

INTERNATIONAL LABOUR ORGANIZATION  
Sectoral Activities Programme

**Note on the proceedings**

**Tripartite Meeting on Labour and Social Issues  
arising from Problems of Cross-border Mobility  
of International Drivers in the Road Transport Sector**

Geneva, 23–26 October 2006

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*Cover photograph: Trucks waiting to cross the border into China at Dong Dang. Lang Son, north-east Viet Nam, ©QT Luong/terrageria.com.*

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## Introduction

The Tripartite Meeting on Labour and Social Issues arising from Problems of Cross-border Mobility of International Drivers in the Road Transport Sector was held at the ILO in Geneva from 23 to 26 October 2006. The Office had prepared a report<sup>1</sup> to serve as a basis for the Meeting's deliberations. The report provided the context within which to discuss the subject of, and means to address, labour and social issues which international transport carriers and drivers working in international corridors regularly encounter when physically crossing an international border. It also presented examples of what some countries were doing, or proposing, to improve the situation. In addition, the report gave special consideration to the visa issue and to the risk to drivers of HIV/AIDS.

The Governing Body had designated Mr Peter Tomek, an Employer member of the Governing Body, to represent it and to chair the Meeting. The Vice-Chairpersons elected by the Meeting were: Mr Amir Hossein Shahmir (Islamic Republic of Iran) from the Government group; Mr Erastus Ngirabakunzi from the Employers' group; and Mr Peter Baranowski from the Workers' group.

The Meeting was attended by Government representatives from: Angola, Argentina, Austria, Azerbaijan, Belarus, Bosnia and Herzegovina, Brazil, Cambodia, Cameroon, Canada, Ecuador, Finland, Gabon, Ghana, Guatemala, Honduras, India, Islamic Republic of Iran, Kazakhstan, Lithuania, Malawi, Mozambique, Nigeria, the Philippines, Portugal, the Russian Federation, South Africa, Spain, Thailand, the United Kingdom and the Bolivarian Republic of Venezuela, as well as 16 Employer and 14 Worker representatives.

Observers attended the Meeting from the European Conference of Ministers of Transport (ECMT), the European Commission, the Economic Community of West African States (ECOWAS), the United Nations Economic Commission for Europe (UNECE), the World Bank, the International Confederation of Free Trade Unions (ICFTU), the International Organisation of Employers (IOE), the International Transport Workers' Federation (ITF) and the International Road Transport Union (IRU).

The three groups elected their Officers as follows:

*Government group*

*Chairperson:* Ms Sarfoh (Ghana)

*Employers' group*

*Chairperson:* Mr Hahr

*Secretary:* Mr Dejardin (IOE)

*Workers' group*

*Chairperson:* Mr Baranowski

*Secretary:* Mr Urata (ITF)

The Secretary-General of the Meeting was Ms J. Walgrave, Director, Social Dialogue, Labour Law, Labour Administration, and Sectoral Activities Department and Officer-in-Charge of the ILO's Social Dialogue Sector. The Deputy Secretary-General was

<sup>1</sup> TMRTS/2006.

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Ms E. Tinoco, the Chief of the Sectoral Activities Branch. Mr M. Meletioui, of the same Branch, was the Executive Secretary.

The Chairperson, Mr Tomek, opened the Meeting, noting that it was a very important one, as it would address topical labour and social issues of major concern to governments, employers and workers as well as to many intergovernmental and non-governmental organizations. These labour and social issues might also have an impact on economic and environmental issues. The Meeting had a high-level group of participants, representing the ILO's tripartite constituency, as well as observers, and therefore the wealth of assembled knowledge on social and labour issues in the road transport sector was a good omen for the outcome of the Meeting. It should always be kept in mind that the forum provided by the ILO was a forum of social dialogue that required listening and appreciation of each other's position. The mandate for the Meeting, which had been established by the ILO Governing Body, included the adoption of proposals for action by governments, employers' and workers' organizations and the ILO, and for follow-up activities by the ILO.

The Secretary-General of the Meeting, Ms Walgrave, indicated that the Meeting would address topical issues in one of the most important economic sectors. The rapid advancement of globalization had created a world that was increasingly interrelated. Consequently, international road transport occupied an irreplaceable socio-economic position linking supply to demand between economically integrated regions. Measures were introduced for increasing the efficiency of international road transport; however, any efficiency gains achieved, more often than not, were eroded at international border crossings.

Some governments often spent millions on large road transport projects in order to bypass physical obstacles so that a few minutes of travelling would be saved but failed to implement effective policies and far less costly measures at border crossings that could save hours for the total road journey. It was therefore evident that there was a need to intensify the efforts to address all issues pertinent to cross-border efficiency.

Many governments and organizations shared the position of the ILO that relevant labour and social issues were an integral part of a package necessary for improving cross-border efficiency and trade facilitation in general. However, until now pertinent labour and social issues had been inadequately addressed. One of these issues, to which the ILO assigned a paramount importance, was that of the risks to international drivers of HIV/AIDS, which under certain circumstances increased substantially at border crossings.

The search for solutions to the problems relating to the issuance and control of visas for international drivers had for some time been at the top of the list of priorities for the stakeholders in the road transport sector and, as expected, that issue had an important place among the suggested themes for discussion by the Meeting.

The variety and interrelation of issues that composed the cross-border agenda for international drivers created a complex situation regarding the search for socially responsible solutions to pertinent problems. The complexity of the situation became even greater if one also took into account the number of different international organizations, governments, ministries, departments and agencies that would be required to get involved in the development and implementation of the desired solutions. Therefore, the need for dialogue and coordination at international, regional and national level for this particular subject was more than evident.

Undoubtedly, cross-border crossings should always be lawful, particularly with regard to a number of important issues such as security, illegal immigration, safety and health. However, a rational balance should be maintained between the procedures and controls required by the relevant laws and the need for efficient border crossing for

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commercial trucks, buses and coaches, while at the same time safeguarding human and labour rights. In that respect, harmonization and simplification of procedures, coupled with a risk-management-based approach for border controls, could in many cases provide the answer.

The Secretary-General finally expressed the hope that the Meeting would strengthen the capacity of the ILO and its constituents to develop and implement, through social dialogue, gender-sensitive policies and measures that would effectively address labour and social issues arising from problems of cross-border mobility of international drivers in the transport sector, thereby promoting HIV prevention, supporting non-discrimination and assisting in the improvement of the efficiency and effectiveness of cross-border road transport operations and the living and working conditions of international drivers in the interests of overall economic and social development.

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Part 1

**Consideration of the agenda item**

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## Report of the discussion

### Introduction

1. The Meeting met to examine the item on the agenda. In accordance with the provisions of article 7 of the *Standing Orders for sectoral meetings*, the Officers presided in turn over the discussion.
2. The Employer spokesperson was Mr Nizov and the Worker spokesperson was Mr Baranowski. The Meeting held four sittings devoted to the discussion of the agenda item.

### Composition of the Working Party

3. At its third sitting, in accordance with the provisions of article 13, paragraph 2, of the *Standing Orders*, the Meeting set up a Working Party to draw up draft conclusions reflecting the views expressed in the course of the Meeting's discussion of the report. The Working Party, presided over by the Government Vice-Chairperson, Mr Shahmir, was composed of the following members:

#### *Government members*

<i>Brazil:</i>	Mr Pérez
<i>Canada:</i>	Mr Lewis
<i>India:</i>	Mr Srivastava
<i>Nigeria:</i>	Mr Okwulehie
<i>United Kingdom:</i>	Mr Bosly

#### *Employer members*

Ms Botrel  
Mr Hahr  
Mr Krausz  
Mr Nizov  
Ms Wang

#### *Worker members*

Mr Baranowski  
Mr Mensah  
Mr Mokhnachev  
Mr Ramakgolo  
Mr Wennberg

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## **Presentation of the report and general discussion**

### ***Presentation of the report***

4. Introducing the report prepared by the International Labour Office, the Executive Secretary highlighted some of the important labour and social issues arising from problems of cross-border mobility of international drivers. The report discussed the role of social dialogue in the road transport sectors with particular reference to the work of the ILO in this respect and briefly presented examples of relevant social legislation in Europe, including an example concerning the issue of cross-border recruitment and labour migration. Visas for international drivers, including the policies and practices in place in different geographical regions or countries and the most important problems or areas of concern (procedures, documentation, time needed and fees for the issuance of visas to professional international road transport drivers, the types of visas and examples or ideas for removing pertinent obstacles) was discussed with the possibility of using the ILO Seafarer's Identity Documents Convention (Revised), 2003 (No. 185) as a model for solving these problems. A wide range of specific and general border-crossing issues (customs and other procedures, delays, border-crossing time, documentation, infrastructure and welfare facilities, border officials and insufficient knowledge and training) were also described. The lack of appropriate infrastructure, facilities and services negatively impacted on the conditions of work and life of international drivers generating stress, fatigue, breaches in working time legislation, sometimes led to accidents and fatalities. Finally, the report presented examples and ideas for possible solutions for the removal of border-crossing obstacles, including international instruments as well as regional initiatives and covered the risk to international drivers of HIV/AIDS, with a special reference to ILO's work on this subject.

### ***General discussion***

5. The Employer spokesperson said that there was no need to stress the importance of international trade in an era of globalization and increased economic integration. Transport systems were the lifeblood of today's economy. Road transport provided the greatest flexibility through door-to-door service. It needed to be efficient and safe, with the right road conditions and infrastructure. Such infrastructure required investment by States, and governments therefore had a key role in creating an infrastructure and in eliminating obstacles to trade. There were great shortcomings at border-crossing points, including in the areas of control, monitoring, surveillance and coordination. Enormous waiting times were the result of poor staff training, inappropriate technology and lack of cooperation among States. These long waiting times, with lines of trucks sometimes extending back for 30 to 40 kilometres, led to such problems as lack of hygiene, environmental risks, tensions between truckers and local people, increased criminality, smuggling and violence. Drivers then broke speed limits to compensate for lost time. These also made the profession of international driver less attractive, and some companies were going out of business. He noted that international drivers were often required to provide up to 30 documents when applying for a visa or at border checks, making it a sometimes insurmountable obstacle to the right to labour, and undermining trade flows.
6. The Worker spokesperson noted that today's emphasis on just-in-time transport was connected to many of the problems in the sector. Globalization was affecting not only air and sea transport but also road transport. Road transport, which provided an alternative to rail transport and offered the possibility of both long and short hauls, was important to trade, but required a good infrastructure. Border-crossings were giving rise to serious problems that impacted both the movement and dignity of truckers. Such problems included unacceptable health conditions, long waiting lines, insufficient rest, visa problems and customs problems. These were often due to the lack of uniform – and often arbitrary –

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border-crossing procedures. There was growing criminality – smuggling, drug smuggling, human trafficking and prostitution. These problems were set out in the report by the Office, and are part of the ongoing annual campaign by the International Transport Workers' Federation (ITF). There were also economic losses, and drivers were reducing rest times to make up for the long waiting periods at borders. This led to stress, tiredness, speeding and, ultimately, to accidents. Such accidents not only killed drivers but also other road users. He noted that the delays experienced in the road transport sector at border-crossings were not taking place at airports despite strict regulations encountered at airports. He suggested that there should be a taking-stock of the situation, which the ILO had done in its report. The next step was to discuss problems and come up with solutions, including the harmonization of regulations and improvement in infrastructure to meet the needs of all road users. Border-crossings needed to be more clearly and stringently regulated to make them acceptable.

