

Governing Body

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Policy Development Section

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Policy Development Section

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Employment and Social Protection Segment

First item on the agenda

Revisiting the action plan on labour migration governance in consideration of the Global Compact for Safe, Orderly and Regular Migration (GB.335/POL/1(Rev.))

1. *The Employer spokesperson* said that it was unnecessary to reconsider the priorities of the plan of action agreed at the 331st Session (October–November 2017) of the Governing Body in the light of the Global Compact for Safe, Orderly and Regular Migration. The ILO should focus on the objectives of the Global Compact that corresponded to its mandate, including objectives 1, 5, 6, 18 and 22. The Office document's reference to a review of labour legislation and working conditions under objective 7(d) was concerning, as the responsibility for implementing the Global Compact rested with governments and the ILO should not take an active role, especially since the conclusions of the 106th Session (2017) of the International Labour Conference had not contemplated any such role for the Office. He reiterated his group's call for a review of the Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), to reflect modern realities, as recommended by the Committee of Experts.
2. The ILO's agenda for fair migration should foster the work of the Organization in ensuring that migration became a choice, while seeking to create decent work in countries of origin by encouraging labour ministries to work with workers' and employers' organizations to formulate migration policies that ensured fair recruitment and equal treatment of migrant workers. The ILO could demonstrate its added value by focusing on its expertise in labour migration while leaving the humanitarian aspects to other agencies.
3. Results-oriented implementation of the Global Compact would require unprecedented cooperation among stakeholders. The ILO should promote key elements to ensure strong economies through sustainable growth, such as the skills programme which fostered improved productivity and the filling of job vacancies. With respect to the Fair Recruitment Initiative, his group stood ready to help governments identify and develop effective regulations for responsible recruitment practices. The recently agreed definition of recruitment fees and related costs should be a step towards better regulation and more robust implementation. Employers should be able to identify and access the skills they needed, and workers would need to develop those skills in response to the future world of work to access any labour market. He applauded the expansion of the ILO's skills programme for migrant workers on the basis of national skills development programmes. The tripartite workshops to be held in the three African regions in 2019 should primarily aim to ensure that education responded to new labour market needs. The International Organisation of Employers (IOE) was proud to engage with global development partners on the Global Skills Partnership with a view to supporting employers in developing countries reporting skills shortages.
4. He welcomed the joint work across the UN system to respond more effectively to migration to achieve swift results. However, there was a risk that tripartism could be diluted without the inclusion of the social partners; consultations with workers and employers on labour issues could be more useful than broader consultations with civil society. The ILO's role in migration issues would be closely linked to UN reform, and he welcomed the participation of employers' representatives in working groups to improve coordination in the field. The

ILO should also promote the appropriate participation of the social partners in UN migration programmes at the national level.

5. Labour migration must become a priority in the light of current demographic challenges, the growing skills gap and employment opportunities highlighted in discussions on the future of work. Since many Global Compact objectives called for private sector engagement, employers' organizations should be supported in the implementation of the Global Compact and included in the formulation of messages to promote sound migration policies. Given the importance of the independence of the media, the ILO should dedicate resources to capacity-building for its own constituents rather than journalists. He expressed his hope that the Office would continue to implement the priorities agreed in 2017. His group supported the draft decision.
6. *The Worker spokesperson* said that it was regrettable that many countries had either not signed the Global Compact or had withdrawn from it. The Compact's references to ILO Conventions and the various references to decent work were welcome; however, more successful ILO advocacy could have led to an objective focused on decent work, including promotion of Conventions Nos 97 and 143.
7. During the 2017 Conference discussion, the Workers' group had highlighted the need for more and better pathways for regular migration, particularly for workers in less-skilled and lower-paid jobs, which was reflected in objective 5. The ILO could play a crucial role under that objective in preventing the promotion of temporary or circular migration schemes, including by promoting its Conventions on labour migration and research on the scope, use and effects of such schemes. In accordance with the 2017 conclusions, Office action should continue to promote the ratification and effective application of the labour migration Conventions as well as the fundamental Conventions and other relevant standards, such as the Indigenous and Tribal Peoples Convention, 1989 (No. 169), and the Domestic Workers Convention, 2011 (No. 189).
8. Labour migration should be based on the free and voluntary decision of the worker, which included the right not to migrate for employment. Working on creating the conditions for sustainable development in countries of origin should be a priority, including through Decent Work Country Programmes (DWCPs) supporting constituents' efforts to create an enabling environment and through programmes on skills development.
9. It was of great concern that, unlike binding international treaties, the Global Compact restricted certain fundamental rights to migrant workers engaged in remunerated and contractual labour. The protection of irregular migrant workers must be ensured in accordance with international law, and pathways out of irregularity identified, as called for in the 2017 conclusions. Migrant workers in an irregular situation, often as a result of restrictive policies, were even more vulnerable to exploitation. The rights-based approach to labour migration had a solid basis not only in international labour standards but also in the Universal Declaration of Human Rights. Fundamental rights at work applied to all migrant workers, regardless of status.
10. The Fair Recruitment Initiative had had a great impact on the Global Compact, as reflected in objective 6(l). Furthermore, the conclusions of the Tripartite Meeting of Experts on Defining Recruitment Fees and Related Costs and the *General principles and operational guidelines for fair recruitment*, should be taken into account under that objective. Action to promote fair recruitment must be linked to the promotion of decent work and any partnership to advance the achievement of the Global Compact objectives should include consultation with the social partners.

11. Skills development and recognition would help migrant workers to secure jobs at their skill level, with fair pay and safe working conditions. Objective 18 was therefore significant, since it promoted investment in skills. The Global Skills Partnership was a good opportunity to promote more effective recognition of the skills of migrant workers and continuous skills development. Furthermore, any work on labour market needs assessments should take account of the needs of both origin and destination countries and, where appropriate, countries of transit. The Workers' group welcomed the references in the Office document to important capacity-building activities; the Bureau for Workers' Activities (ACTRAV) should be involved in the design and delivery of such programmes.
12. The examination of obstacles to, and good practices for, ensuring the right to freedom of association and collective bargaining could help realize objective 16. Empowerment of migrants and societies to achieve inclusion and social cohesion underpinned much of the ILO's work to promote rights-based, gender-responsive labour migration policies. It was important to evaluate the ILO's programmes to support the reintegration of returning migrants to ensure that they had access to decent work and that the returns were voluntary. The Office document would have benefited from references to linkages with the UN Global Compact on Refugees, as the ILO had many relevant provisions, such as in the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), and the Guiding principles on the access of refugees and other forcibly displaced persons to the labour market.
13. She welcomed the ILO's leadership role on the Executive Committee of the new UN Network on Migration and called for a clear process to include the active participation of the social partners, in particular in any working groups. In addition to the rights-based approach, labour migration within the UN system should also be addressed within the framework of the 2030 Agenda for Sustained Development. The Workers' group supported the draft decision.
14. *A Government representative of Ecuador* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean that had joined the Global Compact for Migration. His region was well aware of how much migration contributed to development and of the risks faced by vulnerable migrants. Migration required a human rights framework that included labour rights and vocational training, regardless of migration status. The cross-cutting principles in the Global Compact would be an important reference for national agendas, and the ILO's work on fair and effective labour migration governance should provide guidance on strengthening orderly labour migration and decent work. In- and out-migration in the region also required solutions for labour market integration, vocational training and capacity-building. The ILO had a fundamental role to play in that regard, and the Inter-American Centre for Knowledge Development in Vocational Training could help maximize migrants' potential.
15. The methodologies developed at the 20th International Conference of Labour Statisticians on the collection, analysis and distribution of labour migration data were welcome, as a lack of accurate disaggregated data had been an obstacle to decision-making. Furthermore, the ILO's experience and ongoing work on fair recruitment would continue to be an important reference for agreements in each country relating to the achievement of the Sustainable Development Goals (SDGs). In the Panama Declaration, adopted in October 2018 at the 19th American Regional Meeting, countries of the region had agreed that labour migration was one of the priorities that would lead to a better future of work guided by respect for the human and labour rights of migrant workers, including in particular the eradication of child labour, the prevention of forced labour, trafficking in persons and modern slavery, and facilitating procedures for migrant workers to send remittances to their families in their countries of origin. Lastly, he encouraged the ILO to contribute within the UN Network on

Migration to the development of gender-responsive plans and programmes safeguarding labour rights to promote the creation of decent work. He supported the draft decision.

16. *Speaking on behalf of the Africa group*, a Government representative of Uganda expressed satisfaction with the efforts to show the links between the priorities of the ILO's plan of action and the majority of objectives of the Global Compact, which was testament to the ILO's expertise in the field of migration governance. The remaining objectives (9, 11 and 13) were issues most appropriately addressed by sovereign States, but the plan of action would influence their implementation.
17. The substantial efforts made to implement the priorities in the plan of action were appreciated. The Tripartite Meeting of Experts on Defining Recruitment Fees and Related Costs had brought clarity to a key challenge to regulators of formal migration. However, future plans of action should contain clear targets against which to evaluate implementation. The Africa group supported the draft decision.
18. *Speaking on behalf of the Asia and Pacific group (ASPAG)*, a Government representative of Bangladesh said that a balanced understanding of the opportunities and challenges of migration based on disaggregated data would enable national policymakers to better understand the trends and needs of contemporary international migration, ultimately leading to capacity-building and efficient strategic planning. The Office should further enhance its support to constituents in the collection, compilation, management and dissemination of statistics on labour migration.
19. Regularization programmes for low-skilled workers were important so that all migrant workers had access to decent work opportunities; therefore, the skills development programme for migrant workers should be expanded. The Office should also assist constituents' efforts to provide access to employment services for migrant workers. As objective 2 of the Global Compact addressed minimizing the adverse drivers and structural factors causing outward migration, climate change effects should be included in the plan of action. Regular migration opportunities should be identified through effective labour market and skills needs assessments, and shortages in specific sectors addressed by increasing access to safe, regular migration channels for women and men migrant workers. The ILO must not lose sight of ensuring the protection of international labour standards for all migrant workers, and should promote tripartism and social dialogue in multi-agency partnerships. He requested more information on the ILO's role in the UN Network on Migration.
20. *Speaking on behalf of the Association of Southeast Asian Nations (ASEAN)*, a Government representative of Thailand acknowledged the ILO's continued support to the ASEAN Forum on Migrant Labour, which exchanged ideas and good practices relating to the implementation of the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers. She requested the Office to further assist such regional and subregional platforms in mainstreaming the decent work and labour migration elements of the Global Compact into their programmes, and to align the ASEAN TRIANGLE with the Compact's objectives. She also requested the Office to provide technical assistance on skills recognition to interested ASEAN Member States as part of an ongoing pilot project. Lastly, it was important to strengthen international cooperation and global partnerships to better manage migration, and the ILO had a key role to play in the UN Network on Migration.
21. *Speaking on behalf of the European Union (EU) and its Member States*, a Government representative of Romania said that the ILO's involvement in the UN Network on Migration should empower it to further develop key points of the plan of action and strengthen its partnership with other UN agencies, while acknowledging national approaches to the Global Compact, which was not supported by all EU Member States. He welcomed the ILO's work on immigration data and statistics and urged it to expand on those efforts through capacity-

building. He also appreciated the ILO's promotion of fundamental principles and rights at work for legally resident migrant workers, and welcomed the outcome of the Tripartite Meeting of Experts on Defining Recruitment Fees and Related Costs.

