



ELEVENTH ITEM ON THE AGENDA

**Reports of the Committee on Legal  
Issues and International Labour  
Standards**

**Second report: International labour  
standards and human rights**

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### III. Ratification and promotion of fundamental ILO Conventions (Fourth item on the agenda)

1. The Committee had before it a document<sup>1</sup> on the ratification of ILO fundamental Conventions as part of the campaign launched by the Director-General in May 1995.
2. The representative of the Director-General (Mr. Swepston, Chief of the Equality and Employment Branch of the International Labour Standards Department) gave an update of the information contained in the document in question. Since the document had been issued (7 October 2002), seven new ratifications had been registered:<sup>2</sup> Convention No. 111 by *Nigeria*; Convention No. 138 by *Nigeria, Peru* and *Swaziland*; and Convention No. 182 by *Antigua and Barbuda, Nigeria* and *Swaziland*. This meant that *Nigeria, Peru* and *Swaziland* were now among the 83 States that had ratified all eight fundamental Conventions and that, with the ratifications undertaken by *Antigua and Barbuda, Nigeria* and *Peru*, the number of States having ratified a fundamental Convention since the beginning of the campaign was now 147.
3. The Office had also received further replies to the Director-General's letter since the document under consideration had been published containing information on progress with regard to ratification of specific Conventions: *Eritrea* indicated that Convention No. 182 had been submitted to the competent authority for consideration; *Iraq* stated that the competent authorities were currently examining Convention No. 87; *Latvia* stated that the National Tripartite Cooperation Council had supported the ratification of Conventions Nos. 29 and 182 and the proposal for ratification would now be submitted to Parliament; the Minister of Labour of *New Zealand* stated that after consultations with the social partners she intended to recommend the ratification of Convention No. 98, while further consideration was required in respect of Conventions Nos. 87 and 138; and the *Syrian Arab Republic* indicated that a draft decree concerning the ratification of Convention No. 182 had been submitted to the Presidency of the Council of Ministers and that the instrument of ratification would be sent as soon as it was promulgated. The Government of *Japan* invited the Office for consultations to assist in the ratification process in respect of Convention No. 111. As usual, the report of the Committee to the Governing Body would include an updated version of the ratification chart attached to the document.
4. The Employer members welcomed the fact that the ratification campaign had been so fruitful, with 43 additional ratifications since the report had been presented the previous year and with 147 States having ratified fundamental Conventions since the beginning of the campaign. As the ratification campaign had been so successful, the emphasis should not shift from ratification to application of these Conventions. They noted that Convention No. 29 – as the oldest among the fundamental Conventions – had practically reached universal ratification, but it was logical that while more recent Conventions, in particular

<sup>1</sup> GB.285/LILS/4.

<sup>2</sup> To date (14 November 2002), Convention No. 29 has 161 ratifications; Convention No 87 has 141; Convention No. 98 has 152; Convention No. 100 has 159; Convention No. 105 has 158; Convention No. 111 has 157; Convention No. 138 has 120; and Convention No. 182 has 132 ratifications. Number of ratifications of these Conventions since the beginning of the campaign: 397.

Convention No. 182, had not yet reached that level. The Employer members agreed that the Office should present a further report on the issue in November 2003.

5. The Worker members once again welcomed this document and were pleased to note the increase of ratifications of core Conventions. The rate of ratification was now at almost 85 per cent and it was appreciated that apparently 65 further ratifications were under consideration by governments. It was unfortunate that the non-ratification of Conventions Nos. 87 and 98 by a few highly populated countries meant that half of the world labour force was not covered by them. With respect to the United States, there was an inconsistency between the information given in paragraph 9 and in the appendix. More attention should be given to the ratification campaign during the International Labour Conference. At this stage, there was a strong need to put emphasis on both ratification and application.
6. As there were many new members of the Governing Body, the Office should provide in the next document a full list of reasons given for non-ratification. The Office was invited to use the services of the regional offices and MDTs to contact governments which had not sent information. Where the information provided indicated non-conformity between national law and a particular Convention, it should be stated in the report whether an offer of technical assistance had been made to the member State. Attention was drawn to the fact that the staff capacity of the International Labour Standards Department had not been increased to cope with the increasing number of ratifications and the rising number of requests for technical assistance. Trade unions also needed more support. This was a matter to be borne in mind when considering the next programme and budget. The Worker members welcomed the information given in paragraph 53 on technical cooperation and paragraph 56 encouraging all Members which had not yet ratified all fundamental Conventions to take part and indicate their position or to provide updated information. Countries which had not replied to the Director-General's letters for two or more consecutive years should be listed in the report.
7. The representative of the Government of India congratulated the Office for the important and informative document and endorsed its concluding remarks. The initiative undertaken by the Director-General was commendable and the paper showed an appreciable trend. All member States which had not yet ratified all fundamental Conventions should take part and indicate their positions. The Government believed that a Convention should be ratified only when national law and practice were fully in conformity with its provisions and that ratification was not a prerequisite for implementation. India was in the process of bringing national law and practice into conformity with Convention No. 182 to be able to ratify it as quickly as possible, and the matter had been recently discussed in the Tripartite Committee on Conventions. India was also considering the enactment of central legislation fixing a minimum age for admission to employment and work, to be in full conformity with Convention No. 138, the ratification of which would be considered when that legislation had been implemented and enforced satisfactorily. The rights and principles of Conventions Nos. 87 and 98 were achieved through constitutional provisions, laws and regulations and the only obstacle in the way of ratification was the inability to promote unionization of civil servants in a manner envisaged by these Conventions. There was a continuous dialogue on how to bridge the gaps in understanding the problem and make progress towards their ratification.
8. The representative of the Government of the Dominican Republic thanked the Office for the document reflecting the situation of the ratification campaign, which should be further promoted. The Dominican Republic was proud to have ratified all eight fundamental Conventions, which were being fully applied in the country.

9. The representative of the Government of Nigeria, speaking on behalf of the Africa group, expressed appreciation for the Director-General's initiative and the success achieved so far. As the main objective was universal ratification, there was still considerable room for further improvement. Nigeria had ratified the three outstanding fundamental Conventions recently and other African countries had set the necessary procedures in motion. The Africa group endorsed the concluding remarks of the document.
10. The representative of the Government of Norway also stated that the campaign had been a success so far with almost 400 ratifications received since 1995, but that there was still a long way to go to obtain universal ratification. It was important that the ILO continue and, if necessary, increase technical assistance to member States which asked for it, e.g. to develop new legislation. The Government was concerned that some Members did not reply to the campaign letters. While it was understandable that the reforms necessary to ratify a Convention could take time, it was unacceptable that member States were not willing to take part in the campaign exercise. Norway supported the suggestion by the Worker members to let the ILO regional offices and MDTs have direct contacts with these governments to learn more about existing problems and to offer assistance.
11. The representative of the Government of the Republic of Korea welcomed the success of the ratification campaign and suggested that improvements be made to the presentation of the information in order to have a more reader-friendly document. Emphasis should be given to recent developments, which was important for identifying future work for the field offices. With respect to the section on technical assistance, it would be interesting to know whether the assistance provided actually led to ratification.
12. The Committee took note of the document and the information provided orally.

#### **IV. Improvements in standards-related activities of the ILO: Technical assistance and promotion** (Fifth item on the agenda)

13. The Committee had before it a document concerning improvements in standards-related activities with regard to technical assistance and promotion, supplemented by an executive summary.<sup>3</sup>
14. The representative of the Director-General (Mr. Tapiola, Executive Director, Standards and Fundamental Principles and Rights at Work Sector) introduced the report and the executive summary, specifying that the latter was intended to summarize the main points in the report and to assist the discussion. The issues raised in these documents should also be considered in the context of the discussions on the same matters to be held in March 2003 in the Committee on Technical Cooperation and the Programme, Financial and Administrative Committee. The current discussion on possible improvements in ILO standards-related activities had been triggered by the changing political climate caused by the end of the Cold War and the emergence of globalization. In this new political environment the ILO and its constituents had perceived a need to refocus their efforts and to re-examine the tools currently available to the ILO in order to better meet the objectives set out in the Constitution and the Decent Work Agenda and the role of standards in this context. He noted that over the last few years, the examples of IPEC and the ILO

<sup>3</sup> GB.285/LILS/5 and GB.285/LILS/5/1.

Declaration on Fundamental Principles and Rights and Work and its Follow-up had shown how technical cooperation could contribute to the promotion of standards. These developments had most probably also contributed to the success of the ratification campaign for the fundamental Conventions. The outcome of the work of the Working Party on Policy regarding the Revision of Standards was also a significant development in this context. He emphasized that the aim of the current discussion was to seek ways to complement the emphasis of the current supervisory system on problem identification with problem resolution, inter alia, through technical cooperation. Resource constraints existed but they should not impede the quest for progress. The present discussion had to focus initially on the problems and issues to be resolved. Once this discussion had resulted in concrete proposals, their financial implications would have to be addressed in the appropriate context. To the extent that orientations should be given for strategic budgeting, the present discussion was timely as consideration of the 2004-05 budget was under way. Section 6 of the report underscored the importance of integrating standards with other ILO activities and the pivotal role of the dialogue with the tripartite constituents of the ILO and cooperation with other sectors, the Bureau for Employers' Activities (ACT/EMP) and the Bureau for Workers' Activities (ACTRAV). As regards section 7 of the report, on the supervisory system, he reassured all parties that the intention was to seek synergies between technical cooperation and the supervisory machinery of the ILO. The aim was complementarity and not that of replacing existing mechanisms with something else. In conclusion, he noted that a discussion was needed on how to expand the emphasis of the supervisory mechanism and dialogue towards the implementation of standards into the real world.