7. The representative of the Government of the Bolivarian Republic of Venezuela stated that the Meeting provided a valuable opportunity for tripartite discussion on these issues. The problems identified in the ILO report were not unknown to the Bolivarian Republic of Venezuela. In his country, the Constitution set out the responsibilities of employers to provide adequate conditions for their workers. His country was also one of the few to have ratified the Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153).
8. An observer, the Director of the Transport Division at the United Nations Economic Commission for Europe (UNECE), welcomed the Meeting and congratulated the ILO for the excellent background report. UNECE provided analysis, policy advice and assistance to governments aimed at promoting economic integration and sustainable growth among its member countries in Europe and North America. It also set norms, standards and conventions to facilitate international cooperation within and outside the region. It had pioneered procedures to facilitate international transport through bilateral and multilateral agreements and international legal instruments. The recognition of these efforts through the listing of UNECE agreements and Conventions in the annex to the ILO report was appreciated. Exemplary instruments included the European agreement on the work of crews of vehicles engaged in international road transport (AETR) of 1970 and the customs Convention on the international transport of goods under cover of TIR Carnets, 1975 (TIR Convention). These instruments aimed at harmonizing the requirements concerning international road transport and thus facilitating international trade. Of direct relevance to the ILO was the AETR, which addressed the working conditions of drivers and other staff in vehicle crews, and set out driving periods, breaks and rest periods in line with the ILO Convention concerning hours of work and rest periods in road transport.
9. Another observer, the Acting Transport Sector Manager of the World Bank, joined the previous speaker in congratulating the ILO on the report which addressed the most pertinent issues in cross-border transport. The Meeting was very timely and he appreciated the opportunity to participate as observer. The Bank would soon issue an updated version of its publication "Safe, clean and affordable transport for development". The title appropriately illustrated the role of transport in development. Cross-border transport did not, however, concern only the movement of goods but also facilitated the movement of vehicles and drivers, thus involving human aspects. Border controls needed to be harmonized to facilitate smooth mobility while also ensuring safety and security for drivers. The Bank was committed to improvements in these areas. He mentioned, as an example of the Bank's work, an HIV/AIDS project for the Abidjan–Lagos Transport Corridor that had been under implementation for two years to reduce the spread of the disease among transport workers, migrants, commercial sex workers and local people living along the Corridor. The project, focusing on prevention, treatment, and provision of care in border towns and communities in the subregion, complemented national HIV/AIDS programmes in Benin, Côte d'Ivoire, Ghana, Nigeria and Togo.

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- 10.** An observer, Head, Goods Transport and Facilitation, International Road Transport Union (IRU), thanked the ILO for convening the Meeting. Lengthy border-waiting times related to deficiencies at crossing points had a detrimental impact on international economic and trade relations and represented a major concern for his Union. Waiting times depended on the supply side from trends in general regional economic development, the related trade growth and resulting increases in road traffic. On the supply side, they were a function of progress in improving border crossing throughput capacity (procedures and infrastructure). A recent study by his Union noted declining waiting times in most regions between 1998 and 2001, followed by rapid increases in 2002–03. Problems were observed at the borders of the four European Union candidate countries with waiting times increases of as high as 450 per cent compared to 1998. Border-waiting times increased transport costs, and the total value of time lost could be expressed as a function of traffic volume, average waiting times and the specific value of lost time. The IRU hoped the Meeting would seek solutions to two main concerns: the scarcity of infrastructure facilities and the lack of appropriate border-control procedures. Procedures could be enhanced by reducing document requirements and resolving visa problems for professional drivers, for example by one-stop border-control procedures and separation of traffic types, etc. Once procedures were improved, investment in physical infrastructure, such as parking and comfort facilities, sufficient control areas, etc., would require to be addressed. Facilitation of trade and road transport through efficient border-crossing operations was a vital area of cooperation for employers, employees and governments through effective tripartite public-private partnership.

**Theme 1: Deficiencies in infrastructure facilities and procedures at border crossings**

- 11.** The Employer spokesperson considered lengthy waiting times, arising from infrastructural deficiencies, a major issue of concern. These not only held up transport but also adversely impacted drivers' working conditions. As border-crossing points were created by the State, it was incumbent on governments to provide the technology, infrastructure and procedures that corresponded to the needs and realities of the sector. Improved transport flows could be achieved by reducing the number of unnecessary documents, for example, in creating one-stop border controls. There was also a need to improve the information flows: new requirements should be made known to other countries well in time to avoid problems at the border-crossing points. Drawing attention to the issue of exceptional circumstances, he requested the establishment of emergency procedures to deal with these situations and to help the drivers involved to cope, including, for example, enabling them to observe rules regarding rest periods. Often they were required to remain available non-stop to move their vehicles forward in unplanned intervals, thus impeding their rest periods. Another issue of concern was access to cross-border points which were often located in highly populated areas, making them difficult to reach without transiting through narrow and highly frequented streets and endangering drivers and populations. Proper access roads to border-crossing points were a requirement. Additionally, technology could mitigate the problem by separating transport according to the different procedures they had to follow in border crossing. A preliminary separation of the vehicles according to the various merchandises they carried would help improve the flows. Removing superfluous procedures could further reduce waiting times, with a one-stop control to check visa and passport as well as customs papers sufficient. Recent developments included the imposition of convoys without any apparent reasons, sometimes leading to waiting times of several days. Employers wished to avoid the negative impacts of such measures on their drivers. Significant government investment was required to equip border-crossing points, including with proper facilities for safe parking, rest and refreshment. Local tripartite committees should be constituted to discuss the harmonization of procedures. The ILO could help in this area at the international level by disseminating examples of good practice of existing local committees.

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**12.** The Worker spokesperson agreed with many of the points made by the Employer spokesperson. Apart from the dire macroeconomic situation of the road transport sector reflected in recent heavy economic losses, the human element was of major concern to workers' organizations. In addition to the various adverse effects of long waiting times on working conditions already mentioned, the extended, often unplanned, time spent away from home due to unexpected obstacles imposed other penalties. Waiting time was wasted time and a major question was who should pay for it. This was one point where workers were frequently in disagreement with employers. He underlined the need to reaffirm the right of workers in the sector to freedom of association and the right to organize, requesting that their ability to join unions of their choice be stressed. Regarding infrastructure improvements, workers were of the view that the major goal in this respect be to eliminate waiting times, including through such measures as the establishment of containers and facilities allowing the drivers to park first and then deal with customs instead of waiting for procedures in the vehicle on the road. This had the added virtue for local residents of reducing traffic overloads. While workers were aware that investments to improve infrastructures at border-crossing points would take time, substantial reductions in waiting times could be achieved in the interim through harmonizing procedures. Joint terminals should be considered at borders with one-stop windows so as to ensure that arbitrary decisions could no longer be taken by the customs authorities. This would considerably lessen workers' frustrations. New ideas were needed in relation to the design of terminals. They should be easily accessible, provide a sufficient number of parking spaces and be separated from the traffic, so that drivers could make use of the time not spent driving to rest. Common standards were important, also in relation to markings so that drivers could find the facilities, even if they were not able to read or speak the local language. Terminals of the same classification should be similarly equipped and facilities easy to locate. Emergency telephones and medical services should be within reach; sanitary facilities should be provided for adequate costs in view of many drivers' low incomes. Lighting was also important to reduce criminality and to protect drivers' lives as well as goods carried. In addition, food should be made available at normal prices; drivers should not be required to pay premiums for food at filling stations. Finally, leisure activities should need to be considered, as well as organizing parking in a way that would ensure segregation of trucks carrying dangerous goods or livestock. The speaker agreed that these ideas cost money, but pointed out that governments pursuing the free exchange of goods needed to also address the consequences of increased traffic. His suggestions might be considered visionary, but were affordable. Governments should, in particular, take into account these suggestions when determining and levying tolls. Only adequate and safe terminals would ensure that drivers were rested and could drive safely, without putting goods and lives at risk. Such investments would pay off, even once stops were no longer necessary at borders, since any existing facilities would still be required to allow drivers to rest.

**13.** A Worker member from Honduras told of difficulties at border crossings in Central America. It was often more tiring for drivers to wait three hours at the border than driving for ten. Drivers felt that their cargo could be cleared within little time, but that they were kept as hostages of corruption and incompetence. These long waits would lead to long working hours and, once the traffic was moving again, would foster accidents. It was extremely frustrating to drivers that they were so badly treated, despite their vital economic importance.

**14.** A Worker member from Brazil explained that Latin American drivers were experiencing very serious problems at border crossings. Working conditions and sanitary facilities were appalling; better infrastructure was badly needed. More than 80 per cent of all goods were transported by road, but drivers were not enjoying the respect they deserved. The Meeting should strive to find effective solutions to ensure greater respect for drivers' work on the borders and improve the current situation.

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- 15.** A Worker member from Sweden drew attention to the plight of drivers who were at the wheel for ten hours and then queued a whole night without having sufficient time to sleep, eat or wash. This feeling of irritation was a common experience for drivers worldwide. To make up for the time lost at the border, a driver may drive faster and cause an accident. Fatigue thus leads to the loss of lives and the destruction of property. Customs needed to speed up their procedures and allow drivers to hand in their papers without having to stay in long, slowly moving queues. Systems used to ensure that goods were delivered just in time should also be used by customs authorities. In addition, the hordes of people trying to make money at some border crossings created further aggravation for drivers. Clear signs and dedicated lanes were required to lighten the stress experienced by drivers. An adequate space for parking and resting is also important.
  - 16.** The representative of the Government of Brazil suggested that governmental departments dealing with cultural, ethical, environmental and other connected issues also needed to be included in the discussion of the problems faced by drivers. The problems posed by road transport had direct impact on bordering communities. HIV/AIDS was one of the issues that did not just concern employers and workers in the sector and needed to be addressed by integrated policies that took into account environmental, education and health questions.
  - 17.** The representative of the Government of the Islamic Republic of Iran stated that general agreement seemed to exist in relation to the problems faced by drivers. Additional points needed to be considered, however. Harassment was a serious issue, as were the theft of goods and fuel. A concerted effort was needed to address these problems and to find harmonized solutions, which would ensure that long waiting times were avoided and deliveries arrived in time. In particular, the transport of livestock needed to be sped up to ensure animals' health was not endangered.
  - 18.** The representative of the Government of Portugal sympathized with the Workers' statements and agreed that the situation was scandalous. Governments needed to support the Workers and find appropriate solutions. Unfortunately, most of the Government representatives in the Meeting were from the ministries of labour or transport and not from the customs authorities. Customs authorities had their own culture. They needed to be made aware of the hardships faced by drivers and urged to change their practices. Corruption and bureaucracy, where they exist, should be eliminated.
  - 19.** The representative of the Government of Canada explained that a number of programmes had helped Canada and the United States to ensure freedom of movement for persons and goods. Programmes included infrastructure projects and prior clearance of drivers in a manner similar to the provisions of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185). Transponder technology allowed automatic advance notification and cut down waiting times considerably. A surcharge on each container had resulted in contributions to the pension fund to benefit workers. By way of analogy, airports also applied user fees to upgrade facilities. In a similar manner, some kind of road transport fees on shippers and suppliers could be used to upgrade border facilities.
  - 20.** A Worker member from Kenya added that at border crossings between Kenya and Uganda a large number of people were pursuing unauthorized activities. The absence of signs or guidance as well as the lack of other infrastructure facilitates corruption. It was necessary for governments, in particular in developing countries, to ensure that lack of infrastructure did not foster corruption.
  - 21.** The Employer spokesperson referred to the overall discussion, especially the approach of the Government of Canada. If problems existed (corruption, unnecessary questions, etc.) solutions had to be developed to solve them, matched with appropriate expenditure. It

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would also be helpful if employers could be informed of any new regulations in advance so that additional costs could be built into their rate structure.