22. The ILO played a key role in skills development and recognition, and he welcomed the close cooperation between the Labour Migration Branch and the Skills and Employability Branch and the development of global skills partnerships with international agencies. He also welcomed the work on legal migration and basic social protection. The ILO and the Decent Work Agenda helped to minimize the adverse drivers and structural factors that compelled migrants to leave their countries of origin, and the plan of action reflected the Organization's priorities on legal labour migration. In the context of current migration challenges, the role of the normative framework and unique tripartite nature of the ILO were increasingly relevant.
23. *Speaking on behalf of the Governments of Australia, Brazil, Chile, Czech Republic, Italy, Poland and the United States*, a Government representative of the United States said that Austria also aligned itself with her statement. Given that not all ILO member States supported the Global Compact, the words "including to support the implementation of the Global Compact for Safe, Orderly and Regular Migration" should be removed from subparagraph (a) of the draft decision, and the words "in the implementation of the Global Compact for Safe, Orderly and Regular Migration" from subparagraph (b).
24. *Speaking on behalf of the Governments of Belgium, Canada, Ecuador, Finland, France, Germany, Ireland, Mexico, Norway, Peru, Philippines, Portugal, Slovenia, Spain, Sweden and Uruguay*, a Government representative of Finland welcomed the progress made in the implementation of the ILO plan of action and the ILO's contribution to the Global Compact, which, along with the 2030 Agenda, demonstrated the global significance of labour migration. Both instruments offered an opportunity for the ILO to promote its Decent Work Agenda. Sound labour migration management was required if the benefits of labour migration were to be maximized and the risks and social costs minimized. She therefore supported the original draft decision.
25. *A Government representative of the United States* said that her Government did not support the Global Compact, but did support the ILO's work in the area of labour migration based on the ILO's constitutional mandate, which exists wholly independent of the Global Compact. While elements of the ILO's plan of action may align with the Global Compact, the Organization should limit its support of the Global Compact to supporting member States that voluntarily sought its technical and policy assistance in implementing the Global Compact objectives in their national context. The activities set out in the plan of action must respect State sovereignty.
26. Her Government did not support the use of US funds for ILO activities undertaken with the specific purpose of fulfilling or advancing the Global Compact objectives, although it did not object to the ILO providing support for States wishing to use their own funds or contributions from other donors for that purpose. It did not support the expansion of action plan activities to better align the ILO's work with the Global Compact. She noted the Global Compact gave rise to concerns about resource implications, and asked what the Global Compact components such as the capacity-building mechanism listed in paragraph 23 of the document meant for the ILO in concrete terms. Through its place on the Executive Committee of the UN Network on Migration, which the United States welcomes, the ILO could contribute its unique expertise while setting its own priorities consistent with its mandate. She urged the ILO to use the opportunity to advance the ILO's Decent Work Agenda.

27. *A Government representative of Australia* said that his Government objected to the Global Compact and therefore did not support the draft decision.
28. *A Government representative of Mexico* said that the Global Compact was a non-binding agreement that respected sovereignty and enjoyed the support of a large majority of UN Member States. It built on ILO Conventions, giving the ILO a clear mandate. The plan of action reflected most of the Global Compact's objectives, and she therefore welcomed the ILO's active involvement in the UN Network on Migration, which would be crucial to the implementation of the Global Compact. The ILO already participated in global efforts to protect and promote the rights of migrants, and its broad mandate placed it at the heart of efforts to implement the Global Compact. Her Government supported the original draft decision.
29. *A Government representative of Indonesia* said that the Global Compact objectives would require global partnerships involving ILO constituents. She noted that some of the Global Compact's principles were consistent with the ILO's vision of fair and effective labour migration, and its objectives were already reflected in the ILO plan of action. Her Government fully supported the ILO's efforts in all those areas and welcomed its support for countries in facilitating the reintegration of returning migrants. International cooperation was essential to the implementation of the Global Compact, and her Government therefore encouraged the ILO to increase its participation in the UN Network on Migration to further promote its values, including tripartism and social dialogue. Indonesia supported the draft decision.
30. *A Government representative of Uruguay* said that multilateral efforts were vital in addressing the causes of migration and harnessing its positive effects, particularly given its increasingly complex and politicized nature. Although the Global Compact was non-binding, it guided national policy and promoted international cooperation. Her Government particularly welcomed its prioritization of human rights and vulnerable migrants. The ILO's mandate encompassed the search for decent work, one of the main drivers of migration. The Organization could therefore make a significant contribution by generating decent work in countries of origin, ensuring fundamental rights for migrant workers in countries of destination, providing reliable information and promoting development cooperation with and between countries. Her Government supported the original draft decision.
31. *A Government representative of Ecuador* said that the Global Compact was the first global framework for migration governance that guaranteed the rights of people on the move as well as providing a useful tool for strengthening international cooperation. Ecuador supported the inclusion of migration issues in relevant international forums with the aim of strengthening the legal framework for defending the rights of migrants. It therefore supported aligning ILO projects and programmes with the Global Compact objectives and thus with the SDGs. Joint efforts on migration issues would help to guarantee the respect and promotion of the rights of migrant workers and create opportunities for decent work, leaving no one behind. Ecuador supported the original draft decision.
32. *A Government representative of Nepal* said that, building upon the general discussions on fair and effective labour migration that took place at the 106th Session of the International Labour Conference and in light of the Global Compact, it was imperative for the ILO to revisit its five-year plan of action. The ILO's unique culture of social dialogue and tripartism would be an effective tool in building consensus-based partnerships among the country teams of UN agencies, host governments and other stakeholders to cultivate an environment that was conducive to implementation of the Global Compact. The ILO plan of action was based on advocacy and on governance and support services that would further advance the Decent Work Agenda from the perspective of the Global Compact, thereby bringing change to the situation of migrants. Preparation of the Global Compact implementation strategy at

the global, regional and national levels, with capacity-development programmes, would be an important step towards promoting labour migration governance worldwide. Nepal supported the original draft decision.

33. *A Government representative of India* said that the ILO plan of action should focus on progressively realizing the 23 objectives of the Global Compact, with a view to providing adequate means of implementation, including building and strengthening capacities through the UN Network on Migration and international partnerships. The Global Compact objectives included facilitating free and ethical recruitment and safeguarding conditions that ensured decent work. Efforts must be made to lift barriers, bypass labour intermediaries and provide a portable social security mechanism. There was also a need to enhance consular protection, assistance and cooperation throughout the migration cycle. Domestic work was an important source of employment for migrant workers; however, their service hours and lack of social protection led to decent work deficits. The nursing workforce faced similar discrimination and exploitation. Social dialogue and tripartism should be increased in order to understand the issues, problems and challenges faced by migrant workers and to actively address them through the plan of action. India therefore supported the draft decision.

34. *A Government representative of Lesotho* welcomed efforts made by the Office to work with the UN Special Representative of the Secretary-General for International Migration to ensure and broaden understanding of the ILO's approach and tripartite nature and to promote the use of its normative framework. She further welcomed the training offered by the International Training Centre of the ILO in Turin and encouraged more training to be provided at the country level. While labour migration issues were well captured in the plan of action, member States would require further support from the ILO in implementing the Global Compact, including putting in place labour migration policies informed by facts, data and good practices and governance, and mainstreaming labour migration in national strategic development plans and decent work programmes. Although objective 13 of the Global Compact might not be addressed directly through work related to the plan of action, the ILO could contribute to the objective by providing training on labour migration for judicial officers, law enforcement officers, magistrates, prosecutors and the police. That would help law enforcement officials to learn how to handle migrant workers and use migration detention only as a measure of last resort. Lesotho supported the draft decision.

35. *A Government representative of Chile* said that her country supported the amendments to the draft decision put forward by the Government representative of the United States and several other member States to reflect the fact that some countries had not adopted the Global Compact.

36. *A Government representative of Brazil* concurred with the Office's assessment that the migrant workers strategy adopted by the Governing Body in 2017 was up to date and properly structured to serve as a guide within the Organization's mandate to help member States to face the challenges concerning labour migration. Solutions to deal with migration, including labour migration, were to be found at the national level and were also a key source for the exchange of best practices between the countries concerned. With respect to the draft decision, given that not all countries supported the Global Compact, he saw no added value in the ILO aligning its strategy with the implementation of the Global Compact. Therefore, no resources from the regular budget should be allocated to initiatives or action intended to implement the Global Compact. Brazil supported the amendments to the draft decision presented by the Government representative of the United States and several other member States.