- 15.** The Worker members welcomed the executive summary, which was a useful complement to the main document, as well as the introductory remarks from the representative of the Director-General. At the outset, they wished to state an objection to the frequent reference to the term “supervisory dialogue” in the document instead of the regularly used terms “supervisory system” or “supervisory bodies”. With reference to the ratification campaigns mentioned in paragraphs 6 and 7 of the main document, they would have liked the Office to demonstrate how the shift from awareness to action and from ratification to implementation had yielded concrete results in different countries. However, they emphasized that they regarded ratifications as concrete actions and not merely “awareness”. They agreed with the statement in the report that “the universal recognition of labour standards as a major component of the debate on globalization and its effect on employment and working conditions has created increased awareness and heightened expectations” (paragraph 7). However, they noted that the Office had not used all opportunities available to it to promote its standards, which was one of its major means of action. As an example, in addition to the campaign on the fundamental Conventions, the Office could launch a targeted campaign on the promotion and application of the four priority Conventions dealing with tripartite consultation, labour inspection and employment policy. Promotional campaigns could be launched in the context of a chosen industry, sector or theme (e.g. agriculture, hotel and catering, tourism, aviation, health and major hazards) as had been agreed upon by the tripartite constituents at numerous sectoral meetings. The Office had also not put its weight behind the needed promotional campaigns in the different regional settings, such as MERCOSUR, NAFTA, the Southern African Development Community (SADC), the African Union and the Asian Pacific Economic Cooperation (APEC).
- 16.** The Worker members fully supported the assertion that development had to be based on rights. In this regard, a visible and high-profile campaign should be implemented to target the United Nations and other international organizations involved in promoting economic development and social progress, such as the World Bank, IMF, UNDP, UNCTAD, UNEP and the FAO. They nevertheless stressed the need for the ILO to promote global action for the inclusion of the respect and promotion of core labour standards, the Decent Work

Agenda and the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, both in the general policies of such multilateral institutions and in their programmes and monitoring criteria. The ILO should also promote the idea of tripartite consultations on these issues in the implementation phase of such programmes. This campaign could start with, but not be limited to, high-level delegations meeting with the heads of these institutions, supported by the signing of joint memoranda and efficient media coverage in order to disseminate the Decent Work Agenda. They stressed that the existing Memoranda of Understanding between the ILO and regional banks and other institutions, such as the Inter-Parliamentary Union (IPU), were not disseminated enough at the national level. They suggested that the regional offices and MDTs could play an important role in this respect. The Worker members hoped to see a decentralized communications policy and not a centralized one concentrated in Geneva, directed only towards the international media. They also hoped that some of the additional US\$3.5 million allocated to communications, which had been approved by the Programme, Financial and Administrative Committee, would be used to this effect.

17. With respect to section 3 of the main document, on existing technical assistance and promotional activities, they expressed the view that such advisory and technical services to member States should be intensified in order to give effect to the conclusions and recommendations of the supervisory bodies. With particular reference to paragraph 13, international labour standards were, in their view, crucial in “creating an enabling socio-economic context” and ratification was not only to be seen as an end result, but rather as one part of this process. With respect to the workload of the standards specialists in the field, they felt that their capacity to provide technical assistance in the standards area should be increased.
18. The Worker members noted that in paragraphs 19-22 of the report, emphasis had been put on the activities related to the ILO Declaration of Fundamental Principles and Rights at Work and its Follow-up and IPEC, which were heavily funded from extra-budgetary resources. They noted that the number of staff employed in the InFocus Programme on Promoting the Declaration had increased to around 30, which exceeded the number of professionals engaged in the Social Protection and Labour Conditions Branch (APPL) of the International Labour Standards Department (NORMES) who were responsible for control and technical assistance. No mention had been made of the ILO Special Action Programme to Combat Forced Labour. They also wished to have more information on the lessons learned by NORMES on the application and supervision of standards other than the fundamental ones. Concerning paragraph 24 of the document, they would have liked to believe that the standards component had already been taken into account by the countries covered by the decent work pilot programmes, as well as in the context of the development of the poverty reduction strategy papers (PRSPs). If this was not the case, the Worker members requested the Office to take measures to correct this situation. With reference to the joint programming process, the Worker members had been under the impression that the question of promotion of international labour standards was already included in the programmes of the different sectors under the current programme and budget. With reference to paragraphs 27 and 28 of the main document, however, this was apparently not the case – at least not to the extent that they would have expected.
19. Regarding paragraph 30 of the report, they recalled that the need for synergy between international labour standards and technical cooperation had been discussed and agreed upon for many years. However, the recommendations to that effect had not been observed. Technical cooperation should complement and consolidate the work of the supervisory bodies but not be allowed to replace it. The synergy between these two means of action should be enhanced and any potential conflict should be averted. Relating to this issue, they noted that most of the experts working on technical cooperation had not been given orientation on the unique tripartite character of the ILO and its principles and values. Many

of them did not know enough about international labour standards or how they should be promoted in technical cooperation projects. Regarding paragraph 34 of the main document on the idea of participation that had been discussed previously, the Worker members had already expressed some reservations concerning the lack of a strong tripartite structure for consultation in many countries. They believed that, in some countries, it was impossible to have a real assessment owing to the lack of respect for freedom of association. Nevertheless, they agreed on the important role of national ILO committees in relation to standard-setting activities.

- 20.** The Worker members considered that ILO assistance and technical cooperation should meet the real needs of member States. In this respect, they agreed with the suggestion to include in the report forms a question concerning the need for technical assistance. However, this information, though it could be useful for the supervisory bodies, would be more useful for the Office in its follow-up to the recommendations of the Committee of Experts, the Conference Committee on the Application of Standards and the Committee on Freedom of Association. Concerning paragraphs 36-38, which dealt with integration with the supervisory bodies, the Worker members pointed out that the specific nature and functions of the supervisory system should be safeguarded. Any attempt to dilute their functions through the introduction of the notion of technical cooperation in their supervisory work was unacceptable. In this context, they emphasized paragraph 2 of the executive summary, which stated that “this paper does not suggest any new supervisory mechanisms and procedures, or modifications to those that exist, but rather highlights assistance as a means of solving problems of standards application”. Furthermore, they believed that a country-specific approach was a good way to attempt to resolve some standards-related problems. Standards should be seen as a tool to resolve problems and to attain the decent work objectives.
- 21.** In conclusion, the Worker members stressed that they believed that giving effect to the conclusions based on the work of the Working Party on Policy regarding the Revision of Standards would require a number of technical assistance initiatives. In this respect, they noted that a database that included country profiles was to be launched by the Office in March 2003. All 71 Conventions which had been found to be up to date would need to be more than just “looked at” as stated in paragraph 49 of the document, and they expected that there would be a promotional campaign launched in this area. As regards the specific areas in need of further reflection, they considered that the first suggestion, on integration of technical assistance and promotional activities, needed to be modified to take into account the concerns that they had expressed, and that the two other areas for reflection needed to be further developed. They noted that, while the three areas mentioned covered the technical assistance aspects, the promotional aspects had not been sufficiently covered. They asked the Office to present to the Committee at the next session of the Governing Body a short paper listing all the proposals on the future promotional and technical assistance activities that were to be undertaken by the ILO in the field of international labour standards. Finally, the Worker members felt that more information should be provided at a national level on international labour standards and standards-related activities and they stressed the need for ACT/EMP and ACTRAV to be involved in these activities.
- 22.** The Employer members thanked the representative of the Director-General for his presentation of the documents and recognized in particular the need for the ILO to adapt to changes in the international context. Referring to paragraph 3 of the executive summary, they noted the assertion that, since the end of the Cold War, the need for international labour standards had grown apace with the increased need for fair practices in the globalized economy. However, to refer to a need for rules-based trade competition was not desirable. The ILO’s terms of reference did not include defining international competition, and it was accordingly requested to delete this phrase from the document. What was at

issue here was the capacity of the ILO to achieve progress in concrete situations, without going beyond the existing framework, but ensuring that its efforts in this area were much more operational. There were two major difficulties involved. Firstly, it was important, as had been pointed out by the Worker members, to draw a distinction between supervisory activities, on the one hand, and technical assistance, on the other. While the latter contributed to the effectiveness of standards-related activities, it could not be a substitute for supervisory activities. Mention should also be made of the campaign for ratification of fundamental Conventions and the efforts that had been made by ratifying States in order to apply these Conventions. It was vital to continue these efforts in the context of launching a new promotion campaign with respect to the priority Conventions. The second difficulty related to the definition of technical cooperation. Although the document prepared by the Office was very informative, it did not answer this fundamental question. It gave the impression that technical cooperation could not be dissociated from standards. The general discussion on the role of the ILO in technical cooperation which took place at the 87th Session (June 1999) of the Conference showed that the scope of these activities went beyond that of standards. Technical cooperation was a means of action to promote ILO objectives, as synthesized in the concept of decent work. These objectives were: standards and fundamental principles and rights at work; employment; social protection; and social dialogue. Technical cooperation could be aimed, for example, at strengthening employers' and workers' organizations, but this was not the subject of specific standards.

