

**International Labour Conference, 107th Session, 2018**

**Report VII(2)**

# **Abrogation of six international labour Conventions and withdrawal of three international labour Recommendations**

**Seventh item on the agenda**

**International Labour Office, Geneva**

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## LIST OF ABBREVIATIONS AND ACRONYMS

ACTU	Australian Council of Trade Unions
ASE	Association of Seychelles Employers
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CGIL	Italian General Confederation of Labour
CGT–RA	General Confederation of Labour of the Argentine Republic
CISL	Italian Confederation of Trade Unions
CLC	Canadian Labour Congress
CNT	National Labour Council (Belgium)
COHEP	Private Enterprise Council of Honduras
COPARDOM	Confederación Patronal de la Republica Dominicana
CTA	Argentine Workers' Centre
DGB	German Trade Union Confederation
FNV	Netherlands Trade Union Confederation
GEA	Ghana Employers' Association
GSEE	Greek General Confederation of Labour
ILO	International Labour Organization
JTUC–RENGO	Japanese Trade Union Confederation
KNSB/CITUB	Confederation of Independent Trade Unions in Bulgaria
LCGB	Luxembourg Confederation of Christian Trade Unions
NECA	Nigeria Employers' Consultative Association
NSZZ	Independent and Self-Governing Trade Union–Solidarność (Poland)
OGBL	Confederation of Independent Trade Unions of Luxembourg

ONSL	National Organization of Free Trade Unions (Burkina Faso)
SRM TWG	Standards Review Mechanism Tripartite Working Group
UIL	Italian Labour Union
UNTA-CS	National Union of Angolan Workers

## INTRODUCTION

At its 328th Session (November 2016) the Governing Body of the International Labour Office decided to place on the agenda of the 107th Session (2018) of the International Labour Conference the question of abrogation of six Conventions as well as the withdrawal of three Recommendations: the Inspection of Emigrants Convention, 1926 (No. 21); the Recruiting of Indigenous Workers Convention, 1936 (No. 50); the Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64); the Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65); the Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86); the Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104); the Hours of Work (Fishing) Recommendation, 1920 (No. 7); the Migration for Employment Recommendation, 1939 (No. 61); and the Migration for Employment (Co-operation between States) Recommendation, 1939 (No. 62).<sup>1</sup>

The decision of the Governing Body was based on the recommendations formulated at the second meeting of the Standards Review Mechanism Tripartite Working Group (SRM TWG)<sup>2</sup> which was held from 10 to 14 October 2016.<sup>3</sup> This will be the second time that the International Labour Conference will be called upon to decide on the possible abrogation of international labour Conventions. At its 106th Session (2017), the International Labour Conference abrogated four Conventions in force and withdrew an additional two Conventions.

Pursuant to new paragraph 9 of article 19 of the Constitution of the International Labour Organisation, which was introduced following the entry into force of the 1997 constitutional amendment on 8 October 2015, the Conference is now empowered by a two-thirds majority and upon recommendation by the Governing Body to abrogate a Convention in force, if it appears that it has lost its purpose or if it no longer makes a useful contribution to attaining the ILO's objectives.

Should the Conference decide to abrogate and withdraw the above-referenced instruments, these instruments would be removed from the ILO's body of standards and, as a result, Members that have ratified and are still bound by them will no longer be obliged to submit reports under article 22 of the Constitution and they may no longer be subject to representations (article 24) or complaints (article 26) for non-observance. For their part, the ILO supervisory bodies will not be required to examine the implementation of these instruments and the Office will take the necessary steps to ensure that abrogated and withdrawn instruments are no longer reproduced in any collection

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<sup>1</sup> GB.328/INS/3(Add.), para. 10(b); GB.328/PV, para. 25.

<sup>2</sup> The SRM TWG was established by the Governing Body at its 323rd Session (March 2015) to contribute to "the overall objective of the Standards Review Mechanism to ensure that the ILO has a clear, robust and up-to-date body of international labour standards that respond to the changing patterns of the world of work, for the purpose of the protection of workers and taking into account the needs of sustainable enterprises". Pursuant to paragraph 9 of its Terms of Reference, the SRM TWG is mandated to "... review the international labour standards with a view to making recommendations to the Governing Body on: (a) the status of the standards examined, including up-to-date standards, standards in need of revision, outdated standards, and possible other classifications; (b) the identification of gaps in coverage, including those requiring new standards; (c) practical and time-bound follow-up action, as appropriate".

Additional information is available at: [http://www.ilo.org/global/standards/WCMS\\_449687/lang--en/index.htm](http://www.ilo.org/global/standards/WCMS_449687/lang--en/index.htm).

<sup>3</sup> GB.328/LILS/2/1(Rev.); GB.328/PV, para. 581.

of international labour standards or referred to in new instruments, codes of conduct or similar documents.

In accordance with article 45bis(2) of the Standing Orders of the International Labour Conference, when an item on abrogation or withdrawal is placed on the agenda of the Conference the Office must communicate to the governments of all member States not later than 18 months before the opening of the session of the Conference at which the item is to be discussed, a short report and questionnaire requesting them to indicate within a period of 12 months their position on the subject of the said abrogation or withdrawal. As a result, Report VII(1) was sent to member States, who were invited to communicate their replies to the Office by 30 November 2017 at the latest. After recalling the procedure as well as the relevant decisions of the Conference and the Governing Body, Report VII(1) summarized the reasons put forward by the Governing Body in proposing that the abovementioned instruments be abrogated or withdrawn.<sup>4</sup>

At the time that the present report (Report VII(2)) was drawn up, the Office had received replies from the governments of the following 71 member States: Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, Burundi, Canada, Colombia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Estonia, Finland, Germany, Greece, Guatemala, Guinea, Honduras, India, Indonesia, Islamic Republic of Iran, Iraq, Israel, Italy, Jamaica, Japan, Kazakhstan, Republic of Korea, Latvia, Lebanon, Lithuania, Madagascar, Mali, Mauritius, Montenegro, Myanmar, Netherlands, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Philippines, Poland, Portugal, Qatar, Russian Federation, Saudi Arabia, Seychelles, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, Togo, Turkey, Ukraine, Uruguay, Uzbekistan, Yemen and Zambia.