37. *A representative of the Director-General* (Director, Conditions of Work and Equality Department (WORKQUALITY)) said that the purpose of document GB.335/POL/1(Rev.) had not been to align the ILO action plan to the 23 objectives of the Global Compact. Rather,

it had been to outline ILO priorities and initiatives, with a view to giving practical effect to its action plan on labour migration. Both the International Labour Conference and the Governing Body had given guidance to the Office on what should be the priority areas in relation to labour migration and, in 2017, the Conference had directed the Office to use the conclusions of the general discussions on fair and effective labour migration governance in its input to negotiations regarding the Global Compact. The Office had achieved some success in that regard, since some of the issues that appeared in the plan of action were reflected in the Global Compact. The Office would never deal with issues that did not fall within the mandate of the ILO, for example it would not provide advice or assistance on border control management or issues relating to rescuing migrant workers in the middle of the sea; these are the mandates of other agencies. However, the ILO would continue to implement its plan of action.

38. There appeared to be convergence among member States on the continued relevance of the priorities and areas of action outlined in the plan and on the need to collaborate with other UN agencies. There were 38 UN agencies in the new UN Network on Migration and the ILO sat with seven agencies on the Executive Committee, the purpose of which was to provide guidance and coordination on the work carried out by the Network. Five areas had been tentatively identified, one of which dealt with pathways to regular migration and decent work.
39. *A Government representative of the United States* suggested a sub-amendment to its proposed amendment to the draft decision in order to accommodate all views and to recognize that not all member States supported the Global Compact. The new introductory line would read: “The Governing Body, while noting that not all member States support the UN Global Compact for Safe, Orderly and Regular Migration”. Subparagraph (a) would read: “indicated that the ILO’s plan of action (2018–22) continued to reflect the priorities of the Organization on labour migration and noted that several ILO priorities intersect with elements of the Global Compact for Safe, Orderly and Regular Migration; and”. The last part of subparagraph (b), after the words “to promote social dialogue and tripartism” would read: “through such partnerships, in fulfilment of its unique mandate, noting that its priorities and activities may intersect with elements of the Global Compact for Safe, Orderly and Regular Migration”.
40. *The Employer spokesperson* said that his group supported the proposed draft decision as amended by the Government representative of the United States.
41. *The Worker spokesperson* said that her group did not entirely agree with the proposed draft decision as amended. A large majority supported the ILO’s active engagement with the Global Compact, within the framework of the Organization’s mandate. The ILO should ensure that its mandate would be fully coherent with initiatives in the UN system. Her group questioned whether the proposed amendments to subparagraphs (a) and (b) would limit the Office’s capability to engage actively in promoting social dialogue and tripartism to implement the Global Compact. While understanding that a significant majority had supported the original draft decision, her group wished to amend subparagraph (a) to read: “indicated that the ILO’s plan of action (2018–22) continued to reflect the priorities of the Organization on labour migration including, within the framework of its own mandate, engaging with the implementation of the Global Compact for Safe, Orderly and Regular Migration”. If that amendment was not possible, the Workers could support the draft decision as proposed by the Government representative of the United States, in the interest of consensus.
42. *A Government representative of the United States* said that many of the ILO’s priorities were reflected in the Global Compact. However, given the number of member States that did not support it, she could not agree to a decision stating that the Organization would work towards

its implementation. She proposed reinserting the words “while noting that not all member States support the UN Global Compact for Safe, Orderly and Regular Migration” in the chapeau of the decision, as proposed by her country the previous day. With regard to subparagraph (b), she said that an amendment would be necessary, but additional time would be required to consider the points to amend.

43. *A Government representative of Brazil* said that the draft decision as amended by the Government representative of the United States could lead to consensus. However, more views needed to be considered before taking a decision.
44. *A Government representative of Mexico* said that the amended draft decision proposed by the Workers’ group could form the basis of an agreement following further consultations. Many governments and social partners had supported the original draft decision. However, the Governing Body should not disregard the reasons why the ILO’s plan of action responded to the Global Compact. The explanation given by the Government representative of the United States was helpful as it highlighted that the Global Compact reflected the ILO’s mandate and should, therefore, be acknowledged. Strengthening the work of the Office in the area of labour migration would require a reflection of those reasons in the decision.
45. *A Government representative of the Czech Republic* said that his country, as one of those that had not adopted the Global Compact, supported the draft decision as amended by the Government representative of the United States. Noting the points of divergence, he expressed the hope that the proposed amendments would be acceptable to all parties.
46. *Speaking on behalf of the Africa group*, a Government representative of Uganda noted that the Global Compact was non-binding and member States could choose not to follow its guiding principles at the municipal level. The amendment proposed by the Government representative of the United States could set a precedent of indicating disagreement in the chapeau of a decision. Turning to the Governing Body’s discussions during its 331st Session, he recalled that all parties had requested the Office to develop and implement the Global Compact; subsequent decisions should not reflect the disagreement of some parties. As the Global Compact had been adopted by the UN General Assembly, the ILO should be consistent with the decisions taken within the UN system. His group requested to maintain the original draft decision.
47. *A Government representative of Germany* said that she supported the original draft decision; more time would be needed to consider the proposals by the Workers’ group and the Government representative of the United States.
48. *A Government representative of Australia* said that her country supported the draft decision as amended by the Government representative of the United States the previous day. She asked whether the difference in views could be placed later in the text. She agreed that extra time to consider the proposed amendments would be beneficial.
49. *The Worker spokesperson* said that it was worth working towards broader agreement on such an issue. Her group agreed that it would not be appropriate to include phrases that implied disagreement in the chapeau. She proposed the introduction of a new subparagraph (a) that read: “took note of the positions expressed”, thus renaming the two original subparagraphs in the original draft decision to (b) and (c), respectively. New subparagraph (a) would reflect the fact that varying opinions had been expressed by the Governing Body and would allow individual member States and social partners to confirm whether their positions were faithfully reflected in the record. The Workers’ group supported the amendments to subparagraph (b) proposed by the Government representative of the United States in light of its support by the Governing Body. She requested that the Governing Body have additional time to reflect on the draft decision on that basis.

50. *A Government representative of Poland*, noting the importance of current migration challenges and the ILO's approach, said that her country had not adopted the Global Compact and therefore supported the amendments proposed by the Government representative of the United States the previous day. Further discussion would yield a consensus decision.
51. *A Government representative of Uganda* said he was sympathetic to the Workers' proposal but that the word "positions" in proposed new subparagraph (a) could be replaced by the word "views". He endorsed the other subparagraphs as they currently stood.
52. *A Government representative of Brazil* requested that the Government representatives of Germany and other interested member States and social partners be given time to consider the options.
53. *A Government representative of the United States*, following informal consultations, said that subparagraph (a) of the original draft decision could be amended to read: "took note of the range of views expressed in the Governing Body on the UN Global Compact for Safe, Orderly and Regular Migration", thus including a reference to the range of views and removing the reference to the relationship between the ILO and the Global Compact. She asked for additional time to discuss the remainder of the draft decision.
54. *The Worker spokesperson* said all views should be represented in the discussion and asked the representative of the Africa group to clarify his position on the new amendment. She could accept the notion of a "range of views" on the Global Compact in proposed new subparagraph (a) of the draft decision, provided that there was no doubt regarding the ILO's role in labour migration and its intersection with the Global Compact. A large majority of representatives had supported the original draft decision contained in paragraph 26 of the document. She hoped that allowing more time for discussion would not dilute the content of the other subparagraphs, such as the ILO's engagement with the Global Compact and the need to promote social dialogue and tripartism throughout the UN system.
55. *The Employer spokesperson* agreed that it was important to retain the link between the ILO and the plan of action on labour migration governance, which would have a positive impact on the implementation of the Global Compact, regardless of whether all States supported it. The ILO's focus should remain on labour migration.
56. *Speaking on behalf of the Africa group*, a Government representative of Uganda said that his group supported the statement made by the Government representative of the United States. However, Governing Body decisions should reflect consensus; the words "took note of the views expressed" would suffice in new subparagraph (a), as the minutes of the Governing Body meeting would clarify the nature of those views. That still allowed for member States to regulate their individual involvement with the Global Compact. Concerning new subparagraph (b), he proposed amending it to read: "indicated that the ILO's plan of action (2018–22) continued to reflect the priorities of the Organization on labour migration, including in the pursuit of its own mandate, to support the implementation of the Global Compact for Safe, Orderly and Regular Migration". It was not right to say that the ILO should "engage with" the Global Compact. In fact, the Office, as part of the wider UN system, was obliged to support its implementation.
57. *A Government representative of Mexico* said that she supported the use of the phrase "range of views" but said that she would prefer the new subparagraph to be inserted after the original two subparagraphs, rather than before. It was clear more time was needed before a decision could be made.

58. *A Government representative of Indonesia* said that he supported the original draft decision but could be flexible and would support the amendments proposed by the Workers.
59. *A Government representative of France* said that considerable efforts had been made to achieve consensus but more time was required to ensure that all points of view were reflected in the final decision.
60. *A Government representative of Brazil* reiterated his request for time to hold consultations with a view to reaching a consensus. In response to the substantive point raised by the Government representative of Uganda, he said that the relevant Governing Body decision adopted in November 2017 did not oblige the Office to support the implementation of the Global Compact. The Governing Body had simply “requested the Director-General to take into account its guidance ... concerning ... labour migration governance”, which included considering the extent to which the ILO could support the implementation of the Global Compact.
61. *A Government representative of Ecuador* said that she preferred the original draft decision contained in the document, but would agree with the amendments proposed by the Worker spokesperson. However, she would appreciate more time to consider all proposals in order to reach a consensus text.
62. *A Government representative of Poland* supported the request for additional time to discuss the draft decision.
63. *Speaking on behalf of the Africa group*, a Government representative of Uganda said, in response to the Government representative of Brazil, that while he recognized that the decision did not specifically request the engagement of the Office in the implementation of the Global Compact, there was a general understanding that had enabled the Office to conduct its work thus far. It was important to consider the whole of the document concerned, not simply the decision; references to the Global Compact appeared in paragraphs 12 and 15, and in paragraph 4 of the appendix to document GB.331/INS/4/1(Rev.). Thus, the Office’s engagement in that regard had been authorized.
64. *The Worker spokesperson* expressed appreciation for the clarifications provided by the constituents regarding their positions and urged the Governing Body to move towards a decision.
65. *A Government representative of Uganda* said that he understood the phrase “range of views” to indicate a lack of consensus and asked the Office to clarify whether its use in subparagraph (a) would set an unwanted precedent for situations in which full agreement could not be reached within the Governing Body.
66. *The Chairperson* suggested that the proposal should be submitted in writing and discussed the following day.
67. Upon resumption of the discussion of the item, *a Government representative of the United States* announced that a number of governments had come together to formulate new language for the draft decision, in consultation with the Employers’ and Workers’ groups. The new wording aimed to reflect the concerns expressed regarding the fulfilment of the ILO’s mandate in respect of labour migration, while also recognizing the concerns of some ILO member States with regard to the Global Compact. The decision, as amended, would read:

The Governing Body:

- (a) indicated that the ILO's plan of action (2018–22) continued to reflect the priorities of the Organization on labour migration, including actions relevant to the Global Compact for Safe, Orderly and Regular Migration undertaken in pursuit of the ILO's mandate; and
- (b) invited the Director-General to take account of its guidance in the implementation of the ILO's plan of action, to further strengthen ILO partnerships with other agencies, such as those in the United Nations Network on Migration and particularly in the field, including in United Nations country teams, and to promote social dialogue and tripartism, including in actions relevant to the Global Compact for Safe, Orderly and Regular Migration undertaken in pursuit of the ILO's mandate; and
- (c) took note of all points of view expressed on the UN Global Compact for Safe, Orderly and Regular Migration.

