



TENTH ITEM ON THE AGENDA

**Reports of the Committee on Legal
Issues and International Labour
Standards****First report: Legal issues****Contents**

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1. The Committee on Legal Issues and International Labour Standards (LILS Committee) met on 15 March 2002. Its Officers were as follows:

Chairperson: Mr. V. Rodríguez Cedeño (Government, Venezuela)

Employer Vice-Chairperson: Mr. B. Boisson

Worker Vice-Chairperson: Mr. J.-C. Parrot

I. Revision of the Rules for Regional Meetings

2. The Committee had before it a paper prepared by the Office¹ containing a number of proposed amendments to the Rules and principles governing the functioning of Regional Meetings adopted provisionally by the Governing Body in 1996 pursuant to the decision to replace regional conferences with shorter Regional Meetings with a single agenda item. These amendments, which were based on the experience of five Regional Meetings, including a complete cycle of four meetings, under the interim Rules, are intended to consolidate all the relevant provisions in a single text, to make certain adjustments to the functioning of Regional Meetings and to clarify certain aspects of their composition, all with a view to seeking confirmation by the Conference of new permanent Rules for Regional Meetings.
3. The Worker members considered that the proposals contained in the revised Rules and Introductory Note took into account, by and large, the experience acquired from the application of the interim Rules adopted in 1996. Nevertheless, they felt that certain clarifications were needed. First, as regards the deadlines for depositing credentials and publishing the lists of delegations, while noting that the reduction from 30 to 15 days in the case of credentials corresponded to the deadline applicable to the General Conference, they considered that the Rules should continue to refer to the time at which the provisional list of delegations was made available by the secretariat. As for section 1 of the Introductory Note, it should be redrafted so that the reference to group meetings in the morning of the first day could not be interpreted as a limitation on the freedom of groups to hold other meetings. Lastly, while they supported the suggestions for introducing machinery to follow up on conclusions adopted and evaluate their implementation as a means of strengthening their impact and effectiveness and enhancing the visibility of the Organization's role in the regions, they drew attention to the need to adopt new approaches to tripartite participation in Regional Meetings, for example through consultations with the tripartite members of the Governing Body from the region concerned.
4. The Employer members welcomed the method of consultation applied by the Office, which had ensured that the proposals contained in the paper reflected the different concerns raised by the constituents. They accordingly supported the revised draft Rules and Introductory Note, subject to certain observations. First, they shared the views of the Worker members concerning the preparation of and follow-up to Regional Meetings, as well as their reluctance to delete from article 9 of the Rules the reference to the time at which a provisional list should be made available. They also emphasized the importance of allowing groups the freedom to hold meetings other than those preceding the opening of a Regional Meeting. As regards the preparation of meetings, they questioned the advisability of reducing the interval for sending the report, all the more so since it was addressed to

¹ GB.283/LILS/1.

governments. Means of ensuring that the report would reach the social partners should therefore be envisaged. Moreover, they considered that the reference in article 10, paragraph 6, of the Rules to the maximum time allowed for speeches should be maintained, although in other respects they approved of the flexibility introduced in the Rules. Lastly, they drew attention to the fact that the preamble to the Introductory Note only referred to the experience of four Regional Meetings, although five meetings had been held under the interim Rules.

5. The representative of the Government of Namibia, speaking on behalf of the African Government group, requested clarifications as to whether it was appropriate in all cases to wait for the Governing Body to consider the conclusions of a Regional Meeting before being able to implement a follow-up to such conclusions. In his view, the role of the Governing Body was justified only if the conclusions involved expenditure; any other conclusions should be applied without delay.
6. The representative of the Government of India considered that the replacement of regional conferences with shorter Regional Meetings with a single agenda item had yielded satisfactory results. The new format of Regional Meetings should enable each region to identify its own socio-economic challenges and, through the Organization's areas of activity, such as social security, employment and training, define their technical cooperation needs in order to meet these challenges by mobilizing the necessary resources. Referring to the discussions held in the Governing Body in November 2001, he welcomed the proposals made with regard to the follow-up to the conclusions of Regional Meetings and evaluation of their implementation. However, he considered that it would be appropriate for the Introductory Note to include a time frame for this purpose, which would be applicable to all Regional Meetings.
7. The representative of the Government of Japan, noting the satisfactory results obtained since regional conferences had been replaced by shorter Regional Meetings focused on the regions' priorities, supported the proposed texts of the Rules and Introductory Note. He placed particular emphasis on the importance of introducing appropriate machinery to follow up the results of Regional Meetings and recalled that there was a whole decent work programme, adopted at the last Asian Regional Meeting, waiting to be implemented. Concerning article 13 of the Rules, he considered that the official languages recognized at headquarters were not necessarily those which allowed optimal participation in each region.
8. The representative of the Government of the Russian Federation expressed his agreement with the proposals contained in the paper. As regards the composition of Regional Meetings, he considered that in so far as each Member of the Organization had the right to participate as an observer in Regional Meetings other than that of the region in which it was geographically located, his Government no longer felt the need to continue participating in the Regional Meetings of both regions covered by its territory, but would only participate in the European Regional Meetings.
9. The representative of the Government of Cuba, supported by the representative of the Government of Brazil, expressed misgivings concerning the limited content of article 14 on the autonomy of groups. The revised Rules were intended to replace both the interim Rules and the former Rules for Regional Conferences, which, unless they were repealed, remained applicable as supplementary provisions. If these provisions were now formally abrogated, merely referring to the autonomy of groups without mentioning the procedure applicable to the Government group as set forth in articles 24 to 28 of the former Rules would mean that the Government group of each Regional Meeting would have to adopt such a procedure. The speaker accordingly suggested that the existing procedure for the

Government group be explicitly maintained in the Rules, if only by including a reference to the former provisions.

10. The representative of the Government of Brazil also expressed approval of the suggestion concerning the organization of preparatory meetings of the constituents prior to Regional Meetings. With regard to the time limit for speeches, she considered that the five-minute rule had proved its worth both at Regional Meetings and at the General Conference and that it would therefore be wise to maintain it.
11. The representative of the Government of New Zealand, referring to the discussions at the 282nd Session of the Governing Body, recalled the proposals put forward at the time on behalf of her country's tripartite constituents relating to the preparation, follow-up and evaluation of Regional Meetings. As regards the first aspect, a tripartite organizing committee consisting of the Governing Body members of the region concerned could be appointed three months before each Regional Meeting. Concerning follow-up, the conclusions of each Regional Meeting should be used as a basis for the programme of work of the Organization's regional offices during the four-year period between each Regional Meeting. Lastly, with respect to evaluation of the implementation of the conclusions of Regional Meetings, the proposal put forward by the Worker members to hold a mid-point evaluation should be followed. As regards the text of the Rules, she considered that the reference to the five-minute time limit for speeches should be maintained.
12. The representative of the Government of Canada welcomed the proposals aimed at a better tripartite preparation and follow-up of Regional Meetings, in particular as regards the mid-point evaluation of the implementation of the meetings' conclusions by the Governing Body. Concerning the time allowed for speakers, she considered that the flexibility mechanism set forth in article 6, paragraph 5, of the Rules was the most appropriate approach.
13. The representative of the Government of France expressed satisfaction at the experimental phased approach taken in the revision of the Rules. As evidenced by the fact that adjustments had been made since the experimental introduction of Regional Meetings in 1996, this method had provided a progressive and pragmatic means of making the meetings more effective. Referring to the suggestions concerning the time allowed for speeches, the speaker shared the view of those who, while advocating a certain amount of flexibility, wished to see the principle of a time limit maintained. Lastly, he supported the active participation of the Governing Body in the preparation of and follow-up to Regional Meetings.
14. The representative of the Government of Mexico expressed satisfaction at the proposals contained in the paper, in particular with regard to the system of rotating the Chair as provided in article 5 and the machinery introduced to improve the follow-up of the results of the meetings. Concerning the time allowed for speeches, while she agreed with the principle of a five-minute time limit, she considered that each meeting should be allowed a certain degree of flexibility.
15. The representative of the Government of the United States pointed out that if the Regional Meetings were to yield better results, improvements were necessary not only downstream through the proposed follow-up, but also upstream, with increased participation of the tripartite constituents in the preparation of the Meetings.
16. The representative of the Government of Portugal fully endorsed the suggestions concerning the preparation of and follow-up to Regional Meetings and supported the adoption of the proposed text of the Rules and Introductory Note.

17. The Deputy Legal Adviser replied as follows to the different observations and proposals made by the Committee:

- Article 4 of the Rules (deadline for sending reports and addressees of reports). The amendment of the deadline for sending reports from three to two months before the meeting responded to the Office concern to be able to meet a realistic deadline based on experience, bearing in mind in particular that the elaboration of these reports often coincided with the preparation of the General Conference. As regards the addressees, these could only be governments, given that it was for each government to determine the most representative organizations of employers and workers for purposes of participation in Regional Meetings, subject to the examination carried out by the Credentials Committee. Having said this, the Office was ready to explore means of ensuring that, once the non-governmental participants had been determined, copies of the report reached them as soon as possible.
- Article 9 of the Rules (date of publication of a provisional list of delegations). Inasmuch as the time frame for producing the different lists of participants and making such lists available online before the beginning of each Regional Meeting was set forth in detail in the Introductory Note, it would not appear to be appropriate to maintain a reference to the provisional list in the Rules.
- Article 10 of the Rules (time limit for speeches). In order to reflect the different concerns, paragraph 6 could be maintained, to read as follows: “Except with the unanimous consent of the Officers of the meeting, no speech shall exceed five minutes.” The first paragraph of section 4 of the Introductory Note would accordingly have to be amended to read as follows:

The Officers of the meeting will arrange the programme of work of the meeting. Without prejudice to the flexibility afforded to the Officers of the meeting to determine the organization of the discussion and the conduct of business, the time limit for speeches is in principle five minutes.

- Article 13 (languages). Given the difficulty of determining the working languages of each of the four Regional Meetings in the Rules, it might be appropriate to maintain the proposed text, which allows the question to be raised when the Governing Body decides to convene a Regional Meeting.
- Article 14 (autonomy of groups). In view of the constant practice followed by the Government group in determining the procedure governing its functioning and the fact that the rules set forth in the Standing Orders of the General Conference could where necessary be applied, *mutatis mutandis*, to Regional Meetings, it would not appear to be appropriate to include such provisions in the Rules for Regional Meetings, which were drafted with a view to keeping them as simple and concise as possible.
- Preamble to the Introductory Note. The reference to the cycle of four Regional Meetings should be replaced with a reference to the five meetings held since 1996.
- Section 1 of the Introductory Note (group meetings). In order to remove any ambiguity as to the freedom of groups to hold meetings throughout the duration of Regional Meetings, the second paragraph could be worded as follows:

The morning of the first day is devoted to group meetings, and the remaining three-and-a-half days to a discussion in plenary of a single agenda item related to ILO activities in the region concerned. Groups may meet at any time at their request.