In its invitation, the Office drew the attention of governments to article 45bis(2) of the Standing Orders of the Conference, which requires that member States “consult the most representative organizations of employers and workers before finalizing their replies”.

The governments of the following 37 member States confirmed that employers’ and workers’ organizations had been consulted or involved in drawing up the replies: Austria, Bahrain, Bosnia and Herzegovina, Bulgaria, Canada, Cyprus, Czech Republic, Dominican Republic, Finland, Germany, Greece, Guatemala, Guinea, Honduras, Iraq, Italy, Japan, Kazakhstan, Republic of Korea, Latvia, Madagascar, Myanmar, Netherlands, Nigeria, Norway, Pakistan, Panama, Poland, Portugal, Russian Federation, Seychelles, Singapore, Slovenia, Spain, Suriname, Switzerland and Uzbekistan. In addition, the governments of the following seven member States indicated that they had endeavoured to consult or involve employers’ and workers’ organizations, but at the time of submitting their replies they had received no input or only partial input: Estonia, Lebanon, Paraguay, Sri Lanka, Thailand, Turkey and Uruguay.

In the case of the following 23 member States, the opinions of employers’ and workers’ organizations were included either with government replies or communicated directly to the Office: Angola, Argentina, Australia, Belgium, Bulgaria, Burkina Faso, Canada, Czech Republic, Dominican Republic, Germany, Ghana, Greece, Guatemala, Honduras, Italy, Japan, Luxembourg, Netherlands, Nigeria, Poland, Portugal, Russian Federation and Seychelles. If no government reply has been received or if the employers’ or workers’ organization’s reply differs from its government’s reply, then the corresponding employers’ or workers’ organizations replies figures below.

The present report has been drawn up on the basis of the replies received, the substance of which, together with brief commentaries, is given in the following pages.

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<sup>4</sup> ILO: *Abrogation of six international labour Conventions and withdrawal of three international Recommendations*, Report VII(1), International Labour Conference, 107th Session, Geneva, 2018.



## SUMMARY OF REPLIES RECEIVED AND COMMENTARIES

This section summarizes general observations made by governments and employers' and workers' organizations, as well as their replies to the questionnaire with respect to each of the instruments.

Following an examination of the general observations, each question is presented with the total number of government replies received and the number of affirmative, negative and other replies, with the list of the governments which gave them. The explanations accompanying the governments' replies and the observations of employers' and workers' organizations are presented alphabetically by country, in succinct form. Replies which consisted in a simple affirmative or negative response have not been reproduced, except in cases where the replies of employers' or workers' organizations diverged from those of the government or where no government reply was received from the particular member State. Replies which deal with several questions are given only under the general observations section below.

The general observations and replies to questions are followed by brief Office commentaries.

### General observations

#### ARGENTINA

CGT-RA: Although CGT-RA supports the abrogation and withdrawal of the concerned instruments, it wishes to emphasize that no gap in protection should occur as a result of such abrogation and withdrawal.

#### AUSTRALIA

The Government has denounced Conventions Nos 21 and 86 and it has not ratified the remaining Conventions. Therefore, it does not object to the proposed abrogation or withdrawal. The Government also supports the continued work of the SRM TWG, which seeks to ensure that international labour standards remain up to date and relevant to the modern world of work.

#### BELGIUM

CNT: On the basis of the information contained in Report VII(1) and that the Government has either already denounced the Conventions concerned or not ratified them at all, the CNT can support their abrogation.

#### BULGARIA

KNSB/CITUB: After careful assessment of the current global context regarding migrants and refugees, the KNSB/CITUB considers that there is no obstacle to abrogating Convention No. 21 despite its ratification by Bulgaria since it is no longer relied upon. Further, it does not oppose the abrogation of the remaining instruments since the Office has indicated that those instruments are encompassed by more up-to-date instruments.

#### GUATEMALA

The Government supports the proposed abrogation, since it has ratified the majority of the superseding instruments referenced in Report VII(1).

#### GREECE

GSEE: While the GSEE is aware that there is need for clear, stable and updated international labour standards, it does not presently support abrogation or withdrawal since a gap in protection exists pending entry into force of relevant international labour Conventions and Recommendations that have yet to be ratified by the Government despite their particular relevance (e.g. the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the Work in Fishing Recommendation, 2005 (No. 196)).

#### INDIA

While supporting the proposed action, the Government calls upon the Office to ensure that measures taken do not lead to any gap in protection in the areas addressed by the instruments concerned.

#### INDONESIA

The Government supports the proposed action and indicates that it has adopted domestic legislation, in accordance with relevant international labour standards, relevant to the matters raised therein.

#### ITALY

CGIL, CISL and UIL: The workers' organizations support the proposed abrogation/withdrawal of the instruments concerned and emphasize that member States should contemplate ratifying the various up-to-date instruments (i.e. the Migration for Employment Convention (Revised), 1949 (No. 97), the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Indigenous and Tribal Peoples Convention, 1989 (No. 169), the Work in Fishing Convention, 2007 (No. 188), the Migration for Employment Recommendation (Revised), 1949 (No. 86), and the Work in Fishing Recommendation, 2007 (No. 199)).

#### JAPAN

JTUC-RENGO: The workers' organization supports the recommendations of the SRM TWG and therefore agrees with the abrogation of the six Conventions and the withdrawal of the three Recommendations.