68. *The Worker spokesperson* expressed appreciation for the efforts made and said that her group could accept the text as amended.
69. *The Employer spokesperson* supported the proposed text and expressed appreciation for the efforts to reach a consensus and to find a solution that was consistent with the ILO's role in respect of labour migration.
70. *A Government representative of Ecuador*, speaking on behalf of a significant majority of governments from Latin America and the Caribbean that had joined the Global Compact for Migration, said that a significant majority of governments from Latin America and the Caribbean which were signatories to the Global Compact recognized the ILO's experience and ongoing work with respect to labour migration and would prefer to retain the original draft decision as proposed by the Office. They were confident that such work could contribute to the achievement of the Global Compact. The common and cross-cutting principles and guidelines in the Global Compact were clearly an important tool for continuing to create decent work and to advance towards more just societies. However, in the spirit of consensus, her group could support the text as amended.
71. *Speaking on behalf of the Africa group*, a Government representative of Uganda expressed appreciation to all those who had participated in the informal deliberations and supported the draft decision as amended.
72. *Speaking on behalf of the Governments of Austria, Brazil, Dominican Republic, Hungary and Italy*, a Government representative of Brazil thanked the constituents for their efforts to reach a compromise and to accommodate different perspectives in such complex and challenging negotiations. He reaffirmed his group's position concerning the Global Compact.
73. *A Government representative of Poland* expressed support for the draft decision and the ILO's plan of action on labour migration governance, which were of particular importance in the face of current migration challenges. At the same time, she recalled that, at the session of the United Nations General Assembly in December 2018, Poland had not supported the adoption of the Global Compact, owing to a number of concerns about the document and the actions proposed therein. Although she agreed that some ILO priorities might intersect with the provisions of the Global Compact, Poland was not in a position to accept the Global Compact as a whole as guidelines affecting the ILO's future objectives and actions.
74. *A Government representative of Chile* said that, although Chile was committed to the issue of migration and to ensuring that it was carried out in a safe, orderly and regular manner, it was not a signatory to the Global Compact. As a result, that text was in no way binding for Chile.

75. *Speaking on behalf of the Governments of Belgium, Canada, Denmark, Ecuador, Finland, France, Ireland, Germany, Mexico, Norway, Peru, Spain, Sweden, Slovenia, United Kingdom and Uruguay*, a Government representative of Canada reiterated her group's full support for the ILO's active engagement in implementing the Global Compact in accordance with the UN General Assembly resolution adopted in December 2018. Recalling the conclusions concerning fair and effective labour migration governance, adopted by the International Labour Conference at its 106th Session (2017), she stressed that maximizing the benefits of labour migration and minimizing the risks and social costs required a sound and effective labour migration governance. Furthermore, according to the conclusions, the ILO should take a leadership role on decent work in labour migration and make strong contributions to the Global Compact. In the light of the above, she supported the original draft decision and the ILO's action plan. Nevertheless, in the spirit of consensus and compromise, she acknowledged the views which had been expressed and could support the text as amended.

Decision

76. *The Governing Body:*

- (a) *indicated that the ILO's plan of action (2018–22) continued to reflect the priorities of the Organization on labour migration, including actions relevant to the Global Compact for Safe, Orderly and Regular Migration undertaken in pursuit of the ILO's mandate;*
- (b) *invited the Director-General to take account of its guidance in the implementation of the ILO's plan of action, to further strengthen ILO partnerships with other agencies, such as those in the United Nations Network on Migration and particularly in the field, including in United Nations country teams, and to promote social dialogue and tripartism, including in actions relevant to the Global Compact for Safe, Orderly and Regular Migration undertaken in pursuit of the ILO's mandate; and*
- (c) *took note of all points of view expressed on the UN Global Compact for Safe, Orderly and Regular Migration.*

(GB.335/POL/1(Rev.), paragraph 26, as amended by the Governing Body)

Second item on the agenda

Strategic plan for engagement with United Nations system bodies and relevant regional organizations regarding the Indigenous and Tribal Peoples Convention, 1989 (No. 169) ([GB.335/POL/2](#))

77. *The Worker spokesperson* said that her group stood with indigenous peoples in their struggle for equal rights for all and for recognition of historic social debt arising from colonialism. The Indigenous and Tribal Peoples Convention, 1989 (No. 169), was a key instrument to achieving equal rights and social and environmental justice. The 30th anniversary of the adoption of the Convention and the ILO's role as co-chair of the Inter-Agency Support

Group (IASG) on Indigenous Issues were an opportunity to further promote the ratification and implementation of the Convention and to promote the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). She supported the proposed actions under the first pillar and asked the Office to include further training and technical support to workers' organizations to promote implementation. She noted the importance of dissemination and the fact that the Convention was included under Annex I of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) in view of the serious violations in relation to investments promoted by multinational companies. She welcomed the proposal under the second pillar to hold periodic dialogues and to include the social partners in those dialogues. She asked the Office to consider also including the Global Compact on Migration and the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights in the periodic dialogues. She expressed the wish to contribute to the initiative under the third pillar to evaluate the system-wide action plan to ensure a coherent approach to achieving the ends of UNDRIP and requested consultations with the social partners prior to consultations with other UN agencies regarding the high-level UN system policy statement. Regarding capacity building, she stressed the importance of access to information on existing materials and requested the Office to involve indigenous peoples' representatives and the social partners when engaging with other IASG members to review those materials. She supported the draft decision.

78. *The Employer spokesperson* said that with 15 of the 23 countries that had ratified Convention No. 169 situated in Latin America, lack of implementation had been a source of significant conflict in the region, with detrimental effects on enterprises and negative repercussions on economic development. Protecting the rights of indigenous and tribal peoples and involving them in decisions that directly affected them would also reduce potential conflict on development strategies in countries with a high density of indigenous populations. The focus in SDG 8 on an inclusive vision of indigenous communities' rights was timely.
79. Regarding the strategic plan, he clarified that, first, there had been a growing problem in the UN system and elsewhere in relation to Convention No. 169, which was legally binding, and UNDRIP and the American Declaration on the Rights of Indigenous Peoples, which were not. Second, the system-wide action plan launched in 2016 had shown no positive results or evidence of improved coherence between Convention No. 169 and UNDRIP. Third, some sectors were taking advantage of the systematic confusion to equate prior consultation on Convention No. 169 with free, prior and informed consent under UNDRIP, which some erroneously interpreted as a right to veto the consultation process or as legally binding. Such confusion led to counterproductive expectations among indigenous populations, which rendered dialogue difficult or impossible. Fourth, statements distorting the essence of the Convention were a source of serious concern for the employers and many governments in the region. Calls to promote an interpretation of Convention No. 169 in line with a "new international consensus on the right to consent" constituted an unjustifiable interference in the ILO's mandate and indicated new and growing problems for the already complex task for ratifying States of correctly implementing the Convention. The assertion in the strategic plan that there would be no financial implications was at odds with the implementation of the plan currently under discussion. The Employers' approval was founded on the expectation of tangible results showing improvements in the current situation and coherent understanding of the key issues, such as consultation. Along with the work of the supervisory bodies, the 2013 handbook on the Convention must be disseminated, and summarized materials offering clarity on frequently confused issues, to include the definition of consultation as mandatory and consent as objective, must also be developed and disseminated.
80. He noted that many legal, institutional and political challenges States faced in relation to the correct application of the Convention and the impact of the Office's assistance in that regard

were not yet fully known. A General Survey on the Convention would provide precise and detailed information on States' needs and an information-gathering study in Latin America would be helpful. He supported strengthened dialogue with the UN system and regional organizations, and highlighted the importance of focus on the proper application of the Convention and on efforts to end all calls on the ILO to promote incorrect interpretations of the Convention. He supported the convening of a dialogue in Geneva in June 2019, to include representatives of the Committee of Experts on the Application of Conventions and Recommendations (CEACR), the Committee on the Application of Standards (CAS), the Employers and the Workers, to confirm commitment to coordination and clarity on the Convention. On coherence in the UN system, he would welcome the possibility of a high-level political declaration. The ILO should use its position as co-chair of the IASG to support coherence. The Office should hear the views of the social partners before presenting its position and should extend its actions beyond the IASG into other forums. On capacity building, the Office should establish a methodology and update training and communication materials to ensure coherence and understanding of the Convention. Resources should be assigned to implementing the action plan; providing information on steps taken to strengthen the Office's technical capacities, especially in Latin America, since November 2018; and to compiling and distributing information on conflicts arising from a lack of standards on consultation and on the judicialization of conflicts in countries that had ratified the Convention. He supported the draft decision, on the condition that subparagraph (c) should specify that the Governing Body's next follow-up discussion would take place during its 338th Session.