- Section 6 of the Introductory Note (follow-up to the conclusions of Regional Meetings and evaluation of their implementation). So as not to prejudge the different forms of follow-up that might be called for by the conclusions of each Regional Meeting, it is suggested to maintain the present wording of the third paragraph of this section, which leaves it to the Governing Body to determine, as appropriate in each case, the timing of the implementation of the conclusions of the meetings and any mid-point evaluation of such implementation.

18. As regards the suggestion to improve the preparation of Regional Meetings, the Executive Director of the Standards and Fundamental Principles and Rights at Work Sector pointed out that this was not an issue for inclusion in the Rules for Regional Meetings. He affirmed nonetheless that the Office would endeavour in future to set up consultation machinery, through the regional coordinators and groups, which would help strengthen discussions with the constituents of the region concerned as soon as the Office had begun preparations for the Regional Meeting.

19. *The Committee recommends that the Governing Body:*

- (a) *adopt, as amended, the Rules for Regional Meetings and the Introductory Note contained in Appendix I and recommend that the Conference confirm these Rules at its 90th Session (June 2002);*
- (b) *invite the Office to set up appropriate machinery for consultation with the tripartite constituents with a view to improving the preparation of Regional Meetings.*

II. Standing Orders of the Conference: Practical arrangements for the discussion, at the 90th Session (June 2002) of the International Labour Conference, of the Global Report prepared under the follow- up to the ILO Declaration on Fundamental Principles and Rights at Work

20. The Committee had before it a document prepared by the Office² for the purpose of making arrangements for the discussion of the Global Report as provided in the annex to the ILO Declaration on Fundamental Principles and Rights at Work at the 90th Session of the Conference, in the light of experience gained during the discussion of the first two Global Reports at the 88th and 89th Sessions of the Conference in 2000 and 2001 and from consultations held since the Committee's discussions at the 282nd Session of the Governing Body (November 2001). The proposals contained in the document relate essentially to arranging a general discussion and a thematic discussion on the Global Report in plenary sittings in accordance with the practical and regulatory arrangements in place for each type of discussion.
21. The Worker members considered that, while the International Labour Conference was preparing to discuss the third Global Report this year, the experience of past years demonstrated that the main difficulty to be resolved was the lack of interaction during

² GB.283/LILS/2.

discussions. They hoped that the Director-General would be in a position to take up his responsibility to oversee the thematic discussion. Furthermore, it would be necessary to clarify that, while non-governmental organizations could state their views, through a spokesperson, during the general discussion, the thematic discussion should give rise to an interactive debate reserved only for the social partners. A third sitting could be considered. The Worker members approved paragraph 7 of the document, but expressed concern, however, as to the proposal not to restrict the time limit for speeches during the general discussion. In their view, given the need to share a limited time accorded to speakers, an indication should be given as to the maximum length of speeches, including those given by ministers, so that speeches could be prepared accordingly and to avoid speakers being interrupted.

- 22.** Having noted that the proposed arrangements were provisional and just for the following session of the Conference, the Employer members also expressed their agreement on paragraph 7 of the document. The Employers attached great value to the Global Report and its discussion at the Conference, and it was very important to them to ensure the discussions were interactive, following two sessions of the Conference where that aim had not been achieved. Having been in favour of the proposal to establish a committee of the whole, they considered the proposed option as a compromise solution to be tried at the following session of the Conference. Like the Office, they were of the view that the principle of not more than one statement per participant was unfavourable to interactive discussion. Nevertheless, they shared the Workers' point of view that the time accorded to speakers should be restricted because they considered that the impact of speeches would be inversely proportional to their length. Lastly, the discussions should be carried out in a promotional and uncritical manner, in order to identify the areas in which the ILO could help its constituents.
- 23.** The representative of the Government of Thailand, speaking on behalf of the Asia-Pacific group and supported by the representatives of the Governments of India and Japan, was sceptical as to how effective the proposed arrangements would be in achieving the desired objective, namely interactive discussions, an objective with which he agreed. Given the tripartite constituents' considerable interest in the discussion of the Global Report, an unlimited time for speeches would run the risk of reducing the effectiveness of discussions. Furthermore, the possibility for participants to take the floor a number of times could render the discussion repetitive and conflictual which would not be in keeping with the promotional nature of the follow-up to the Declaration. The Office should therefore look for solutions more in keeping with this promotional aspect for use in the future.
- 24.** Noting that the arrangements were of an ad hoc nature and subject to review, the representative of the Government of India expressed his agreement in principle with the proposals made in the document. He said that the proposals concerning the organization of the discussion were acceptable on condition that both the minister attending the Conference and the government delegate of a member State could take the floor during the general discussion and the thematic discussion. He stressed the need to maintain the promotional nature of the follow-up to the Declaration and to avoid confusion between the Global Report and the numerous other reporting and supervisory procedures, which represented a heavy burden for Members, or the procedure being used to criticize certain States in particular.
- 25.** The representative of the Government of Japan gave three reasons why the discussion of the Global Report had not been satisfactory in the past: there had been too many participants; the length of speeches had been excessively long; and some had used the occasion to criticize particular countries for political reasons. He was in favour of a panel discussion with technical cooperation experts, similar to those organized for the Global

Employment Forum. He also hoped that every participant, in particular every minister, would be able to take the floor.

26. The representative of the Government of Namibia, speaking on behalf of the African Government group, noted that it appeared that the discussion of the Global Report was to be of an essentially technical nature, while it should really relate to policy. The ministers of labour and high-level officials attending the Conference should be given the opportunity to air their views on policy issues, and technical matters could be discussed separately. The policy proposals put forward would demonstrate to the Organization the political will and the level of commitment of member States.
27. The representative of the Government of the United States, also speaking on behalf of the Governments of Austria, Canada, Cyprus, Denmark, Finland, France, Germany, Italy, the Netherlands, New Zealand, Norway, Portugal, Sweden, Switzerland and the United Kingdom, indicated his support in principle for the proposals contained in the document. He nevertheless regretted that few of the proposals made at the previous session of the Governing Body had been retained and asked that the arrangements be re-examined by the Governing Body at its November 2003 session, in the light of experience gained during the first four discussions of a Global Report.
28. The Executive Director recalled that the initial question had been whether it would be necessary to discuss the Global Report in a plenary session or not, a plenary discussion being by definition subject to precise rules. On condition of not encroaching on the other work of the Conference, it would however be possible to organize a variety of other discussions and events relating to the follow-up to the Declaration. A plenary discussion had nonetheless been considered to be the best way of presenting the views of the constituents on the Organization's future direction. The Executive Director provided detailed explanations on the planned discussion procedure, which would begin with a plenary discussion. After speeches by the Employers' and Workers' groups would come speeches by as many ministers and delegates as possible. An interactive, thematic discussion would then begin, led by the Officers of the Conference and the Director-General to relate to the last part of the Global Report, following which the plenary sitting would continue until all speakers had taken the floor. As the Officers of the Conference would be in charge of the procedure, they could always reduce the length of speeches in the course of the sitting. Lastly, he confirmed that the practical arrangements would be re-examined for the organization of the discussion of the last Global Report before an overall revision took place in November 2003, at the end of the first cycle of Global Reports.
29. In response to the Executive Director, the Worker members considered that the last speakers should not be penalized by having their time for speeches reduced as a result of the first speakers exceeding their allotted time. They also wished to state that only the follow-up to the Declaration was of a promotional nature, while the Declaration itself contained obligations to be fulfilled by the Members of the Organization.
30. ***The Committee recommends to the Governing Body that it invite the Conference, at its 90th Session, to adopt the provisional ad hoc arrangements for the discussion of the Global Report under the follow-up to the Declaration on Fundamental Principles and Rights at Work contained in Appendix II.***

III. ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up: Review of the forms for annual reports under the follow-up

- 31.** In introducing the amended report forms concerning freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, and the elimination of discrimination in respect of employment and occupation, the Director of the InFocus Programme on Promoting the Declaration identified the following typing mistakes. In question 1.2 of Appendix I, a definite article should be inserted before the word “right” of the English text. In questions 2.1 and 3.1, the words “or cannot” should be deleted in all three languages. In Appendix II, the sequence of questions 8.3 and 8.4 should be inverted.
- 32.** The Worker members, after congratulating the Office for holding the informal consultations that permitted the elaboration of new proposals for the questionnaires, wished to make several observations. They first suggested that all questionnaires request the information sought under point 11 of the draft on the elimination of discrimination in respect of employment and occupation. As regards the amended report form concerning freedom of association and the effective recognition of the right to collective bargaining, they preferred point 2.1 to be formulated as follows: “Please indicate whether the following categories of persons can exercise freedom of association”; the rest would stay unchanged. In addition, they remarked that point 2.1(i) of the English version (“stated age”) did not seem to reflect correctly the French wording (“âge prescrit”). Furthermore, they asked that point 8 refer to the principle as it was set out in the Declaration in all three languages. Finally, the Spanish version of question 2.1 of this questionnaire should be formulated in conformity with the text of the Declaration.
- 33.** The Employer members also thanked the Office and expressed their support for the new formulations of the questionnaires. They nevertheless wished to add the words “directly or indirectly” to point 4.2 in Appendix I. They stated in general terms that what mattered was the spirit in which the questions would be responded to. To that end, the Office should provide indications or directions.
- 34.** The representative of the Government of Croatia, having noted that her Government had ratified the eight fundamental Conventions, questioned the appropriateness of the inclusion of “enterprise” level in point 4.3 of the form regarding freedom of association and the effective recognition of the right to collective bargaining, and requested that it be deleted.
- 35.** The representative of the Government of Germany asked for clarification on a point in all three forms regarding consultation in report preparation with “government authorities outside the Ministry”. He wished to know to which government authorities the question refers.
- 36.** The representative of the Government of Japan expressed concern about the content of the revised report forms. He drew attention to the dropping of the suggestion, contained in the previous draft, to mention “only changes” where a previous report had been provided. He feared this would add a burden to reporting member States if, every time the forms were revised, they would have again to report in full. Furthermore, he believed that governments should not have to respond to questions relating to the principle(s) for which they had ratified the corresponding Convention. He noted that the Governing Body was seeking to streamline reporting under article 22 of the ILO Constitution and the same principle should apply to reporting under the Declaration follow-up.

