	1	1	Norway.....	2	1	1	7	4	Trinidad and Tobago.....	2	1	1	2	-	1
Cambodia.....	2	1	1	4	-	India.....	2	1	1	16	8	8	Oman.....	2	1	1	5	10	Tunisia.....	2	1	1	7	2	7
Cameroon.....	2	1	1	6	3	Indonesia.....	2	1	1	18	10	10	Pakistan.....	2	1	1	6	-	Turkey.....	2	1	1	15	8	9
Canada.....	2	1	1	11	4	Islamic Republic of Iran.....	2	1	1	7	9	9	Palau.....	-	-	-	-	-	Turkmenistan.....	2	1	1	3	-	-
Cabo Verde.....	2	1	1	2	-	Iraq.....	2	1	1	5	5	9	Panama.....	2	1	1	5	4	Tuvalu.....	-	-	-	-	-	-
Central African Republic.....	2	1	1	5	1	Ireland.....	2	1	1	2	1	2	Papua New Guinea.....	2	1	1	1	-	Uganda.....	2	1	1	4	7	10
Chad.....	2	1	1	14	1	Israel.....	2	1	1	4	1	2	Paraguay.....	2	1	1	7	-	Ukraine.....	2	1	1	4	1	10
Chile.....	2	1	1	11	9	Italy.....	2	1	1	1	2	5	Peru.....	2	1	1	8	7	United Arab Emirates.....	2	1	1	8	4	4
China.....	2	1	1	17	7	Jamaica.....	2	1	1	2	-	-	Philippines.....	2	1	1	10	10	United Kingdom.....	2	1	1	9	4	6
Colombia.....	2	1	1	5	8	Japan.....	2	1	1	14	5	9	Poland.....	2	1	1	7	5	United States.....	2	1	1	15	5	4
Comoros.....	-	1	1	-	1	Jordan.....	2	1	1	3	1	9	Portugal.....	2	1	1	9	8	Uruguay.....	2	1	1	5	2	2
Congo.....	2	1	1	10	7	Kazakhstan.....	2	1	1	2	-	4	Qatar.....	2	1	1	8	2	Uzbekistan.....	2	1	1	-	-	-
Cook Islands.....	2	1	1	-	-	Kenya.....	2	1	1	15	10	10	Romania.....	2	1	1	7	7	Vanuatu.....	-	-	-	-	-	-
Costa Rica.....	2	1	1	3	1	Kiribati.....	2	1	1	1	-	-	Russian Federation.....	2	1	1	15	6	Venezuela, Bolivarian Republic of.....	2	1	1	3	6	4
Côte d'Ivoire.....	2	1	1	13	10	Republic of Korea.....	2	1	1	14	7	9	Rwanda.....	2	1	1	1	-	Viet Nam.....	2	1	1	4	3	3
Croatia.....	2	1	1	4	2	Kuwait.....	2	1	1	5	1	2	Saint Kitts and Nevis.....	-	-	-	-	-	Yemen.....	2	-	-	2	-	-
Cuba.....	2	1	1	5	1	Kyrgyzstan.....	-	-	-	-	-	-	Saint Lucia.....	-	-	-	-	-	Zambia.....	2	1	1	8	10	9
Cyprus.....	2	1	1	4	3	Lao People's Democratic Rep.....	2	1	1	4	-	2	Saint Vincent and the Grenadines.....	-	-	-	-	-	Zimbabwe.....	2	1	1	9	1	4
Czech Republic.....	2	1	1	5	3	Latvia.....	2	1	1	2	1	-	Samoa.....	-	-	-	-	-	-	-	-	-	-	-	
Democratic Republic of the Cong	2	1	1	11	8	Lebanon.....	2	1	1	4	7	10	San Marino.....	2	1	1	1	5	2	-	-	-	-	-	
Denmark.....	2	1	1	10	5	Lesotho.....	2	1	1	5	-	-	Sao Tome and Principe.....	2	1	1	1	-	1	-	-	-	-	-	
Djibouti.....	2	1	1	1	1	Liberia.....	2	1	1	-	8	8	Saudi Arabia.....	2	1	1	16	3	2	-	-	-	-	-	
Dominica.....	-	-	-	-	-	Libya.....	2	1	1	5	1	1	Senegal.....	2	1	1	14	2	10	-	-	-	-	-	

1) 2) 3) 4) 5) 6)