81. *A Government representative of Mexico*, speaking on behalf of a significant majority of governments from Latin America and the Caribbean, said that 15 of the 23 States that had ratified Convention No. 169 were from Latin America and the Caribbean and had been making progress with respect to the implementation of the Convention. The ILO had historically been at the forefront of international efforts to promote and protect the rights of indigenous and tribal peoples, not only through Convention No. 169 but also through its leading role in facilitating the exchange of information, experiences and views. GRULAC welcomed the ILO having assumed the role of co-chair of the IASG for 2019, and hoped that the ILO would use its Centenary year to enhance the group's work and objectives on the basis of tripartite consensus. When collaborating with relevant UN mechanisms such as the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the rights of indigenous peoples, the ILO's contribution should always reflect its constitutional mandate and stem from transparent, inclusive and tripartite processes. Although the legal interpretation of Convention No. 169 fell, first and foremost, to ratifying States, the views of the ILO's supervisory bodies could also be useful, provided that they operated within the strict limits of their competences, scope and mandates. The work of the supervisory bodies should complement and reinforce that of the UN mechanisms specifically dedicated to indigenous peoples, and vice versa, and all bodies must respect their various constitutional mandates, competences and capacities.
82. In addition to being the Centenary year, 2019 marked 30 years since the adoption of Convention No. 169 and had been designated International Year of Indigenous Languages. Given that the strategic plan sought to give better visibility to the ILO's work regarding indigenous and tribal peoples, she repeated GRULAC's calls for efforts to promote the ratification of the Convention to be accorded the same level of priority as other tasks. The Office should ensure balance and objectivity when reporting information and best practices. In order to encourage consistency with respect to the implementation of international labour standards at the global level, the document should cite "indigenous and tribal peoples" rather than "indigenous peoples" throughout, in accordance with Article 1(1)(a) of the Convention. Clear guidelines on the interpretation of Convention No. 169 would be essential to achieving a coherent vision within the UN system. UN reform provided a unique opportunity to review the way in which the topic of indigenous peoples had been treated thus far, with a view to

reaffirming the guarantees that the various secretariats were working in accordance with their respective mandates and the instructions of the relevant governing bodies, and to strengthening coordination and cooperation between agencies. The ILO must retain its leadership role. Lastly, and without prejudice to the Office's continuing support to countries in the region that had ratified the Convention, GRULAC did not consider it necessary or appropriate to single out Latin America and the Caribbean in the strategic plan, all the more so because the plan contained ILO activities to promote the ratification of the Convention in other regions. She therefore proposed deleting "with a special emphasis on Latin America" from subparagraph (b) of the draft decision.

83. *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that the candidate countries North Macedonia, Montenegro and Serbia aligned themselves with the statement. The EU had a range of policies in place to support the rights of indigenous peoples as set out in UNDRIP. The ILO's contribution to the UN system-wide action plan and active participation in the IASG were welcome, and the contribution of the Convention to the promotion and protection of indigenous peoples and to the achievement of the SDGs was recognized. The EU supported the proposed strategic plan and also the capacity building of stakeholders at the national level. The ILO should be the leading voice to promote the understanding and knowledge of Convention No. 169, particularly through guidelines or codes of practice promoting common UN system-wide methodologies. The EU supported the original draft decision.
84. *A Government representative of Brazil* said that her country aligned itself with the GRULAC majority statement. Brazil had a long-standing commitment to indigenous peoples' rights and was one of the few member States that had ratified Convention No. 169. Consensus on the development of the strategic plan had been reached during the previous session of the Governing Body on the understanding that the ILO would have a comparative advantage for promoting the scope and application of that Convention among other UN bodies and relevant organizations. However, the proposed strategic plan raised concerns as to whether it could deliver the expected results in line with the ILO's mandate and tripartite nature.
85. The plan contained a broad mandate for the Office to implement an expanded set of actions. It did not indicate what active dissemination of guidance would entail in practice; approval of the proposed plan might allow the dissemination of messages not necessarily endorsed by the tripartite constituents. The secretariat had recently mischaracterized discussions by the Governing Body at its November 2018 session in working papers sent to the 18th Session of the UN Permanent Forum on Indigenous Issues; the active dissemination of such inaccurate information as the ILO's views would create systemic uncertainties and undermine the credibility of the Office. Furthermore, the active dissemination of supervisory system bodies' observations would ascribe them undue authority far exceeding their jurisdiction; the supervisory system could not engender case law. Similarly, the observations of the CEACR and the reports of tripartite committees regarding representations under article 24 of the ILO Constitution were limited in individual scope, not legally binding and must be understood in context. In respect of the proposed country fact sheets, inaccurate and biased depictions could hinder dialogue and cooperation; the strategic plan should consider the usefulness of country fact sheets and whether they could be misused. With regard to the lack of references to the Convention's provisions conferring flexibility on member States in implementing their obligations, she said that equal legal value must be placed on all provisions. Neither the proposed strategic plan nor the 2013 ILO handbook on understanding Convention No. 169 made any specific references to article 34 of the Convention. Expressing concern that the Governing Body was being granted insufficient authority to oversee the strategic plan, she called on the Office to consult the Governing Body before engaging in consultations with UN partners in relation to the proposed high-level UN system policy statement. The views espoused by the Office in that connection should reflect, rather than interpret, the Governing Body's debates. All constituents should be kept abreast of

developments in the consultations. The document presented an ambitious plan of action starting as early as April 2019. However, in view of the lack of clarity and assurances in the document, it would be preferable to take a staggered approach than adopt an all-in package in haste.

86. She expressed concern that the strategic plan and the draft decision singled out Latin America and the Caribbean, with far-reaching programmatic and budgetary implications. GRULAC had stated that the Office should make concerted efforts to expand the number and geographical scope of ratifications of the Convention; however, by singling out the region again, the strategic plan was distancing the Office and the ILO from that objective. In addition, it was strengthening a vicious cycle whereby many countries that had not ratified and had no direct experience of implementing the Convention were continuing to be given a say on what the region should be doing to implement it. Therefore, Brazil did not support the proposed draft decision or strategic plan.
87. In order to ensure transparency, objectivity and accuracy, the Office should use the minutes of official ILO meetings to convey the positions of the Governing Body to third parties. Accordingly, it should make the necessary corrections to its submission to the Permanent Forum on Indigenous Issues to ensure that the November 2018 discussions of the Governing Body were faithfully reflected. Only messages emerging from the tripartite decision-making process of the Organization should be described as “the ILO’s views”; no other views should ever be conveyed as those of the ILO. When applicable, the Office should include a disclaimer. All relevant documents from the ILO supervisory system should include a written indication that they were not legally binding, did not create precedents or case law and should always be read in the specific context of the case concerned. All other relevant documents, including submissions, manuals and handbooks, should reflect the entire set of rights and obligations contained in Convention No. 169, including the flexible arrangements for its implementation by ratifying member States. Further information on the proposed country fact sheets was needed; no country fact sheet should be published or transmitted to third parties without the prior consent of the country concerned. Any results or conclusions from events proposed in the action plan that did not follow ILO tripartite governance rules should have only informative status and should always be brought to the Governing Body’s attention in a timely manner. The Office should develop safeguards to ensure that no endorsement would be given to inter-agency documents advocating concepts contrary to, or outside of, the ILO’s tripartite understanding of the scope and application of Convention No. 169.
88. Before being authorized to implement the strategic plan, the Office should submit to the Governing Body the results of the proposed April 2019 event to be held on the sidelines of the 18th Session of the Permanent Forum on Indigenous Issues, so that constituents could decide on the remaining steps of the action plan. The strategic plan should contain a set of time-bound actions for promoting the ratification of Convention No. 169, in particular in regions other than Latin America and the Caribbean. Those actions should have at least equal priority in future programmes and budgets to actions for further ILO engagement with other international institutions or processes in relation to the Convention. No ILO decision regarding the participation of representatives of indigenous or tribal peoples in meetings to be convened within the strategic plan should be taken before a systematic solution was found as part of the relevant process currently under way in the UN General Assembly. Latin America and the Caribbean should not be singled out in the strategic plan unless that was justified on the basis of objective criteria. Under no circumstances should the region be singled out in the draft decision.
89. Such minimum elements would enable the strategic plan to deliver the expected results and help to prevent any misperceptions that further engagement would result in the creation of new obligations. The Governing Body should reflect on the very low rate of ratification of

Convention No. 169, which only 23 out of 187 member States had ratified since 1989. The Office should make a special effort to promote ratification and strive to be objective and impartial in doing so, including by engaging with other relevant players. If a lack of objectivity and impartiality was perceived, member States would have fewer incentives to ratify, as they would have legitimate concerns as to the real value, benefits and costs of being a ratifying member.

90. *A Government representative of the United States* asked the Office to explain the relationship between the proposed annual compilation of CEACR comments and related conclusions of the CAS and the thematic compilation of excerpts from CEACR comments and reports of tripartite committees regarding representations under article 24. Her Government wished to know whether fact sheets would be produced for each member State, what they would address and how they related to the other two reports. It also wished to know whether the Office had the resources to produce all the proposed documents, what the estimated cost of their production was and where the necessary resources would come from.
91. The United States supported access to NORMLEX from the global and regional ILO web portals on indigenous peoples and would like the Office to elaborate on its plans for raising awareness of that resource. Noting the proposed periodic dialogues with relevant UN bodies and mechanisms and regional organizations, it asked how such dialogues related to and provided value added to the exchanges that already took place in the context of the IASG. With regard to outreach and educational efforts, her Government recommended that the Office should focus on the issues that were of most concern and the subject of misinterpretation. As to the evaluation of the system-wide action plan mentioned in paragraph 18 of the document, the Office should indicate who would conduct such an evaluation and whether it was proposing that provision for periodic evaluations should be incorporated into a revised action plan. Lastly, the United States welcomed the proposal for improved capacity building and common training methodologies as a way to improve system-wide coherence and coordination.
92. *A Government representative of Ecuador* said that Convention No. 169 and the seven basic components of the Strategy for indigenous peoples' rights for inclusive and sustainable development were crucial to achieving justice, equity and social protection and would require real institutional support and budgetary allocation to ensure that they were implemented accordingly. His Government encouraged the ILO to continue its tripartite efforts to develop projects that would have a direct impact on indigenous and tribal peoples and enable real progress to be made in terms of generating decent work, equity, training and capacity building, health and preserving ancestral knowledge. At the same time, his Government shared the concerns expressed by other delegations that only 23 member States, 15 of which were from his region, had ratified Convention No. 169; it encouraged member States from all regions to ratify the Convention and join efforts to secure justice and protection for all indigenous and tribal peoples. Ecuador supported the draft decision with the amendment proposed by GRULAC.
93. *A Government representative of India* said that his Government supported the idea of organizing a dialogue to mark the 30th anniversary of Convention No. 169, during which member States that had ratified the Indigenous and Tribal Populations Convention, 1957 (No. 107), could be encouraged to ratify Convention No. 169 as the most up-to-date instrument on that subject. The Office should provide technical assistance for identifying gaps in the national legislation of ratifying member States concerned. The action plan incorporated the important dimensions of dissemination of relevant material, continuous dialogues with UN bodies, and improving coherence within the UN system. Moreover, an evaluation of the strategies provided under the UN and ILO instruments for safeguarding the rights of indigenous peoples should be conducted in order to establish linkages and avoid

the duplication of efforts. India supported the establishment of a mechanism to review the implementation of the action plan at regular intervals and supported the draft decision.