#### MADAGASCAR

The Government supports the abrogation of the Conventions and the withdrawal of the Recommendations in question, since they are out of date and have been encompassed in more recent instruments. For example, Convention No. 97, which was ratified by the Government in 2001, encompasses the protections afforded by Convention No. 21 since its scope offers protection to all travelling migrant workers, including those travelling on board vessels. The Government also notes that the scope of Convention No. 97 extends to the family members of those migrant workers and also covers other aspects such as recruitment. With respect to Conventions Nos 50, 64, 65, 86 and 104, the Government notes that the covered categories of indigenous peoples no longer exist and that the more appropriate instrument is Convention No. 169. In addition, it recalls that Convention No. 117 seeks to respect the principle of non-discrimination and is in conformity with the spirit of Convention No. 50. Therefore, Convention No. 117 seeks to place the entire population on an equal footing without making a distinction between indigenous peoples and other segments of the population. Turning to Recommendations Nos 7, 61 and 62, the Government notes that they have been de facto revised by later instruments.

#### NETHERLANDS

The Government supports the proposed action and remains of the opinion that member States should ratify the fundamental ILO Conventions. They may, at their request, seek technical assistance from the Office with respect to the implementation of said Conventions.

## SEYCHELLES

The Government supports the abrogation of the Conventions and the withdrawal of the Recommendations in question. With respect to Convention No. 21, the Government notes the recommendations of the Governing Body and that “provisions concerning measures to safeguard the welfare of migrant workers and their families during the journey, and in particular on board ship” have been contained in Convention No. 97. Concerning Conventions Nos 50, 64, 65, 86 and 104, the Government observes that its country does not have an indigenous population and that its population is composed of immigrants and their descendants. Turning to Recommendations Nos 61 and 62, the Government considers that they have been found to be de facto obsolete following the adoption of later standards on the same subject (Convention No. 97) and that Recommendation No. 86 de facto replaces them in its Preamble.

## SLOVENIA

While the Government strongly supports the ILO Standards Initiative, which is one of the seven ILO Centenary Initiatives, and the updating of the corpus of international labour standards, it maintains that special attention is required when abrogating/withdrawing international labour standards. This is especially necessary when vulnerable groups such as indigenous peoples and migrant workers are concerned. Therefore, in light of the fact that the up-to-date Conventions that have been presented in Report VII(1) have not been widely ratified, the Government proposes the postponement of the present abrogation process in order to avoid the legal vacuum that could arise if the member States that have ratified the outdated and shelved instruments do not ratify the up-to-date Conventions, even subsequent to the abrogation of the obsolete instruments. In sum, the up-to-date international labour standards regarding the rights of indigenous peoples and migrant workers should be more widely ratified before the abrogation of the so-called obsolete instruments.

## TOGO

The Government supports the proposed action in view of the fact that there are up-to-date Conventions that more appropriately respond to the present situations of indigenous peoples and migrant workers.

## OFFICE COMMENTARY

Most of the general observations emphasized the positive implications that the abrogation and withdrawal of the concerned instruments would have on maintaining a body of up-to-date international labour standards and enhancing the relevance of the ILO’s supervisory system.

Two governments and one workers’ organization noted the benefits of abrogating or withdrawing the instruments in question in terms of keeping the body of international labour standards up to date, while another workers’ organization recalled that the instruments were obsolete in light of the relevant revised international labour standards. Three governments and two workers’ organizations stressed the need to promote the ratification of up-to-date Conventions.

While a number of governments and workers’ organizations stated that the abrogation and withdrawal of the instruments would not affect domestic legislation, five constituents raised concerns that some States might not have adequate protection in place and workers might thus be adversely affected by the elimination of the instruments.

The Office recalls that the abrogation or withdrawal of an instrument per se does not affect any national legislation that has been adopted with a view to giving it effect, nor does it prevent a State from continuing to apply an instrument if it so wishes. The Governing Body has taken the view that the instruments in question have lost their purpose with regard to the pursuit of the ILO’s objectives, either because they have been replaced by more modern instruments or because they no longer reflect current practices and conceptions. These observations apply to all the instruments examined here, and will not be reproduced in the subsequent sections of the report.

## I. Inspection of Emigrants Convention, 1926 (No. 21)

1. Do you consider that Convention No. 21 should be abrogated?
2. If you replied “no” to question 1, please indicate the reasons why you consider that Convention No. 21 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization.

Total number of replies: 71.

*Affirmative:* 69. Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, Burundi, Canada, Colombia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Estonia, Finland, Germany, Greece, Guatemala, Guinea, Honduras, India, Indonesia, Islamic Republic of Iran, Iraq, Israel, Italy, Jamaica, Japan, Kazakhstan, Republic of Korea, Latvia, Lebanon, Lithuania, Madagascar, Mali, Mauritius, Montenegro, Myanmar, Netherlands, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Philippines, Poland, Portugal, Qatar, Russian Federation, Saudi Arabia, Seychelles, Singapore, Slovakia, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, Togo, Turkey, Ukraine, Uruguay, Yemen and Zambia.

*Negative:* Two. Slovenia and Uzbekistan.

### Comments

*Angola.* UNTA-CS: Yes, supports the proposed abrogation of Convention No. 21 and urges its Government to ratify Convention No. 97.

*Argentina.* CGT-RA: Yes, see General observations section above.

*CTA:* Yes.

*Aruba.* Yes.

*Belgium.* CNT: Yes, CNT aligns itself with the Government’s position in favour of abrogation in view of the Office’s explanations that Convention No. 21 covers transport conditions by boat that have now disappeared or are only of marginal significance and since Convention No. 97, which replaces Convention No. 21, provides broader and more general protection.

*Bulgaria.* KNSB/CITUB: Yes, see General observations section above.

*Burkina Faso.* ONSL: Yes.

*Ghana.* GEA: Yes.

*Greece.* GSEE: No, see General observations section above.

*Italy.* CGIL, CISL and UIL: Yes, see General observations section above.

*Luxembourg.* OGBL and LCGB: Yes.

*Madagascar.* Yes, see General observations section above.