22. An Employer member believed that border crossings could be used in a positive manner since road transport was a net contributor to society. While infrastructure was vital, it was also expensive, and often better procedures to get the driver back home quickly could achieve the same end at a lower cost. Effective dialogue could solve many problems too. Tripartite border-monitoring committees could coordinate opening hours on both sides of the frontier and alert industry to changes in procedures and new developments.
23. An Employer member from Brazil referred to the results of a recent study which indicated that bureaucracy and customs formalities were far from being harmonized in the MERCOSUR countries. Accessibility, such as in jungle locations, and transit through large and small cities were often problems in that region.
24. The Worker spokesperson stated that the Employers had echoed most of the problems expressed by the Workers. He wishes to hear more from the Governments as to how they had dealt with the problems identified – customs formalities, lack of international agreements, etc.

Theme 2: Deficiencies in border-staffing standards and border officials' conduct

25. The Worker spokesperson elaborated on complaints from international drivers regarding border control officials. They referred to intimidation, extortion and other behaviour affecting drivers' motivation which, in turn discouraged productivity and impinged on the economic growth of the countries concerned. Border officials, whether in immigration, customs, police or health services, should ensure the smooth passage of drivers and vehicles. Governments should ensure the proper manning of borders with officials of appropriate skills and qualifications, and respectful of international standards of conduct. They should also monitor border activities with a view to facilitating the movement of drivers and vehicles. There was a need for regional economic organizations to disseminate information to all concerned, including trade unions. Border officials' conduct must be reviewed and harmonized in conformity with relevant international Conventions and codes of conduct.
26. The Employer spokesperson agreed that the problems at border crossings were serious and needed to be addressed. He drew the attention of governments to specific human resource issues, including staffing levels and officials' working hours. There was a need to both upgrade the professionalism of border officials and to improve their working conditions. In some cases, even when borders were open for 24 hours, insufficient numbers of officials assigned to them lead to queues that were getting longer and longer. While round-the-clock operations allowed better use of infrastructure and technology, poor harmonization between the two sides of the border and an absence of unified rules inhibited coordination. Since all these measures were vitally relevant to efficient border crossing, neighbouring countries needed to establish timetables for their implementation. Since their isolation was a contributory factor to these problems, mechanisms needed to be established to make it easy for border officials to communicate with their superiors so that difficulties could be addressed as they arose. Sometimes, drivers also encountered delays and were harassed as a result of their poor linguistic skills or lack of knowledge of required documentation. Such situations induced a psychological state where they could become vulnerable to pressure and end up conducting themselves unprofessionally. Governments should sensitize border officials to be committed to performing their professional tasks for the economic progress of their countries. In order to reduce the temptation for corruption, border officials should receive decent pay and other working conditions while, in turn, being held to high standards of professional and ethical conduct. Towards this end, existing international

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Conventions relating to operations at border crossings should be implemented. The ILO offered a unique opportunity to examine human resource issues at border crossings with a view to helping enhance the application of existing Conventions through tripartite committees at the appropriate levels.

- 27.** The Worker member from Burkina Faso re-emphasized the problems identified by the previous speakers. Political will could prevent racketeering and extortion, particularly in his region in West Africa where drivers faced considerable harassment at borders and where Conventions and agreements to facilitate border crossing had not been implemented satisfactorily. He echoed the views articulated by the previous speaker. Genuine political will was required to address the issue of corruption. Within the Economic Community of West African States (ECOWAS), an important World Bank project had been initiated to address the problem, although it had little involvement of grass-roots organizations such as trade unions. There was a need for a holistic solution to this problem involving all core stakeholders in effective subregional social dialogue bringing together governments, and employers' and workers' organizations.
- 28.** A Worker member from the Russian Federation agreed with the conclusions drawn by the Employer spokesperson, many of whose views coincided with those of the Workers' group. Border-crossing problems were related to many different issues and their consequence was often long delays and queues, and bad working conditions. Some of these problems were deliberately exacerbated so as to encourage bribery and favouritism. He noted, among various examples, a 40-kilometre queue on the border between Latvia and the Russian Federation the previous week. Such delays led to violence, drunkenness and efforts by drivers to move forward in the queue by fair means or foul. Governments, workers and employers needed to work together in a concerted manner to solve such problems in a realistic way.
- 29.** The representative of the Government of Nigeria considered that the analysis, presented so far, illustrated the different degrees and intensity of problems from one subregion to another. More research was required, comparing for example the United Kingdom and the Russian Federation, and West Africa with other regions. The ILO could bring the results of such situation analyses together in order to devise appropriate and relevant approaches for various regional groupings rather than a "one-size-fits-all" menu.
- 30.** An observer representing ECOWAS noted that the problems so far discussed included corruption, lack of capacity and awareness and poor infrastructure. Smart ways forward could include integrated computerized control systems, situational analysis across regions, and validation of the results by all stakeholders, electronic tracking of goods and vehicles and the like. ECOWAS was working on programmes to facilitate movement of people, goods, services and capital in the region. The road transport facilitation programme was focused on infrastructure improvements on priority corridors, establishment of one-stop joint border posts and improvement of facilities there, sensitization and awareness campaigns in member States, training of officials working at borders, establishment of observatories to monitor and audit bad practices, and improving capacity and efficiency of border crossings. It was undertaking work with the automated system for customs data (ASYCUDA) developed by UNCTAD and interconnection of customs computer systems across the region, with electronic tracking of vehicles (origin to destination) using global positioning satellite (GPS) and with establishing vehicle inspection centres. The Heads of State of ECOWAS had adopted in 2005 a text establishing facilitation committees (national, regional and corridor management facilitation committees), and these committees were developing the political will that the previous speaker had called for, through reports, recommendations and lobbying of member States. These had helped to develop a "dashboard" of indicators, publication of procedures for crossing borders and training of border guards (including joint inspection at frontiers).

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- 31.** The representative of the Government of Austria stated that the Government group had discussed these issues in depth, and SECTOR's web page for the transport sector could provide a hyperlink to the United Kingdom's Code of Conduct for Border Personnel. An international code of conduct for border staff could also be envisaged. The problem of corruption was probably less prevalent on Austria's borders. Nevertheless, Austria could support the idea of tripartite cross-border cooperation. The Ministry of the Interior has regular strategic meetings with neighbouring countries on the functioning of border crossing. Austria could consider adding the social issues (including HIV/AIDS) on the agenda and to invite social partners for consultations.
- 32.** An observer from the UNECE expressed his organization's particular concern for issues of road safety, security for personnel and goods, and the economic consequences of border-crossing problems, as well as corruption. Political and economic realities differed around the world meaning that local consultation procedures were important when discussing solutions, whether simple or complex. The International Convention on the Harmonization of Frontier Control of Goods might be a way forward for governments – a framework agreement providing guidance on how to organize integrated border management at the local level. This covered joint controls between authorities, joint border stations, alignment of procedures and guidelines on coordinating the work of different national authorities at borders (e.g. customs, border, immigration, veterinary, health and police). The UNECE was working with other organizations and with the Contracting States to the Convention to provide practical national guidelines. For example, a workshop on improving its implementation had been organized in Moscow by the UNECE and the OSCE with the Euro-Asian Economic Community the previous week. It recommended developing templates for agreements on local border and neighbouring country cooperation, disseminating best practices and guidelines for border station infrastructure (lanes, design, security, etc.) and procedures, using "single window" one-stop shops (or no-stop shops), and developing a cross-border electronic data exchange model. Border congestion is often exacerbated by the fact that transit traffic is mixed with local traffic, and that some States are not party to international transit procedures. The UNECE greatly appreciated the work initiated by the ILO in this field. The Harmonization Convention provided an easy way for countries to consider border-crossing issues in a structured manner. He invited governments to consider acceding to the Convention, which was open to all UN Member States, and asked the Meeting to consider recommending that UNECE and the ILO could develop joint activities and training around the provisions of the Harmonization Convention.
- 33.** The representative of the Government of Argentina agreed with his colleagues from Nigeria and Austria that it was essential to create and promote tripartite committees that had control and other responsibilities relating to border crossing, helping to simplify documentation and procedures for crossing frontiers. Training and assistance for those working in customs offices was also of key importance. Customs officials ought to be paid appropriately so as to avoid the difficulties that were being faced at present.
- 34.** The representative of the Government of Gabon thanked the ILO for organizing the useful tripartite meeting in such an extremely constructive way to allow participants to get to know the many useful experiences from other countries. With respect to the problems and issues relating to corruption, she noted that the roles of governments are important in improving the infrastructures to ensure smooth cross-border mobility of goods beyond the national borders. Some examples demonstrated that cross-border mobility could be hampered because of poor instructions on the border areas in African countries, chiefly as a result of inadequate coordination between the governments concerned. She stated that corruption would involve numerous complicated issues. One of the most serious problems is a lack of training for border control officials. Poverty was another problem that validated ILO's Decent Work Agenda to realize a more equitable world.