23. Another issue related to technical cooperation or assistance in the light of promotion of standards-related activities. While the positive effects of ratification campaigns were encouraging, the time had come to move from a quantitative to a qualitative approach. At the request of the governments concerned, technical cooperation could enable identification of the amendments to national legislation required by the provisions of a Convention which the State planned to ratify. This preliminary work, even before ratification took place, was important. This activity was also tailored to each country; that is, it took into account the country's level of social and economic development. The integrated approach referred to in paragraph 31 of the main document encompassed other concepts besides that of standards, hence its richness. Technical assistance could also be a means of assessing the economic impact on a State of ratification of a given Convention. This was also a very important advisory and assistance activity. As regards the involvement of the social partners, not enough mention had been made of this essential aspect in the document. These partners included ACT/EMP and ACTRAV, but also the representatives of employers' and workers' organizations at the national level. Paragraph 8 of the executive summary should have been more assertive with regard to the role of the social partners. The reality was that ACT/EMP and ACTRAV not only "could assist" but should assist the process of optimizing the impact of the ILO's activity. Moreover, cooperation between the workers' and the employers' specialists and the standards specialists within the MDTs should be systematic. The words "wherever necessary" should not therefore have been added.
24. To conclude, the document was very informative but ambiguous on certain points, and should be reviewed. The issues raised were too important and sensitive to be dealt with in a single sitting of the Committee, and the subject should be revisited. This was essential to ensuring that the ILO's activity was carried out in a concrete and operational manner in the field.
25. The representative of the Government of Pakistan, speaking on behalf of the Asia and Pacific group, stated that it had given careful consideration to the two documents at issue. Considerable thinking had gone into developing the approach concerning technical assistance and promotional activities in the context of the review process that the Committee was undertaking. With reference to their statement made in the context of the discussion on the document *Review of improvements in standards-related activities*,

*including an overview of discussions and decisions on standards policy (GB.283/4) in March this year, the group regretted, however, that the Office had only done half of the work they had been requested to do, including proposing a timetable in accordance with the “the way forward” detailed by them in the document. The group called upon the Office to prepare such a document and to clarify its position, and requested the Office to inform it on whether it had done any thinking along these lines. Concerning the two documents now at issue, the Asia and Pacific group queried whether the submission of executive summaries was to be a new practice of the Office and whether this responded to a request from the Governing Body. Other documents submitted did not include any such summaries. There were cases when an executive summary could be called for, but in the present case, the size of the original document – 12 pages – did not seem to warrant it. Furthermore, the points raised in the executive summary did not exactly match with the details contained in the original document. The group found it especially disturbing to note paragraph 3 of the executive summary, where the Office appeared to suggest a linkage between trade competition and labour standards, as no such assertion was made in the original document. The group cautioned the Office that the review of standards-related activities should not be construed as an occasion to draw any links between the ILO supervisory mechanisms and trade.*

- 26.** The views of the Asia and Pacific group as to the scope, approach and objectives of the review process had been expressed in a previous statement which it intended to resubmit to the secretariat for careful consideration. Turning back to the main document, the group considered that the quality of analysis was commendable, in particular the approach outlined in sections 6, 7 and 8 of the document. It noted with interest that the approach of the document was to seek specific solutions to resolve the problems encountered by the member States. The idea of seeking greater coherence between various departments and mechanisms, improved tripartite dialogue and the inclusion of indicators and targets – being followed in the context of strategic budgeting – should be pursued based on the concrete suggestions in the document, and the group looked forward to the initial results of their implementation. The group also expressed support for the idea of including a question on technical assistance in regular report forms. In addition, the group agreed on the need to develop country-specific assistance, both in the context of decent work country programmes and in the context of achieving the Millennium Development Goals, which all United Nations agencies were bound to work for. The Asia and Pacific group also stressed that the eventual goal of coherence should not result in creating conditionality between assistance to the member States and positive recommendations of the supervisory mechanism. Rather, the effort should be based on promotion. It also stressed the statement in paragraph 19 of the report, that demand for assistance was growing while resources were limited. The efforts to seek increased coherence had to be a two-way process; it called not only for increased integration of the outcome of the supervisory mechanisms into technical assistance, but also for increased integration of the needs for technical assistance and problems encountered by the member States into the thinking, results and observations of the supervisory mechanisms. Finally, the group noted that, while the Office in the documents made efforts to emphasize the positive role of the supervisory mechanisms, it did seem to recognize the need for a review process for all the supervisory activities with a view to improving their functioning.
- 27.** The representative of the Government of the United States, speaking on behalf of the governments of the industrialized market economy countries (IMEC), thanked the Office for the timely arrival of the overview of technical assistance and promotion, supplemented by the executive summary. The documents suggested that the major challenges to be addressed through technical cooperation and promotion were how to move from ratification to implementation, and how to assess individual country needs. The executive summary stated that what counted was the impact of standards, and the different means of action should complement each other for that purpose. The IMEC group agreed that those

challenges should be met. Paragraphs 1-26 of the document and the executive summary provided excellent summaries of current standards-related technical assistance and promotion and accurately reflected the challenges and opportunities that had been identified in previous discussions in the Working Party on Policy regarding the Revision of Standard, the LILS Committee, the Governing Body and the International Labour Conference. However, the IMEC group had some concerns about the remainder of the main document. With regard to section 6 concerning tools to improve the normative component of ILO technical assistance and promotional activities, the IMEC group was surprised and disappointed to learn that these tools were not already being used, and it encouraged the Office to use all the tools available to address the challenges.

- 28.** Integration of technical assistance with supervisory dialogue was important to achieve full compliance with obligations, and the IMEC group was on record as supporting innovations such as voluntary country-specific programmes as suggested in section 7.5. Again, the Office should be encouraged to work with the supervisory bodies to enhance the continuing provision of technical assistance. Paragraph 51 of the document suggested three areas in need of further action. The first suggested that a question relating to assistance be added to the regular report forms. What was the question that would be added? It further suggested that governments could include information on the impact of assistance in their reports. It would seem that the assessment of impact should come from the supervisory bodies, not the governments. The last sentence stated: "A related question could be on how to obtain additional guidance from the supervisory bodies." The IMEC group did not understand this sentence. The two other areas in need of further reflection, that is, country-specific standards assistance and integration of standards into the country programmes of the ILO, were both worthwhile and should have begun already. The IMEC group also wished to know how much progress had been made with the country-by-country assistance to which the Governing Body had agreed in November 2001. In conclusion, the group's view was that improvements in standards-related technical assistance and promotion should be reconsidered by the LILS Committee at the end of the full programme of standards-related topics which had been adopted last March. That would allow for consideration of all improvements agreed to be pursued in the subsequent discussions. The IMEC group noted that, in the meantime, in March 2003 the LILS Committee would discuss issues related to the content, drafting and preparation of Conventions and Recommendations. In conclusion, it urged the Office to use the tools suggested in these documents.
- 29.** The representative of the Government of Argentina, speaking on behalf of the Group of Latin American and Caribbean States (GRULAC), thanked the Office for the documents it had prepared, which reflected clearly and accurately the experience acquired by the Office in regard to its technical assistance aimed at implementing international labour standards. Since the beginning of the process of enhancing the ILO's standards-related activities, GRULAC had emphasized the need for an approach based on technical assistance in order to promote solutions which would enable the obstacles standing in the way of genuine application of standards to be overcome and strengthen their impact in the field. GRULAC had also maintained that it was necessary to prevent technical cooperation activities from being perceived as a new mechanism for carrying out direct supervision. In this context, GRULAC noted with satisfaction that the document marked a shift towards increased synergy between technical cooperation and standards-related activities, promoting an approach which went beyond the application of standards. It was true that this was not the only means of implementing the ILO's strategic objectives. Policy-making on standards should be placed in a development perspective and, to achieve lasting results, an in-depth study should be made of the link between standards and other aspects such as employment, social protection, social dialogue and poverty reduction. In GRULAC's view, dialogue with the tripartite constituents was key to ensuring the effectiveness of the tools to improve the normative component of ILO technical assistance and promotional activities referred in

paragraphs 27-35 of the document. In this respect, joint programming was a very good idea. There was a need to ensure interaction between the officials in charge of technical cooperation planning and implementation and standards specialists in the MDTs, in order to strengthen the impact of these activities. Even though the supervisory bodies did increasingly encourage governments to call on technical assistance of the Office to solve the difficulties they encountered in the field, GRULAC considered it indispensable to have the agreement of the government concerned, after consultations with employers' and workers' organizations, on any technical assistance related to the application of ratified Conventions.