37. The representative of the Government of the United States requested the deletion of the phrase “the aspect of” (the principle) in questions 4.1 and 4.2(a) of the form regarding elimination of discrimination in respect of employment and occupation. Concerning question 9 in the form on freedom of association and the effective recognition of the right to collective bargaining, he pointed out that perceptions might differ between the Expert-Advisers and reporting governments on the term “major” change and asked whether “major” was needed.
38. The representative of the Government of Canada expressed her satisfaction that the revised report forms responded to the issues raised by the Expert-Advisers. She was however concerned by the potential overlap between points 6.1/6.2 and 9 in the form regarding freedom of association and the effective recognition of the right to collective bargaining, and wondered whether the time frame of questions 6.1/6.2 applied was sufficiently specified.
39. The Worker members made clear that the addition requested by the Employers’ group to point 4.2 of the questionnaire on freedom of association should not be applied to question 4.1, which had to stay as it was phrased now. They further requested that “successful examples” be included as a subject to be reported upon also in the amended form concerning freedom of association and collective bargaining.
40. The Employer members, while sharing the questioning of the representative of the Government of Croatia, nevertheless asked that the text of point 4.2(a) regarding freedom of association be left unchanged. As regards questions 4.1 and 4.2 in respect of one or the other aspect of the elimination of discrimination, they stated that the proposal by the Office should be maintained that referred to one principle with two aspects.
41. The Director of the InFocus Programme on Promoting the Declaration responded to the discussion in the order of the points raised. Starting with the Workers’ group’s request to repeat point 11 on “successful examples” of the discrimination form also in the other forms, he said that this had indeed been done a year ago in respect of child labour and was now also the case under point 8.3 concerning forced labour; but it was perhaps not easy to envisage in respect of freedom of association and the effective recognition of the right to collective bargaining. As regards point 2.1(a) on freedom of association, the Office would look into the logic and grammar of the question in all three languages, likewise as regards the reference to “age” in point 2.1(i). As concerns question 8 in Appendix I, it was inadvisable to specify both freedom of association and collective bargaining because a government might have ratified either Convention No. 87 or Convention No. 98; the more general formulation appeared to the Office to be more appropriate. In response to the Employers’ group’s request to include the words “directly or indirectly” in question 4.2 that concerned employers only, he said that this would be done.
42. Responding to the points raised by the Governments of Germany and Japan, the representative of the Director-General explained that the Expert-Advisers wished governments to enter into consultations not only with other ministries but also with sub-ministerial bodies, notably in the field of equality in employment and occupation. The reference in previous questionnaires to governments indicating “only changes” where they had already submitted a report on a particular principle was not appropriate in relation to the three forms under discussion here because the new questionnaires were entirely reconstructed; but words to that effect could be introduced next year. As to cross-referencing responses that governments may have provided in other ILO questionnaires, this seemed impracticable because the Office’s report forms on ratified Conventions under article 22 and the forms on unratified Conventions under article 19 of the Constitution had different purposes and did not overlap. As regards the query by the Government of the United States regarding the term “major” in point 9 of Appendix I, the

Office wished to keep down governments' reporting burden – they need not describe minor changes.

- 43. *The Governing Body is therefore invited to approve the amended report forms appearing in Appendices III, IV and V for use in the annual review as from 2002.***

IV. Other legal issues

(a) Assessment of the use of information technologies at the International Labour Conference

- 44.** The Committee examined, in the framework of an estimate of the costs involved in updating and developing information technologies at the International Labour Conference, an assessment of the impact that the use of such technologies has had on the work of the Conference since the introduction of the electronic voting system in 1993.³
- 45.** The Worker members, having taken note of the substantial savings made thanks to the use of information technologies at the Conference, expressed support for the replacement of the electronic voting system and introduction of new technology facilities with a view to enhancing the efficiency of the work of the Conference.
- 46.** The Employer members said that the return on investment since the electronic voting system and the global Conference Management System had been introduced fully justified the proposed investment in updating and development, bearing in mind that it should be for the Governing Body to decide, when the time came, on the technical options available and use to be made of any new technologies.
- 47.** The representative of the Government of the United States, speaking on behalf of the IMEC group, noted with satisfaction the assessment of the expenditure and savings made since the introduction of information technologies in 1993, as well as the fact that the introduction of new technologies, requested by his group, could take place without any additional cost besides that of replacing the electronic voting system. Supported by the representative of the Government of Denmark, he encouraged the Office to continue to examine the best ways of using new technologies, particularly in the Conference technical committees, and said that the proposals submitted to the November 2002 session of the Governing Body should contain a detailed description of the proposed applications, their use at the Conference, the Governing Body and the Office, the related costs and the time frame for their introduction.
- 48.** The representative of the Government of Japan expressed her concern over the lack of information with which the Committee was provided in order to take a decision. For example, the expenditure estimate should have contained details of the costs incurred by the adaptation of standard software and the purchase of new hardware equipment; the alternative possibilities for voting systems should have been given, together with more precise explanations of the feasibility of using voting systems already available on the market. She feared that fresh investment in technologies adapted to the needs of the Organization, as opposed to a move towards standard technologies and equipment, would

³ GB.283/LILS/4/1.

only mean that those technologies would soon become outdated, given the pace of change in the sector. In view of this, she asked for the above information to be provided at the November session of the Governing Body, to enable it to take an informed decision.

49. The Executive Director recalled that the paper contained certain elements that fell within the scope of the Programme, Financial and Administrative Committee. He pointed out that the paper had been specifically requested by the LILS Committee, bearing in mind the legal, as well as political, aspects of the issue, for instance concerning the way in which the use of the electronic voting system might influence other decision-making processes often used at the Conference. Consequently, the Office would try to prepare some detailed proposals for the November session of the Governing Body, taking into account the various aspects of the issue, while ensuring coordination with the elements falling within the scope of the PFA Committee.

50. *The Committee recommends that the Governing Body invite the Office to present to it detailed proposals for the replacement of the electronic voting equipment and the introduction of new information technologies, as well as a time frame for their introduction, at its 285th Session (November 2002).*

(b) Memorandum of Understanding between the International Labour Organization and the Asian Development Bank

51. The Committee had before it a draft Memorandum of Understanding between the International Labour Organization and the Asian Development Bank,⁴ with a view to strengthening cooperation on development issues between the ILO member States in both the Asia and Pacific region and the Eastern European and Central Asian countries, through the exchange of information, a consultation mechanism and reciprocal representation in meetings.

52. The Worker members expressed support for the Memorandum of Understanding proposed by the Organization.

53. The Employer members supported an improvement in relations between the ILO and the Asian Development Bank, with due regard for the respective responsibilities of the two organizations. They would, however, appreciate further information on whether the annual senior consultation meeting referred to in article 2 of the draft Memorandum of Understanding was intended exclusively for representatives of the secretariats of the two organizations or whether it included their constituents too.

54. In reply, the Deputy Legal Adviser said that the meetings were to be held between representatives appointed by the Directors-General of the two institutions, bearing in mind that, according to the Constitution, the Director-General of the ILO was one of the constituent bodies of the Organization.

55. *The Committee recommends that the Governing Body approve the text of the Memorandum of Understanding between the Asian Development Bank and the International Labour Organization contained in Appendix VI and authorize the Director-General (or his representative) to sign it on behalf of the ILO.*

⁴ GB.283/LILS/4/2.

(c) Cooperation Agreement between the International Labour Organization and the African Development Bank and the African Development Fund

56. The Committee examined a draft Cooperation Agreement between the International Labour Organization and the African Development Bank and the African Development Fund,⁵ intended to replace the existing Agreement and Memorandum of Understanding between the institutions. The purpose of the new agreement is to facilitate collaboration between the organizations in matters such as technical assistance, research, human resource development and training. It also provides for the exchange of information on their activities in Africa, as well as reciprocal representation at their respective meetings.
57. The Employer members pointed out that the method of consultation provided for in Article II of the draft agreement was more vague than that described in the corresponding article of the Memorandum of Understanding with the Asian Development Bank, given that it mentioned neither the form the meetings would take nor the frequency with which they would be held.
58. The Deputy Legal Adviser explained that the differences between the consultation mechanisms provided for in each agreement simply responded to the wishes expressed by each of the institutions on the subject. The result of the negotiations was nevertheless similar in the two agreements.
59. *The Committee recommends that the Governing Body approve the Cooperation Agreement between the International Labour Organization and the African Development Bank and the African Development Fund contained in Appendix VII and authorize the Director-General (or his representative) to sign it on behalf of the ILO.*

Geneva, 18 March 2002.

Points for decision: Paragraph 19;
Paragraph 30;
Paragraph 43;
Paragraph 50;
Paragraph 55;
Paragraph 59.

⁵ GB.283/LILS/4/3.

Appendix I

Rules for Regional Meetings

Introductory Note

As part of the programme and budget adjustments for 1996-97, the Governing Body decided at its 264th Session (November 1995), to replace the regional conferences convened hitherto by shorter Regional Meetings with a single agenda item, which would still be considered as regional conferences for the purposes of article 38 of the ILO Constitution. On the authority conferred to it by the International Labour Conference, a set of new rules was adopted on an experimental basis by the Governing Body at its 267th Session (November 1996). On the basis of experience drawn from five Regional Meetings, the Governing Body decided at its 283rd Session (March 2002) to revise the Rules and to submit them for confirmation to the 90th Session (June 2002) of the International Labour Conference.

In adopting the Rules, the Governing Body also decided to accompany them with the following additional guidelines.

1. Purpose and length of Regional Meetings

The four-day Regional Meetings are intended to provide a platform for tripartite delegations to express their views on the implementation and programming of the ILO's regional activities.

The morning of the first day is devoted to group meetings, and the remaining three-and-a-half days to a discussion in plenary of a single agenda item related to ILO activities in the region concerned. Groups may meet at any time at their request.

2. Date, frequency and place of Regional Meetings

The Governing Body determines the date and place of each Regional Meeting. In principle, a Regional Meeting is held each year for one of the four regions according to the following order: Asia and the Pacific, the Americas, Africa and Europe.

Regional Meetings are in principle held in the country where the relevant ILO regional office is located.

3. Composition

Subject to the discretion of the Governing Body, the composition of each Regional Meeting is in principle determined on the basis of States and territories (or States responsible for those territories) served by the following four ILO Regional Offices: Regional Office for Asia and the Pacific (including the States covered by the Regional Office for Arab States); Regional Office for the Americas; Regional Office for Africa; and Regional Office for Europe.

The delegations of States or territories invited to the Meeting shall be composed of two Government delegates, one Employers' delegate and one Workers' delegate. As regards advisers, account should be taken of the fact that there will only be one item on the agenda. Additional advisers may be appointed in the delegation of Members responsible for a territory that has not sent a separate tripartite delegation to the Meeting.

Member States from a different region, non-member States, official international organizations and non-governmental international organizations may also be represented at Regional Meetings on the basis of individual or standing invitations of the Governing Body. Requests to be represented at Regional Meetings should accordingly reach the Office at the latest before the opening of the Governing Body session preceding the Regional Meeting concerned.

4. Right to address the Meeting and conduct of business

The right to address the Meeting is limited to delegates (or their substitutes), ministers, observers and representatives from international organizations and, with the permission of the Officers of the Meeting, representatives of non-governmental organizations.

The Officers of the Meeting will arrange the programme of work of the Meeting. Without prejudice to the flexibility afforded to the Officers of the Meeting to determine the organization of the discussion and the conduct of business, the time limit for speeches is in principle five minutes.

5. Credentials

In view of the short duration of the Meetings, credentials will have to be submitted 15 days in advance of the opening so that a provisional list of participants can be made available at headquarters a week before the opening of the Meeting. Thereafter, two additional lists of participants are published, one in the morning of the first day of the Meeting, and the second in the morning of its last day. As of the eve of the Meeting, the Office will also make available and keep updated online the official list of participants.

