



SIXTH ITEM ON THE AGENDA

Effect given by the Government of Myanmar to the recommendations of the Commission of Inquiry established to examine the observance of the Forced Labour Convention, 1930 (No. 29)

Follow-up to the resolution adopted by the International Labour Conference at its 88th Session (May-June 2000)

Review of the scope of the resolution

1. Under the terms of article 33 of the Constitution of the ILO, the International Labour Conference adopted a resolution approving the measures recommended by the Governing Body at its 277th Session (March 2000) to secure compliance with the recommendations of the Commission of Inquiry established to examine the observance by Myanmar of its obligations in respect of the Forced Labour Convention, 1930 (No. 29), and decided that those measures would take effect on 30 November 2000, subject to the conditions set out in paragraph 2 of the resolution. The Conference considered that it could not abstain from the immediate application of the measures recommended by the Governing Body *“unless the Myanmar authorities promptly take concrete action to adopt the necessary framework for implementing the Commission of Inquiry’s recommendations, thereby ensuring that the situation [of workers affected by various forms of forced or compulsory labour] will be remedied more expeditiously and under more satisfactory conditions for all concerned”*.¹
2. The Conference entrusted the Governing Body with the task of examining the legislative, executive and administrative framework which must be *“sufficiently concrete and detailed to demonstrate that the recommendations of the Commission of Inquiry have been fulfilled”* and such as to give effect to the intentions expressed by the Minister of Labour of Myanmar in his letter dated 27 May 2000, which followed the first technical cooperation mission sent by the Director-General to Yangon from 23 to 27 May 2000. In the light of the results of that examination, it will be for the Governing Body to decide

¹ Annex to document GB.279/6/1.

whether the implementation of one or more of those measures has been rendered inappropriate.

3. Finally, the International Labour Conference authorized the Director-General to respond positively to all requests made by the Myanmar authorities with the purpose of establishing, before the deadline set, the framework of legislative, executive and administrative measures referred to in the conclusions of the ILO technical cooperation mission.² That framework must:
 - (i) render all practices constituting forced labour in the sense of Convention No. 29 illegal under national law, and ensure that all legislative provisions in force that permit the imposition of forced labour are repealed or appropriately amended;
 - (ii) give specific instructions to the state authorities, and notably to the responsible military authorities, regarding the consequences to be drawn from the above as regards the various forms of work mentioned in the Commission's report, and monitor their application, so that in practice no forced or compulsory labour is imposed by any authority;
 - (iii) inform the entire population adequately and completely about the above measures as well as the penalties applicable pursuant to section 374 of the Penal Code to all those imposing forced labour; and
 - (iv) take action to ensure that these penalties are strictly applied in practice.

Initiatives adopted since the adoption of the resolution

4. An ILO technical cooperation mission visited Yangon from 20 to 27 October 2000. The report of the mission and copies of the official correspondence on the subject are reproduced in documents GB.279/6/1 and GB.279/6/1(Add.1).

The role of the Governing Body

5. Under the terms of the resolution, the measures approved by the Conference will take effect on 30 November 2000 unless, before that date, the Governing Body is convinced that an overall framework of measures of the kind referred to above has been put in place, rendering "*the implementation of one or more of these measures inappropriate*".
6. It is therefore for the Governing Body to examine the information given in the report of the technical cooperation mission and to consider whether that information allows it to conclude that "*the intentions expressed [before the Conference] have been translated into a framework of legislative, executive and administrative measures that are sufficiently concrete and detailed to demonstrate that the recommendations of the Commission of Inquiry have been fulfilled*". The Governing Body might then consider the possibility of examining whether the implementation of one or more of the measures approved by the Conference to secure compliance with the recommendations of the Commission of Inquiry has been rendered inappropriate.

² ILC, 88th Session (Geneva, May-June 2000), *Provisional Record* No. 8, *Report of the ILO technical cooperation mission to Myanmar – Conclusions*.

7. The resolution (paragraph 3) also drew attention to the support which a sustained ILO presence on the spot might give to the establishment of the required framework, if the right conditions were met. It will be for the Governing Body to consider whether this point should be discussed in the light of the information contained in the mission report and of any other relevant information.
8. *In view of the foregoing remarks, and in accordance with the resolution adopted by the International Labour Conference at its 88th Session (Geneva, May-June 2000), the Governing Body may wish, in keeping with paragraph 2 of the resolution, to examine the measures adopted by the International Labour Conference in the light of the information made available to it on the effect given by the Government of Myanmar to the recommendations of the Commission of Inquiry.*

Geneva, 10 November 2000.

Point for decision: Paragraph 8.