- 30.** Concerning the three specific areas referred to in paragraph 51 in which concrete action could be envisaged in order to improve the normative content of technical assistance, as well as their relevance and impact, GRULAC was not clear about the purpose of including a question on technical assistance in report forms; neither did the abovementioned paragraph specify the means which could be used to encourage governments to include in their reports information on the impact of assistance they were already receiving and on possible needs for further assistance. Like the IMEC group, GRULAC did not see the point of including a question on how to obtain additional guidance from supervisory bodies. The other two areas suggested – governments interested in requesting country-specific standards assistance and the integration of the respect for international labour standards into the country programmes of the ILO – were already integrated in the Office's technical cooperation. The effectiveness of these measures had been proven and they should be maintained. GRULAC approved of the aim of ensuring that the ILO technical activities promoted up-to-date standards which, in turn, would promote sustainable development.
- 31.** The representative of the Government of Brazil thanked the Office for the quality of its information on the ILO's standards-related activity contained in the document. Her delegation endorsed the comments made by the representative of the Government of Argentina speaking on behalf of GRULAC. The revision of standards, ensuring that cooperation activities were aligned on updated standards, was just as important as ratification campaigns. With regard to the supervisory machinery, the report forms should be revised to facilitate government replies and should include objective and constructive questions based on the forms relating to the ILO Declaration on Fundamental Principles and Rights at Work. A revision of this kind would lead to an improvement of the content of information supplied and encourage States' compliance with time limits for sending reports. Concerning promotional activities and technical cooperation, the Office had a fundamental role to play with regard to technical assistance to countries encountering difficulties in the application of standards. In this respect, it would be useful to improve the dissemination of positive experience among member States. The speaker gave the example of a programme that had been implemented in Brazil on issues relating to equality in employment. This experience had aroused interest among other countries at a recent meeting held by the ILO. Lastly, with regard to improving dialogue with constituents, ongoing consultation of the social partners was essential and the mechanisms for such dialogue should be strengthened in the light of the provisions of Convention No. 144. Accordingly, Brazil supported the idea of directly involving the social partners in the ILO's technical cooperation activities, which would increase member States' interest in benefiting from the Organization's assistance.
- 32.** The representative of the Government of Nigeria, speaking on behalf of the Africa group, noted that for the past three years, the LILS Committee had deliberated on possible improvements in ILO standards-related activities. The LILS Committee had observed with interest the universal recognition given to labour standards as a major component of the debate on globalization as it directly affects employment and working conditions, which had become a matter of increased concern and heightened expectations. The ILO was now being called upon to mobilize resources in response to these expectations. The need for

technical assistance concerning standards and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up was increasing, but the ILO's ability to provide assistance was still restricted. Technical assistance and promotional activities of NORMES were mainly provided in the form of advisory missions. The courses offered to officials responsible for reporting on international labour standards, as well as to lawyers, judges and legal educators, all led to improved productivity and enterprise development. In all these areas, international labour standards needed to be placed in a development perspective. For this reason, the Africa group requested that additional ILO assistance be given to member States that were in the process of implementing Conventions into their national laws. To ensure increased ratification of Conventions and implementation of legal issues, the Africa group stressed the need for joint intervention in order to strengthen the capacities of the MDTs with a view to reviewing them on an ongoing basis.

- 33.** The representative of the Government of Ethiopia noted that his Government fully associated itself with the statement made by the Africa group on this matter. He stressed that increased efforts to promote labour standards were a crucial element in helping developing countries. The ILO's promotional efforts could be realized only if this effort was applied practically alongside the implementation of ratified Conventions and Recommendations, by assisting governments without setting conditions. The Ethiopian Government had made a tremendous effort in overhauling its labour legislation and much had been achieved in this tripartite process. The task was enormous and, given the different constraints encountered, the finalization process still required mobilization of domestic as well as external resources. The ILO had to enhance its assistance in this respect in an effort to conclude the ongoing drafting process. As a means to improve the normative component of ILO technical assistance and promotional activities, his Government supported the proposal for an integrated approach to standards-related activities and the general discussion on this approach to be held at the International Labour Conference in June 2003. In conclusion, his Government noted that the supervisory bodies should take into account the specific national circumstances, in particular the economic and social aspects of least developed countries, and proposed solutions should be geared towards promoting concrete improvements.
- 34.** The representative of the Government of China congratulated the Chairperson on his election and associated himself with the remarks made by the representative of the Government of Pakistan on behalf of the Asia and Pacific group. As stressed in the Office document, the ratification of Conventions was not an end in itself: standards had also to be applied to ensure the rights of workers were protected and the ILO must carry out activities to promote that objective. As mentioned in paragraph 14 of the document, the activities of the multidisciplinary teams provided useful assistance to the member States. China had also received considerable assistance with regard to a number of problems. As indicated in paragraph 18, the ILO web site, the CD-ROM produced by the Office and its publications all contained considerable information. They should, however, be translated into Chinese. With regard to the areas in which more reflection was necessary, the idea of further concentrated country-specific assistance and advice, as mentioned in paragraph 51, involved the risk of concentrating those activities on certain States to the detriment of others. The Governing Body should therefore remain attentive to that problem.
- 35.** The representative of the Government of the Russian Federation emphasized the importance for his country of standards-related technical assistance. The ratification of Conventions was not sufficient, it was their implementation that was essential. In October 2002, the Duma adopted legislation clearing the way for the ratification of several ILO Conventions. The speaker hoped that a number of ratifications would occur before the end of the year. The Russian Federation was making every effort to ratify all the fundamental Conventions; however, difficulties remained and the assistance of the Office was necessary in that respect. The ILO must continue to help states with the ratification of international

labour Conventions. It was to be hoped that the international community would understand the importance of technical assistance, particularly for countries such as the Russian Federation. Due account should also be taken of the importance of such assistance when drawing up the Organization's budget.

- 36.** The representative of the Government of Lithuania welcomed the documents, which contained comprehensive information on further trends concerning standards-related technical assistance and promotion activities. Her Government hoped that the Office would continue its training activities and technical assistance through headquarters, the MDTs and by using, as much as possible, the capacities of the Turin Centre. Strong support was given to the position that improved and updated knowledge of international labour standards and the strategic objectives of the ILO should serve as a basis for action. To ensure better dissemination of information and dialogue with the constituents, her Government suggested that ILO national coordinators be trained on a regular basis in order to ensure a continued updating of their knowledge. At the March 2002 session of the Committee on Technical Cooperation,<sup>4</sup> reference was made to the point that national experts and national coordinators should be supported while ensuring that they were adequately trained on international labour standards and the strategic objectives of the ILO so that they could disseminate updated information within their countries. In addition, this could achieve the goal of improved feedback of information from constituents. She stressed that, in her Government's view, investment in human resources always paid off. Finally, although her Government understood the need for and importance of campaigns to increase the number of ratifications, it wished to emphasize that ratification was not a goal in itself but a means to improve working and living conditions. Hence, it was necessary to pay further attention to implementation and supervision. In conclusion her Government wished to stress that member States needed technical assistance in order to be able to adapt national laws to the provisions of the Conventions and fully to understand their obligations concerning standards.
- 37.** The representative of the Government of France stated that it was possible to have a relatively clear idea of what comprised technical assistance from a general perspective: promotion of standards, assistance with ratification, assistance with application and also technical assistance associated with supervisory activities. The question appeared more complex if one sought to present all those activities in an organized fashion. The speaker also associated himself with the observations and questions contained in the statement made on behalf of the IMEC group, namely the need to review the question in the light of the discussion and on the basis of a document containing the requested clarifications. The final report of the Working Party on Policy Regarding the Revision of Standards, adopted in March 2002, deserved greater attention than it had been given in the document. The report had been adopted by the Governing Body and the follow-up it implied would require both time and effort. The footnote to paragraph 9 of the summary stressed that "promotion of and follow-up to these decisions is also to be ensured through targeted technical assistance and/or by incorporating this aspect in larger projects for technical assistance".
- 38.** That new type of technical assistance would first of all take the form of a clarification, because it would be necessary to explain the results of the work of the Working Party. It would also be necessary to promote the up-to-date Conventions. The speaker invited the Office to take a very concrete approach to the issues raised. To that end, two tools could prove particularly useful. First of all, a more operational version of the final report of the Working Party, intended for those who would be using it, labour ministry officials, and

<sup>4</sup> See GB.283/TC/1.

employers' and workers' organizations. The guide should be straightforward to use and include, for example, indexes and cross references. Secondly, the database to which the document referred should contain country profiles, i.e. information on the specific measures each member State has been invited to take to follow up on the recommendations of the Working Party. According to Office indications, the two tools should be ready by March 2003. It was then that the long operational follow-up to the decisions of the Governing Body should begin with a view to modernizing the body of standards. Dialogue with the constituents and assistance by the Office would play an essential part in the process. From that point of view, it appeared necessary to relaunch the campaign for the ratification of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and to encourage each State to set up a tripartite committee to liaise with the Office in that undertaking. At the following session of the Governing Body, the Office should be in a position to provide information concerning the guidelines for the follow-up to the Working Party's recommendations.