The Credentials Committee is competent (article 9, paragraph 3) to examine objections alleging non-observance of the provisions of paragraph 4 of article 1 of the Rules (designations made in agreement with the most representative organizations of employers and workers in the State or territory concerned) or complaints alleging the non-payment of travel and subsistence expenses.

Objections are to be submitted by 11 a.m. on the first day of the Meeting, although the Committee may accept for consideration objections received after that deadline (article 9, paragraph 4(a)). In view of time constraints and in order to facilitate the work of the Credentials Committee, objections (and complaints) should be submitted as soon as possible, even before the publication of the name of the delegate or adviser whose credentials are impugned.

The Credentials Committee submits a report to the Meeting on its composition and on objections received, as well as on any complaint that it might have been able to deal with. The report of the Committee is noted by the Meeting which may also request that it be brought to the attention of the Governing Body (article 9). There is no discussion of the report at the plenary of the Meeting.

6. Form, nature and evaluation of results

Subject to any indications given by the Governing Body, the results of the proceedings of the Meetings shall take the form of conclusions, reports or resolutions related to the item on its agenda.

Decisions will, whenever practicable, be taken by consensus or, where this cannot be achieved, by show of hands (article 12). There is no provision for a record vote or secret ballot, although voting by such means is not excluded (see the word “normally” in article 12, paragraph 4).

The results of the Meeting will be submitted by the Office to the Governing Body at its earliest session after the Regional Meeting. The Governing Body may make observations on the results, request the Office to report on the implementation of action called by the Meeting and determine the timing of such report.

Rules for Regional Meetings

Article 1

Composition of Regional Meetings

1. Each Regional Meeting shall be composed of two Government delegates, one Employers' delegate, and one Workers' delegate for each State or territory invited by the Governing Body of the International Labour Office to be represented at it. Acceptance by a State or territory of an invitation to be represented at a Regional Meeting implies that it assumes responsibility for the travel and subsistence expenses of its tripartite delegation.

2. (1) Delegates may be accompanied by advisers and by such additional advisers as may be appointed by a State as representatives of non-metropolitan territories for whose international relations the State is responsible.

(2) Any delegate may by notice in writing addressed to the Chairperson appoint one of his or her advisers to act as his or her substitute.

(3) An adviser who is acting as substitute for his/her delegate may speak and vote under the same conditions as the delegate who is being replaced.

3. Ministers from States or territories represented at the Meeting or from constituent States or provinces thereof whose departments deal with the questions discussed by the Meeting and who are not delegates or advisers may also attend the Meeting.

4. Employers' and Workers' delegates and advisers shall be chosen in agreement with the industrial organizations, if such organizations exist, which are most representative of the employers or workers as the case may be in the State or territory concerned.

5. Any Member of the International Labour Organization from a different region and any State which is not a Member of the International Labour Organization which has been invited by the Governing Body of the International Labour Office may be represented at the Meeting by an observer delegation.

6. Liberation movements recognized by the Organization of African Unity or the League of Arab States which have been invited by the Governing Body may be represented at the Meeting by an observer delegation.

7. Representatives of official international organizations and of non-governmental international organizations which have been invited by the Governing Body, either individually or as a result of a standing arrangement, to be represented at the Meeting may attend it as observers.

Article 2

Agenda of Regional Meetings

The Governing Body shall establish the agenda for the Regional Meetings.

Article 3

Form of decisions of Regional Meetings

Subject to any specific indication by the Governing Body to the contrary, the decisions of Regional Meetings shall take the form of resolutions on matters relating to the item(s) on the agenda, conclusions or reports addressed to the Governing Body.

Article 4

Reports for Regional Meetings

1. The International Labour Office shall prepare a report on the item(s) on the agenda designed to facilitate an exchange of views on the issues referred to the Meeting.

2. The report shall be dispatched by the Office so as to reach governments at least two months before the opening of the Meeting. The Officers of the Governing Body may approve shorter intervals if exceptional circumstances so require.

Article 5

Officers of the Meeting

1. Each Regional Meeting shall elect as Officers a Chairperson and three Vice-Chairpersons. For the election of the Chairperson, account should be taken of the need to afford all Members and groups the opportunity to hold office.

2. The three Vice-Chairpersons shall be elected by the Meeting on the nomination of the Government, Employers' and Workers' delegates respectively.

Article 6

Duties of the Officers

1. It shall be the duty of the Chairperson to declare the opening and closing of the sittings, to bring before the Meeting any communication which may concern it, direct the debates, maintain order, ensure the observance of the present Rules, put questions for decision and announce the results of any voting.

2. The Chairperson shall not take part in the debates and shall not vote, but may appoint a substitute in accordance with article 1, paragraph 2(2), of these Rules.

3. If the Chairperson is absent during any sitting or part of a sitting he or she shall be replaced by one of the Vice-Chairpersons, who shall act in rotation.

4. A Vice-Chairperson acting as Chairperson shall have the same rights and duties as the Chairperson.

5. The Officers of the Meeting shall arrange its programme of work, organize the discussions, determine, where appropriate, a time limit for speeches and fix the date and time of the sittings of the Meeting and of its subsidiary bodies, if any; they shall report to the Meeting on any controversial matter requiring a decision for the proper conduct of its business.

Article 7

Secretariat

The Director-General of the International Labour Office, being charged with the organization of the Meeting, is responsible for the secretariat-general of the Meeting and the secretariat services under its control, either directly or through a deputy appointed by him.

Article 8

Committees

Each Regional Meeting shall appoint a Credentials Committee and any other subsidiary body as the Meeting may consider appropriate. Any such subsidiary body shall operate *mutatis mutandis* under the Rules applicable to the Meeting, unless the Meeting decides otherwise.

Article 9

Credentials

1. The credentials of delegates and their advisers at Regional Meetings shall be deposited with the International Labour Office at least fifteen (15) days before the date fixed for the opening of the Meeting.

2. The Credentials Committee shall consist of one Government delegate, one Employers' delegate and one Workers' delegate.

3. The Credentials Committee shall examine the credentials of delegates and their advisers and any objection alleging that an Employers' or Workers' delegate or adviser has not been nominated in accordance with the provisions of paragraph 4 of article 1 of these Rules. The Committee may also consider any complaint alleging that a Member has failed to carry out its responsibility in accordance with article 1, paragraph 1, to pay travel and subsistence expenses of the tripartite delegation.

4. An objection shall not be receivable in the following cases:

- (a) if the objection is not lodged with the secretariat of the Meeting by 11 a.m. on the first day of the Meeting, unless the Committee considers that there were valid reasons why the time limit could not be respected;
- (b) if the authors of the objection remain anonymous;
- (c) if the objection is based upon facts or allegations identical to those which the International Labour Conference or an earlier Regional Meeting has already discussed and recognized to be irrelevant or devoid of substance.

5. The Credentials Committee shall promptly submit its report on each objection to the Meeting, which may request the Office to bring the report(s) to the attention of the Governing Body.

Article 10

Right to address the Meeting

1. No delegate shall address the Meeting without having asked and obtained the permission of the Chairperson, who shall normally call upon speakers in the order in which they have signified their desire to speak.

2. The Director-General of the International Labour Office or his or her representative may, with the permission of the Chairperson, address the Meeting.

3. Persons entitled to take part in the Meeting in accordance with paragraphs 3, 5 or 6 of article 1, and representatives of official international organizations may, with the permission of the Chairperson, address the Meeting during any discussion in plenary.

4. Representatives of non-governmental international organizations entitled to take part in the Meeting [as observers] in virtue of paragraph 7 of article 1 may, with the permission of the Chairperson and Vice-Chairpersons, make or circulate statements for information of the Meeting on matters included in its agenda. If agreement cannot be reached, the Chairperson shall refer the matter to the Meeting for decision without discussion.

5. The Chairperson may withdraw the right to speak from any speaker whose remarks are not relevant to the subject under discussion.

6. Except with the unanimous consent of the Officers of the Meeting, no speech shall exceed five minutes.

Article 11

Motions, resolutions and amendments

1. Subject to the following rules, any delegate may move any motion, resolution or amendment.

2. No motion, resolution or amendment shall be discussed unless and until it has been seconded.

3. (1) Motions as to procedure may be moved without previous notice and without the handing of a copy to the secretariat of the Meeting. They may be moved at any time except after the Chairperson has called upon a speaker and before the speaker has terminated his speech.

(2) Motions as to procedure include the following:

- (a) a motion to refer the matter back;
- (b) a motion to postpone consideration of the question;
- (c) a motion to adjourn the sitting;
- (d) a motion to adjourn the debate on a particular question;
- (e) a motion for the closure of the discussion.

4. (1) No resolution shall be moved at any sitting of the Meeting unless a copy has been handed in to the secretariat of the Meeting on the previous day.

(2) Any resolution thus handed in shall be translated and circulated by the secretariat not later than during the sitting preceding that at which it is to be discussed.

(3) Amendments to a resolution may be moved without previous notice if a copy of the text of the amendment is handed in to the secretariat of the Meeting before the amendment is moved.

5. (1) Amendments shall be voted on before the resolution to which they refer.

(2) If there are several amendments to a motion or resolution, the Chairperson shall determine the order in which they shall be discussed and put to the vote, subject to the following provisions:

- (a) every motion, resolution or amendment shall be put to the vote;
- (b) amendments may be voted on either individually or against other amendments as the Chairperson may decide, but if amendments are voted on against other amendments, the motion or resolution shall be deemed to be amended only after the amendment receiving the largest number of affirmative votes has been voted on individually and adopted;
- (c) if a motion or resolution is amended as the result of a vote, that motion or resolution as amended shall be put to the Meeting for a final vote.

6. Any amendment may be withdrawn by the person who moved it unless an amendment to it is under discussion or has been adopted. Any amendment so withdrawn may be moved without previous notice by any other delegate.

7. Any delegate may at any time draw attention to the fact that the rules are not being observed, and the Chairperson shall give an immediate ruling on any question so raised.

Article 12

Voting and quorum

1. Subject to the provisions of article 13, paragraph 4, of the Constitution of the International Labour Organization,¹ every delegate shall be entitled to vote individually on all matters which are under consideration by the Meeting.

2. If one of the Members represented fails to nominate one of the non-government delegates whom it is entitled to nominate, the other non-government delegate shall be allowed to sit and speak at the Meeting, but not to vote.

3. Decisions shall, whenever practicable, be taken by consensus. In the absence of consensus duly ascertained and announced by the Chairperson, decisions shall be taken by a simple majority of the votes cast by the delegates who are present at the sitting and entitled to vote.

4. Voting shall normally be by show of hands.

5. A vote is not valid if the total number of votes cast for and against is less than half the total number of delegates at the Meeting entitled to vote.

6. The vote shall be recorded by the secretariat and announced by the Chairperson.

7. No resolution, conclusion, report, amendment or motion shall be adopted if the number of votes cast for and the number of votes cast against it are equal.

Article 13

Languages

1. The Governing Body shall determine the working languages of the Meeting.

2. The secretariat shall make arrangements for interpretation and for translation of documents into and from other languages, taking into account the composition of the Meeting and the facilities and staff available.