94. *Speaking on behalf of the Africa group*, a Government representative of Chad recalled his group's support for the ILO strategy for action concerning indigenous and tribal peoples and welcomed the work of the Office in that regard. The strategic plan proposed in Part III of the Office document would contribute to the realization of the rights of indigenous and tribal peoples in the framework of inclusive and sustainable development, which was in sync with the 2030 Agenda. His group emphasized that resources must be allocated for the implementation of the action plan and supported the draft decision.
95. *A Government representative of Canada* said that his country was fully committed to advancing the rights of indigenous peoples in Canada and abroad. It recognized an increased interest in promoting indigenous rights across multiple mechanisms within the UN system and agreed that clarity among UN mechanisms was critical to moving forwards on what was a complex issue. There was a meaningful role for the ILO to play in that area.
96. *A representative of the Director-General* (Director, WORKQUALITY), in response to questions raised, said that the thematic compilation of the work of the CEACR and the tripartite committees regarding representations under article 24 would consist of verbatim extracts organized thematically, with an introduction to explain the nature of the supervisory system. The country fact sheets would serve as an information-sharing tool on the policies and programmes that had been adopted in countries that had ratified Convention No. 169. The annual compilation of comments from the CEACR relating to Convention No. 169 would enhance access to information that was already available. It would be made clear in the documents that the recommendations of the CEACR, while carrying authority, were not legally binding. All the material mentioned was being produced within the existing resources at a relatively low cost and would be disseminated on the ILO website and through training activities and meetings organized by the Office at the country level. All tools and activities to promote the Convention were intended for use and dissemination at the global level and not just in Latin America. The dialogue on Convention No. 169 planned for July 2019 would take the same format as the tripartite workshop on the Convention that had been held in September 2018 and the relevant agenda would be submitted to the Governing Body Officers for their approval.
97. Consultations were under way with a view to holding a dedicated session to enable ILO constituents to engage with the relevant UN mechanisms, which would be open to interested missions and Worker and Employer representatives.
98. The IASG brought together the secretariats of UN agencies that worked on issues relating to indigenous peoples, as distinct from the dedicated UN expert machinery on indigenous peoples. As regards the system-wide action plan, the intention of the Office was to propose to the IASG to assess it with a view to enhancing coordination and coherence across the UN system. She noted that the Office submission to the Permanent Forum on Indigenous Issues had reflected the views expressed during the November 2018 session of the Governing Body, in particular the broader support voiced for the holding of a tripartite meeting of experts to discuss a possible code or guidelines on the application of the Convention relative to the adoption of a possible new Recommendation supplementing Convention No. 169. The record of that discussion was available if further clarification was needed.
99. *The Employer spokesperson* proposed amending subparagraph (c) to specify the date of the discussion as March 2020.

100. *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He proposed deleting the wording “with a special emphasis on Latin America” from subparagraph (b).
101. *The Worker spokesperson* asked the Office whether a later date would be preferable for the report, as the strategy was for the long term.
102. *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that Norway aligned itself with his group’s earlier statement. He supported the amendment proposed by the GRULAC majority.
103. *The Worker spokesperson* supported the amendment proposed by the GRULAC majority.
104. *The representative of the Director-General* (Director, WORKQUALITY) said that the strategic plan was part of a broader strategy. The Office could provide an interim report on actions carried out by March 2020, if requested by the Governing Body.
105. *The Employer spokesperson* said that he had suggested March 2020 as there would be a significant amount of information in the year of the 30th anniversary of the adoption of Convention No. 169. His group supported the amendment proposed by the GRULAC majority.
106. *The Worker spokesperson* proposed sub-amending the date to March 2021, as there would be more to report on by then.
107. *The Employer spokesperson* proposed a compromise of November 2020.
108. *The Worker spokesperson* agreed to the compromise.

Decision

109. *The Governing Body requested the Director-General to:*

- (a) *implement the strategic plan, taking into account guidance given by the Governing Body;*
- (b) *take into consideration the strategic plan and the guidance given in the discussion in the preparation of future programme and budget proposals, in order to enable the Office to engage in a sustained and strategic manner with the United Nations system and regional organizations in all regions; and*
- (c) *report on the strategic plan’s implementation at the Governing Body’s next follow-up discussion, in November 2020, on the Strategy on indigenous peoples’ rights for inclusive and sustainable development.*

(GB.335/POL/2, paragraph 20, as amended by the Governing Body)

110. *A Government representative of Brazil*, speaking in his national capacity, said that his Government dissociated itself from the decision, since the strategic plan and action plan had not contemplated certain minimum elements that, if unaddressed, would have far-reaching implications that could jeopardize the credibility and legitimacy of the ILO’s work. The Office had not mentioned whether countries would be able to approve the fact sheets, and there was a risk that the countries that had ratified Convention No. 169 would be singled out. It was particularly concerning that the ILO’s submission to the 18th Session of the United

Nations Permanent Forum on Indigenous Issues had not given sufficient weight to the views expressed by his region – which represented 70 per cent of ratifications of Convention No. 169 – at the 334th Session of the Governing Body. His country would monitor the implementation of the strategic plan in the light of the concerns expressed.

111. *The Worker spokesperson* said that since the decision had already been adopted, further discussion should be postponed until a future session of the Governing Body.

Social Dialogue Segment

Third item on the agenda

Sectoral meetings held in 2018 and proposals for sectoral work in 2019 and 2020–21 (GB.335/POL/3)

112. *The Employer spokesperson* said that constructive discussions in the sectoral advisory bodies had led to the selection of eight global tripartite sectoral meetings for 2020–21, which reflected priorities within the future of work discussion. He agreed with the ILO's participation in the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters, because unreported fishing contributed to decent work deficits. Moreover, the ILO had a strategic contribution to make to that sector. Thus, his group supported the draft decision. He noted the importance of the sectoral advisory bodies in setting the programme of work for the Sectoral Policies Department (SECTOR). However, he asked the Office to provide an overview of the recurrent work of the department in order to clarify the connection between the advisory bodies' advice and Governing Body decisions, and the recurrent work and other relevant activities of the department.
113. *The Worker spokesperson* said that his group had noted the outcomes of the meetings held in the second half of 2018. He called on the Office to ensure implementation of the recommendations resulting from the Global Dialogue Forums on Employment Terms and Conditions in Tertiary Education and on Challenges for Decent and Productive Work Arising from Digitalization in the Chemical and Pharmaceutical Industries, and to step up its efforts to distribute more widely the Declaration adopted by the 13th Session of the Joint ILO–UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART). He welcomed the ILO's participation in the Joint FAO/IMO Ad Hoc Working Group and the recommended meetings for 2020–21 contained in Appendix II to document GB.335/POL/3. He expressed the hope that those meetings, in particular the Subcommittee on Wages of Seafarers of the Joint Maritime Commission and the 14th Session of the CEART, would improve industrial relations in the sectors concerned, promote social dialogue and help social partners to prepare for the challenges facing the future of work. He also welcomed the planned research on gender equality in the mining sector, social dialogue in multinational steel companies, and social dialogue, industrial relations and working conditions in private security services. There were two sectors in which the ILO should intensify its work. First, it should invest in the rural economy and address violations of human and social rights in the agricultural sector under the Programme and Budget for 2020–21, particularly with regard to salaried work on plantations. Second, the Governing Body should move forward on the issue of whistle-blowers and combating corruption in the public sector; there had been regular discussions on the topic since 2014 without agreement on a way forward. He asked whether research was available on the public sector. In conclusion, his group supported the draft decision.