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- 35.** The representative of the Government of the Bolivarian Republic of Venezuela agreed with his colleague from Austria, who had suggested that tripartite cooperation be used to help resolve problems relating to the cross-border mobility of international drivers. However, he suggested changing the term “tripartite committees” to “tripartite groups”, given that “committee” invoked the notion of a formality that would lead to additional administrative procedures.
  - 36.** The representative of the Government of the United Kingdom supported the views of the previous speaker as the term “committees” in English implied formally established or regularly held forums when, in fact, each country could take a different approach to resolve problems that had been identified.
  - 37.** The representative of the Government of Cameroon noted that two neighbouring landlocked countries, the Central African Republic and Chad, depended on the port of Douala in his country for their international shipping. Discussions were under way with them to improve their supply flows. As a customs official himself, he was fully aware that situations regarding corruption varied in different countries. In Cameroon, an anti-corruption campaign, incorporating risk-control measures and procedural simplification, had been launched aimed at people at different levels – within customs and for across government as a whole. In addition, a code of ethics to ensure integrity in the management of customs operations was under development. In Cameroon, an anti-corruption campaign, the adoption of risk-management measures, the improvement of computer tools and the simplification of procedures (such as transit procedures) were examples of concrete action taken by the Government in general, and by the Customs Administration in particular, to respond to criticisms generally aimed at the customs authorities, even in the area of cross-border mobility. He welcomed the statement made by the representative of the Government of the United Kingdom, according to which a draft code of conduct would certainly be adopted within the next few days to guarantee the integrity of officials involved in the management of customs operations.
  - 38.** The representative of the Government of Ghana commended the social partners for reaching a consensus on the important roles of tripartite social dialogue in resolving the problems of cross-border mobility of international drivers. Although national situations might differ, considerable efforts had been made in many countries to promote tripartite social dialogue as a mechanism for resolving problems. Experience from across the world demonstrated the pivotal role of governments in initiating tripartite consultation on harmonization of cross-border operations to ensure the safe and economical flow of goods across borders.
  - 39.** The representative of the Government of Ecuador urged the ILO to create a hyperlink from its web site to different countries’ codes of conduct for staff of customs and other departments involved in cross-border operations, including the one developed by the Government of the United Kingdom. He hoped the ILO would provide translations of such material into the three official languages.
  - 40.** An Employer member thanked the Government and the Workers’ groups for their views. Employers were not blind to the varying situations on the issue of border corruption. Regional bodies, such as ECOWAS and the UNECE should have a clear role in developing responses to this problem, and the ILO should oversee the development of solutions at the global level. He expressed his group’s satisfaction at the consensus that had developed on the problems and issues related to international drivers, including the recognition of the role of tripartism in providing best-practice-based solutions to corruption.
  - 41.** The Worker member from South Africa stressed the need for governments and social partners to take measures to cope with corruption, because the problems of corruption adversely affected governments, employers and workers. In developing responses to

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address the issue, it was important to keep in mind that the problem of corruption required more than one party, the corruptor and the corrupted.

42. The Worker member from Honduras expressed disappointment that neither governments nor employers from his subregion were represented at the Meeting. Because many international drivers in his subregion were often held liable for illegal trafficking of people and of controlled substances even when they did not know the contents of the trucks they were driving, he felt truck companies should be required to certify that their truck drivers did not know or were not responsible for the contents of cargos they carried. Another major problem concerned the inadequacy of piecework-based payment of truck drivers' wages.
43. The Worker spokesperson expressed his appreciation of the extremely positive atmosphere of the Meeting. He was of the view that this reflected the fact that governments and the social partners were willing and prepared to develop a consensus on the difficult issues under discussion. He stressed the importance of tripartism as an approach to resolving social and labour problems. Customs officers should be brought into the tripartite dialogue. They also needed to improve training to enable them to support cross-border road transport better.
44. The Employer Vice-Chairperson noted that resolving the problems of cross-border mobility of international drivers required a continuous effort of dialogue. It was also necessary to recognize that customs officials work in conditions as difficult as those of drivers, including the problem of communicating with foreign drivers and severe fatigue.

### Theme 3: Visa processes and controls

45. Ms Doumbia-Henry, Director of the International Standards Department of the ILO, made a presentation of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), and its possible adaptation to road transport. She referred to the object and content of Convention No. 185, adopted in 2003, and which had entered into force in February 2005. The Convention provided for the issue by ratifying countries of a reliable identity document to their seafarers, so as to facilitate their temporary admission to foreign countries for purposes related to their profession. This ID is to be backed up by national infrastructures guaranteeing security and assisting in verification of the holder's identity. Since its provisions appeared to be very relevant to the road transport situation in so far as they relate to the identification of workers, this maritime Convention could, subject to certain adaptations, be suggested as a model for solving visa-related issues for professional drivers in the international road transport sector. As the concept of shore leave did not exist in the context of road transport, there would be a need for a definition of "professional driver" in the same way that "seafarer" was defined. A revision of the purposes of entry would also be necessary as drivers were driving a vehicle and carried cargo with them while seafarers went on shore leave or were joining or leaving a vessel.
46. She indicated that the main features of Convention No. 185, to the extent that it would be transposed to professional drivers, might be the following:

Regarding the issuance procedures:

- the ID could only be issued by the worker's country of nationality or permanent residence;
- that country must check that the applicant for the ID is a genuine professional driver or member of the transport crew;

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- for the issue of the ID, each country would have to follow minimum international procedures similar to those for passports;
  - the issuance procedures would be subject at least every five years to an independent national evaluation;
  - the report on each evaluation would be available to other countries and reviewed internationally;
  - countries found to meet the minimum international requirements for issuance would be included on an ILO list.

47. Ms Doumbia-Henry gave a brief description of the particulars of the SID to the Meeting as follows:

- It must have a duration of validity (maximum 5+5 years).
- It must contain anti-counterfeiting devices of the kind used for passports.
- The information in the ID must be machine readable (following ICAO standards) and must conform to the model set out in the Convention.
- The ID must include a photograph, signature and fingerprint template.
- The fingerprint template would be included in a barcode and would conform to an international standard, ensuring global interoperability enabling verification in all countries following the standard.
- The main items of information must be kept in a national database.

48. Regarding the verification of identity at border crossings, she indicated that the verification of the identity of the holders of the ID must be done:

- in the shortest possible time, provided that reasonable advance notice has been given of the holder's arrival; and
- at no cost to the workers or employers.

She explained that thanks to the international standard and work and testing performed in relation to Convention No. 185, the country of entry would be in a position to check whether the drivers' fingerprints correspond to the template in the ID's bar code with a sufficient degree of accuracy. Also, if the fingerprint test was not conclusive or if there was any reason to doubt the ID's authenticity or for any other reasons, the authorities at the point of entry could have access to the information in the national data base. This access could be made electronically or through a national focal point, who must be accessible on a 24-hour/seven-day basis. This facility could be used at any time, including after the details of the workers had been provided prior to their arrival, as described above. She stated that entry would be allowed when the ID was supplemented by a passport, and entry was requested for the purpose of road transport.

49. Entry might not be permitted unless:

- clear grounds existed for doubting the authenticity of the ID; or
- there was reason to refuse entry on grounds of public health, public safety, public order or national security; or

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- the drivers could not provide satisfactory evidence, if requested, concerning the temporary nature of their stay; or
  - the country issuing the ID was not respecting the minimum requirements relating to its issuance procedures (evidenced by its non-inclusion on the ILO list of countries).
- 50.** Finally, concerning the protection of the workers' rights, Ms Doumbia-Henry observed that:
- workers must have a proper right of appeal against the refusal or withdrawal of the ID;
  - workers must be enabled to inspect the contents of the ID issued to them that are not eye-readable and must have the right to ensure that the ID contains no unauthorized personal details; and
  - other rights, especially those related to the dignity and the privacy of the worker, must be respected.
- 51.** While the provisions of Convention No. 185 would need adaptation to road transport operations and the specific needs of drivers, it seemed that the principles contained in the Convention could prove useful to facilitate international road transport. She identified a number of options. The first option would be to adopt a new Convention, with the necessary adaptations, to cover road transport. This could, however, take some time before it could be achieved. The second option would be, as an interim measure, to adopt a non-mandatory instrument, under which interested countries could voluntarily decide to apply the provisions of Convention No. 185 to road transport, subject to a number of variations, and on a reciprocity basis. The starting point should however be clear conclusions on this question.
- 52.** In response to a question by the representative of the Government of Austria, Ms Doumbia-Henry clarified that chips, the Machine Readable Zone (MRZ) and bar codes were just the media containing the relevant data. Bar codes had the advantage of being very cheap and widely available. In principle, countries that were able to use MRZ and chip-based systems would also be able to use bar codes. Using bar codes alongside MRZ and chip-based systems did not create large additional costs, since chips, MRZs and bar codes were all in accordance with ICAO requirements. Seafarers' identity documents (SIDs) provided a way of cataloguing and identifying a large category of workers and to validate whether the workers were who they claimed to be. The security systems stipulated by Convention No. 185 would be in addition to existing systems.
- 53.** Responding to a query from the representative of the Government of Canada, Ms Doumbia-Henry confirmed that, unlike chips, bar codes and MRZs were only able to store a limited amount of information.
- 54.** The Employer spokesperson wondered whether SIDs could be used in the visa issuance process. His group recognized the existence of different visa regimes and that States would continue to use them in the foreseeable future. Given this context, the identification of visa applicants was important for consulates; this process could be assisted considerably if consulates were given access to the national databases and could thus ensure that the applicants were bona fide drivers.
- 55.** Ms Doumbia-Henry agreed that such use would represent a minimalist approach to using SIDs. The United States had wished that the Convention would facilitate visa issuance, recognizing that it provided authorities with far more information than normally available. The access to national databases was very valuable.

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- 56.** In response to a question by the Worker spokesperson, Ms Doumbia-Henry pointed out that Convention No. 185 comprised three annexes (on a model SID, the national database and national issuance security infrastructure). The third annex on the national security infrastructure for the issuance of SIDs outlined mandatory requirements in its first part and provided guidance on how these requirements could be met in its second part. It was based on a division of responsibilities, separation of structures and a system of audits. In combination with the international oversight system, it would ensure that issuance procedures were safe and SIDs could be relied upon.
- 57.** The Employer spokesperson linked the continued importance with which States regarded the control of visas with economic and security considerations. However, trends varied in different regions with visas now required for journeys between Commonwealth of Independent States (CIS) members while no longer needed for travel within the Schengen area. Since visas remained a necessity for international drivers, they should, at the very least, be treated comparably with tourists. Although his group recognized States' security and migration control interests, discrimination against drivers was unjustifiable. The amount of documentation some States required to grant visas was excessive, especially as some of the documents did not seem essential for establishing applicants' professions. Long processing times and short validity of visas further aggravated the situation, constraining companies' work and hindering international trade. Since employers could not be sure of drivers being issued visas, they were in no position to provide long-term employment contracts. A database, as described in the context of Convention No. 185, could assist the application process and provide information on drivers' backgrounds, histories and incidents, so that States could take fast and informed decisions. It was essential that visa application procedures reflected the technology of road haulage and did not restrict drivers' movements between various Schengen States. The requirement for drivers to spend 70 per cent of their time in the Schengen zone in the country granting the visa created serious problems for drivers with mixed loads and impeded the flexible use of technologies. In cases where drivers inadvertently failed to observe this restriction, they were considered to have violated their visa conditions with the consequence that their future applications could be rejected. It was imperative that drivers be treated no worse than other citizens and, preferably, that they were treated in accordance with the provisions of Convention No. 185. In order to achieve this goal, the Meeting should ask the ILO Governing Body to undertake a survey of the current situation in different countries with a view to taking the necessary steps to adapt Convention No. 185 to international drivers.
- 58.** An Employer adviser urged participants to take into account the following five considerations in their deliberations: (1) the ILO had experience in facilitating cross-border transition of other professional groups and was perfectly equipped to achieve progress in this matter; (2) Convention No. 108 had been very successful and Convention No. 185 was its logical continuation; (3) a biometric card issued, in accordance with Convention No. 185, was the most secure means of determining a worker's profession to facilitate visa issuance; (4) international drivers should not be discriminated against in relation to such other workers as seafarers or airline staff; and (5) a positive signal by the Meeting would start a process that would be under constituents' control while not limiting States' prerogatives to take their own decisions. Employers therefore wished to request all participants to seriously consider the three options outlined by Ms Doumbia-Henry.
- 59.** The Worker member from Sweden underlined three principles of utmost importance to his group. First, every State had the right to know how many people were entering its territory and with what purpose. Secondly, drivers should not have to bear direct or indirect costs (such as loss of working time) caused by visa application procedures. A driver's employer should cover these, since workers should not have to pay to work. Thirdly, the right to enter a country was distinct from the right to work in it; visa regimes should take this into account and provide protection against illegal employment.