Article 14

Autonomy of groups

Subject to these Rules each group shall control its own procedure.

¹ Article 13, paragraph 4, reads as follows: "A Member of the Organization which is in arrears in the payment of its financial contribution to the Organization shall have no vote in the Conference, in the Governing Body, in any committee, or in the elections of members of the Governing Body, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years: Provided that the Conference may by a two-thirds majority of the votes cast by the delegates present permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member."

Appendix II

Ad hoc arrangements for the discussion of the Global Report under the follow-up to the Declaration at the 90th Session of the International Labour Conference

Principle of the discussion

Having regard to the various options referred to in the annex to the Declaration, the Governing Body recommends that the Global Report submitted to the Conference by the Director-General should be dealt with in plenary sittings, separately from the Director-General's reports under article 12 of the Conference Standing Orders.

Timing of the discussion

Two sittings on the same day should be convened for the discussion of the Global Report, with the possibility, if necessary, of extending the sitting or convening a further sitting on the same day or on a different day, as appropriate. In order to take account of the programme of work of the Conference and of the fact that a number of ministers who usually are present during the second week of the Conference may wish to take the floor, the discussion of the Global Report should be held during the second week of the Conference, on Wednesday, 12 June, observed by the ILO as *World Day against Child Labour*.

Procedure for the discussion

The separate discussion of the Global Report recommended above implies in particular that the statements made during the discussion of the Global Report should not fall under the limitation concerning the number of statements by each speaker in plenary provided for in article 12, paragraph 3, of the Standing Orders, and that the discussion should not be governed by the provisions of article 14, paragraph 6, concerning the time limit for speeches. Furthermore, exchanges of views on the suggested points for thematic discussion should not be subject to the restrictions laid down in article 14, paragraph 2, concerning the order in which speakers are called. These provisions should accordingly be suspended under the procedure provided for in article 76 of the Standing Orders to the extent necessary for the discussion of the Global Report. The Officers of the Conference will take any decision necessary concerning the conduct of the discussions, including allowing the participation of the Director-General in the thematic discussion.

In order to allow a maximum number of constituents to express their views in the general discussion, a speech by a visiting minister pursuant to article 12, paragraph 3, of the Conference Standing Orders should not be additional to that by a government delegate of the Member concerned.

Organization of the discussion

Special arrangements should be worked out for the organization of the general discussion and the thematic discussion.

The general discussion (opening statements by spokespersons of non-governmental and regional groups, delegates' statements) should take place in the first sitting according to the arrangements agreed upon for the previous discussions. The second sitting should begin with the thematic discussion, for a limited period of time (two hours, for example). It should continue with closing statements by group spokespersons and, if possible, by delegates, which may be preceded by statements that could not be made during the first sitting.

Appendix III

Amended report form

Freedom of association and the effective recognition of the right to collective bargaining

Introduction

The ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, which was adopted by the International Labour Conference at its 86th Session on 18 June 1998, recalls that all Members, even if they have not ratified the Conventions regarded as fundamental, have an obligation arising from the very fact of their membership in the Organization to respect, to promote and to realize in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions.

In order to give the Organization and its Members the opportunity of regularly observing their efforts to promote those principles, the Declaration has a promotional follow-up, one component of which sets out to obtain, through annual reports requested under article 19, paragraph 5(e), of the Constitution, information from Members that have not ratified one or more of the fundamental Conventions, on any changes to their law and practice with regard to each of the categories of principles and rights set out in the Declaration.

This report form, which has been approved by the Governing Body of the International Labour Office for use by States that have not ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), or the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), forms part of this component of the follow-up to the Declaration.

**Freedom of association and the effective recognition
of the right to collective bargaining**

To be completed with regard to the principles concerning the fundamental rights which are the subject of the Convention or Conventions¹ to which your State is not a party. *Please continue answers on a separate sheet, if necessary, indicating the number of the question.*

1.1. Is the principle of freedom of association recognized in your country? Yes No

1.2. Is the principle of the effective recognition of the right to collective bargaining recognized in your country? Yes No

If you wish, attach additional information on a separate sheet, indicating Q. 1.

2.1. Please indicate whether the following categories of persons can exercise freedom of association:

(a) All workers in the public service Yes No

(b) If “no” to (a), please specify which categories cannot exercise this right

(c) Medical professionals Yes No

(d) Teachers Yes No

(e) Agricultural workers Yes No

(f) Workers engaged in domestic work Yes No

(g) Workers in export processing zones (EPZs) or enterprises/industries with EPZ status Yes No

(h) Migrant workers Yes No

(i) Workers of all ages Yes No

If not, please specify the minimum age: _____

(j) Workers in the informal economy Yes No

(k) Other specific categories of workers that cannot exercise this right. Please specify which.

(l) All categories of employers Yes No

If “no”, please specify which

2.2. For any categories ticked “no” above, please state the reasons. *Please continue on a separate sheet, indicating Q. 2.*

¹ The texts of these Conventions may be consulted on the ILO Internet site (<http://www.ilo.org>), in the official compilation of international labour Conventions and Recommendations, or obtained by request from the ILO Distribution Service, 4, route des Morillons, CH-1211 Geneva 22.

3.1. Please indicate whether the right to collective bargaining can be exercised with regard to the following categories of persons:

(a) All workers in the public service Yes No

(b) If “no” to (a), please specify which categories cannot exercise this right

(c) Medical professionals Yes No

(d) Teachers Yes No

(e) Agricultural workers Yes No

(f) Workers engaged in domestic work Yes No

(g) Workers in export processing zones (EPZs) or enterprises/industries with EPZ status Yes No

(h) Migrant workers Yes No

(i) Workers of all ages Yes No

If not, please specify the minimum age: _____

(j) Workers in the informal economy Yes No

(k) Other specific categories of workers that cannot exercise this right. Please specify which.

(l) All categories of employers Yes No

If “no”, please specify which

3.2. For any categories ticked “no” above, please state the reasons. *Please continue on a separate sheet, indicating Q. 3.*

4.1. In your country, can workers exercise freedom of association at the following levels?

(a) Enterprise Yes No

(b) Sector or industry Yes No

(c) National Yes No

(d) International Yes No

4.2. In your country, can employers exercise freedom of association directly or indirectly at the following levels?

(a) Enterprise Yes No

(b) Sector or industry Yes No

(c) National Yes No

(d) International Yes No

4.3. In your country, is the principle of the effective recognition of the right to collective bargaining recognized at the following levels?

- (a) Enterprise ___ Yes ___ No
 (b) Sector or industry ___ Yes ___ No
 (c) National ___ Yes ___ No
 (d) International ___ Yes ___ No
 (e) Other. Please specify

5.1. Is government authorization or approval required in your country to:

- (a) Establish an employers' organization ___ Yes ___ No
 (b) Establish a workers' organization ___ Yes ___ No
 (c) Conclude collective agreements ___ Yes ___ No

5.2. **If yes to any**, please specify under which circumstances. *Please continue on a separate sheet, indicating Q.5.*

6.1. Have specific measures been implemented or are they envisaged to respect, promote and realize freedom of association and effective recognition of the right to collective bargaining in your country? ___ Yes ___ No

6.2. **If yes**, please specify these measures by ticking the relevant boxes below.

Type of measure	Freedom of association		Collective bargaining	
	Envisaged	Implemented	Envisaged	Implemented
Legal reform (labour law and other relevant legislation)				
Inspection/monitoring mechanisms				
Penal sanctions				
Civil or administrative sanctions				
Special institutional machinery				
Capacity building of responsible government officials				
Training of other government officials				
Capacity building for employers' organizations				
Capacity building for workers' organizations				
Tripartite discussion of issues				
Awareness-raising/advocacy				
Other measures. Please specify				

7.1. In the measures described in question 6, is special attention given to the situation of women?
___ Yes ___ No

If yes, please specify and describe.

7.2. In the measures described in question 6, is special attention given to the situation of specific categories of persons?
___ Yes ___ No

If yes, please specify and describe.

7.3. In the measures described in question 6, is special attention given to the situation of specific industries or sectors?
___ Yes ___ No

If yes, please specify and describe.

8. In instances where the Government finds that the principle of freedom of association and the effective recognition of the right to collective bargaining has not been respected, what does it do? Please describe action taken in recent instances.

9. Please describe any major changes concerning the principle that have taken place since your last report (for example, changes in the regulatory, policy or institutional frameworks, initiation of significant new programmes, new data).

Major change (freedom of association)	Date of change
Major change (collective bargaining)	Date of change

10.1. Please describe any initiatives undertaken in your country that can be regarded as successful examples in relation to the freedom of association. *Please attach any relevant documents, indicating Q. 10.1.*

10.2. Please describe any initiatives undertaken in your country that can be regarded as successful examples in relation to the effective recognition of the right to collective bargaining. *Please attach any relevant documents, indicating Q. 10.2.*

11. What have been the main difficulties encountered with respect to realizing the principle of freedom of association and effective recognition of the right to collective bargaining? (*Tick all that apply.*)

Nature of the difficulty	Freedom of association	Collective bargaining
Lack of public awareness and/or support		
Lack of information and data		
Social values, cultural traditions		
Social and economic circumstances		
Political situation		
Legal provisions		
Prevailing employment practices		
Lack of capacity of responsible government institutions		
Lack of capacity of employers' organizations		
Lack of capacity of workers' organizations		
Lack of social dialogue on this principle		
Other. Please specify		

12.1. Does your Government see a need for new and/or continued technical cooperation with the ILO to facilitate the realization of the principle of freedom of association and effective recognition of the right to collective bargaining? _____ Yes _____ No

12.2. **If yes**, please indicate your technical cooperation needs, **ranking them** as follows:

1 = most important; 2 = second most important; 3 = third most important; 0 = not important.

*Please attach further details for the **first three priority technical cooperation needs** that you identify in relation to freedom of association and effective recognition of the right to collective bargaining, indicating Q. 12.*

Type of technical cooperation desired	Ranking
Assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the principle	
Awareness-raising, legal literacy and advocacy	
Strengthening data collection and capacity for statistical analysis	
Sharing of experiences across countries/regions	
Legal reform (labour law and other relevant legislation)	
Capacity building of responsible government institutions	
Training of other officials (police, judiciary, social workers, teachers)	
Strengthening capacity of employers' organizations	
Strengthening capacity of workers' organizations	
Strengthening tripartite social dialogue	
Other. Please specify	

13.1. Regarding the preparation of this report:

(a) Was the most representative employers' organization consulted in its preparation?

___ Yes ___ No

(b) Were the most representative workers' organizations consulted in its preparation?

___ Yes ___ No

(c) Was there consultation with any government authorities outside the Ministry?

___ Yes ___ No

13.2. **If yes** to any of the above, please describe the consultation process(es). *Please continue on a separate sheet, indicating Q. 13.*

14. Regarding comments received on this report:

(a) Did employers' organizations make any comments on the report?

___ Yes ___ No

(b) Did workers' organizations make any comments on the report?