39. The representative of the Government of Italy thanked the Office for the extremely comprehensive information provided in the document. He also supported the statement made by the representative of the United States of behalf of the IMEC group. Italy fully supported the ILO's standards-related activities, and particularly the various technical assistance and promotion activities successfully carried out by the Department of International Labour Standards. The speaker stressed the importance of those activities for the application and promotion of standards, whether carried out by headquarters officials, multidisciplinary team standards specialists or the Turin Centre. The success of the ratification campaigns strengthened the need to expand the technical assistance offered by the Organization in order to facilitate the application of Conventions. The Government of Italy noted with interest the results obtained in that sphere and hoped that the ILO would intensify its efforts to assist countries to ratify and apply international labour standards. Taking account of the increase in requests for technical assistance by States that had ratified Conventions, it was necessary for the Office to improve its ability to respond to their expectations. It was also essential that all means of technical assistance provided to any given state be implemented on the basis of dialogue between the tripartite constituents.
40. Concerning the promotion of up-to-date Conventions, the Government of Italy supported the decisions of the Governing Body taken on the basis of the recommendations of the Working Party on Policy regarding the Revision of Standards. The results achieved in respect of the dissemination of information were very positive, thanks to the ILO web site that contained information on international labour standards. Italy supported the idea of specific technical assistance granted to countries, particularly in the case of finding solutions to problems raised by the supervisory bodies. The same went for the proposal to include in report forms a question on forms of assistance and technical cooperation that would improve the implementation of the Convention concerned, as well as on the technical assistance already provided by the Office and its impact.
41. The representative of the Government of India recalled that the paper prepared by the Office on that agenda item discussed standards-related technical assistance and promotional activities with a particular focus on improved knowledge of standards, increases in ratifications and improved implementation of standards and the possibility for technical assistance to eliminate bottlenecks in the application of standards. The Government of India had consistently maintained that satisfactory groundwork was a prerequisite for effective implementation of ILO standards. Those standards had to be seen in the light of national laws. Governments needed to address questions of implementation before embarking on the adoption of national laws as implementation was often more difficult than passing laws. Advocacy, training and technical assistance were indeed acceptable means of action in the promotion of labour standards. Ratification of standards was not an end in itself, but had to be accompanied with specific and clear-cut measures

for implementing the standards ensuring the implementation of the true spirit of the principles enshrined therein. His Government had so far ratified about 40 ILO Conventions, including four of the fundamental Conventions. His Government's approach was to ensure that national laws and practices were fully in conformity with the provisions of the standards in question before engaging the process of ratification in order to ensure that the targeted beneficiaries could fully benefit from the standards.

42. While stressing the principle of universality in the formulation of ILO standards, the representative of the Government of India emphasized that the ILO Constitution itself recognized that the national conditions differed between member States. It provided for the possibility of introducing flexible devices in the Conventions in order to facilitate their application by member States with differing social and economic systems and stages of development. In his Government's view member States should focus on the application and eventual ratification of Conventions that were relevant and essential for promoting their social and economic development and the intention could not be that each member should ratify all Conventions. He recalled that the very purpose of standards setting was to seek and establish social justice as an essential factor for the maintenance of universal and lasting peace. In the early decades of its formation, the ILO's main efforts towards achieving its fundamental objectives were focused on the development of standards. It was in the 1950s that the ILO decided to establish a programme of technical assistance to help the developing countries improve their labour conditions, which included specific measures to provide gainful employment to workers. At present there was an even greater need to adapt the ILO's technical assistance programmes to the objectives of providing more gainful employment through the upgrading of skills. As far as developing countries were concerned, concrete action in that area should be given the highest priority. Paragraph 39 of the document mentioned that the Committee of Experts had reminded governments on 38 occasions that they could avail themselves of the technical assistance of the ILO for the application of ratified Conventions. The Government of India suggested it would be useful to find out the reasons why many countries had not come forward to ask for such assistance. Concerning paragraph 51, his Government considered that it would be appropriate to encourage governments in a more general way to include information in their reports on the impact of assistance that they had already received and on possible needs, if any, for further ILO assistance. In addition, concrete action could be envisaged under the ILO technical cooperation programme through technical projects that identified areas in the unorganized sectors that were confronted with special hazards, listing the total number of workers employed in such sectors, the kind of hazards those workers were exposed to and the safety measures that could be adopted to minimize such hazards. In conclusion his Government wished to underscore that the ultimate objective of such a project would be to increase the employer's commitment to safety aspects in these units.
43. The representative of the Government of Norway endorsed the statement by the representative of the Government of the United States on behalf of the IMEC group as well as the statement by the representative of the Government of France concerning the need to give priority to follow-up action on the recommendations resulting from the review of the international labour standards. In particular he noted that paragraph 51 of the document pointed to specific areas in which concrete action could be envisaged in order to improve the normative content of technical assistance and promotional activities. His Government was favourable to the proposal to encourage governments to include information in their reports both on the impact of the assistance they were receiving and on possible needs for further assistance. He also expressed support for the idea of focusing country-specific assistance and advice on certain countries with identified long-standing problems in the application of standards. Finally, he noted that his Government was in favour of technical cooperation activities aimed at promoting the up-to-date standards, which in turn would contribute to sustainable development.

44. In response to a question by the Asia and Pacific group, the representative of the Director-General noted that the practice of providing a separate executive summary was not a normal ILO practice. The present executive summary had been drafted on the initiative of the Office after comments made about it following informal discussions. Ideally, the Office would have liked to have had an opportunity to consult with the tripartite constituents, but this had not been possible due to time constraints. The intention with the executive summary was to improve the legibility of the main document and facilitate the present discussion. Regarding its scope, the present document responded to the request by the Governing Body in March 2002 for a paper on standards-related technical assistance and promotional activities. As regards the calls for a review of the supervisory mechanisms, the representative of the Director-General recalled that that process was under way and that the supervisory bodies were currently engaged in internal discussions concerning their working methods. The report of the Committee on Freedom of Association to the 283rd Session (March 2002) of the Governing Body contained an update on its working methods.<sup>5</sup> He also recalled that during the 90th Session (June 2002) of the International Labour Conference the Chairperson of the Committee of Experts attended – pursuant to long-standing practice – the meeting of the Committee on the Application of Standards. On that occasion she made an oral presentation of the work of the Committee of Experts and informed the Conference Committee that during its November 2001 session the Committee of Experts had initiated a process to review its working methods, including the establishment of a subcommittee. For its part the Conference Committee had held an informal exploratory meeting of the members of the Committee to assess possible areas for change in its methods of work and to gather proposals with a view to a discussion on this matter in 2003.<sup>6</sup> The Committee of Experts had also developed a process to review its work and working practices, including the establishment of a subcommittee. Thus in both instances the discussion was ongoing. In reply to concerns raised by IMEC concerning the current normative component of ILO technical assistance, the representative of the Director-General emphasized that standards were an important element but that they were not used to their full potential. As to the question proposed for inclusion in the regular report forms, the intention had been to devise a mechanism for a possible improvement of technical cooperation and the supervisory mechanisms. In the light of the comments made, however, it appeared that that issue had to be given further consideration by the Office and the tripartite constituents. Furthermore, as regards the tailoring of standards-related assistance to the needs of countries, that issue should be further considered in the light of the development of decent work country programmes. The Office should coordinate its activities, undertake internal discussions and consult with the member States concerned, in order to develop appropriate country-specific programmes. In order to give the Office enough time to prepare and undertake consultations with the tripartite constituents, the representative of the Director-General proposed to pursue this discussion based on a new report from the Office to be submitted to the 288th Session (November 2003) rather than the 286th Session (March 2003). That paper would contain concrete proposals. Some of the issues raised in the present context were the subject of ongoing discussions on the Programme and Budget for 2004-05. The agenda of the LILS Committee for the March 2003 meeting already appeared rather full. On the agenda was the postponed discussion on the functioning of the Credentials Committee, the document on the content, drafting and preparation of Conventions and Recommendations requested by the Governing Body in March 2002, and proposals which could be made on the conduct of the discussion on the Global Report at the International Labour Conference in June 2003.

<sup>5</sup> See 327th report (March 2002) of the Committee on Freedom of Association, paras. 17-26.

<sup>6</sup> ILC, 90th Session (2002), *Provisional Record* No. 28, Part I, paras. 27-29.