*Nigeria.* Yes, the Government supports abrogation on the basis that this Convention is obsolete and no longer relevant in meeting current needs, which led the Governing Body to shelve it in 1996. In addition, Convention No. 97 has incorporated all the necessary provisions. However, member States should be encouraged to ratify Convention No. 97, in particular those that do not have adequate national legislation.

*Seychelles.* Yes, see General observations section above.

*ASE:* While supporting the proposed action, the ASE urges the Government to ratify Convention No. 97 so that migrant workers are treated fairly and given the same opportunities as local workers.

*Slovenia.* No, see General observations section above.

*Uzbekistan.* No, the Government does not support abrogation of this instrument, since it considers that the actual principle of the inspection of emigrants on board vessels should be preserved either in this, or as part of another maritime Convention. In this regard, account is taken of the fact that the Cartier Working Party's report, which was examined by the Governing Body at its 283rd Session, did not recommend revision and, consequently, that the Governing Body decided to defer the question of revision of this particular Convention. Further, Convention No. 97 does not directly provide for inspections on board vessels.

#### OFFICE COMMENTARY

The overwhelming majority of governments and employers' and workers' organizations support the abrogation of Convention No. 21. There is wide consensus that Convention No. 21 is obsolete, as it no longer reflects current practices and conceptions. It mainly provides measures to safeguard the welfare of migrant workers during the journey on board ship by authorizing official inspectors to accompany emigrants with a view to ensuring the observance of their rights under the laws of the country whose flag the vessel flew, or such other law as applicable either under international agreements or the terms of their contracts of transportation. The specific measures to safeguard the welfare of migrants afforded under Convention No. 21 have been incorporated into Convention No. 97, which is of a broad and general application and calls for measures to facilitate the departure, journey and reception of migrants for employment, as well as the maintenance of appropriate medical services, and the permission for migrants to transfer their earnings and savings. Thus, Convention No. 97 also prohibits the inequality of treatment between migrant workers and nationals in respect of living and working conditions, social security, employment taxes and access to justice. As Convention No. 21 does not contain an automatic denunciation provision and, in any case, it is not revised by Convention No. 97, the ratification of Convention No. 97 does not involve the immediate denunciation of Convention No. 21. Convention No. 21 has not been the subject of any report or comments by the CEACR for many years.

#### II. Recruiting of Indigenous Workers Convention, 1936 (No. 50)

1. *Do you consider that Convention No. 50 should be abrogated?*
2. *If you replied "no" to question 1, please indicate the reasons why you consider that Convention No. 50 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization.*

*Total number of replies:* 71.

*Affirmative:* 70. Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, Burundi, Canada, Colombia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Estonia, Finland, Germany, Greece, Guatemala, Guinea, Honduras, India, Indonesia, Islamic Republic of Iran, Iraq, Israel, Italy, Jamaica, Japan, Kazakhstan, Republic of Korea, Latvia, Lebanon, Lithuania, Madagascar, Mali, Mauritius, Montenegro, Myanmar, Netherlands, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Philippines, Poland, Portugal, Qatar, Russian Federation, Saudi Arabia, Seychelles, Singapore, Slovakia, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, Togo, Turkey, Ukraine, Uruguay, Uzbekistan, Yemen and Zambia.

*Negative:* One. Slovenia.

#### Comments

*Angola.* UNTA-CS: Yes, supports the proposed abrogation of Convention No. 50 and considers that since 1975, when the country acceded to independence, the practices covered by the Convention have fallen

into disuse. However, the UNTA–CS considers that for the protection of the country’s indigenous population the Government should heed the recommendation that the more up-to-date and relevant instruments be ratified (i.e. Conventions Nos 97, 117, 143 and 169).

*Argentina.* CGT–RA: Yes, see General observations section above.

CTA: Yes.

*Aruba.* Yes.

*Belgium.* CNT: Yes, the practices regulated by Convention No. 50 have largely disappeared, since many of the countries that are parties to the Convention no longer have dependent indigenous populations falling within the scope of the Convention.

*Bulgaria.* KNSB/CITUB: Yes, see General observations section above.

*Burkina Faso.* ONSL: Yes.

*Ghana.* GEA: Yes.

*Greece.* GSEE: No, see General observations section above.

*Italy.* CGIL, CISL and UIL: Yes, see General observations section above.

*Luxembourg.* OGBL and LCGB: Yes.

*Madagascar.* Yes, see General observations section above.

*Nigeria.* Yes, the Government supports abrogation on the basis that Convention No. 50 has ceased to fulfil its purpose. Further, there is an up-to-date Convention that corresponds to the current context and member States should be encouraged to ratify Convention No. 169.

*Seychelles.* Yes, see General observations section above.

*Slovenia.* No, see General observations section above.

#### OFFICE COMMENTARY

The overwhelming majority of governments and employers’ and workers’ organizations support the abrogation of Convention No. 50. There is wide consensus that Convention No. 50 is obsolete, as it no longer reflects current practices and conceptions. Among other things, it seeks to ensure that before the recruitment of indigenous workers in dependent territories is authorized, the risk of pressure brought to bear on the populations concerned is avoided and that their political and social organization is ensured. In 1996, when the Governing Body decided to shelve with immediate effect Convention No. 50, it observed that by 1985 the practice had “largely disappeared, though certain independent States still have problems of recruitment of indigenous workers. Moreover, many of the countries that are parties to these Conventions no longer have any dependent indigenous populations in the meaning of the Conventions. Modern-day problems of international migration of labour need to be dealt with within the context of the Conventions concerning migrant workers.”<sup>5</sup> Convention No. 169 is the most up-to-date ILO instrument concerning indigenous and tribal peoples and reflects a regulatory approach based on the respect for their cultures, ways of life and traditional institutions. However, as it does not revise Convention No. 50, ratification of Convention No. 169 does not ipso jure involve the immediate denunciation of Convention No. 50. Since 1998, Convention No. 50 has not been the subject of any report or comments by the CEACR.