___ Yes ___ No

15. Which employers' organizations have been sent copies of the report? Please attach list.

16. Which workers' organizations have been sent copies of the report? Please attach list.

17. Please attach to your report any other new information relevant to the efforts made by your country to respect, promote and realize the principle of freedom of association and the effective recognition of the right to collective bargaining.

Replies are due not later than 1 September – Please send to the InFocus Programme on Promoting the Declaration, ILO, 4 route des Morillons, CH-1211 Geneva 22, Switzerland; Email: declaration@ilo.org. An electronic version of this form may be found at www.ilo.org/declaration.

Thank you for providing this information, which is to be used in the promotional spirit of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up.

Appendix IV

Amended report form

Elimination of all forms of forced or compulsory labour

Introduction

The ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, which was adopted by the International Labour Conference at its 86th Session on 18 June 1998, recalls that all Members, even if they have not ratified the Conventions regarded as fundamental, have an obligation arising from the very fact of their membership in the Organization to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions.

In order to give the Organization and its Members the opportunity of regularly observing their efforts to promote those principles, the Declaration has a promotional follow-up, one component of which sets out to obtain, through annual reports requested under article 19, paragraph 5(e), of the Constitution, information from Members that have not ratified one or more of the fundamental Conventions, on any changes to their law and practice with regard to each of the categories of principles and rights set out in the Declaration.

This report form, which has been approved by the Governing Body of the International Labour Office for use by States that have not ratified the Forced Labour Convention, 1930 (No. 29), or the Abolition of Forced Labour Convention, 1957 (No. 105), forms part of this component of the follow-up to the Declaration.

The elimination of all forms of forced or compulsory labour

To be completed with regard to the principles concerning the fundamental rights which are the subject of the Convention or Conventions¹ to which your State is not a party. *Please continue answers on a separate sheet, if necessary, indicating the number of the question.*

1. Is the principle of the elimination of all forms of forced or compulsory labour recognized in your country? ___ Yes ___ No
- 2.1. Do legislation and/or judicial decisions in your country define forced or compulsory labour in its various forms? ___ Yes ___ No
- 2.2. **If yes**, what is this definition?

- 3.1. Are all forms of forced or compulsory labour prohibited? ___ Yes ___ No
- 3.2. For any type that is **not** prohibited (for example, chattel slavery, bonded labour, trafficking of persons which involves forced labour, prison forced labour), please specify and state the reasons for this.
- 4.1. Are there any categories of persons or activities not covered by the application of this principle in your country? ___ Yes ___ No
- 4.2. **If yes**, please indicate which ones.

- 5.1. Is there a national policy for realizing the principle of the elimination of all forms of forced or compulsory labour? ___ Yes ___ No
- 5.2. If yes, please describe its objectives, scope, targets and implementing mechanisms. *Please attach relevant policy documents to your reply, indicating Q. 5.*
- 5.3. **If no**, (a) does the Government intend to adopt policy on this subject? ___ Yes, by _____ (date) ___ No
 (b) would the Government like to receive ILO assistance in developing it? ___ Yes ___ No
6. In instances where the Government finds that the principle has not been respected, what does it do? Please describe action taken in recent instances (for example, penalties imposed for the use of forced labour).

¹ The texts of these Conventions may be consulted on the ILO Internet site (<http://www.ilo.org>), in the official compilation of international labour Conventions and Recommendations, or obtained by request from the ILO Distribution Service, 4, route des Morillons, CH-1211 Geneva 22.

7. Please describe the current factual situation in your country with respect to forced or compulsory labour, including an indication of which groups of the population are most vulnerable to this practice.

- 8.1. Have specific measures been implemented or envisaged in your country in relation to realizing the principle of the elimination of all forms of forced or compulsory labour?

____ Yes ____ No

- 8.2. Please specify these measures *by ticking the relevant boxes below*.

Type of measure	Implemented	Envisaged
Awareness raising/advocacy		
Legal reform		
Inspection/monitoring mechanisms		
Penal sanctions		
Civil or administrative sanctions		
Special institutional machinery		
Capacity building		
Employment creation/income generation		
Educational programmes		
Rehabilitation following removal from forced labour		
International cooperation programmes or projects		
Tripartite examination of issues		
Other measures. Please specify		

- 8.3. (a) In these measures, is special attention given to the situation of particular groups of people (for example, men, women, boys, girls)?

____ Yes ____ No

- (b) Please specify the groups

- 8.4. If any special measures undertaken in your country can be regarded as successful examples of the elimination of forced or compulsory labour, please describe them. *Please attach any relevant documents, indicating Q. 8.4.*

8.5. Have employers' and/or workers' organizations been involved in the development and implementation of government measures?

If yes, please describe. *Please attach relevant documents, indicating Q. 8.5.*

9.1. Is there any government authority responsible for the identification, emancipation and/or rehabilitation of persons subject to forced labour? ___ Yes ___ No

9.2. **If yes**, please provide the name(s) and a description of the responsibilities of the entity/entities concerned.

10.1. Does the Government work with multilateral agencies, with donors bilaterally and/or with non-governmental organizations at the multilateral level in relation to the elimination of forced or compulsory labour? ___ Yes ___ No

10.2. **If yes**, please name these organizations and briefly describe this cooperation.

11.1. Does the Government collect statistics and other information relevant to the elimination of all forms of forced or compulsory labour? ___ Yes ___ No

11.2. **If yes**, please identify the statistics and information, and name the institution(s) from which the ILO can obtain this information.

11.3. **If no**, does the Government plan to do so?

12. Please describe any major changes concerning the principle since your last report (for example, changes in the regulatory, policy or institutional frameworks, initiation of significant new programmes, new data, change in the number of people working under forced labour conditions).

Major change	Date of change

13. What have been the main difficulties encountered in your country with respect to realizing the principle of the elimination of all forms of forced or compulsory labour? *Please tick all that apply.*

Nature of the difficulty	Forced labour due to debt bondage	Forced labour due to trafficking	Other type. Please specify
Lack of public awareness and/or support			
Lack of information and data			
Social values, cultural traditions			
Social and economic circumstances			
Political situation			
Legal provisions			
Prevailing employment practices			
Lack of capacity of responsible government institutions			
Lack of capacity of employers' organizations			
Lack of capacity of workers' organizations			
Lack of social dialogue on this principle			
Other. Please specify			

- 14.1. Does your Government see a need for new and/or continued technical cooperation with the ILO to facilitate the realization of the principle of the elimination of forced or compulsory labour?

___ Yes ___ No

- 14.2. **If yes**, please indicate your technical cooperation needs, **ranking them** as follows:

1 = most important; 2 = second most important, 3 = third most important; 0 = not important.

*Please attach further details for the **first three priority technical cooperation needs** that you identify in relation to the elimination of forced or compulsory labour, indicating Q. 14.*

Type of technical cooperation desired	Ranking
Assessment in collaboration with the ILO of the difficulties identified and their implication for realizing the principle	
Awareness-raising, legal literacy and advocacy	
Strengthening data collection and capacity for statistical collection and analysis	
Sharing of experiences across countries/regions	
Policy advice	
Legal reform (labour law and other relevant legislation)	
Capacity building of responsible government institutions	
Training of other officials (e.g. police, judiciary, social workers, teachers)	
Strengthening capacity of employers' and workers' organizations	
Employment creation, skills training and income generation for vulnerable workers	
Development of social protection systems	
Rural development policies (for example, land reform, rural infrastructure, agricultural extension, marketing, microfinance)	

Type of technical cooperation desired	Ranking
Cross-border cooperation mechanisms	
Coordination between institutions (e.g. various ministries and relevant commissions)	
Other. Please specify	

15.1. Regarding the preparation of this report:

- (a) Was the most representative employers' organization consulted in its preparation?
 Yes No
- (b) Were the most representative workers' organizations consulted in its preparation?
 Yes No
- (c) Was there consultation with any governmental authorities outside the Ministry?
 Yes No

15.2. **If yes**, to any of the above, please describe the consultation process(es).

16. Regarding comments received on this report:

- (a) Did employers' organizations make any comments on the report? Yes No
- (b) Did workers' organizations make any comments on the report? Yes No

17. Which employers' organizations have been sent copies of the report? *Please attach a list, indicating Q. 17.*

18. Which workers' organizations have been sent copies of the report? *Please attach a list, indicating Q. 18.*

19. Please attach to your report any other new information relevant to the efforts made by your country to respect, promote and realize the principle of the elimination of forced or compulsory labour.

Replies are due not later than 1 September – Please send to the InFocus Programme on Promoting the Declaration, ILO, 4 route des Morillons, CH-1211 Geneva 22, Switzerland; Email: declaration@ilo.org. An electronic version of this form may be found at www.ilo.org/declaration.

Thank you for providing this information, which is to be used in the promotional spirit of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up.

Appendix V

Amended report form

Elimination of discrimination in respect of employment and occupation

Introduction

The ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, which was adopted by the International Labour Conference at its 86th Session on 18 June 1998, recalls that all Members, even if they have not ratified the Conventions regarded as fundamental, have an obligation arising from the very fact of their membership in the Organization to respect, to promote and to realize in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions.

In order to give the Organization and its Members the opportunity of regularly observing their efforts to promote those principles, the Declaration has a promotional follow-up, one component of which sets out to obtain, through annual reports requested under article 19, paragraph 5(e), of the Constitution, information from Members that have not ratified one or more of the fundamental Conventions, on any changes to their law and practice with regard to each of the categories of principles and rights set out in the Declaration.

This report form, which has been approved by the Governing Body of the International Labour Office for use by States that have not ratified the Equal Remuneration Convention, 1951 (No. 100), or the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), forms part of this component of the follow-up to the Declaration.

**The elimination of discrimination in respect of
employment and occupation**

To be completed with regard to the principles concerning the fundamental rights which are the subject of the Convention or Conventions ¹ to which your State is not a party. *Please continue answers on a separate sheet, if necessary, indicating the number of the question.*

1. Is the principle of the elimination of discrimination in respect of employment and occupation recognized in your country? ___ Yes ___ No
- 2.1. Do legislation and/or judicial decisions define discrimination? ___ Yes ___ No
- 2.2. **If yes**, how is it defined?

3. On which grounds is discrimination in respect of employment and occupation prohibited in your country?
 - (a) Race/colour ___ Yes ___ No
 - (b) Sex ___ Yes ___ No
 - (c) Religion ___ Yes ___ No
 - (d) Political opinion ___ Yes ___ No
 - (e) National extraction ___ Yes ___ No
 - (f) Social origin ___ Yes ___ No
 - (g) Other grounds. Please specify

- 4.1. Is the aspect of the principle concerning equality of opportunity and treatment recognized in your country? ___ Yes ___ No
- 4.2. (a) Is the aspect of the principle concerning equal treatment in the field of remuneration recognized in your country? ___ Yes ___ No
- (b) **If yes**, please describe how "equal treatment in the field of remuneration" is defined.

- 5.1. Have specific measures been implemented or are they envisaged to respect, promote and realize the elimination of discrimination in employment and occupation? ___ Yes ___ No

¹ The texts of these Conventions may be consulted on the ILO Internet site (<http://www.ilo.org>), in the official compilation of international labour Conventions and Recommendations, or obtained by request from the ILO Distribution Service, 4, route des Morillons, CH-1211 Geneva 22.