114. *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of the United States said that her group supported subparagraphs (a)–(e) of the draft decision. She asked the Office to clarify the difference between observer status and full membership of the Joint FAO/IMO Ad Hoc Working Group; the costs associated with the participation of two worker and two employer representatives and how they would be funded; and whether government representatives would also be invited to participate. Her group welcomed the meetings planned for 2020–21, especially the meeting of experts to produce joint ILO–IMO guidelines for medical examination of fishers, and encouraged the Governing Body to suspend the Standing Orders for sectoral meetings for that meeting. However, her group expressed hesitation with adopting any decision that might constrain the Governing Body’s ability to prioritize any proposal following the adoption of the Programme and Budget for 2020–21. In view of those questions and concerns, she asked the Office to clarify the cost of the proposed global sectoral meetings in that biennium.
115. *A representative of the Director-General (Director, SECTOR)* welcomed the active engagement of all constituents in the sectoral advisory bodies, including that of government representatives, which made that session of the advisory bodies truly tripartite. Concerning the request from the Employers’ group for an overview of recurrent work, she recalled that, as agreed by the Governing Body the sectoral advisory bodies were requested to make recommendations on the programme of sectoral meetings and not on the rest of the work conducted by SECTOR. Thus, while a detailed brochure of all the work undertaken was produced at the end of each biennium, preparing an overview of recurrent work at the start of a biennium would require a change in working practices. She agreed with the Workers’ group that there was unfinished business in the agricultural sector, particularly the fact that a meeting of experts to adopt policy guidelines for the promotion of sustainable rural livelihoods targeting the agro-food sectors had not been able to finish its work in 2016. As no progress had been made since 2016, she proposed holding informal consultations with the groups followed by informal tripartite consultations in order to seek agreement on a way forward. She recalled that the protection of whistle-blowers had been discussed regularly since 2014, both in three consecutive sessions of the sectoral advisory bodies and that it had also appeared repeatedly on the list of potential items for the agenda of future sessions of the International Labour Conference. However, there was no tripartite consensus on how the matter should be addressed, and she recognized the frustration of the Workers’ group. As requested, the Office had conducted research which revealed that many member States had developed programmes and strategies and implemented legislation on whistle-blower protection. As such and if asked, the Office would recommend that a sectoral meeting to explore best practices and exchange examples on whistle-blower protection would perhaps be a useful way forward. However, it was up to the constituents to make that decision. In response to IMEC, she said that the FAO and the IMO had requested the ILO’s full participation in the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters on several occasions. The Office had been an observer since 2000 and now the Organization was being asked to join as a full member. As governments were already represented, the Office was proposing the participation of two Worker and two Employer representatives to provide the tripartite dimension that had thus far been lacking. In the context of UN reform, the Working Group was an efficient way to avoid duplication of work. The Working Group had met three times since 2000 and no increase in the frequency of meetings was foreseen at that stage; the cost of sending four participants to the following meeting in October 2019 could be absorbed by the current budget. Concerning the cost of the planned programme of sectoral meetings for 2020–21, subparagraph (g) of the draft decision recognized that all meetings were subject to the approval of the corresponding allocations in the Programme and Budget for 2020–21.
116. *The Worker spokesperson* thanked the Office for its willingness to address decent work deficits in the agricultural sector and initiate informal consultations. He also noted the

Office's opinion on the issue of whistle-blower protection, which touched on aspects of international legislation and fell under the mandate of the ILO.

117. *Speaking on behalf of IMEC*, a Government representative of the United States welcomed the clarification provided and emphasized that the ILO may need to reconsider SECTOR's planned programme of work for 2020–21 in line with the outcome of the Centenary Session of the International Labour Conference. With that in mind, her group could support the draft decision.

Decision

118. *The Governing Body:*

- (a) *took note of the reports of the meetings referred to in section I of document GB.335/POL/3 and authorized the Director-General to publish the final reports of these meetings;*
- (b) *forwarded the report of the 13th Session of the Joint ILO–UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART), along with any observations made by the Governing Body, to the International Labour Conference at its 108th Session (June 2019) for examination in the first instance by the Committee on the Application of Standards;*
- (c) *authorized the Director-General to notify, in accordance with Guideline B2.2.4 of the Maritime Labour Convention, 2006, as amended (MLC, 2006), the revised amount of the minimum monthly basic pay or wage figure for able seafarers to the Members of the ILO and approved the convening of the Subcommittee on Wages of Seafarers of the Joint Maritime Commission in the first half of 2021;*
- (d) *requested the Director-General to bear in mind, when drawing up proposals for future work, the recommendations for future action by the ILO made by the meetings referred to in section I of document GB.335/POL/3;*
- (e) *endorsed the proposal contained in Appendix I to document GB.335/POL/3 relating to the dates, duration, official title, purpose and composition of the meeting;*
- (f) *authorized the Organization's participation as a full member in the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters, and decided that two representatives of employers and two representatives of workers would be appointed by their respective groups; and*
- (g) *endorsed the proposed programme of global sectoral meetings for 2020–21 contained in Appendix II to document GB.335/POL/3 as recommended by the sectoral advisory bodies, subject to approval by the International Labour Conference at its 108th Session (June 2019) of the corresponding allocations in the Programme and Budget for 2020–21.*

(GB.335/POL/3, paragraph 33)

Development Cooperation Segment

Fourth item on the agenda

Overview of relevant and existing forms of innovative finance mechanisms, related opportunities and risks, and potential for ILO engagement (GB.335/POL/4)

119. *The Worker spokesperson* expressed concern about the dearth of information on the impact or performance of innovative financing in the document. The observation made by the Special Rapporteur on extreme poverty and human rights with regard to blended finance for the SDGs in his report to the 73rd session of the United Nations General Assembly, that corporations took the profits while governments bore much of the losses if they were significant, should be taken into account. While the document before the Governing Body contained detailed and nuanced information on private investors, it lacked information on the impacts of innovative financing on beneficiary countries and legal frameworks. Their potential disruptiveness or sustainability or their potential to create decent work or generate revenue of benefit to national social security and tax systems should be evaluated. Risks, in particular those relating to social, economic and environmental impacts, should be identified, mitigated and prevented and the added value of the activity ascertained; the risks and responsibilities in profit-loss relationships must be verified as being transparent. Social impact bonds required careful attention; their terms and objectives should be clearly defined from the outset and their social impact detailed. Bonds in the thematic areas of education, housing and health were easier to measure than those in the areas of freedom of association and collective bargaining. Enterprises were less likely to speculate on bonds yielding dividends than on mortgage loans. However, such bonds could be less attractive or used as a means of tax avoidance. There was also a risk that a securitization system might be created, as had occurred with other kinds of bonds. In view of the 2008 financial crisis and the lack of financial market regulation, it was impossible to know how UN entities would manage bonds or financial derivatives in a volatile market. Even in the strongest green economy market, uncertainty about how to improve pricing and what constituted sustainable financing remained.
120. The document gave a prematurely positive view of the role that innovative financing could play in implementing the Decent Work Agenda in the context of the SDGs. The ILO could evaluate the potential of other financial instruments studied by the Leading Group on Innovative Financing for Development and their potential impact on the implementation of the Decent Work Agenda in line with national development policies. In view of conflicting information on the ILO's involvement in the United Nations Development Programme (UNDP) Youth Employment Bond in Serbia, he asked the Office to clarify whether the social partners or trade unions had been contacted.
121. On that basis, it was premature to envisage the ILO's role as a disseminator of standards and knowledge; it could instead conduct further research and ensure that working rights were anchored firmly in all discussions on innovative financing but should refrain from taking a positive stance on innovative financing until more data and analysis became available. The Workers underscored that labour was not a commodity and so could not be a financial product: they were strongly opposed to the financialization of labour, as they had been to the financialization of nature in the climate discussions. He wished to modify the draft decision to read: "The Governing Body requested the Office to take into account its guidance on the

ILO's continued research into the opportunities and risks linked to innovative finance mechanisms, to be presented to the Governing Body in March 2020, in order to discuss the conditions necessary for implementing innovative finance modalities.”

122. *The Employer spokesperson* said that the ILO should explore and seize opportunities for innovative financing mechanisms while remaining mindful of the associated risks. She took note of the rationale for using innovative financing mechanisms and the encouraging examples of their use by other UN entities. The private sector was the engine of economic growth and job creation and the primary contributor to decent work and sustainable development; its investment and tax contribution remained the main source of financing. Positive conditions for enterprise development and productivity growth were critical for maximizing its financial contribution. Regarding partnerships, risks associated with innovative financing instruments were not limited to any particular actor, as paragraph 20 of the document seemed to suggest. In order to mitigate risks, due diligence should apply to all partners; singling out the private sector was unjustifiable. The Office must develop clear, transparent and objective criteria for identifying partners for innovative financing. The document focused more on resource mobilization than on resource allocation; the Office should ensure that all programme and budget outcomes and thematic areas were given equal attention and opportunities. In addition, it must identify existing internal practices that hindered its ability to attract innovative financing opportunities and make adjustments accordingly. At the same time, it must define the optimal mix of innovative financing mechanisms for the ILO on the basis of sound analysis. The Employers agreed with the suggested way forward and supported the draft decision on the understanding that the Office took fully into account its comments and suggestions.
123. *Speaking on behalf of the Africa group*, a Government representative of Côte d'Ivoire said that he welcomed interest from a growing number of investors in financing development projects with a significant social impact. He also welcomed the thematic areas chosen to leverage innovative financing mechanisms to achieve decent work outcomes and the Office's efforts to develop its knowledge of innovative financing. He urged the Office to continue its involvement in technical assistance, which would encourage many investors to adopt ILO values, and in building constituents' capacities to secure innovative financing and prioritize decent work outcomes at the national level. Africa continued to face numerous decent work challenges. It valued swift access to innovative financing mechanisms with good risk management, stimulation of South–South financing and efficient use of innovative financing in the ILO's Development Cooperation Strategy for 2020–25. Noting the Office's proposal in paragraph 30 to focus on building knowledge and developing capacity, he suggested that the draft decision should include those points to read: “The Governing Body requests the Office to take into account its guidance on the ILO's participation in innovative finance mechanisms and implement the proposed way forward, notably to: (a) continue to build its knowledge of innovative finance mechanisms and to develop its capacities in that field accordingly, including by further identifying and assessing those that are relevant to decent work outcomes; (b) develop the capacity of constituents to further build their awareness of innovative finance mechanisms and of their potential to scale up decent work outcomes, as a basis for their potential engagement in such initiatives.”
124. *Speaking on behalf of IMEC*, a Government representative of Ireland said that her group noted that the document referred to funding challenges encountered in the achievement of the Decent Work Agenda and broader efforts to achieve the SDGs. IMEC acknowledged that efforts and resources to support its achievement must be increased and that innovative finance mechanisms were indispensable in that regard. Such mechanisms were not intended to displace or replace existing efforts funded by resources such as Official Development Assistance (ODA), but were add-ons that were crucial to achievement of the Decent Work Agenda and the SDGs. IMEC noted that the word “innovative” in the term “innovative finance mechanisms” referred not to the financial mechanisms themselves but to their recent

application to sustainable development outcomes and to the ways in which resources for such outcomes were mobilized and allocated. The word “sustainable” might better explain how innovative finance mechanisms worked. As innovative finance often entailed partnerships with non-public actors, IMEC considered that appropriate due diligence mechanisms must put in place and called on the Office to build on its existing guidelines on public–private partnerships (PPPs), which should reflect and promote respect for human rights. The key challenge in using innovative finance mechanisms to achieve the Decent Work Agenda and the SDGs was to ensure that partnerships were based primarily on content, not solely on funding. The objective of ILO engagement with innovative finance mechanisms should be to determine how they could be harnessed to support decent work outcomes at global and country levels. The ILO was well-positioned to provide guidance to constituents, including through the dissemination of standards and knowledge, to assist them in determining how partnerships and innovative finance mechanisms could be developed and implemented to achieve decent work outcomes. IMEC called on the Office to continue promoting partnerships for sustainable development, including innovative forms of finance, with a view to the full integration of their developmental potential in the ILO’s Development Cooperation Strategy for 2020–25, and supported the draft decision.