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- 60.** The Worker member from Chile explained that, within MERCOSUR, drivers could cross borders if they held papers specifying their employing company, their own identity and the vehicle's number plates. Additionally, a form needed to be completed stipulating their duration in the foreign country. No major problems were experienced crossing borders when all these conditions were satisfied. Restrictions on the transportation of goods between points within foreign countries protected drivers against precariousness and minimized the risk of creating illegal drivers. However, the existing pay system based on transported loads was detrimental to drivers' careers. Given the large responsibilities given to drivers, their working conditions needed to be as good as possible.
- 61.** The Worker member from Russia drew attention to the serious difficulties facing workers in cross-border road transport in ex-Soviet countries. The red tape in visa application and processing caused long delays. Seventy per cent of those requesting visas ended up not receiving them. Consulates limited one-time stays to ten days, which meant that drivers often had to leave before loading or found themselves in breach of their visa conditions. It took as long as three to four weeks, some 30 supporting documents and the physical presence of the driver to obtain a visa. During that time, the driver could not work, leading to loss of income, unemployment and difficult situations for families. If they did not drive, they lost the skills acquired in training and saw a decline in their market value. The long drawn-out procedures of visa applications led to stress and accidents. As a result, the profession had become less attractive and there were shortages of international drivers. Taking into account existing migration policies, there was little hope of visa waiver facilities for many drivers. It was therefore important for international drivers to have the benefit of an international instrument similar to Convention No. 185 which would confirm the identity of drivers and facilitate the issuance of visas.
- 62.** The representative of the Government of Austria declared that the Ministries of Economics and Labour, of Transport and Home Affairs of her country had agreed the following position. Austria is not in favour of an ILO Convention, similar to Convention No. 185, on identity cards for international drivers. The issuance of long-term visas to international drivers would be the better solution. The problem was regional and required a regional solution. The costs of implementing a system similar to the one required under the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), were far too high and Austria is already investing considerable sums into biometric passports, using a different system for the biometric template. Convention No. 185 had so far only been ratified by seven countries. The issuance of long-term visas for international drivers in their passports seemed to be a logical solution.
- 63.** The representative of the Government of Canada reported that in his country 50 per cent of cross-border vehicles were operated by independent truckers and it would be impossible to identify drivers in terms of their employer.
- 64.** The representative of the Government of the Russian Federation declared that his country traded with 50 countries using road transport, accounting for one-quarter of its foreign trade turnover, equivalent to US\$58 billion. Twenty four thousand cross-border trucks and more than 50,000 drivers were involved in this trade. Russian professional international drivers needed visas and his Government had repeatedly requested the relevant departments of foreign states to facilitate the issuance of visas. Although within UNECE, the importance of visas had been recognized, no solution had been found. Visa application difficulties affected the productivity of drivers and vehicle fleets. Professional international drivers constituted a special category of citizens whose contribution to the economy was significant. It was therefore important that an international agreement be found which would facilitate the issuance of long-term multi-entry visas supported by minimum documentary requirements. The first steps, therefore, to facilitate the mobility of international drivers would be to set up a mechanism for issuing special identity papers for these workers and to have them registered as international drivers.

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- 65.** An observer from ECOWAS declared that the member States of his region recognized passports for persons and transhumance certificates for the cross-border movement of livestock since a large part of the population was nomadic. As for vehicles, insurance papers were required.
- 66.** The representative of the Government of the Islamic Republic of Iran stated that increasing security measures required that international drivers possessed verifiable identity documents. These increased security requirements were largely responsible for delays in issuing visas. He cited the Office report which listed 25 documents required for visa issuance, including “TIR Carnet” and loading documents. Since visas were valid for only one month, Iranian drivers had sustained heavy losses. He noted that, even among countries in Europe, there was no consensus, with some reluctant to simplify visa procedures. ILO intervention was vital if international transport workers from developing countries were to enjoy decent working conditions.
- 67.** The representative of the Government of the Bolivarian Republic of Venezuela agreed with the representative of the Government of Austria and the Worker member from Chile, who had referred to the positive experience within MERCOSUR countries, and stated that his country was not in favour of an international instrument similar to, or modelled on, the Seafarers’ Identity Documents Convention (Revised), 2003 (No. 185). One solution would be to improve the procedures for issuing visas for international drivers.
- 68.** The representative of the Government of Belarus endorsed the position of the Employer spokesperson, stressing that the need for visas for professional international drivers in CIS countries was an obstacle to trade, a situation which deprived this category of workers of their right to work and to cross borders in the performance of their jobs. Although certain governments had declared their intention to simplify visa procedures, there had been no improvements. On the contrary, the situation had even deteriorated following the Conference of the Ministries of Transport. Radical solutions needed to be found either by adapting the Seafarers’ Identity Documents Convention (Revised), 2003 (No. 185), or adopting a new international agreement.
- 69.** An observer from the IRU, while appreciating the good-will statement from the representative of the Government of Austria, felt that long-term visas alone could not really be a solution, since they were not generally applied, not even at the regional level. Such a stand-alone arrangement would just further keep international drivers at the mercy of consulate services. He cited as an example the Community Code on Visas in the Schengen area currently being drafted. In the draft document, no reference had been made to cross-border drivers as a specific category deserving preferential visa treatment, though such a treatment was foreseen in the draft for certain other categories of citizens. Furthermore, he confirmed that the profession comprised a large number of owner-operators, who could make an official statement “under oath” on their status of an international driver for visa purposes, if need be. Such statements are easily verifiable by authorities.
- 70.** The Worker Vice-Chairperson endorsed the Employers’ view for the simplification of visa procedures. Efficient and smoothly operating cross-border transport services were essential for efficient economies.

Theme 4: HIV/AIDS: A workplace issue for international drivers at border crossings promotion at the workplace of ILO guidance on prevention and protection against HIV/AIDS

- 71.** An adviser from the ITF recalled the scale of the HIV/AIDS pandemic. It was, for workers, not only a health issue but one of discrimination as well. In fact it was a huge social and

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development problem. Africa had been badly hit by HIV/AIDS, but other regions also face the pandemic. Asia might be, in future, as hard hit as Africa is today. Industrialized countries were not immune to the problem. HIV/AIDS should be fought in the workplace. Globalization has impacted on transport and transport workers were seriously affected.

- 72.** The behaviour of truck drivers is influenced by many factors. The truckers were subjected to a lot of stress and they faced difficult conditions at work. They were the victims of the situation and should not be stigmatized. A vaccine for HIV/AIDS would not be widely available for many years to come. There should be agreement that HIV/AIDS is a workplace issue, the primary entrance point for prevention activities. Trade unions needed to be considered as important stakeholders. Employers were losing many workers and so must also take responsibility for action. Governments and Workers' and Employers' groups must work together. Programmes of prevention, condom distribution, health and counselling centres were required. The needs of families should not be forgotten. However, testing for HIV/AIDS should be voluntary, neither be compulsory nor a precondition to getting a job.
- 73.** He underlined that HIV/AIDS was a workplace problem, which should be addressed in various ways, including specific sectoral programmes. It affected not only workers but also employers, who were losing experienced personnel. Tripartite cooperation was therefore needed; it should be focused on issues such as education, training, condom promotion and building of health centres, especially in transport corridors. These services should also be accessible to drivers' families. He agreed with the previous speaker that there should be no stigmatization; testing should remain voluntary and not be a precondition for obtaining a job.
- 74.** The Employer spokesperson agreed that HIV/AIDS was a serious problem, spreading very quickly: in 2015, it would affect some 75 million people. It was also an international problem with no respect for national boundaries. While the main victims were drivers and their families, it also negatively affected employers. The transport sector, in particular, was losing qualified staff. It was necessary to have a clear concept on how to address it, taking into account the particular work environment. The potential risks at waiting points should be evaluated. Attention should be paid to prevention and provision of health facilities, especially at border crossings. Waiting time must be reduced. Awareness-raising and education programmes were necessary, focused on practical advice and hygiene. The potential losses from doing nothing were much higher than the costs of taking the relevant measures.
- 75.** The Employer member from Brazil recalled that HIV/AIDS was a major problem in Brazil, including in the transport industry. A national programme, running since 1997 with the participation of civil society, had targeted truck drivers. This programme had provided prevention and assistance to drivers at many waiting points. The National Confederation of Transport had supported the programme. The importance of tripartite partnerships in such programmes could not be overemphasized.
- 76.** The Worker member from South Africa described the situation in his country. Trade unions had already approached employers in 1995 with an initiative to work together on HIV/AIDS issues. A joint policy establishing workers' rights was adopted. Stigmatization is a big issue: HIV/AIDS was often linked with bad behaviour, but the fact was that poor, vulnerable people working in adverse conditions caused by insufficient infrastructure, were much more prone to be infected. A project, "Trucking against AIDS", started in 1998, had contributed to increased awareness and also brought very concrete results: 12 mobile health clinics on main national routes were providing primary health care; distribution of condoms; a system of VTC – voluntary counselling and testing, with professional nurses provided by the Government. The measures were destined not only for drivers, but also for sex workers and the local population. HIV/AIDS was an international problem and it

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would be desirable to promote cooperation between all countries of the southern African region.