- 5.2. **If yes**, do the measures implemented concerning the elimination of discrimination in employment and occupation cover the following categories of workers?

Category of workers	Elimination of discrimination		Equal treatment in the field of remuneration	
	___ Yes	___ No	___ Yes	___ No
(a) Workers in the public service Please specify categories	___ Yes	___ No	___ Yes	___ No
(b) Workers in establishments of a certain size Please specify the size	___ Yes	___ No	___ Yes	___ No
(c) Workers in particular types of employment (for example, part-time, temporary) Please specify	___ Yes	___ No	___ Yes	___ No
(d) Agricultural workers	___ Yes	___ No	___ Yes	___ No
(e) Workers engaged in domestic work	___ Yes	___ No	___ Yes	___ No
(f) Workers in EPZs	___ Yes	___ No	___ Yes	___ No
(g) Migrant workers	___ Yes	___ No	___ Yes	___ No
(h) Workers in the informal economy	___ Yes	___ No	___ Yes	___ No
(i) Other. Please specify				

- 5.3. Are such measures envisaged? ___ Yes ___ No

- 6.1. Is there a national policy concerning the elimination of discrimination in employment and occupation? ___ Yes ___ No

- 6.2. **If yes**, please describe its objectives, scope, targets and implementing mechanisms. *Please attach relevant policy documents to your reply, indicating Q. 6.*

- 6.3. **If no**, (a) does the Government intend to adopt any policy on this subject?

___ Yes, by _____ (date) ___ No

- (b) would the Government like to receive ILO assistance in developing it? ___ Yes ___ No

- 7.1. Has the Government established any special national body or institutional machinery in relation to:

(a) The elimination of discrimination in employment and occupation ___ Yes ___ No

(b) Equal treatment in the field of remuneration? ___ Yes ___ No

- 7.2. **If yes**, please indicate, with regard to 7.1(a) and (b):

(a) The name, structure and composition of this machinery

(b) The grounds of discrimination that this machinery addresses

(c) The functions of this machinery (e.g. consultative, monitoring, policy-making)

Please attach relevant documents to your reply, indicating Q. 7.

- 7.3. **If no**, (a) does the Government intend to establish such machinery? _____ Yes, by _____ (date)
- (b) would the Government like to receive ILO assistance in designing it? _____ Yes _____ No
- 8.1. (a) Does the Government collect statistics and information on a regular basis relevant to the elimination of discrimination in employment and occupation? _____ Yes _____ No
- (b) **If yes**, please identify the statistics and information, and name the institution(s) from which the ILO can obtain them.
- 8.2. **If no**, (a) does the Government plan to do so? _____ Yes, by _____ (date)
- (b) would the Government like to obtain ILO assistance in this regard? _____ Yes _____ No
9. In instances where the Government finds that the principle has not been respected, what does it do? Please describe action taken in recent instances.
- 10.1. Have employers' and/or workers' organizations been involved in the development and implementation of governmental measures regarding elimination of discrimination in employment and occupation?
- If yes**, please describe. *Please attach relevant documents, indicating Q. 10.1.*
- 10.2. Does the Government work with any multilateral agencies, with donors bilaterally and/or with non-governmental organizations at the multilateral level in relation to the elimination of discrimination in employment and occupation? _____ Yes _____ No
- 10.3. **If yes**, please name these organizations and briefly describe this cooperation.

11. Please describe any major changes concerning the principle since your last report (for example, changes in the regulatory, policy or institutional frameworks, initiation of significant new programmes, new data).

Major change (elimination of discrimination)	Date of change
Major change (equal treatment in the field of remuneration)	Date of change

12. Please describe any initiatives undertaken in your country that can be regarded as successful examples in relation to the elimination of discrimination in employment and occupation. *Please attach any relevant documents, indicating Q. 12.*

13. What have been the main difficulties encountered with respect to realizing the principle of the elimination of discrimination in employment and occupation? *(Please tick all that apply).*

Nature of the difficulty	Elimination of discrimination	Equal treatment in the field of remuneration
Lack of public awareness and/or support		
Lack of information and data		
Social values, cultural traditions		
Social and economic circumstances		
Political situation		
Legal provisions		
Prevailing employment practices		
Lack of capacity of responsible government institutions		
Lack of capacity of employers' organizations		
Lack of capacity of workers' organizations		
Lack of social dialogue on this principle		
Other. Please specify		

Please attach details in relation to the difficulties noted, indicating Q. 13.

14.1. Does the Government see a need for new and/or continued technical cooperation with the ILO to facilitate the realization of the principle of non-discrimination? Yes No

14.2. **If yes**, please indicate your technical cooperation needs, **ranking them** as follows:

1 = most important; 2 = second most important.; 3 = third most important; 0 = not important.

*Please attach further details for the **first three priority technical cooperation needs** that you identify in relation to the elimination of discrimination in employment and occupation, indicating Q. 14.*

Type of technical cooperation desired	Ranking
Assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the principle	
Awareness-raising, legal literacy and advocacy	
Strengthening data collection and capacity for statistical collection and analysis	
Sharing of experiences across countries/regions	
Legal reform (labour law and other relevant legislation)	
Capacity building of responsible government institutions	
Training of other officials (e.g. police, judiciary, social workers, teachers)	
Strengthening capacity of employers' organizations	
Strengthening capacity of workers' organizations	
Developing labour market policies that promote equality of opportunity	
Developing policies regarding equal remuneration	
Establishing or strengthening specialized institutional machinery	
Coordination between institutions (e.g. various ministries and relevant commissions)	

15.1. Regarding the preparation of this report:

(a) Was the most representative employers' organization consulted in its preparation? Yes No

(b) Were the most representative workers' organizations consulted in its preparation? Yes No

(c) Was there consultation with any governmental authorities outside the Ministry? Yes No

15.2. **If yes** to any of the above, please describe the consultation process(es). *Please attach relevant documents, indicating Q. 15.*

16. Regarding comments received on this report:

(a) Did employers' organizations make any comments on the report? Yes No

(b) Did workers' organizations make any comments on the report? Yes No

17. Which employers' organizations have been sent copies of the report? *Please attach list, indicating Q. 17.*

18. Which workers' organizations have been sent copies of the report? *Please attach list, indicating Q. 18.*

19. Please attach to your report any other new information relevant to the efforts made in your country to respect, promote and realize the principle of the elimination of discrimination.

Replies are due not later than 1 September – Please send to the InFocus Programme on Promoting the Declaration, ILO, 4 route des Morillons, CH-1211 Geneva 22, Switzerland; Email: declaration@ilo.org. An electronic version of this form may be found at www.ilo.org/declaration.

Thank you for providing this information, which is to be used in the promotional spirit of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up.

Appendix VI

Memorandum of Understanding between the Asian Development Bank and the International Labour Organization

The Asian Development Bank (hereinafter referred to as the “ADB”) and the International Labour Organization (hereinafter referred to as the “ILO”):

Considering that the ADB is a broad-based regional development institution committed to reducing poverty through lending and non-lending activities to support pro-poor sustainable economic growth, good governance, and inclusive social development. As part of social development, the ADB supports the goal of providing for all citizens in the Asia and Pacific region, social protection which, in accordance with its Social Protection Strategy, approved on 13 September 2001, includes labour markets, social insurance, social assistance, micro- and area-based schemes and child protection;

Recognizing that the ILO is an international organization committed to the attainment of social justice through the promotion of decent work with its strategic components of international labour standards, employment, social protection, social dialogue, and cross-cutting gender issues, in order to enable men and women to have decent and productive work in conditions of freedom, equity, security, and human dignity; and to this end is seeking to promote coherent and coordinated policies, and to enhance the capacity of governments and the social partners to deal effectively and constructively with the challenges and opportunities of globalization worldwide, including in Asia and the Pacific and the Central Asian republics;

Conscious that the ADB, as a regional development institution, and the ILO, as a specialized agency of the UN system, each with a broad common membership and complementary roles, have a mutual interest in intensifying cooperation in their shared thematic and geographical areas, and in establishing appropriate working procedures to that effect;

Convinced that improved cooperation between the ADB and the ILO is an efficient means to support development processes in the use of scarce resources for development and will benefit their common member countries;

Have reached the following understanding:

Article 1

Purpose and scope

The purpose of this Memorandum of Understanding is to facilitate collaboration between the ILO and the ADB in matters of common interest to their developing member countries. In so doing the ADB and the ILO recognize the expertise of each organization, and seek to establish an operational framework and practical modalities for their cooperation which will focus on development issues, and will include:

- (a) exchange of relevant information, documentation, studies, research and best practices, to promote cooperation and complementarity in operational work;
- (b) consultations between the ADB and the ILO on ADB country strategies and assistance plans, and, where appropriate and feasible, participation by ILO technical staff in ADB country poverty analysis or country strategy and programme preparatory missions, contributing with advice and a brief summary labour-market assessment, to ensure that ADB’s portfolio supports inclusive, employment-generating development patterns, enhances welfare and helps to allocate human resources to their most productive uses;
- (c) in those countries where the ADB is planning a social protection intervention in line with its Social Protection Strategy, the ILO, within the framework of its mandate, will contribute to the development of a cooperative framework and networking among counterpart ministries, employers’ and workers’ organizations, and other civil society partners;
- (d) implementation, as appropriate, by the ILO of ADB-funded lending and non-lending activities in areas that relate to its competence and capacity, such as regional, advisory, and project preparatory technical assistance;

- (e) assistance from the ILO to ADB project design and review missions through: (i) interagency consultations and (ii) engagement of ILO experts by the ADB as appropriate;
- (f) assistance from the ADB to the ILO in the development of Decent Work country programmes through interagency consultations;
- (g) research studies on matters of mutual interest;
- (h) exchange of staff where appropriate and feasible; and
- (i) mutual cooperation in all other aspects which are consistent with the objectives of both organizations and the spirit of this Memorandum of Understanding.

Article 2

Mutual consultation

At least once a year, the ILO and the ADB will hold a senior consultation meeting on issues of strategic importance, to permit a regular review of the implementation of this Memorandum of Understanding. In addition, the parties will maintain regular consultations as necessary on activities of common interest, including through videoconferencing where appropriate and feasible, for the purpose of furthering the effective achievement of common objectives, and the coordination of activities with a view to maximizing complementarity and mutual support.

Article 3

Exchange of publications

The ILO and the ADB will exchange annual reports and other published documents of specific interest, and share other non-confidential information on specific matters and activities which are of common interest in the region.

Article 4

Reciprocal representation

The ILO will invite representatives of the ADB to annual meetings of the International Labour Conference and, as appropriate, to such other meetings convened by the ILO in which the ADB has expressed an interest. The ADB will invite representatives of the ILO to its Annual Meeting and, as appropriate, to such other meetings convened by the ADB in which the ILO has expressed an interest.