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<sup>5</sup> [GB.265/LILS/WP/PRS/1](#), p. 18.

### III. Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64)

1. *Do you consider that Convention No. 64 should be abrogated?*
2. *If you replied “no” to question 1, please indicate the reasons why you consider that Convention No. 64 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization.*

*Total number of replies: 71.*

*Affirmative:* 70. Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, Burundi, Canada, Colombia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Estonia, Finland, Germany, Greece, Guatemala, Guinea, Honduras, India, Indonesia, Islamic Republic of Iran, Iraq, Israel, Italy, Jamaica, Japan, Kazakhstan, Republic of Korea, Latvia, Lebanon, Lithuania, Madagascar, Mali, Mauritius, Montenegro, Myanmar, Netherlands, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Philippines, Poland, Portugal, Qatar, Russian Federation, Saudi Arabia, Seychelles, Singapore, Slovakia, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, Togo, Turkey, Ukraine, Uruguay, Uzbekistan, Yemen and Zambia.

*Negative:* One. Slovenia.

#### Comments

*Angola.* UNTA–CS: Yes, supports the proposed abrogation of Convention No. 64 and considers that since 1975, when the country acceded to independence, the practices covered by the Convention have fallen into disuse. However, the UNTA–CS considers that for the protection of the country’s indigenous population the Government should heed the recommendation that the more up-to-date and relevant instruments be ratified (i.e. Conventions Nos 97, 117, 143 and 169).

*Argentina.* CGT–RA: Yes, see General observations section above.

*CTA:* Yes.

*Aruba.* Yes.

*Belgium.* CNT: Yes, the practices regulated by Convention No. 64 have largely disappeared, since many of the countries that are parties to the Convention no longer have dependent indigenous populations falling within the scope of the Convention.

*Bulgaria.* KNSB/CITUB: Yes, see General observations section above.

*Burkina Faso.* ONSL: Yes.

*Ghana.* GEA: Yes.

*Greece.* GSEE: No, see General observations section above.

*Italy.* CGIL, CISL and UIL: Yes, see General observations section above.

*Luxembourg.* OGBL and LCGB: Yes.

*Madagascar.* Yes, see General observations section above.

*Nigeria.* Yes, the Government supports abrogation on the basis that Convention No. 64 has ceased to fulfil its purpose. Further, there is an up-to-date Convention that corresponds to the current context and member States should be encouraged to ratify Convention No. 169.

*Seychelles.* Yes, see General observations section above.

*Slovenia.* No, see General observations section above.

## OFFICE COMMENTARY

The overwhelming majority of governments and employers' and workers' organizations support the abrogation of Convention No. 64. There is wide consensus that Convention No. 64 is obsolete, as it no longer reflects current practices and conceptions. It was mainly concerned with the recruitment of indigenous workers in dependent territories, a practice that by 1985 had "largely disappeared, though certain independent States still have problems of recruitment of indigenous workers. In addition, many of the countries that are parties to these Conventions no longer have any dependent indigenous populations in the meaning of the Conventions. The problems which arise today in relation to the international migration of labour need to be dealt with in the framework of the Conventions on migrant workers."<sup>6</sup> Convention No. 169 is the most up-to-date ILO instrument concerning indigenous and tribal peoples and reflects a regulatory approach based on the respect for their cultures, ways of life and traditional institutions. However, as Convention No. 169 does not revise Convention No. 64, ratification of Convention No. 169 does not ipso jure involve the immediate denunciation of Convention No. 64. Convention No. 64 has been the subject of a limited number of direct requests from the CEACR after 1985.

### IV. Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65)

1. *Do you consider that Convention No. 65 should be abrogated?*
2. *If you replied "no" to question 1, please indicate the reasons why you consider that Convention No. 65 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization.*

*Total number of replies: 71.*

*Affirmative:* 70. Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, Burundi, Canada, Colombia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Estonia, Finland, Germany, Greece, Guatemala, Guinea, Honduras, India, Indonesia, Islamic Republic of Iran, Iraq, Israel, Italy, Jamaica, Japan, Kazakhstan, Republic of Korea, Latvia, Lebanon, Lithuania, Madagascar, Mali, Mauritius, Montenegro, Myanmar, Netherlands, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Philippines, Poland, Portugal, Qatar, Russian Federation, Saudi Arabia, Seychelles, Singapore, Slovakia, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, Togo, Turkey, Ukraine, Uruguay, Uzbekistan, Yemen and Zambia.

*Negative:* One. Slovenia.

### Comments

*Angola.* UNTA-CS: Yes, supports the proposed abrogation of Convention No. 65 and urges its Government to ratify Convention No. 169.

*Argentina.* CGT-RA: Yes, see General observations section above.

CTA: Yes.

*Aruba.* Yes.

*Belgium.* CNT: Yes, practices regulated by Convention No. 65 have largely disappeared, since many of the countries that are parties to the Convention no longer have dependent indigenous populations as covered by the scope of the Convention.

*Bulgaria.* KNSB/CITUB: Yes, see General observations section above.

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<sup>6</sup> GB.265/LILS/WP/PRS/1, p. 20.



*Burkina Faso.* ONSL: Yes.

*Ghana.* GEA: Yes.

*Greece.* GSEE: No, see General observations section above.

*Italy.* CGIL, CISL and UIL: Yes, see General observations section above.

*Luxembourg.* OGBL and LCGB: Yes.

*Madagascar.* Yes, see General observations section above.

*Nigeria.* Yes, the Government supports abrogation on the basis that Convention No. 65 has ceased to fulfil its purpose. Further, there is an up-to-date Convention that corresponds to the current context and member States should be encouraged to ratify Convention No. 169.

*Seychelles.* Yes, see General observations section above.

*Slovenia.* No, see General observations section above.