45. The Worker members declared that they were not opposed to postponing a further consideration of the question of technical assistance and promotion until the 288th Session (November 2003) of the Governing Body for the reasons invoked by the representative of the Director-General. They emphasized, however, that it was important to follow up on proposed action to improve ILO standards-related activities in the context of the Programme and Budget for 2004-05. With reference to the proposal by the Employer members to assess the impact of international labour standards in economic terms, they noted that that impact would undoubtedly be positive not only in economic terms, but that labour standards could also contribute to saving lives. According to current estimates, 2 million lives were lost in work-related accidents annually and the cost of work-related death and accidents amounted to approximately 4 per cent of the world GDP. With reference to the recently concluded work of the LILS Working Party on Policy regarding the Revision of Standards, the Worker members emphasized the need for appropriate follow-up at the national level on the resulting recommendations so that yet another such review would not be necessary for some considerable time in the future. They emphasized that the obstacles to an effective follow-up on these recommendations were, in most cases, not a lack of political will but a lack of technical knowledge that could be overcome through technical assistance. In conclusion, the Worker members reiterated that joining the ILO implied a commitment expressed in the Constitution, and shared by all 175 members, to strive towards global improvements of working conditions.
46. The Employer members accepted the proposal to submit another document on the matter to the November 2003 session of the Governing Body. They nevertheless stressed that in-depth consultations should first be held on the subject.
47. *The Committee recommends that the Governing Body invite the Office to submit to the LILS Committee, at its 288th Session (November 2003), in the framework of its examination of possible improvements to standards-related activities, a further document concerning concrete measures relating to technical assistance and promotion, taking into account the observations made during the present discussion.*

## V. Review of the activities of multidisciplinary teams in relation to standards (Sixth item on the agenda)

48. The Committee had before it a document<sup>7</sup> containing information on the activities of the multidisciplinary teams (MDTs) in relation to the promotion of Conventions, technical assistance and constitutional obligations, social dialogue and activities with the social partners as well as labour legislation.
49. The Worker members took due note of the information contained in the document. They pointed out that while the standards specialists had accomplished excellent work, the document lacked a thorough review of concrete achievements by the MDT specialists. They raised the issue that specialists were still missing from certain posts and stated that those posts should be promptly filled. The Worker members expressed the view that the resources allocated to standards were not properly balanced since most of the resources were spent on the Declaration and on activities related to child labour. They appreciated

<sup>7</sup> GB.285/LILS/6.

the fact that efforts were being made for the promotion not only of fundamental Conventions, but also of other Conventions, and in particular of the Occupational Safety and Health Convention, 1981 (No. 155), on safety and health. They insisted that the integrated-approach discussion on safety and health to take place in the Conference in 2003 should not be used as a pretext for not ratifying Conventions in this area. Concerning the constitutional amendment, they urged the Office to promote its ratification, since only 73 member States had ratified it and 117 ratifications were needed for its entry into force. Also, the 71 up-to-date Conventions should be promoted. Additionally, they praised the work of the Port-of-Spain MDT for its use of country profiles, which they felt demonstrated that if given the proper tools, governments, workers and employers could act in good faith and effectively. The Worker members also noted, with some surprise, the very brief reference to the activities of the MDT in Santiago, Chile. Finally, they noted with interest the mission undertaken by the Addis Ababa MDT with the objective of assisting the Government of Nigeria to solve outstanding issues on the submission of ILO instruments to the competent authorities, reporting on ratified Conventions and reporting under the Declaration's follow-up mechanism, and stressed that that type of assistance was very effective.

50. The Employer members welcomed the information contained in the document and praised its factual description of activities. However, they raised the question as to whether it was appropriate to mention that International Labour Standards (ILS) specialists played an essential role in the supervision of obligations deriving from international labour Conventions, as it might create the wrong impression by implying that specialists were involved in monitoring and supervising the implementation of standards.
51. The representative of the Government of Argentina, speaking on behalf of GRULAC, stated that she was pleased with the document prepared by the Office, and agreed that it was necessary to broaden and deepen the activities of the MDTs to increase the level of application of international labour standards. She noted the high level of ratification in her region and expressed the view that this was indicative of the support for ILO standards within the region. Further, she praised the work of the MDTs in Costa Rica and Trinidad and Tobago, but emphasized that the region's economic crises and complex political procedures had to be taken into account by the MDTs when performing their tasks.
52. The representative of the Government of Brazil, speaking on behalf of MERCOSUR, welcomed the fact that the ILO moved closer to its constituents via MDTs. However, she also referred to the limited reference to the work of the MDT in Santiago, Chile, and expressed a desire to see a review of all the MDTs' activities concerning international labour standards.
53. The representative of the Government of the Bahamas commended the work of the Port-of-Spain MDT in producing a video to help prepare new delegates for their first participation in the International Labour Conference, which he saw as a useful tool for sensitizing social partners in the region to the importance of their role within the ILO system. He also noted that the MDTs' work in the areas of labour-management cooperation and HIV/AIDS were very beneficial to his region, and that further technological and financial resources would be welcome. Finally, he emphasized that the Caribbean region was currently finalizing the Caribbean Single Market and Economy (CSME), and would call on the Port-of-Spain MDT for further assistance with that process.
54. The representative of the Government of Nigeria, speaking on behalf of the Africa group, expressed his keen interest in the work of the MDTs, especially those in Harare, Addis Ababa, Dakar and Yaounde. He pointed out that there was a vacant post in Dakar and that efforts to fill it should be intensified. He also called for an increase of activities by the MDTs in the region.

55. The representative of the Government of the Republic of Korea welcomed the document because it gave an overall picture of the situation, but pointed out that all regions did not have identical needs. He expressed the view that since MDTs operate on the request of individual States, identifying the needs of individual regions should be linked to the trends brought to light by the Global Report to clarify the immediate needs of specific regions.
56. The representative of the Government of Norway expressed the view that the standards specialists played an essential role in the supervision, application and promotion of ILO standards, and that it was of primary importance that those specialists continue to expand their role in raising awareness. Additionally, he encouraged specialists to broaden their advice to constituents on how to meet their constitutional obligations. Finally, he stated that because of the importance of specialists in the ILO's standards-related activities, such posts should be created in the Budapest and Cairo MDTs.
57. The Committee took note of the document submitted by the Office.

## **VI. Second Meeting of the High-level Tripartite Working Group on Maritime Labour Standards (Geneva, 14-18 October 2002) (Seventh item on the agenda)**

58. The Committee had before it a short overview<sup>8</sup> of the progress made at the second meeting of the High-level Tripartite Working Group on Maritime Labour Standards held in Geneva from 14 to 18 October 2002. The report of the second meeting had not been submitted because it had not been finalized and approved in time.
59. The Deputy-Director of the Sectoral Activities Department stated that the High-level Tripartite Working Group had remained faithful to the principles for the elaboration of the new instrument agreed to at the first meeting and had further developed them, without dealing with anything conceptually new. She pointed out that the new consolidated Convention sought to take advantage of solutions developed in the framework of the IMO. The envisaged structure containing levels and parts was *sui generis*. It would provide for a more modern ILO Convention for a new millennium. For instance, ILO Conventions to date did not have a procedure for their amendment, so that even changes concerning a single provision had to be made by a separate instrument (normally a new revising Convention). That was probably a drawback which the ILO would in any event want to correct in the future. However, in the present case, an amendment procedure was essential to protect the proposed single all-embracing Convention from being split up into different instruments with different parties every time a change was made to it. One of the elements taken to a certain extent from the IMO Conventions related to a simplified procedure for the amendment of detailed provisions. A special tripartite Committee was envisaged as the forum for considering proposals for such amendments, which would also have to be approved by the normal two-thirds majority of the International Labour Conference. She indicated that another essential component of the Convention, and an important principle agreed upon at the first meeting, was a comprehensive system of enforcement and control. One of the measures being envisaged was a system of certification of compliance with the provisions of the new Convention. It was a system of national and not international certification backed up by national inspections. The ILO would also have the supervisory

<sup>8</sup> GB.285/LILS/7.

system, including the complaints procedures. The measures being considered would rely on the ILO supervisory machinery to give the international oversight under the new Convention more credibility than the systems of other organizations. None of the envisaged measures would impact negatively on the ILO's existing procedures, but rather promote a greater use of the supervisory procedures: governments might be asked to furnish more information under the article 22 procedure and constituents might be better informed of the remedies available under the ILO Constitution. Referring to the integrated approach, she stated that that approach to standard setting did not mandate a one-size-fits-all formula. The consolidation exercise was consistent with the integrated approach while only representing one way, and definitely not the only way, of implementing it. One of the elements of the integrated approach required that the usefulness of a standard be critically examined. Such an examination would include a focus on the need for it, and, where a need was recognized and agreed upon, a drafting in the light of those needs and the conditions under which the provisions envisaged were going to operate, as well as the integration of the standard with other standards, including those outside the ILO. Such a pragmatic approach was intended to maximize the impact of ILO standards. In that regard, the envisaged Convention would emphasize the responsibility of all parties (flag States, labour-supplying States and port States) to ensure respect for the provisions of the new instrument. The exercise with the maritime labour standards was also going outside the strict standards approach, considering for instance whether a particular objective would be best achieved through provisions in the new instrument or outside of it (a discussion for instance of a system akin to the international safety management (ISM) system of the IMO, training or technical cooperation). The new instrument was further being designed to fit in with the IMO system so as to rationalize the work of port state control officers charged with the inspection of social aspects under ILO standards and safety aspects under IMO standards. Finally, she highlighted that, beyond the meetings, governments were being specifically consulted and requested to engage in continuous social dialogue at the national level in order to identify difficulties with ratification and implementation in advance.