Total

339

166

167

1073

545

733

List of registered delegates and advisers

1) Government delegates

2) Employers' delegates

3) Workers' delegates

4) Government advisers

5) Employers' advisers

6) Workers' advisers

List of registered delegates and advisers

	1)	2)	3)	4)	5)	6)		1)	2)	3)	4)	5)	6)		1)	2)	3)	4)	5)	6)		1)	2)	3)	4)	5)	6)		1)	2)	3)	4)	5)	6)
Afghanistan.....	2	-	-	2	-	-	Dominican Republic.....	2	1	1	5	2	9	Lithuania.....	2	1	1	1	-	-	Serbia.....	2	-	1	1	1	2							
Albania.....	2	-	1	7	1	3	Ecuador.....	2	-	-	3	-	-	Luxembourg.....	2	1	1	2	4	8	Seychelles.....	2	1	1	-	-								
Algeria.....	2	1	-	11	4	5	Egypt.....	2	1	1	12	4	7	Madagascar.....	1	1	-	5	-	1	Sierra Leone.....	-	-	-	-	-								
Angola.....	2	-	1	4	-	-	El Salvador.....	2	1	1	2	-	1	Malawi.....	2	1	1	5	1	-	Singapore.....	2	1	1	8	3	3	8						
Antigua and Barbuda.....	-	-	-	-	-	-	Equatorial Guinea.....	1	-	-	-	-	-	Malaysia.....	2	1	1	5	5	10	Slovakia.....	2	1	1	5	3	3							
Argentina.....	2	-	1	7	9	9	Eritrea.....	2	1	1	-	-	-	Maldives.....	2	1	-	-	-	-	Slovenia.....	2	1	1	1	1	1							
Armenia.....	2	1	1	3	-	-	Estonia.....	2	1	1	5	-	-	Mali.....	2	1	1	16	1	3	Solomon Islands.....	-	-	-	-	-								
Australia.....	2	1	1	10	3	4	Ethiopia.....	2	1	1	3	4	4	Malta.....	2	1	1	9	4	4	Somalia.....	2	-	1	8	-	1							
Austria.....	2	1	-	7	2	5	Fiji.....	2	1	1	-	-	-	Marshall Islands.....	-	-	-	-	-	-	South Africa.....	2	1	1	8	4	7							
Azerbaijan.....	2	1	1	4	1	3	Finland.....	2	1	1	4	2	2	Mauritania.....	2	1	-	5	1	3	South Sudan.....	2	1	1	11	-	1							
Bahamas.....	2	1	1	4	-	1	France.....	2	1	1	10	4	9	Mauritius.....	2	1	1	3	-	-	Spain.....	2	1	1	9	5	9							
Bahrain.....	2	1	1	5	3	5	Gabon.....	2	1	1	5	3	8	Mexico.....	2	1	1	8	9	8	Sri Lanka.....	2	1	1	9	-	5							
Bangladesh.....	2	1	1	13	5	3	The Islamic Republic of Gambia.....	-	-	-	-	-	-	Republic of Moldova.....	2	1	1	-	-	-	Sudan.....	2	1	1	8	1	6							
Barbados.....	2	1	1	2	-	-	Georgia.....	2	1	1	2	1	-	Mongolia.....	2	1	1	3	3	5	Suriname.....	2	1	-	-	-								
Belarus.....	2	1	1	9	2	10	Germany.....	2	1	1	14	5	7	Montenegro.....	2	1	1	2	-	-	Swaziland.....	2	1	1	9	2	4							
Belgium.....	2	1	1	11	5	9	Ghana.....	2	1	1	10	7	9	Morocco.....	2	1	1	10	4	6	Sweden.....	2	1	-	6	3	5							
Belize.....	-	-	-	-	-	-	Greece.....	2	-	1	3	5	4	Mozambique.....	2	1	1	8	1	1	Switzerland.....	2	1	1	11	6	8							
Benin.....	2	1	1	6	1	6	Grenada.....	-	-	-	-	-	-	Myanmar.....	2	1	1	10	3	6	Syrian Arab Republic.....	2	-	1	-	-	4							
Bolivia, Plurinational State of.....	2	1	-	6	1	-	Guatemala.....	2	1	1	8	4	2	Namibia.....	2	1	1	6	2	2	Tajikistan.....	-	-	-	-	-								
Bosnia and Herzegovina.....	2	1	1	1	-	1	Guinea.....	2	1	1	15	6	10	Nepal.....	2	1	1	4	3	8	United Republic of Tanzania.....	2	1	1	5	4	5							
Botswana.....	2	1	1	2	-	9	Guinea-Bissau.....	-	-	-	-	-	-	Netherlands.....	2	1	1	15	2	8	Thailand.....	2	1	1	15	7	7							
Brazil.....	2	1	1	17	10	10	Guyana.....	-	-	-	-	-	-	New Zealand.....	2	1	1	5	2	1	The former Yug. Rep. of Macedon.....	2	1	1	2	-	1							