#### OFFICE COMMENTARY

The overwhelming majority of governments and employers' and workers' organizations support the abrogation of Convention No. 65. There is wide consensus that Convention No. 65 is obsolete, as it no longer reflects current practices and conceptions. It was mainly concerned with the recruitment of indigenous workers in dependent territories, a practice that by 1985 had "largely disappeared, though certain independent States still have problems with the recruitment of indigenous workers. In addition, many of the countries that are parties to these Conventions no longer have any dependent indigenous populations in the meaning of the Conventions. The problems which arise today in relation to the international migration of labour need to be dealt with in the framework of the Conventions on migrant workers."<sup>7</sup> Member States are invited to contemplate ratifying Convention No. 169, while at the same time denouncing Convention No. 65. Convention No. 169 is the most up-to-date ILO instrument concerning indigenous and tribal peoples and reflects a regulatory approach based on the respect for their cultures, ways of life and traditional institutions. However, as Convention No. 169 does not revise Convention No. 65, ratification of Convention No. 169 does not ipso jure involve the immediate denunciation of Convention No. 65. Convention No. 65 has been the subject of one direct request by the CEACR after 1985.

#### V. Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86)

1. *Do you consider that Convention No. 86 should be abrogated?*
2. *If you replied "no" to question 1, please indicate the reasons why you consider that Convention No. 86 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization.*

*Total number of replies:* 71.

*Affirmative:* 70. Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, Burundi, Canada, Colombia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Estonia, Finland, Germany, Greece, Guatemala, Guinea, Honduras, India, Indonesia, Islamic Republic of Iran, Iraq, Israel, Italy, Jamaica, Japan, Kazakhstan, Republic of Korea, Latvia, Lebanon, Lithuania, Madagascar, Mali, Mauritius,

<sup>7</sup> GB.265/LILS/WP/PRS/1, p. 31.

Montenegro, Myanmar, Netherlands, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Philippines, Poland, Portugal, Qatar, Russian Federation, Saudi Arabia, Seychelles, Singapore, Slovakia, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, Togo, Turkey, Ukraine, Uruguay, Uzbekistan, Yemen and Zambia.

*Negative:* One. Slovenia.

## Comments

*Angola.* UNTA–CS: Yes, supports the proposed abrogation of Convention No. 86 and considers that since 1975, when the country acceded to independence, the practices covered by the Convention have fallen into disuse. However, the UNTA–CS considers that for the protection of the country’s indigenous population the Government should heed the recommendation that the more up-to-date and relevant instruments be ratified (i.e. Conventions Nos 97, 117, 143 and 169).

*Argentina.* CGT–RA: Yes, see General observations section above.

CTA: Yes.

*Aruba.* Yes.

*Bulgaria.* KNSB/CITUB: Yes, see General observations section above.

*Burkina Faso.* ONSL: Yes.

*Ghana.* GEA: Yes.

*Greece.* GSEE: No, see General observations section above.

*Italy.* CGIL, CISL and UIL: Yes, see General observations section above.

*Luxembourg.* OGBL and LCGB: Yes.

*Madagascar.* Yes, see General observations section above.

*Nigeria.* Yes, the Government supports abrogation on the basis that Convention No. 86 has ceased to fulfil its purpose. Further, there is an up-to-date Convention that corresponds to the current context and member States should be encouraged to ratify Convention No. 169.

*Seychelles.* Yes, see General observations section above.

*Slovenia.* No, see General observations section above.

## OFFICE COMMENTARY

The overwhelming majority of governments and employers’ and workers’ organizations support the abrogation of Convention No. 86. There is wide consensus that Convention No. 86 is obsolete, as it no longer reflects current practices and conceptions. It was mainly concerned with the recruitment of indigenous workers in dependent territories, a practice that by 1985 had “largely disappeared, though certain independent States still have problems with the recruitment of indigenous workers. In addition, many of the countries that are parties to these Conventions no longer have any dependent indigenous populations in the meaning of the Conventions. The problems which arise today in relation to the international migration of labour need to be dealt with in the framework of the Conventions on migrant workers.”<sup>8</sup> Member States are invited to contemplate ratifying Convention No. 169, and/or Convention No. 117, Convention No. 97, and Convention No. 143, while at the same time denouncing Convention No. 86. Convention No. 169

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<sup>8</sup> GB.265/LILS/WP/PRS/1, p. 33.

is the most up-to-date ILO instrument concerning indigenous and tribal peoples and reflects a regulatory approach based on the respect for their cultures, ways of life and traditional institutions as well as the improvement of many of the positive protections offered by the Indigenous and Tribal Populations Convention, 1957 (No. 107). However, as Convention No. 169 does not revise Convention No. 86, ratification of Convention No. 169 does not ipso jure involve the immediate denunciation of Convention No. 86. Since at least 1987, Convention No. 86 has not been the subject of any report or comments by the CEACR.

## **VI. Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104)**

1. *Do you consider that Convention No. 104 should be abrogated?*
2. *If you replied “no” to question 1, please indicate the reasons why you consider that Convention No. 104 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization.*

*Total number of replies: 71.*

*Affirmative:* 70. Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, Burundi, Canada, Colombia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Estonia, Finland, Germany, Greece, Guatemala, Guinea, Honduras, India, Indonesia, Islamic Republic of Iran, Iraq, Israel, Italy, Jamaica, Japan, Kazakhstan, Republic of Korea, Latvia, Lebanon, Lithuania, Madagascar, Mali, Mauritius, Montenegro, Myanmar, Netherlands, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Philippines, Poland, Portugal, Qatar, Russian Federation, Saudi Arabia, Seychelles, Singapore, Slovakia, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, Togo, Turkey, Ukraine, Uruguay, Uzbekistan, Yemen and Zambia.

*Negative:* One. Slovenia.

### **Comments**

*Angola.* UNTA–CS: Yes, supports the proposed abrogation of Convention No. 104, which was ratified in 1976, and considers that its provisions are incompatible with current national legislation and practice.