Article 5

Engaging the ILO in ADB-funded activities

The ILO is uniquely qualified to provide technical assistance and advice in many aspects of its areas of expertise which comprise international labour standards and fundamental principles and rights at work, employment and job creation, labour law and labour administration, labour markets and labour market information, enterprise promotion, social protection and social dialogue. The ILO therefore may be engaged to implement ADB-financed loan and grant activities in any of these and related fields, in accordance with the ADB Guidelines on the Use of Consultants by the ADB and its Borrowers. This may include a direct selection procedure if the ADB reviews all other sources of competitive expertise and finds them unsuitable. Regarding the implementation of ADB-funded activities, mutually acceptable administrative and financial arrangements that comply with ADB's Guidelines on the Use of Consultants by ADB and its Borrowers, ADB's Guidelines for Procurement under ADB Loans, and ADB standard disbursement procedures for Loan and TA projects will be agreed.

Article 6

Administrative and financial arrangements

- (a) Any activity carried out by the ILO or the ADB pursuant to this Memorandum of Understanding will be consistent with the policies, rules and regulations of each organization.
- (b) The ILO and the ADB will work towards a mutually acceptable contractual format and related financial and other arrangements in order to enable the ILO to engage in the implementation of ADB-financed loan and grant activities.
- (c) All specific activities to be implemented under this Memorandum of Understanding will be the subject of prior consultation and written agreement between the ILO and the ADB. The written agreement will include a detailed statement of the respective financial responsibilities

of all parties concerned. In the specific case referred to under article 1(b) of this Memorandum of Understanding, mission expenses will be borne by the ADB.

Article 7

Focal points

Cooperation between the ADB and the ILO under this Memorandum of Understanding is an institution-wide responsibility; however, both institutions will designate focal points for liaison and coordination of activities falling within the framework of this Memorandum of Understanding. With respect to the ADB: (a) the Strategic Planning, Policy and Interagency Relations Division, Strategy and Policy Department, will act as focal point and coordinator for overall institutional issues, and (b) the Regional Departments will act as the focal points for country specific activities. With respect to the ILO: (a) the Bureau of External Relations and Partnerships, in Geneva, will act as the focal point and coordinator for overall institutional issues and ILO headquarters-level activities; (b) the Regional Office for Asia and the Pacific, in Bangkok, will act as the focal point and coordinator for regional and country-level activities in the Asia and Pacific region; (c) the Moscow Area Office of the Regional Office for Europe and Central Asia will act as focal point and coordinator for regional and country-level activities in the Central Asian republics; and (d) the Area Office in Manila will be the liaison office for day-to-day contacts and follow-up.

Both institutions will formally inform their staff of this Memorandum of Understanding, and provide appropriate additional guidance for cooperation at the field level.

Article 8

General

Nothing in or relating to any provision in this Memorandum of Understanding will be construed as constituting a waiver, either expressed or implied, of the policies, rules and regulations of either the ILO or the ADB.

Article 9

Entry into force, modification and termination

The arrangements described in this Memorandum of Understanding will commence on the date on which it is signed by the authorized representatives of the ILO and the ADB.

The present Memorandum of Understanding may be modified by an appropriate written amendment signed by both parties and annexed to this Memorandum of Understanding.

The present Memorandum of Understanding may be terminated by the written consent of the two parties or by either party giving the other party six (6) months' written notice.

In line with the administrative nature of the provisions of this Memorandum of Understanding, no provision herein shall be construed so as to in any way interfere with the ADB's and the ILO's independent decision-making autonomy with regard to their own respective affairs and operations.

* * *

For the Director-General,
International Labour Organization

For the President,
Asian Development Bank

Yasuyuki Nodera,
Regional Director, Asia Pacific Region.

Shoji Nishimoto,
General Director, Strategy and Policy Department.

Date: _____

Date: _____

Appendix VII

Cooperation Agreement between the International Labour Organization and the African Development Bank and the African Development Fund

Cooperation Agreement dated this day of 2002 between the International Labour Organization (hereinafter referred to as “ILO”), of the one part, and the African Development Bank and the African Development Fund (hereinafter collectively referred to as the “ADB”), of the other part.

The parties to this Cooperation Agreement:

Considering that the mandate of the ADB is to contribute to the economic development and social progress of African countries (“regional countries”), individually and jointly, assisting the regional countries to break the vicious cycle of poverty, through facilitating and mobilizing the flow of external and domestic resources, public and private, promoting investment and providing technical assistance and policy advice;

Considering that the ILO contributes to the improvement of social justice through the promotion of international labour standards, full productive quality employment, and decent work for all;

Recognizing that the ILO is seeking to enhance its cooperation and partnership with the ADB to facilitate the development and implementation of coordinated and coherent policies and strategies in its overall endeavour to promote these objectives in African countries;

Mindful that the ADB as a regional development bank and the ILO as a specialized agency of the UN have complementary roles;

Conscious that both organizations should draw upon all their resources in their common areas of competence, to ensure that, in the context of a global strategy for economic and social development, economic and social policies are mutually reinforcing components in order to create broad-based sustainable development;

Desirous of developing and strengthening cooperation with respect to matters of common concern, and more particularly, the development, in their common member countries, of policies that emphasize the importance of increasing full and productive employment and incomes, economic integration and cooperation, enterprise promotion, labour law and labour administration, development of effective labour markets and labour market information systems, human resources development, good governance, labour standards and the respect of fundamental principles and rights at work, gender issues, social protection and social dialogue as part of the general process of enabling participatory economic and social development;

Convinced that the development and strengthening of such cooperation would be of mutual benefit to both organizations and would enhance cooperation among their member States;

Have agreed as follows:

Article I Purpose and scope

1. The purpose of the present Cooperation Agreement is to facilitate collaboration between the ILO and the ADB in matters of common interest to them and particularly in the following activities:

- (a) country-level operational work, including technical assistance activities, in accordance with their respective competence and capacities, and their respective priorities;
- (b) promotion of networking among development institutions in the region using formal as well as informal mechanisms;

- (c) the development of policies and procedures including those concerned with employment promotion, international labour standards and fundamental principles and rights at work, gender, social protection, and social dialogue;
- (d) research studies on matters within the competence of the ILO which the ADB or the ILO may need from time to time;
- (e) human resource development and training, including joint staff training activities as appropriate, and a programme of cooperation between the Joint African Institute and the ILO International Training Centre in Turin;
- (f) mutual cooperation in all other aspects which are consistent with the objectives of both organizations and the spirit of this agreement.

2. Any activity carried out by the ILO or the ADB pursuant to this Agreement shall be consistent with the policies, rules and regulations of each organization.

Article II **Mutual consultation**

The ILO and the ADB shall maintain regular consultations on issues of strategic importance such as the social dimensions of economic development, and other matters of common interest for the purpose of furthering the effective achievement of the objectives they have in common and to ensure the greatest possible coordination of activities with a view to maximizing complementarity and mutual support.

Article III **Implementation mechanism**

To facilitate implementation of this Cooperation Agreement, the parties hereto shall establish close cooperation between their respective staff to ensure the achievement of the objectives of this Cooperation Agreement, and to this end shall meet on a regular basis to plan and agree, as appropriate, on specific cooperative activities. Activities to be carried out pursuant to this Cooperation Agreement shall be subject to prior written agreement delineating the respective administrative and financial responsibilities of all parties concerned.

Article IV **Exchange of information**

The ILO and the ADB commit themselves to exchange information on their respective policies, plans and activities in the African region on issues of converging interest. The ILO and the ADB shall combine their efforts to use their data and information to the best effect and to ensure the most efficient utilization of their resources in the collection, analysis, publication and diffusion of such information, subject to such arrangements as may be necessary for safeguarding the confidential character of any part thereof.

Article V **Reciprocal representation**

The ILO shall invite representatives of the ADB to attend annual meetings of the International Labour Conference and participate whenever appropriate at such other Regional Meetings of the ILO in which the ADB has expressed an interest. The ADB shall invite the ILO as a guest to the annual meetings of the Board of Governors and to send observers to or to be represented at such other appropriate meetings established by the ADB in which the ILO has expressed an interest. Invitations shall be subject to the rules and procedures applicable to the respective meeting or conference.

Article VI **Selection of the ILO as an executing or implementing agency**

The ILO is uniquely qualified to provide technical assistance, advice and training in many areas of expertise relating to its four strategic objectives which are: to promote and realize standards and fundamental principles and rights at work; create greater opportunities for women and men to secure decent employment and income; enhance the coverage and effectiveness of social protection for all; and strengthen social dialogue. It therefore may be engaged to implement ADB-financed

loan and grant activities in these areas through a single source selection procedure, when this is in the mutual interest of the parties concerned.

Article VII Channel of communication and notices

1. For the purpose of facilitating the implementation of this Cooperation Agreement, the channel of communication for the parties shall be:

(a) For the ILO:

ILO Regional Office
01 BP 3960 Abidjan 01
Côte d'Ivoire
Tel: (225) 20 21 26 39
Fax: (225) 20 21 28 80
Internet: www.ilo.org

(b) For the Bank and the Fund:

African Development Bank
01 BP 1387
Abidjan 01
Côte d'Ivoire
Tel: (225) 20 20 41 41
Fax: (225) 20 20 40 70
Internet: www.afdb.org

2. For the purpose of this Cooperation Agreement, the focal points of the parties shall be:

(a) For the ILO: Head of Regional Programming Unit;

(b) For the ADB: Head of the Cooperation Unit.

3. Either party may, by notice in writing to the other party, designate additional representatives or substitute other focal points for those designated in this article.

4. Any notice, request or other communication under this Cooperation Agreement shall be in writing and shall be deemed to have been duly given or made when it has been delivered by hand, mail, cable, telex or telefax, as the case may be, by either party to the other at the address specified in the Agreement or such other address as either party may notify to the other party.

Article VIII Supplementary arrangements and amendments

The parties to this Cooperation Agreement may by a simple exchange of letters enter into supplementary arrangements within the scope of this Cooperation Agreement, or amend any provision herein contained.

Article IX Cost-sharing arrangements

Costs or expenses relating to, or arising from, activities undertaken pursuant to this Cooperation Agreement shall be borne by one or both parties in accordance with the written agreements to be reached by the parties in advance of the implementation of the activities.

Article X Entry into force, modification and termination

1. The present Agreement cancels and replaces the Agreement between the ILO and the African Development Bank and the Memorandum of Understanding on Working Arrangements between the ILO and the African Development Bank and the African Development Fund, signed on 18 April 1977, as well as any subsequent modifications.

2. The present Agreement will enter into force on the date on which it is signed by the authorized representatives of the ILO and the ADB.

3. The present Agreement may be modified by an appropriate written amendment signed by both parties and annexed to this Agreement.

4. The present Agreement may be terminated by the written consent of the two parties or by either party giving the other party six (6) months' written notice.

In witness whereof, the International Labour Organization, the African Development Bank and the African Development Fund, each acting through its duly authorized representative, have signed this Agreement on the date first above written in two original counterparts in the English language.

* * *

For the International Labour Organization

For the African Development Bank and the
African Development Fund

Juan Somavia,
Director-General.

Omar Kabbaj,
President.