- 125.** *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that the candidate countries Montenegro, Serbia, Albania and Georgia aligned themselves with his statement. The EU and its Member States supported the statement made by IMEC and fully recognized the important role that the ILO could play in promoting engagement with innovative finance modalities and multi-stakeholder networks and alliances, such as those tackling forced labour, child labour and modern forms of slavery. The EU and its Member States remained the world’s leading provider of ODA, having provided a total of €75.7 billion in 2017. Since the adoption in 2015 of the Addis Ababa Action Agenda and the 2030 Agenda for Sustainable Development, the EU and its Member States’ collective aid had grown by €7.8 billion, while the ODA: gross national income ratio had grown by 6 per cent, underpinning their sustained efforts to promote prosperity, peace and sustainable development worldwide. The EU and its Member States had already engaged with innovation finance mechanisms and wished to share their experiences with the Governing Body. Since its introduction in 2007, blending had become an important tool for EU external cooperation, complementing other implementation modalities. Over the past decade, some €3.4 billion of EU grants had financed over 380 blended projects. By strategically combining EU grants with public and private financing, blending had unlocked investments worth an estimated €57.3 billion in EU partner countries. Some 26 per cent of the EU grants allocated to blending projects had invested in social infrastructure, while 14 per cent had supported the local private sector, notably micro-, small and medium-sized enterprises, so strengthening local production capacity and fostering job creation. Such experiences with innovative finance mechanisms had demonstrated that the EU could achieve its aims and ambitions by pursuing shared goals with partner organizations. The ILO could play an important role in shaping and influencing innovative approaches and finance mechanisms that would be crucial to the realization of the SDGs while also furthering the Decent Work Agenda. The ILO could be a valuable source of advice for constituents seeking to harness innovative finance mechanisms to address nationally and globally agreed development needs and could disseminate information on a range of decent work issues through toolkits and indicators. Such mechanisms should contribute to the promotion of human rights, particularly fundamental principles and rights at work. The Office should further build its knowledge of innovative finance mechanisms and develop its capacity in the field, with particular focus on the world of work and cooperate with social partners to further develop awareness among all constituents of innovative finance and its potential to scale up decent work outcomes. His group supported the decision point and noted that the proposed amendment by the Africa group lead to the same result.

126. *A Government representative of China* said that there was great potential for ILO engagement with innovative finance mechanisms: the ILO could seek to influence and steer initiatives, working with UN partners, development finance institutions and bilateral development partners, as well as with private sector initiatives and entities; and it could also provide guidance to constituents on how they might develop their own views and expertise in the field. China supported the steps already taken by the ILO to engage in innovative finance, which would accordingly inform the ILO's Development Cooperation Strategy for 2020–25, and supported the draft decision.
127. *Speaking on behalf of GRULAC*, a Government representative of Brazil said that a majority of GRULAC countries would be willing to support the amendment to the draft decision proposed by the Workers.
128. *A representative of the Director-General* (Director, Partnerships and Field Support Department (PARDEV)) thanked all those who had taken the floor and all constituents who had participated in informal discussions prior to the session. The input received had enabled the Office to prepare a balanced paper that presented the available opportunities, fully recognized the risks implied, and clearly showed the importance of impact and evaluation. The paper had therefore also specifically highlighted the gaps in data to which some representatives had alluded in their statements. Based on the Office analysis of opportunities and risks, the Office prudently proposed the three possible roles for the ILO in its potential future engagement with innovative finance modalities. Furthermore, it was precisely the analysis presented in the paper that led the Office to propose the two steps in the way forward: building further the Office's knowledge and capacity for potential engagement in innovative finance and doing so in close cooperation with its constituents. In response to the request for clarification made by the Workers, she could confirm that the ILO had not been involved in the social investment bond in Serbia. The Office had been involved in active labour market policies in that country, but the programme in question was unrelated to innovative finance. The ILO's current PPPs were applicable to all partners of the ILO, which allowed the ILO to implement due diligence in that regard. Recalling that the high-level evaluation of PPPs was ongoing and that further information would be shared with the Governing Body in November 2019, she expressed the hope that future discussions would be useful for improving the ILO's procedures on both due diligence and PPPs.
129. *The Worker spokesperson* noted the response provided by the Office in relation to ILO involvement in Serbia. He took it that further cooperation and discussion would allow his group to obtain more information regarding the activities under way in that country. He thanked the Africa group for its proposal and asked for further information on the position of other constituents with respect to the draft decision.
130. *The Employer spokesperson*, recalling that most Government representatives had expressed support for the text drafted by the Office, said that she had no objection to the amendment proposed by the Africa group, which essentially amounted to incorporating the two bullet points in paragraph 30 into the draft decision.
131. *Speaking on behalf of IMEC*, a Government representative of Ireland expressed support for the amendment proposed by the Africa group.
132. *The Worker spokesperson* said that, as the will of constituents was now clearer, he wished to sub-amend the amendment proposed by the Africa group. He proposed rewording subparagraphs (a) and (b) to include references to "risks and opportunities", and adding a subparagraph (c) to convey that the results of the measures detailed in subparagraphs (a) and (b) would be presented to the Governing Body for discussion at its session in March 2020.

133. *The Employer spokesperson* said that, as the majority of members had expressed support for the proposal made by the Africa group, she failed to understand why the Workers were presuming to amend it. By making reference to analysing risks and opportunities, the new text changed the meaning of the text prepared by the Office, which merely referred to developing ILO capacity and the capacity of constituents.
134. *The Worker spokesperson* said that his proposed amendment had not been intended to antagonize members, but rather to facilitate consensus and offer the clearest text possible.
135. *Speaking on behalf of IMEC*, a Government representative of Ireland said that it was sometimes necessary for the Governing Body to be flexible in its working methods. She would support the Workers' sub-amendment, which, in her view, added some extra terms without fundamentally changing either what had been proposed by the Office or what had been agreed by members.
136. *Speaking on behalf of the Africa group*, a Government representative of Côte d'Ivoire said that his amendment had only been intended to add greater clarity. He had no objection to the Workers' amendment.
137. *The Employer spokesperson* said that her group had understood that the amendments to the draft decision as proposed by the Workers' group would include paragraph 30 to the draft decision as subparagraphs following suggestions by the Africa group. Her group preferred to maintain the original draft decision as any changes would imply that further action would not be implemented until the next session of the Governing Body. Subparagraphs (a) and (b) should reflect the amendments proposed by the Workers' group.
138. *The Chairperson* confirmed that the original text of the draft decision had been maintained in the amended draft decision and that the subparagraphs (a) and (b) would be added as proposed by the Africa group.
139. *The Worker spokesperson*, responding to a question regarding the relevance of subparagraph (c) in light of the ILO's Development Cooperation Strategy for 2020–25, said that his group would prefer to maintain subparagraph (c) in the draft decision.
140. *The Employer spokesperson* said that the draft decision would require more clarity in order to provide concise guidance to the Office. The Employers' group suggested that subparagraph (c) could be deleted to avoid repetition. In light of its support, subparagraphs (a) and (b) could be maintained as amended by the Workers' group.
141. *The Worker spokesperson*, noting the support from IMEC, the Africa group and other governments, reiterated that the Office would be responsible for determining the mechanisms required to present the Strategy. The group had no objection to paragraph 31 being included in subparagraph (c).
142. *A representative of the Director-General* (Deputy Director-General for Field Operations and Partnerships) clarified that the Development Cooperation Strategy would be submitted to the Governing Body at its March 2020 session. The concerns of the Governing Body would be included in a global discussion to guide the Strategy preparations.
143. *Speaking on behalf of the Africa group*, a Government representative of Côte d'Ivoire said that his group had no objections to subparagraphs (a) and (b). His group would accept subparagraph (c) if the Office could confirm that the concerns of the Workers' group would be considered in the Strategy.

144. *Speaking on behalf of IMEC*, a Government representative of Ireland reiterated her group's understanding that the results of subparagraphs (a) and (b) would be integrated into the Development Cooperation Strategy. She proposed that subparagraph (c) could be redrafted to read: "the results of the measures detailed in paragraphs (a) and (b) will be integrated into the Development Cooperation Strategy presented for discussion at the March 2020 session."
145. *Speaking on behalf of the EU and its Member States*, a Government representative of Romania supported the IMEC proposals.
146. *Speaking on behalf of the Africa group*, a Government representative of Côte d'Ivoire said that his group supported the draft decision as amended.
147. *The Employer spokesperson*, noting that the efforts to reach consensus came at a cost, said that her group would not oppose the proposals. The draft decision may pose problems for the Office.
148. *The Worker spokesperson* said that his group agreed with the amendments to the draft decision as part of the Development Cooperation Strategy. His group clarified that no decision or action would be taken before March 2020.
149. *A representative of the Director-General* (Deputy Director-General for Field Operations and Partnerships) confirmed that no decision or action would be taken before March 2020.

Decision

150. *The Governing Body requested the Office to take into account its guidance on the ILO's engagement in innovative finance mechanisms and implement the proposed way forward, notably to:*
 - (a) *continue to build its knowledge of innovative finance mechanisms and to develop its capacities in that field accordingly, including by identifying and assessing the risks and opportunities relevant to decent work outcomes;*
 - (b) *develop the capacity of constituents to further build their awareness of innovative finance mechanisms and of the risks and opportunities for scaling up decent work outcomes, as a basis for their potential engagement in such initiatives; and*
 - (c) *integrate the results of the measures detailed in paragraphs (a) and (b) into the Development Cooperation Strategy to be submitted to the Governing Body for discussion at its March 2020 session.*

(GB.335/POL/4, paragraph 32, as amended by the Governing Body)