60. The representative of the Workers' group agreed to the submission of a report to the Governing Body in March 2003.
61. The representative of the Employers' group welcomed the interesting presentation and agreed that a report should be presented to the next session of the Governing Body.
62. The representatives of the Governments of Brazil and Nigeria expressed their thanks for the interesting presentation and their satisfaction with the work done by the group and the Office, and agreed to the proposal made in the presentation.
63. The representative of the Government of France emphasized his Government's attachment to the proposed consolidated Convention, especially as it introduced a new simplified amendment procedure, responded to concerns regarding maritime safety and was accompanied by port State control measures. He recalled that in view of the planned adoption of the new Convention in 2005, much work still lay ahead. In this regard, he stressed that the member States contemplating the ratification of the new Convention had to start making the necessary preparations from now on, hopefully with the technical assistance of the Office.
64. The representative of the Government of the United States, speaking on behalf of the IMEC countries, thanked the Office for the interesting presentation and expressed satisfaction with the work done so far by the experts towards a new consolidated Convention. Notwithstanding the maritime character of the new Convention, it was the firm belief of IMEC that aspects of this innovative consolidation exercise might have additional value for the other families of international labour standards. The IMEC group

further stated that the High-level Tripartite Working Group on Maritime Labour Standards might benefit from the experience of the Governing Body regarding the ILO supervisory system. It therefore advocated a more intensive sharing of information between the High-level Tripartite Working Group and the Governing Body and agreed to the submission of a report in March 2003.

65. The representative of the Government of Canada supported the IMEC statement and expressed support for the consolidation initiative. She informed the Committee that Canada was already engaged in tripartite national consultations and thanked the Office for the high quality of the reports. As more information could only reap positive benefits, she supported the Office's offer to submit a report to the Governing Body in March 2003.
66. *The Committee therefore invites the Governing Body to:*
- (a) *take note of the progress of work undertaken by the High-level Tripartite Working Group on Maritime Labour Standards; and*
  - (b) *request the Director-General to submit to the 286th Session of the Governing Body in March 2003 a report prepared by the Office, with the assistance of the Subgroup, on the key features of the proposed consolidated Convention as envisaged so far, with particular reference to the role that the ILO supervisory system might play.*

## **VII. ILO cooperation with the Asian Development Bank** (Eighth item on the agenda)

67. The Chairperson invited a representative of the Director-General (Mr. Swepston, Chief of the Equality and Employment Branch of the International Labour Standards Department) to present an oral report on ILO cooperation with the Asian Development Bank (ADB).
68. The representative of the Director-General informed the Committee that a document would be provided at the next session of the Governing Body in March 2003. He recalled that earlier in the year the Committee had been informed of the Memorandum of Understanding (MOU) which had been concluded between the ILO and the ADB. Before that, in 2000, the Office and the ADB agreed to carry out a pilot project to explore: (1) whether and to what degree failing to take account of international labour standards was harmful to development; and (2) how the ADB would take into account international labour standards in its own activities. The pilot project focused on three labour standards, namely child labour, gender discrimination and occupational safety and health. In-depth work had been carried out in four countries – Bangladesh, Nepal, Philippines and Thailand – and other available information from the region had been taken into account and incorporated in the regional survey carried out under the project. In the meantime, the ADB adopted its social protection strategy in August 2001, which required the ADB to take into account ILO core international labour standards in all its activities. The Project Advisory Committee in each country was co-chaired by the ministries of labour and finance and included representatives of workers' and employers' organizations and other civil society organizations.
69. Further, the representative of the Director-General stated that the regional surveys prepared under the project were submitted to and discussed at a meeting convened by the ADB in September 2002. The meeting noted and approved the technical conclusions which were essentially: (1) that failing to take account of labour standards had a definite and

measurable cost for development; and (2) that the ADB should take account of those standards in its future work. Detailed information could be found on the web site of the ADB (www.adb.org). In conclusion, he stated that the work remaining was to submit to the ADB a proposal for guidelines and a handbook on how the ADB could incorporate international labour standards in practical terms in its activities. It would then be up to the ADB to decide on how it wished to proceed and to adapt those guidelines and handbook to its own needs.

70. The Worker members indicated their interest in the report and appreciated the efforts made by the Office. They looked forward to receiving the report at the next session of the Governing Body in March 2003, so that they could give more substantial comments.
71. The Employer members expressed their discontent with the fact that the Office had not been able to present a report on the subject to the present meeting. The situation had been aggravated by the fact that the Office had published one month before the current Governing Body session an extensive press release on exactly the same matter. They were in favour of developing contacts with the Asian Development Bank but expressed deep concerns that employers had not been represented at the meeting held in September 2002. They understood that the MOU provided that an annual high-level meeting to review the operation of the MOU would be scheduled between the ILO and the ADB, and asked the Office to ensure that the regional representatives of the employers and the workers would participate in those meetings. The Employer members underscored that that topic was not only a legal issue but that it also had potential political implications. They therefore asked to receive additional information from the Office on the matter without further delay.
72. The Worker members asked whether the Governing Body had been informed of the ILO/ADB MOU and whether in the Memorandum it was stated that the initiative would promote the Declaration on Fundamental Principles and Rights at Work.
73. Another representative of the Director-General (Mr. Tapiola, Executive Director, Standards and Fundamental Principles and Rights at Work Sector) clarified that the list of participants to the meeting held in September 2002 indicated that high-level representatives of the employers from three of the four countries concerned had been invited to and participated in the meeting. He proposed to look further into the question with the Employer members and with ACT/EMP.
74. The Deputy Legal Adviser (Mr. Picard) clarified that the MOU between the ADB and the ILO had to be distinguished from the pilot project currently being presented to the Committee which had started before the MOU had been concluded. He informed the Committee that this MOU had been adopted after the adoption of the Social Protection Strategy of the ADB, and that it was the ADB which requested the Office to facilitate cooperation between the ILO and the ADB on questions of common interest. The MOU was approved by the Governing Body on the recommendation of the LILS Committee (GB.283/10/1, paras. 51-55) in March 2002.
75. The Committee took note of this information.

## **VIII. Other questions** (Ninth item on the agenda)

76. The representative of the Government of Saudi Arabia, on behalf of the Arab States, submitted a motion, seconded by the representative of the Government of Nigeria on behalf of the Africa group, asking the Director-General to include in the agenda of the 286th Session of the Governing Body a proposal for the holding of a special sitting at the

International Labour Conference in 2003 to discuss the appendix to the Director-General's Report on the situation of workers of the occupied Arab territories.

77. The Deputy Legal Adviser (Mr. Picard) explained that the motion could be taken up by the Governing Body when adopting the LILS report.

Geneva, 14 November 2002.

*Points for decision:* Paragraph 47;  
Paragraph 66.

## Appendix

### Table of ratifications and information concerning the ILO's fundamental Conventions (as at 14 November 2002)

No. 29	–	Forced Labour Convention, 1930
No. 87	–	Freedom of Association and Protection of the Right to Organise Convention, 1948
No. 98	–	Right to Organise and Collective Bargaining Convention, 1949
No. 100	–	Equal Remuneration Convention, 1951
No. 105	–	Abolition of Forced Labour Convention, 1957
No. 111	–	Discrimination (Employment and Occupation) Convention, 1958
No. 138	–	Minimum Age Convention, 1973
No. 182	–	Worst Forms of Child Labour Convention, 1999

### Explanation of symbols in the table

- X Convention ratified.
- O Formal ratification process already initiated (with or without mention of time frame); approval of ratification by the competent body, although the Director-General has not yet received the formal instrument of ratification or it is incomplete (concerns chiefly Convention No. 138) or is a non-original copy; bill currently before the legislative body for approval.
- ▲ Ratification will be examined after amendment/adoption of a Constitution, Labour Code, legislation, etc.
- Convention currently being studied or examined; preliminary consultations with the social partners.
- Divergences between the Convention and national legislation.
- ◆ Ratification not considered/deferred.
- No reply, or a reply containing no information.

Member State	Forced labour		Freedom of association		Equal treatment		Child labour	
	C. 29	C. 105	C. 87	C. 98	C. 100	C. 111	C. 138	C. 182
Afghanistan	–	X	–	–	X	X	–	–
Albania	X	X	X	X	X	X	X	X
Algeria	X	X	X	X	X	X	X	X
Angola	X	X	X	X	X	X	X	X
Antigua and Barbuda	X	X	X	X	O	X	X	X
Argentina	X	X	X	X	X	X	X	X
Armenia	O	O	O	O	X	X	●	●
Australia	X	X	X	X	X	X	◆	●
Austria	X	X	X	X	X	X	X	X
Azerbaijan	X	X	X	X	X	X	X	O
Bahamas	X	X	X	X	X	X	X	X
Bahrain	X	X	●	●	●	X	●	X
Bangladesh	X	X	X	X	X	X	◆	X
Barbados	X	X	X	X	X	X	X	X
Belarus	X	X	X	X	X	X	X	X
Belgium	X	X	X	X	X	X	X	X
Belize	X	X	X	X	X	X	X	X
Benin	X	X	X	X	X	X	X	X
Bolivia	▲	X	X	X	X	X	X	●
Bosnia and Herzegovina	X	X	X	X	X	X	X	X
Botswana	X	X	X	X	X	X	X	X
Brazil	X	X	▲	X	X	X	X	X
Bulgaria	X	X	X	X	X	X	X	X
Burkina Faso	X	X	X	X	X	X	X	X
Burundi	X	X	X	X	X	X	X	X
Cambodia	X	X	X	X	X	X	X	–
Cameroon	X	X	X	X	X	X	X	X
Canada	O	X	X	■	X	X	■	X
Cape Verde	X	X	X	X	X	X	O	X
Central African Republic	X	X	X	X	X	X	X	X
Chad	X	X	X	X	X	X	O	X
Chile	X	X	X	X	X	X	X	X
China	●	●	◆	◆	X	●	X	X
Colombia	X	X	X	X	X	X	X	O
Comoros	X	X	X	X	X	O	O	O
Congo	X	X	X	X	X	X	X	X
Costa Rica	X	X	X	X	X	X	X	X