Brunei Darussalam.....	2	1	1	1	-	-	Haiti.....	2	-	-	1	-	-	Nicaragua.....	2	-	1	1	-	-	Timor-Leste.....	2	1	1	6	-								
Bulgaria.....	2	1	1	6	5	1	Honduras.....	2	1	1	3	1	1	Niger.....	2	1	1	16	4	10	Togo.....	2	1	1	11	7	6							
Burkina Faso.....	2	-	1	11	3	5	Hungary.....	2	1	1	4	2	4	Nigeria.....	2	1	1	15	3	9	The Kingdom of Tonga.....	2	1	1	-	-								
Burundi.....	2	1	1	2	-	-	Iceland.....	2	1	1	2	1	1	Norway.....	2	1	1	7	4	6	Trinidad and Tobago.....	2	1	1	2	-	1							
Cambodia.....	2	1	1	4	-	3	India.....	2	1	1	16	8	6	Oman.....	2	1	1	5	9	4	Tunisia.....	2	-	1	7	2	7							
Cameroon.....	2	1	1	6	3	3	Indonesia.....	2	1	1	18	10	6	Pakistan.....	2	1	1	6	-	-	Turkey.....	2	-	1	15	6	9							
Canada.....	2	1	1	11	4	4	Islamic Republic of Iran.....	2	1	1	7	9	7	Palau.....	-	-	-	-	-	-	Turkmenistan.....	2	1	1	3	-								
Cabo Verde.....	2	1	1	2	-	-	Iraq.....	2	1	1	5	5	6	Panama.....	2	1	1	5	4	3	Tuvalu.....	-	-	-	-	-								
Central African Republic.....	2	1	1	5	1	2	Ireland.....	2	1	1	2	-	2	Papua New Guinea.....	2	1	1	1	-	-	Uganda.....	2	1	1	4	6	5							
Chad.....	2	1	1	14	1	4	Israel.....	1	1	1	3	1	2	Paraguay.....	2	1	1	7	-	7	Ukraine.....	2	1	1	4	-	8							
Chile.....	2	1	-	11	8	6	Italy.....	2	1	1	1	2	4	Peru.....	2	1	1	7	5	4	United Arab Emirates.....	2	1	1	8	4	4							
China.....	2	1	1	17	7	8	Jamaica.....	2	1	1	2	-	-	Philippines.....	2	1	1	9	10	7	United Kingdom.....	2	1	1	9	4	6							
Colombia.....	2	1	1	5	8	8	Japan.....	2	1	1	14	5	9	Poland.....	2	1	1	7	5	5	United States.....	2	1	1	15	5	4							
Comoros.....	-	-	-	-	-	-	Jordan.....	2	1	1	3	1	6	Portugal.....	2	1	1	9	8	10	Uruguay.....	2	1	1	5	2	2							
Congo.....	2	-	1	10	2	7	Kazakhstan.....	2	1	1	2	-	4	Qatar.....	2	1	1	8	2	1	Uzbekistan.....	2	1	1	-	-								
Cook Islands.....	2	1	1	-	-	-	Kenya.....	2	1	1	15	10	10	Romania.....	2	1	1	7	6	3	Vanuatu.....	-	-	-	-	-								
Costa Rica.....	2	1	1	3	1	1	Kiribati.....	2	1	1	1	-	-	Russian Federation.....	2	1	1	13	5	6	Venezuela, Bolivarian Republic of.....	2	-	1	3	5	3							
Côte d'Ivoire.....	2	1	1	13	10	6	Republic of Korea.....	2	1	-	14	7	8	Rwanda.....	1	1	1	1	-	1	Viet Nam.....	2	1	1	4	2	2							
Croatia.....	2	-	1	3	2	1	Kuwait.....	1	-	1	5	1	2	Saint Kitts and Nevis.....	-	-	-	-	-	-	Yemen.....	2	-	-	2	-								
Cuba.....	2	1	1	5	1	1	Kyrgyzstan.....	-	-	-	-	-	-	Saint Lucia.....	-	-	-	-	-	-	Zambia.....	2	1	1	8	7	8							
Cyprus.....	2	1	1	4	3	5	Lao People's Democratic Rep.....	2	1	1	4	-	2	Saint Vincent and the Grenadines.....	-	-	-	-	-	-	Zimbabwe.....	2	1	1	9	1	3							
Czech Republic.....	2	1	1	5	3	4	Latvia.....	2	1	-	2	1	-	Samoa.....	-	-	-	-	-	-														
Democratic Republic of the Cong.....	2	1	1	11	5	4	Lebanon.....	2	1	1	4	4	9	San Marino.....	2	1	1	1	1	2														
Denmark.....	2	1	1	10	5	8	Lesotho.....	2	1	1	5	-	-	Sao Tome and Principe.....	1	1	1	-	-	-														
Djibouti.....	2	1	1	1	1	1	Liberia.....	1	1	1	-	4	3	Saudi Arabia.....	2	-	1	16	2	2														
Dominica.....	-	-	-	-	-	-	Libya.....	2	-	1	5	1	1	Senegal.....	2	1	1	14	2	10														

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