- 77.** The representative of the Government of India noted that HIV/AIDS was an international problem, affecting both workers and enterprises. Lack of information and awareness was a major issue but there was also a need to improve facilities, such as restrooms or recreational facilities, as difficult working conditions made truckers more vulnerable to sexually transmitted disease. A national programme, started in 1987, focused on general public awareness but was later coupled with targeted interventions addressing specific groups, such as truck drivers. A national pilot project for truckers, assisted by DFID, was implemented between 1997 and 2001. An ILO project, funded by the United States Government and active in selected states, aimed at advocacy and dissemination of information.
- 78.** The representative of the Government of Argentina described the national and regional HIV/AIDS programmes in his country. The practical measures taken included drug distribution free of charge for residents, and an awareness and prevention programme. Inadequate health facilities and other infrastructure was only a part of the problem; the main issue was lack of information. Tripartite cooperation was necessary to increase investment for the transport industry, to improve the effectiveness of awareness raising and to strengthen coordination at the national level.
- 79.** The representative of the Government of Ghana said that all governments recognized the existence of the HIV/AIDS pandemic which needed a concerted effort to tackle. Most governments had already set up institutions to cope with the problem, but she thought there was still a need to deal with it in a sector-specific manner. A World Bank-funded project covering the Abidjan-Lagos transport corridor, involved governments as well as employers and workers. She felt that employers could do more by providing training to workers or increasing investment in affordable infrastructure, such as on-the-road resting facilities. She also requested the ILO to provide training to the tripartite constituents, focusing on the problems along the West African corridor, aiming at changing people's behaviour. Were the problem not contained, employers, workers and governments would all be net losers.
- 80.** The Government representative of the Philippines recalled that a large number of Filipinos worked as drivers in foreign countries. She drew attention to the relevance of Convention No. 185 on SIDs in relation to dealing with delays at border crossings. Her Government regularly provided pre-departure seminars to Filipinos leaving the country for employment abroad. They were provided with ID cards aimed at easing visa formalities at borders. Drivers could also be given a special card to smoothen border crossing. Providing decent rest and sanitary facilities for workers in long-distance road transport was also needed.
- 81.** The representative of the Government of Malawi expressed concern regarding the level of HIV/AIDS in the southern part of Africa. In his country, a national-level HIV/AIDS policy and measures existed, and his Government was grateful to the ILO and USDOL for supporting a programme addressing the specific problems of HIV/AIDS faced by the road transport industry in his region. He looked to countries which had more experience with HIV/AIDS programmes to assist Malawi.
- 82.** The representative of the Government of Brazil said that his country had borders with ten countries. There were few delays at those borders as MERCOSUR provided customs and visa-free access to road transport. There were, however, many health problems in the Amazon region: dengue fever, malaria, yellow fever, etc. Drugs, alcohol and HIV/AIDS were problems for the transport sector. Working conditions or the nature of their work encouraged risky behaviour. A solution could be through an integrated policy involving the Government, the economic actors and the local communities, and take into account the key principles in the ILO code of practice on HIV/AIDS. Based on information-sharing, free

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communication and social interaction, he hoped that a plan of action would be developed at the local community level, at the social partnership level, and at the national level. International collaboration was also very important and effective. Referring to the warning message on cigarette packages, he suggested putting anti-HIV/AIDS messages on trucks.

- 83.** The representative of ECOWAS reported on an HIV/AIDS project targeting the road transport sector covering five West African countries in the Abidjan-Lagos corridor. The project had three main components comprising a communication strategy on good behaviour, prevention and treatment. Under this project, there had been counselling and screening centres had been set up where both drivers and community population could go for advice, voluntary testing and treatment. Condoms were also being distributed free of charge or at very low cost. There had been videos and other educational/training visual materials that could be shown to waiting drivers for prevention purposes. Such projects should be extended to other corridors.
- 84.** The Employer spokesperson noted that all were well aware of the problem and that open discussion on all aspects was useful and necessary. He recognized that the issue was indeed a workplace problem and that employers needed to assist workers to overcome it. The suggestion by the Government representative of the Philippines on the issuing of an ID to ease border crossing was valid and could reduce the risk of exposure of drivers to HIV/AIDS.
- 85.** The Worker spokesperson stressed that HIV/AIDS knew no boundary, and cooperation was required if it were to be contained. He was satisfied to hear employers agreeing on the principles of no discrimination and no compulsory HIV/AIDS screening before recruitment. He was sad to hear earlier, however, that some disguised screening was practised in some countries where drivers were subjected to blood pressure or diabetic tests with results communicated conveyed to their employers, leading to non-recruitment. He strongly believed that test results should be solely conveyed to the tested individuals directly and not to anyone else. HIV/AIDS was a global problem and had to be tackled in concert.

**Theme 5: Improvement in cross-border traffic and its socio-economic consequences, and other issues**

- 86.** The spokesperson of the Employers' group underlined the important role of international transport in facilitating cultural exchanges and economic growth. Difficulties in cross-border transportation hampered flexibility and negatively affected job creation in both the sector and related infrastructure. Insufficient investment in infrastructure led to obstacles in cross-border traffic and increased waiting which harmed the environment by raising pollution levels. Cross-border delays also increased the risks of behaviour patterns which encouraged HIV/AIDS infections. There was thus a clear need for improved border-crossing procedures for the benefit of all parties. The Employers supported any steps aimed at simplifying and improving cross-border traffic formalities, including, if possible, the complete removal of obstacles as, for example, had already been done in the European Union.
- 87.** The spokesperson of the Workers' group noted that discussions on this theme could only be speculative as the results of any improvements would of necessity be apparent only in the future. It was nonetheless possible to assume on the basis of experience that improvements in infrastructure invariably led to all-round improvements in cross-border flows. However, increased flows could also have detrimental environmental impacts and raise local suspicions. It was therefore necessary to gain acceptance from affected local communities who had to be assured that international transport operations would not provide cover for illegal activities and that upgrading facilities and infrastructures was in their interest. Improvements would lead to increased cross-border traffic flows requiring

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that international transport be able to attract more qualified drivers. This would, among other things, require ensuring proper working conditions and adequate occupational health and safety regimes. Lengthy border-crossing waiting times which could lead to frustration and other previously discussed dangers were a key concern. In this regard, therefore, improving border control procedures was critical and thought should be given to their entire removal in the future. Since the key issue was delays at borders, there was a need for a number of actions, such as the building of rest areas for drivers, fighting against HIV/AIDS, setting up a process to identify drivers. The latter could start with an internationally agreed definition of a driver that would be valid everywhere and include a standard job description. Standards on the cross-border transportation of hazardous goods were also essential. As ignorance was the biggest cause of problems in international road transport, it was important to ensure well-trained drivers who knew their way around and who were fully aware of their responsibilities and knew how to safeguard their health on the road. Other points which were probably more controversial but thought-provoking related to the increasing number of foreign vehicles on the roads of many countries. This could lead to the fear of illegal workers, of damage to national taxation and welfare systems and accentuate fears of wage dumping and erosion in working conditions. Clear rules would be required to avoid illegal practices which damage the image of both international drivers and road haulers. There was also a need for developing international driver identity documents that are difficult to counterfeit and are recognized by all authorities. Finally, there was a clear need for ratifications of ILO instruments relevant to this issue in all countries involved, and in particular of Convention No. 153 on working hours.

- 88.** The representative of the Government of Nigeria stressed that the plight of cross-border truckers could not be ignored and the conclusions of the Meeting needed to address this. While it was recognized that their problems in different regions were not always similar, the fact remained that international drivers in various parts of the world were exposed to many risks. The African experience demonstrated a clear correlation between cross-border delays and HIV/AIDS prevalence. Cross-border procedures therefore needed either to be abolished or to be improved to increase drivers' well-being. Until then, measures to eliminate delays, to provide safe parking and entertainment and affordable night lodging, to offer counselling, support and treatment, in particular regarding STDs and the easing of visa processing could all be catered for through some sort of instrument, even if non-binding. Governments, employers, as well as workers would benefit from such a measure. Some interventions could be introduced administratively. It was for subregional bodies to take initiatives, in collaboration with the ILO. Smuggling, drug trafficking and other illegal activities played into the hands of unscrupulous officials in transit countries and international drivers should be careful to avoid these activities.
- 89.** An observer from the IRU Permanent Delegation to the EU, speaking on behalf of the Employers' group, agreed with the majority of the comments made by the spokesperson of the Workers' group. The industry needed a clean image, the highest standards of professionalism, and Employers were strongly opposed to the illegal employment of international drivers. While his group was similarly against social dumping, it had to be recognized that some countries with genuine and legitimate low-cost structures were as entitled as any other to access to international commerce. Employers recognized and supported workers' right to freedom of association. However, while they considered Convention No. 153 to be very important, he noted that it had hitherto attracted very little ratification, perhaps because it was not always appropriate to apply a single set of standards to countries that were so dissimilar and at very varied stages of development. At the UNECE, there had recently been a request to transpose EU rules to EART countries. While Employers were in agreement with the idea of harmonization, they were cautious about the drive to impose a single set of rules for countries and regions that were so different.

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90. The spokesperson of the Workers' group agreed that conditions varied in different regions and that, by definition, how conditions developed in the future could not be predicted with any exactitude. Nonetheless, fundamental workers' rights were the same regardless of region, colour or any other criteria, including in developing countries. While it was reasonable to acknowledge regional specificities related to levels of development, the right to freedom of association, collective bargaining and reasonable working hours had to be recognized as universal human rights. The provisions of Convention No. 153 had not been plucked out of thin air but were based on thorough medical investigation and were therefore a good basis for setting working hours in any country.
  91. The representative of the Government of Austria agreed with comments by her colleague from Nigeria that an international instrument that was not necessarily binding might be a proper route to address concerns in this area. Her country believed in regional solutions, but was open to compiling and dissemination of best practices within the framework of the ILO.
  92. The representative of the Government of Ecuador noted that his country had ratified Convention No. 153, and was applying its provisions in full. His delegation understood that a review of this Convention might take place in the future and was in agreement with those efforts.
  93. The representative of the Government of the Russian Federation supported the idea of documenting and disseminating the standards and rules applied by different governments. The Meeting should, however, recognize that international drivers were a particular category whose needs required the creation of specific mechanisms to ease their working life.

#### Theme 6: Follow-up activities

94. The spokesperson of the Workers' group suggested that follow-up activities include the creation of local cross-border tripartite bodies to monitor developments regarding the issues that had been identified by the Meeting as affecting the smooth flow of cross-border traffic. Regardless of how these bodies would be named, it was imperative that they were local and tripartite, and that they had clear terms of reference indicating their scope of activity based on the issues discussed at the Meeting. As such bodies could not spring up overnight, pilot projects could be established in designated localities. They could then be reviewed after some time to ascertain their impacts on the issues of concern to the working conditions of international drivers, including in terms of effects on waiting times. Other areas of activities could be the definition of border terminal and cross-border procedures and the documentation of standards prevailing around the world. In this regard, consideration should be given to the establishment of a working party, on which governments would play a central role, to steer the process. A third recommendation was to establish a definition for professional international drivers as a useful basis for training. A further important area of activities was finding effective ways to fight HIV/AIDS, establishing rules on prevention, protection and care of those already infected. He noted and welcomed the consensus that had developed in the Meeting for tripartite efforts to raise awareness on the dangers of the epidemic for international drivers.
95. The spokesperson of the Employers' group agreed with the Workers on the importance of addressing the issue of HIV/AIDS in the sector with a view to preventing or reducing infections. As a first step, he believed it would be useful to identify the best practices of States that had managed to reduce infection rates. Among others, efforts were needed on effective monitoring, control and promotion of drivers' self-protection. It was also necessary to find ways to reduce stoppage time as this frequently led to alcohol abuse and behaviour which significantly increased the risks of HIV/AIDS infection. Other measures should include risk assessment, identifying where drivers were most at risk and how to

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promote safe sexual practices. There was also a need for mobile medical facilities with qualified personnel, offering voluntary testing not only for drivers but also to the local population at border-crossing points. It was further necessary to raise awareness on the situation of victims and to provide for care and support for infected persons.