Member State	Forced labour		Freedom of association		Equal treatment		Child labour	
	C. 29	C. 105	C. 87	C. 98	C. 100	C. 111	C. 138	C. 182
Côte d'Ivoire	X	X	X	X	X	X	●	●
Croatia	X	X	X	X	X	X	X	X
Cuba	X	X	X	X	X	X	X	◆
Cyprus	X	X	X	X	X	X	X	X
Czech Republic	X	X	X	X	X	X	▲	X
Democratic Republic of the Congo	X	X	X	X	X	X	X	X
Denmark	X	X	X	X	X	X	X	X
Djibouti	X	X	X	X	X	○	▲	▲
Dominica	X	X	X	X	X	X	X	X
Dominican Republic	X	X	X	X	X	X	X	X
Ecuador	X	X	X	X	X	X	X	X
Egypt	X	X	X	X	X	X	X	X
El Salvador	X	X	■	■	X	X	X	X
Equatorial Guinea	X	X	X	X	X	X	X	X
Eritrea	X	X	X	X	X	X	X	○
Estonia	X	X	X	X	X	▲	▲	X
Ethiopia	○	X	X	X	X	X	X	○
Fiji	X	X	X	X	X	X	○	X
Finland	X	X	X	X	X	X	X	X
France	X	X	X	X	X	X	X	X
Gabon	X	X	X	X	X	X	○	X
Gambia	X	X	X	X	X	X	X	X
Georgia	X	X	X	X	X	X	X	X
Germany	X	X	X	X	X	X	X	X
Ghana	X	X	X	X	X	X	○	X
Greece	X	X	X	X	X	X	X	X
Grenada	X	X	X	X	X	▲	▲	–
Guatemala	X	X	X	X	X	X	X	X
Guinea	X	X	X	X	X	X	–	–
Guinea-Bissau	X	X	◆	X	X	X	◆	◆
Guyana	X	X	X	X	X	X	X	X
Haiti	X	X	X	X	X	X	●	●
Honduras	X	X	X	X	X	X	X	X
Hungary	X	X	X	X	X	X	X	X
Iceland	X	X	X	X	X	X	X	X
India	X	X	■	■	X	X	■	●
Indonesia	X	X	X	X	X	X	X	X
Iran, Islamic Republic of	X	X	▲	▲	X	X	●	X

Member State	Forced labour		Freedom of association		Equal treatment		Child labour	
	C. 29	C. 105	C. 87	C. 98	C. 100	C. 111	C. 138	C. 182
Iraq	X	X	●	X	X	X	X	X
Ireland	X	X	X	X	X	X	X	X
Israel	X	X	X	X	X	X	X	▲
Italy	X	X	X	X	X	X	X	X
Jamaica	X	X	X	X	X	X	▲	▲
Japan	X	●	X	X	X	●	X	X
Jordan	X	X	●	X	X	X	X	X
Kazakhstan	X	X	X	X	X	X	X	○
Kenya	X	X	▲	X	X	X	X	X
Kiribati	X	X	X	X	●	●	●	●
Korea, Republic of	■	■	▲	▲	X	X	X	X
Kuwait	X	X	X	○	○	X	X	X
Kyrgyzstan	X	X	X	X	X	X	X	●
Lao People's Democratic Republic	X	●	●	●	●	●	●	–
Latvia	○	X	X	X	X	X	○	○
Lebanon	X	X	▲	X	X	X	○	X
Lesotho	X	X	X	X	X	X	X	X
Liberia	X	X	X	X	–	X	–	–
Libyan Arab Jamahiriya	X	X	X	X	X	X	X	X
Lithuania	X	X	X	X	X	X	X	○
Luxembourg	X	X	X	X	X	X	X	X
Madagascar	X	●	X	X	X	X	X	X
Malawi	X	X	X	X	X	X	X	X
Malaysia	X	◆	◆	X	X	◆	X	X
Mali	X	X	X	X	X	X	X	X
Malta	X	X	X	X	X	X	X	X
Mauritania	X	X	X	X	X	X	X	X
Mauritius	X	X	▲	X	○	○	X	X
Mexico	X	X	X	◆	X	X	■	X
Moldova, Republic of	X	X	X	X	X	X	X	X
Mongolia	○	○	X	X	X	X	●	X
Morocco	X	X	▲	X	X	X	X	X
Mozambique	○	X	X	X	X	X	○	○
Myanmar	X	◆	X	●	◆	◆	◆	●
Namibia	X	X	X	X	●	X	X	X
Nepal	X	●	▲	X	X	X	X	X
Netherlands	X	X	X	X	X	X	X	X
New Zealand	X	X	▲	▲	X	X	◆	X
Nicaragua	X	X	X	X	X	X	X	X

Member State	Forced labour		Freedom of association		Equal treatment		Child labour	
	C. 29	C. 105	C. 87	C. 98	C. 100	C. 111	C. 138	C. 182
Niger	X	X	X	X	X	X	X	X
Nigeria	X	X	X	X	X	X	X	X
Norway	X	X	X	X	X	X	X	X
Oman	X	●	●	●	●	●	●	X
Pakistan	X	X	X	X	X	X	◆	X
Panama	X	X	X	X	X	X	X	X
Papua New Guinea	X	X	X	X	X	X	X	X
Paraguay	X	X	X	X	X	X	O	X
Peru	X	X	X	X	X	X	X	O
Philippines	O	X	X	X	X	X	X	X
Poland	X	X	X	X	X	X	X	X
Portugal	X	X	X	X	X	X	X	X
Qatar	X	●	●	●	●	X	●	X
Romania	X	X	X	X	X	X	X	X
Russian Federation	X	X	X	X	X	X	X	O
Rwanda	X	X	X	X	X	X	X	X
Saint Kitts and Nevis	X	X	X	X	X	X	●	X
Saint Lucia	X	X	X	X	X	X	●	X
Saint Vincent and the Grenadines	X	X	X	X	X	X	O	X
San Marino	X	X	X	X	X	X	X	X
Sao Tome and Principe	●	●	X	X	X	X	O	–
Saudi Arabia	X	X	●	●	X	X	●	X
Senegal	X	X	X	X	X	X	X	X
Seychelles	X	X	X	X	X	X	X	X
Sierra Leone	X	X	X	X	X	X	O	O
Singapore	X	◆	◆	X	X	◆	◆	X
Slovakia	X	X	X	X	X	X	X	X
Slovenia	X	X	X	X	X	X	X	X
Solomon Islands	X	–	O	O	●	●	–	–
Somalia	X	X	–	–	–	X	–	–
South Africa	X	X	X	X	X	X	X	X
Spain	X	X	X	X	X	X	X	X
Sri Lanka	X	▲	X	X	X	X	X	X
Sudan	X	X	●	X	X	X	O	O
Suriname	X	X	X	X	▲	▲	O	O
Swaziland	X	X	X	X	X	X	X	X
Sweden	X	X	X	X	X	X	X	X
Switzerland	X	X	X	X	X	X	X	X

Member State	Forced labour		Freedom of association		Equal treatment		Child labour	
	C. 29	C. 105	C. 87	C. 98	C. 100	C. 111	C. 138	C. 182
Syrian Arab Republic	X	X	X	X	X	X	X	O
Tajikistan	X	X	X	X	X	X	X	●
Tanzania, United Republic of	X	X	X	X	X	X	X	X
Thailand	X	X	●	●	X	●	●	X
The former Yugoslav Republic of Macedonia	X	●	X	X	X	X	X	X
Togo	X	X	X	X	X	X	X	X
Trinidad and Tobago	X	X	X	X	X	X	O	O
Tunisia	X	X	X	X	X	X	X	X
Turkey	X	X	X	X	X	X	X	X
Turkmenistan	X	X	X	X	X	X	O	–
Uganda	X	X	●	X	■	■	▲	X
Ukraine	X	X	X	X	X	X	X	X
United Arab Emirates	X	X	◆	◆	X	X	X	X
United Kingdom	X	X	X	X	X	X	X	X
United States	◆	X	◆	◆	◆	O	◆	X
Uruguay	X	X	X	X	X	X	X	X
Uzbekistan	X	X	O	X	X	X	●	●
Venezuela	X	X	X	X	X	X	X	O
Viet Nam	●	●	◆	◆	X	X	◆	X
Yemen	X	X	X	X	X	X	X	X
Yugoslavia	X	O	X	X	X	X	X	O
Zambia	X	X	X	X	X	X	X	X
Zimbabwe	X	X	O	X	X	X	X	X