*Argentina.* CGT–RA: Yes, see General observations section above.

CTA: Yes.

*Aruba.* Yes.

*Bulgaria.* KNSB/CITUB: Yes, see General observations section above.

*Burkina Faso.* ONSL: Yes.

*Ghana.* GEA: Yes.

*Greece.* GSEE: No, see General observations section above.

*Italy.* CGIL, CISL and UIL: Yes, see General observations section above.

*Luxembourg.* OGBL and LCGB: Yes.

*Madagascar.* Yes, see General observations section above.

*Nigeria.* Yes, the Government supports abrogation on the basis that Convention No. 104 has ceased to fulfil its purpose. Further, there is an up-to-date Convention that corresponds to the current context and member States should be encouraged to ratify Convention No. 169.

*Seychelles.* Yes, see General observations section above.

*Slovenia.* No, see General observations section above.

#### OFFICE COMMENTARY

The overwhelming majority of governments and employers' and workers' organizations support the abrogation of Convention No. 104. There is wide consensus that Convention No. 104 is obsolete, as it no longer reflects current practices and conceptions. It was mainly concerned with the abolition of penal sanctions for indigenous workers who breach their employment contracts. Therefore, Convention No. 104 is mainly concerned with the recruitment of indigenous workers in dependent territories, a practice that by 1985 had "largely disappeared, though certain independent States still have problems with the recruitment of indigenous workers. In addition, many of the countries that are parties to these Conventions no longer have any dependent indigenous populations in the meaning of the Conventions. The problems which arise today in relation to the international migration of labour need to be dealt with in the framework of the Conventions on migrant workers."<sup>9</sup> Member States are invited to contemplate ratifying Convention No. 169, while at the same time denouncing Convention No. 104. Convention No. 169 is the most up-to-date ILO instrument concerning indigenous and tribal peoples and reflects a regulatory approach based on the respect for their cultures, ways of life and traditional institutions as well as the improvement of many of the positive protections offered by Convention No. 107. However, as Convention No. 169 does not revise Convention No. 104, ratification of Convention No. 169 does not ipso jure involve the immediate denunciation of Convention No. 104. Since 1991, Convention No. 104 has not been the subject of any report or observation by the CEACR.

#### VII. Hours of Work (Fishing) Recommendation, 1920 (No. 7)

1. *Do you consider that Recommendation No. 7 should be withdrawn?*
2. *If you replied "no" to question 1, please indicate the reasons why you consider that Recommendation No. 7 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization.*

*Total number of replies:* 71.

*Affirmative:* 71. Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, Burundi, Canada, Colombia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Estonia, Finland, Germany, Greece, Guatemala, Guinea, Honduras, India, Indonesia, Islamic Republic of Iran, Iraq, Israel, Italy, Jamaica, Japan, Kazakhstan, Republic of Korea, Latvia, Lebanon, Lithuania, Madagascar, Mali, Mauritius, Montenegro, Myanmar, Netherlands, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Philippines, Poland, Portugal, Qatar, Russian Federation, Saudi Arabia, Seychelles, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, Togo, Turkey, Ukraine, Uruguay, Uzbekistan, Yemen and Zambia.

*Negative:* None.

#### Comments

*Angola.* UNTA-CS: Yes, supports withdrawal of Recommendation No. 7 as it is obsolete and there are the more up-to-date instruments that cover the fishing sector (e.g. Convention No. 188 and Recommendation No. 199).

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<sup>9</sup> GB.265/LILS/WP/PRS/1, p. 34.

*Argentina.* CGT–RA: Yes, see General observations section above.

CTA: Yes.

*Aruba.* Yes.

*Bulgaria.* KNSB/CITUB: Yes, see General observations section above.

*Burkina Faso.* ONSL: Yes.

*Ghana.* GEA: Yes.

*Greece.* GSEE: No, see General observations section above.

*Italy.* CGIL, CISL and UIL: Yes, see General observations section above.

*Luxembourg.* OGBL and LCGB: Yes.

*Madagascar.* Yes, see General observations section above.

*Seychelles.* ASE: Yes, does not object to the withdrawal of Recommendation No. 7, since it has been replaced by Convention No. 188 and Recommendation No. 199, which are the most up-to-date instruments on work in fishing.

### VIII. Migration for Employment Recommendation, 1939 (No. 61)

1. *Do you consider that Recommendation No. 61 should be withdrawn?*
2. *If you replied “no” to question 1, please indicate the reasons why you consider that Recommendation No. 61 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization.*

*Total number of replies:* 71.

*Affirmative:* 71. Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, Burundi, Canada, Colombia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Estonia, Finland, Germany, Greece, Guatemala, Guinea, Honduras, India, Indonesia, Islamic Republic of Iran, Iraq, Israel, Italy, Jamaica, Japan, Kazakhstan, Republic of Korea, Latvia, Lebanon, Lithuania, Madagascar, Mali, Mauritius, Montenegro, Myanmar, Netherlands, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Philippines, Poland, Portugal, Qatar, Russian Federation, Saudi Arabia, Seychelles, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, Togo, Turkey, Ukraine, Uruguay, Uzbekistan, Yemen and Zambia.

*Negative:* None.

### Comments

*Angola.* UNTA–CS: Yes, supports withdrawal of Recommendation No. 61 as it is obsolete and as it was de facto substituted through the adoption of Recommendation No. 86.

*Argentina.* CGT–RA: Yes, see General observations section above.

CTA: Yes.

*Aruba.* Yes.

*Bulgaria.* KNSB/CITUB: Yes, see General observations section above.

*Burkina Faso.* ONSL: Yes.

*Ghana.* GEA: Yes.

*Greece.* GSEE: No, see General observations section above.

*Italy.* CGIL, CISL and UIL: Yes, support the proposed withdrawal of Recommendation No. 61 and recall that Recommendation No. 86 explicitly refers in its Preamble to the revision of Recommendations Nos 61 and 62, which should accordingly be considered de facto replaced.