- 96.** An observer from the IRU speaking on behalf of the Employers' group, noted convergence between the Employers and Workers on many issues. The local tripartite committees would need to have some guidance and the ILO could play a role in this process. It should draw on existing research, reports and best practices and use these to develop, together with the tripartite constituents, a tool to guide the local committees. This could include benchmarks drawn from a number of international instruments, such as the Kyoto Convention. Best practices on the simplification of customs procedures and harmonization of documentation could also be used as a reference in the development of such a tool, as could codes of conduct in use by different countries for their border personnel. It was important that customs and other border officials were imbued with a spirit of moral integrity and that they demonstrated the highest levels of professionalism. Employers would be delighted if Governments would put pilot projects for tripartite monitoring structures in place, especially in areas where significant problems existed. The ILO could assist in the development of terms of reference for such groups, ensuring equality for all members.
- 97.** Another observer from the IRU, also speaking on behalf of the Employers' group, suggested follow-up activities with regard to visa procedures. Visa-free regimes, where they existed, significantly reduced problems. Where visas existed, international drivers should be considered to be a special group of workers needing simplified visa procedures and reduced documentary requirements. Furthermore, the Meeting should recommend the adaptation of Convention No. 185 for application to international drivers and pilot projects in this respect should be run on a voluntary basis. For the long term, it was hoped that the development of a new ILO legal instrument on an identity card for international drivers could be considered.
- 98.** The representative of the Government of Gabon urged prudence on the recommendations proposed by the previous speakers in view of the diversity of local realities and situations prevailing in different regions and even subregions. She noted that even in such developed regions as the European Union, treatment was not always equal and countries' differing levels of development had to be taken into account. Gabon, for example, found herself in an uncomfortable situation, with livestock brought into the country from neighbouring territories. Human nature, being what it was, customs staff could be stubborn when traffic was solely in one direction. She recommended the development of South-South cooperation as had been the case in her subregion where it had been found extremely useful if people could share information on best practice on the regulation of cross-border traffic. There was agreement that the extremely difficult conditions in which international drivers worked in many developing countries needed to be improved. With regard to tripartite committees there should be one for each country in order to avoid proliferation of committees and to know who was responsible. In many countries such committees could be built on existing tripartite structures. The ILO could play an important role as a facilitator, for example vis-à-vis donors, to initiate projects on identified issues.
- 99.** An observer from ECOWAS expressed concern about the sustainability of committees similar to those proposed by various delegates at the Meeting which had been established in his subregion. He wondered whether the ILO could help to finance their continued functioning or intercede with donors to provide assistance.
- 100.** The representative of the Government of Nigeria noted that obstacles to road transport had to be eliminated to make it safe and easily accessible. He laid the blame for most problems on failure of supervision. Legislation should facilitate road transport, not create barriers,

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and law enforcement should be impartial. In case of problems, hotlines could be set up for drivers to communicate their problems with designated officials who should always be available to intercede. Although it might be desirable to develop an international instrument, subregional organizations (such as ECOWAS) seemed to be the best mechanism to address particular problems which were different in each region. Nevertheless, technical assistance needed to be extended to strengthen such subregional organizations.

### **Adoption of the conclusions**

**101.** The conclusions drafted by the Working Party were introduced by the Government member from the Islamic Republic of Iran. During a brief discussion of the conclusions, the representative of the Government of the Philippines stated that with respect to the formulation of the last bullet under theme 3, she would have preferred "... consideration, where appropriate, of whether or not a driver's identity card can be a cost-effective means of streamlining the process for international drivers' timely passage with provisions for computerized visas". After some minor editorial changes, the conclusions were adopted unanimously.

Geneva, 26 October 2006.

Mr P. Tomek,  
Chairperson.

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# Conclusions on Labour and Social Issues arising from Problems of Cross-border Mobility of International Drivers in the Road Transport Sector

The Tripartite Meeting on Labour and Social Issues arising from Problems of Cross-border Mobility of International Drivers in the Road Transport Sector,

Having met in Geneva from 23 to 26 October 2006,

Adopts this twenty-sixth day of October 2006 the following conclusions:

## Introduction

1. In an increasingly globalized economy, international road transport plays an important role and makes a significant contribution to economic development efforts. In this regard, the rights, welfare and dignity of international drivers should be promoted through their organization and the practice of social dialogue.

### ***Theme 1 – The impact of deficiencies in infrastructure, facilities and procedures at border crossings on road transport operations and the working and living conditions of international drivers***

2. Delays due to deficiencies in infrastructure, facilities and control procedures at problematic border crossings can have a negative impact on the living and working conditions of drivers as well as on socio-economic progress, international trade, tourism and transport. They can turn waiting areas into a magnet for crime and the sex trade, create security risks for drivers and, consequently, their families, vehicles and cargo, and disrupt communities in the surrounding areas. This affects the issue of health protection of drivers and general road safety. A means to improve the living and working conditions of international drivers at problematic border crossings is through social dialogue and transport facilitation across international borders.
3. Governments along with employers and workers and their representatives in the road transport sector have a mutual interest to work together to reduce the negative impact of any such deficiencies.
4. Measures that could be implemented in this respect include:
  - providing adequate border crossing infrastructure and facilities, both in quantitative and qualitative terms;
  - relocating border crossings that are situated in inappropriate locations (e.g. centre of towns);
  - improving the quality and increasing the capacity of access roads to border crossing;
  - establishing/constructing appropriate facilities for sanitation, food and beverage, supplies, rest, communication, lodging and legal entertainment, vehicle repair and

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- other emergency services as well as parking facilities, and establishing harmonized minimum standards for such facilities;
  - establishing policies for affordable pricing for the use of facilities or purchase of goods and services at border crossings;
  - achieving better cooperation between frontier authorities and all relevant parties using the borders, and the application of new technologies and innovative management systems;
  - achieving simplification of procedures, timely communication of any change of procedure requirements, progressive minimization of documentary requirements and rationalization of controls, for instance through the use of risk management processes and ICT; and
  - where appropriate, adopting and implementing relevant international and United Nations conventions relating to border crossing formalities.
5. The responsibility for the improvement or relocation of infrastructure, and for the implementation of appropriate management systems and procedures at border crossings, primarily lies on governments.

***Theme 2 – The impact of deficiencies in border staffing standards and border officials’ conduct on road transport operations and the working and living conditions of international drivers***

6. Deficiencies in border staffing standards and in the conduct of border officials exist in numerous countries; however, differences in the nature and degree of such deficiencies should be taken into account when addressing this issue, avoiding a one-size-fits-all approach.
7. Joint efforts by governments, employers and workers and their representatives at national or border crossing level involving neighbouring countries could address pertinent areas of concern that include:
- promotion of appropriate processes for the selection and recruitment of border officials;
  - the provision of up to date information to education and training of officials on both sides of a border crossing to help them to develop appropriate cognitive, language, attitude and ICT skills;
  - provision of sufficient and qualified staff;
  - the motivation of border officials through appropriate pay and working conditions, and the provision of technological or other means to enable them to perform their duties in the best possible manner;
  - improved harmonization and coordination of procedures and practices on both sides of border crossings through bilateral, multilateral or regional agreements or by following the same international standards or joining the same international Conventions;

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- provision of timely border crossing information by governments to international drivers and their employers and suitable training of international drivers by their employers on border crossing procedures;
  - the elimination of situations, such as long delays, that could foster corrupt practices;
  - campaigns against corruption targeting all parties that could be involved in a corrupt activity;
  - exchange of information on good practice, including codes of conduct for border officials, international drivers and other parties involved in border crossing procedures and on various relevant agreements regarding border crossings.
8. The creation or strengthening, at various levels, of tripartite border-crossing monitoring and facilitation bodies, with representatives from all parties involved from both sides of problematic international borders, could help member States to understand and address current or persisting problems.

***Theme 3 – Visa processes and controls and their impact on road transport operations and the working and living conditions of international drivers***

9. In the absence of special arrangements for the purpose, the process for the application for the issuance of visas for international drivers in the road transport sector can involve long periods of idle time as well as onerous and numerous documentary and other requirements that result in considerable financial and time losses to both the drivers and their employers. This can also restrict the ability of international drivers to enjoy regular or continuous employment. Under certain circumstances, particular visa conditions may, in addition, limit drivers' ability to complete assignments abroad or find themselves in breach of their visa conditions. Among other negative effects of this problem is the stress and frustration that drivers experience during the process. All these evidently have a negative impact on road transport operations and the working and living conditions of international drivers.
10. While acknowledging the right of governments to take all appropriate measures regarding the issuance of visas to safeguard national security or to protect against other risks, governments, employers and workers and their representatives recognize the need to facilitate the process in a way that would be compatible with the special status of international drivers, as is the case in certain other transport modes.
11. Options that might be considered for streamlining the provision of visas for international drivers include:
- measures to optimize existing visa-issuing arrangements;
  - consideration of other means by which visa arrangements might be improved (for instance via the provision of information to consulates by employers and/or their associations);
  - the issuance of multiple-entry and/or longer term visas to international drivers at reasonable cost;
  - the promotion of regional and subregional solutions to reflect local circumstances; and

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- consideration, where appropriate, of whether or not some form of drivers' identity card might be a cost-effective means of facilitating access to visas for international drivers. By way of an example, the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) might provide useful lessons.

#### ***Theme 4 – HIV/AIDS: A workplace issue for international drivers at border crossings***

- 12.** International drivers are among the most vulnerable categories of workers to HIV/AIDS due to the particular conditions of their work. Their vulnerability to sexually transmitted infections (STIs), including HIV, substantially increases at border crossings where unduly long delays are experienced. Combined with any serious deficiencies in infrastructure and facilities and stress, the risks to HIV/AIDS become even greater as these factors create a situation where drivers may be exposed to risky behaviour.
- 13.** Transport enterprises are also at risk because of the negative impact on their workforce. Inevitably, this situation has a negative impact on national economies and consequently on the whole world. Hence, in parallel but also in combination with other ongoing and planned programmes to combat HIV/AIDS at broader levels, there is a need to address this particular case at cross borders as a workplace issue at sectoral level so that the specificities of the international road transport sector and those pertinent to border crossing would be best addressed. However, the interrelation between the origin and destination of the road transport journey, the communities along that route and around the border crossings, as well as the family and social circle of international drivers and the location of the border crossing, should not be overlooked. For these reasons, the issue of HIV/AIDS at border crossings should not be treated as a localized problem and in isolation to the broader HIV/AIDS issue but as a complementary activity that focuses to a particular sector and location. Thus, the collaboration and coordination between a large number of organizations, agencies and programmes is essential.
- 14.** Against this background, governments, employers and workers and their representatives have stressed their renewed commitment to jointly address this issue and agreed to promote the tripartite sectoral approach when addressing the issue of risks of international drivers to HIV/AIDS at border crossings. Pertinent measures could include:
  - promotion of the sectoral approach to HIV/AIDS;
  - promotion of the thesis that HIV/AIDS is a workplace issue;
  - promotion of the tripartite approach in addressing the issue in which, in addition to governments, employers and workers, other stakeholders would be included (communities, NGOs, etc.);
  - promotion of the relevant ILO standards, particularly the ILO code of practice on HIV/AIDS and the use of the ILO guidelines on HIV/AIDS for the transport sector,<sup>1</sup> special attention being made to the principles outlined, including those that refer to stigmatization, non-discrimination, gender equality, social dialogue, confidentiality, no screening for employment, continuous employment and prevention;

<sup>1</sup> ILO: *Using the ILO Code of Practice on HIV/AIDS and the World of Work: Guidelines for the transport sector*, Geneva, 2005.