*Luxembourg.* OGBL and LCGB: Yes.

*Madagascar.* Yes, see General observations section above.

*Seychelles.* Yes, see General observations section above.

### **IX. Migration for Employment (Co-operation between States) Recommendation, 1939 (No. 62)**

1. *Do you consider that Recommendation No. 62 should be withdrawn?*
2. *If you replied “no” to question 1, please indicate the reasons why you consider that Recommendation No. 62 has not lost its purpose or still makes a useful contribution to attaining the objectives of the Organization.*

*Total number of replies:* 71.

*Affirmative:* 71. Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, Burundi, Canada, Colombia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Estonia, Finland, Germany, Greece, Guatemala, Guinea, Honduras, India, Indonesia, Islamic Republic of Iran, Iraq, Israel, Italy, Jamaica, Japan, Kazakhstan, Republic of Korea, Latvia, Lebanon, Lithuania, Madagascar, Mali, Mauritius, Montenegro, Myanmar, Netherlands, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Philippines, Poland, Portugal, Qatar, Russian Federation, Saudi Arabia, Seychelles, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, Togo, Turkey, Ukraine, Uruguay, Uzbekistan, Yemen and Zambia.

*Negative:* None.

### **Comments**

*Angola.* UNTA–CS: Yes, supports withdrawal of Recommendation No. 62 as it is obsolete and as it was de facto substituted through the adoption of Recommendation No. 86.

*Argentina.* CGT–RA: Yes, see General observations section above.

CTA: Yes.

*Aruba.* Yes.

*Bulgaria.* KNSB/CITUB: Yes, see General observations section above.

*Burkina Faso.* ONSL: Yes.

*Ghana.* GEA: Yes.

*Greece.* GSEE: No, see General observations section above.

*Italy.* CGIL, CISL and UIL: Yes, support the proposed withdrawal of Recommendation No. 62 and recall that Recommendation No. 86 explicitly refers in its Preamble to the revision of Recommendations Nos 61 and 62, which should accordingly be considered de facto replaced.

*Luxembourg.* OGBL and LCGB: Yes.

*Madagascar.* Yes, see General observations section above.

*Seychelles.* Yes, see General observations section above.

#### OFFICE COMMENTARY

All tripartite respondents, without exception, support the withdrawal of Recommendations Nos 7, 61 and 62. Two governments and five workers' organizations noted that these instruments were obsolete and had been replaced by more up-to-date instruments.





## PROPOSED CONCLUSIONS

Pursuant to article 45bis(3) of the Standing Orders of the Conference, this report is presented to the Conference for consideration. The Conference is also invited to consider and to adopt the following proposals:

1. The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 107th Session on ... June 2018, and

Following consideration of the proposal for the abrogation of six international labour Conventions and withdrawal of three international labour Recommendations under the seventh item on the agenda of the session,

decides this ... day of June of the year two thousand and eighteen to abrogate the Inspection of Emigrants Convention, 1926 (No. 21).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the instrument.

The English and French versions of the text of this decision are equally authoritative.

2. The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 107th Session on ... June 2018, and

Following consideration of the proposal for the abrogation of six international labour Conventions and withdrawal of three international labour Recommendations under the seventh item on the agenda of the session,

decides this ... day of June of the year two thousand and eighteen to abrogate the Recruiting of Indigenous Workers Convention, 1936 (No. 50).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the instrument.

The English and French versions of the text of this decision are equally authoritative.

3. The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 107th Session on ... June 2018, and

Following consideration of the proposal for the abrogation of six international labour Conventions and withdrawal of three international labour Recommendations under the seventh item on the agenda of the session,

decides this ... day of June of the year two thousand and eighteen to abrogate the Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the instrument.

The English and French versions of the text of this decision are equally authoritative.

4. The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 107th Session on ... June 2018, and

Following consideration of the proposal for the abrogation of six international labour Conventions and withdrawal of three international labour Recommendations under the seventh item on the agenda of the session,

decides this ... day of June of the year two thousand and eighteen to abrogate the Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the instrument.

The English and French versions of the text of this decision are equally authoritative.

5. The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 107th Session on ... June 2018, and

Following consideration of the proposal for the abrogation of six international labour Conventions and withdrawal of three international labour Recommendations under the seventh item on the agenda of the session,

decides this ... day of June of the year two thousand and eighteen to abrogate the Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the instrument.

The English and French versions of the text of this decision are equally authoritative.

6. The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 107th Session on ... June 2018, and

Following consideration of the proposal for the abrogation of six international labour Conventions and withdrawal of three international labour Recommendations under the seventh item on the agenda of the session,

decides this ... day of June of the year two thousand and eighteen to abrogate the Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the instrument.

The English and French versions of the text of this decision are equally authoritative.

7. The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 107th Session on ... June 2018, and

Following consideration of the proposal for the abrogation of six international labour Conventions and withdrawal of three international labour Recommendations under the seventh item on the agenda of the session,

decides this ... day of June of the year two thousand and eighteen to withdraw the Hours of Work (Fishing) Recommendation, 1920 (No. 7).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.

8. The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 107th Session on ... June 2018, and

Following consideration of the proposal for the abrogation of six international labour Conventions and withdrawal of three international labour Recommendations under the seventh item on the agenda of the session,

decides this ... day of June of the year two thousand and eighteen to withdraw the Migration for Employment Recommendation, 1939 (No. 61).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.

9. The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 107th Session on ... June 2018, and

Following consideration of the proposal for the abrogation of six international labour Conventions and withdrawal of three international labour Recommendations under the seventh item on the agenda of the session,

decides this ... day of June of the year two thousand and eighteen to withdraw the Migration for Employment (Co-operation between States) Recommendation, 1939 (No. 62).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English and French versions of the text of this decision are equally authoritative.