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- development and distribution of appropriate sector specific training materials targeting the drivers as well as transport companies and their managers and delivery of appropriate training workshops;
  - encouraging the employers to provide HIV/AIDS awareness and prevention education and training of international drivers. Encouraging the introduction of HIV/AIDS training module into the general professional driver training curricula. International drivers should also make themselves available for such training;
  - removal of cross-border related factors that may influence the behaviour of drivers, such as excessive delays (and therefore the reasons for such delays) and the lack of appropriate infrastructure and facilities;
  - establishment of centres for voluntary counselling and testing and other services pertinent to HIV/AIDS at border crossings;
  - appropriate awareness raising campaigns, including campaigns for establishing the appropriate status of international drivers vis-à-vis HIV/AIDS;
  - establishment of appropriate partnerships and synergies with other programmes;
  - fund-raising to support pertinent activities;
  - constantly consulting evaluations of hazards pertinent to the issue and taking actions accordingly; and
  - establishing, updating and communicating information on relevant programmes and experiences.

***Theme 5 – Improvement of cross-border traffic and its socio-economic consequences; general discussion of other issues not covered under other themes***

- 15.** Cross-border road transport is essential for the development of trade, regional economic integration, tourism, social development, wealth creation and distribution. It also impacts on the welfare of international drivers. Governments, employers and workers and their representatives have a mutual interest in mitigating any possible undesired direct or indirect effects of cross-border traffic.
- 16.** Although situations arising from any future increase of traffic cannot be fully predicted, based on past experience, it can be assumed that these might lead to:
  - negative environmental impacts on neighbouring communities and the environment at large as a result of additional pollution;
  - deteriorating road safety and health conditions of areas neighbouring to border crossings;
  - an increase in sexually transmitted infections (STIs);
  - development of negative attitude of public towards the road transport sector and international drivers; and
  - an increase in demand for well-trained drivers, resulting in an insufficient supply of such drivers.

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**17.** Measures to eliminate or mitigate the negative effects could include:

- improvement of road infrastructure, including provision of access and approach roads to border crossings that bypass residential areas of communities;
- provision of high-quality road transport services, complemented by campaigns and other public relations activities to gain public's acceptance of the road transport sector and to develop a positive attitude towards international drivers;
- improvement of drivers' conditions of work and training with a view to attracting new entrants to the profession;
- development of a common definition of the professional international driver;
- development and implementation of regional and/or international agreements for border crossing infrastructure, facilities and procedures;
- facilitating access to multiple-entry visas with longer periods of validity;
- elimination of illegal employment practices and illegal transportation; and
- establishment of procedures that would safeguard the human and labour rights of international drivers in the road transport sector, including freedom of association and the right to bargain collectively.

**Theme 6 – Follow-up activities**

**18.** The Meeting is part of the ILO's Sectoral Activities Programme, one of the purposes of which is to develop an international tripartite consensus on sectoral concerns and provide guidance for national and international policies and measures to deal with related issues. In this respect, the Governing Body decided that among other, the Meeting would adopt conclusions that include proposals for action by governments, employers' and workers' organizations and the ILO and to make proposals for follow-up activities by the ILO.

**19.** On the basis of the discussions held during the Meeting on themes 1 to 5, and with due consideration being given to human aspects and differences that might exist between different countries or regions, the proposals for action by governments, in close liaison with employers and workers and their representatives are to adopt:

- appropriate dialogue frameworks on border-crossing issues as described in paragraph 8 above;
- adopting and promoting appropriate border crossing facilities as described in paragraph 4 above;
- considering establishing a common definition of international drivers;
- implementing effective ways for combating HIV/AIDS and STIs at border crossings (refer to conclusions of theme 4);
- promotion of the UNECE International Convention on Harmonization of Frontier Controls of Goods, 1982, and the International Convention on the Simplification and Harmonization of Customs Procedures, 1974 (Kyoto Convention) and their effective implementation;

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- promote best border-crossing practices for customs and documentary controls, as described in paragraphs 4, 5 and 7;
  - devise and implement a mechanism that would effectively attend to emergency situations that may arise from problems encountered by drivers at border crossings;
  - encourage south to south as well as north to south cooperation for addressing cross-border related issues; and
  - encourage new and strengthen existing subregional initiatives pertinent to border-crossing issues.

**20.** The proposals for action and/or for follow-up activities by the ILO are:

- promote through tripartite pilot projects best practices at selected problematic border crossings, and promote a framework of guidance in liaison with social partners;
- to assist ILO member States to give effect to the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up with a view to improve social and labour conditions in the road transport sector;
- to seek recognition for the status of a special category of workers of professional international drivers, who should not face any unreasonable impediments to their ability to cross international borders;
- to welcome visa-free regimes, where they exist, and promote the options for streamlining the provision of visas to international drivers, as envisaged through the measures proposed in paragraph 11;
- to consider to make appropriate ILO budget allocations, as well as to act as a facilitator together with the social partners for securing funds from donors and partnerships for the implementation of projects pertinent to border crossing issues, including HIV/AIDS; and
- to assist governments, employers and workers and their representatives to design and implement joint/tripartite sector-specific programmes and to develop sector-specific training and other materials pertinent to risks of international drivers of HIV/AIDS and STIs at border crossings.



Part 2

**Other proceedings**

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## Panel discussion

### Training in the road transport sector: Minimum requirements, responsibilities, opportunities and expectations

*Moderator:* Marc Juhel, Acting Transport Sector Manager, World Bank

*Panellists:* Ms Christine Evans-Klock, Director, Skills and Employability Department, ILO

Mr Olli Pirkanniemi, Road Transport Policy Administrator, Land Transport Policy Unit, Directorate-General for Energy and Transport, European Commission

Mr Bruno Dingenmans, Head of IRU Academy, Employer panellist

Mr Joseph Katende, Deputy Regional Secretary, ITF African Regional Office, Worker panellist

Mr Juhel opened the proceedings by contrasting the self-evident truth that workers in the air transport and maritime sectors should undergo training, with a glaring void regarding training of workers in the road transport sector.

Ms Evans-Klock presented a picture of the ILO's work on skills development in country programming, the ILO matrix of strategic objectives and the status of "skills, employment and technology" as one of the six pillars of the ILO employment strategy. The skills policy focused on training policies and systems, skills for technological change, employment services and improved access to training. The main issues included increased investment in education and training, reform of vocational training to improve relevance, responsiveness and accountability, recognition of skills and competencies across firms, sectors and borders, social dialogue in training, improved access and extended training to information and communication technology and workplace learning, high-performance management and apprenticeships. The product cycle from knowledge to action included four elements, namely: "knowledge of emerging needs and what works"; "policy advocacy and advice"; "technical cooperation demonstration"; and "impact assessment and new needs opportunities". Skills and employability were the core activities of the Department's mandate, including issues such as access to skills by disadvantaged groups, the recognition of competencies, and the core employability skills that were crucial to lifelong employment. The ILO Human Resources Development Recommendation, 2004 (No. 195) had expanded the scope of Office activities and put particular emphasis on lifelong training. As to the future, the ILO Governing Body would look at the issue of skills portability during its session in March 2007, and the International Labour Conference would hold a general discussion in 2008 on the topic of "Skills for improved productivity, employment growth and development".

Mr Pirkanniemi gave some general information on the European Commission's structure and mandate and the Community's legislative process. He presented the Commission's transport policy. He referred to the demand for initial and continuously trained drivers in order to improve safety on the road and during breaks, boost employment, develop ecological driving and give value to the profession. He then presented the new European Union (EU) rules on driver training, prompted by a need to improve a situation where compulsory training existed only in very few member States (such as France and the Netherlands) and trained drivers were very rare (5–10 per cent of the total). The purpose of a new instrument was threefold: to avoid having a large variety

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of training devices in the EU; to tackle the risk of unfair competition; and, accordingly, to harmonize requirements. Directive 2003/59/EC, which had set the rules for compulsory initial and continuous training, made 10 September 2006 the deadline for implementation by member States. It recognized, inter alia, that cooperation between employers, employees, training centres and public authorities was needed for efficient training. The Directive covered the requirements for initial qualification obtained through the attendance of predefined courses and tests, for periodic training as well as other issues such as the Certificate for Professional Competence (CPC) and the requirement for member States to designate approved training centres.

Mr Dingemans made a presentation on “Contributing to sustainable development and facilitation through education and training”. He described the structure and mandate of the International Road Transport Union (IRU), which was founded in 1948. In 2006, the IRU had over 180 members in more than 70 countries. Its main function was to act as the lobbying arm of the road transport industry. In 1999, the IRU Academy was created to establish the professionalism and quality of the industry. He underlined that training was key to success in the context of globalization that created further competition. For continued success high-quality services were a precondition and could only be delivered through properly trained staff. The Academy was cooperating with many partners that shared common objectives, and enjoyed international recognition from a range of organizations involved in the IRU Academy Advisory Committee, such as the World Bank, the United Nations Economic Commission for Europe, the European Commission, the European Conference of Ministers of Transport, the European Transport Workers’ Federation and the European Training Federation. Legislation had effects on training, as for example the EU Directive that required new vehicles to be equipped with digital tachographs since January 2006, and the new legislation on driving and rest times which would come into force in April 2007. The IRU Academy based all training programmes on international conventions and combined them with best practices regarding the implementation of those conventions by drivers. This harmonized teaching approach aimed to provide training contents that were of high relevance for the trainees in their working life. Some examples of training programmes included the ADR (European agreement concerning the international carriage of dangerous goods by road) programme and the digital tachograph programme, as well as on the driving and rest times regulations. In cooperation with the ILO the Academy would soon provide courses on HIV/AIDS for drivers; guidelines for the transport sector based on the ILO code of practice on HIV/AIDS and the world of work were being developed. In some regions legislation required formal training for managers in the transport sector and the Certificate of Professional Competence for the Road Transport Manager programme addressed that requirement. There was a high falsification risk concerning qualification certificates. The Academy’s approach to reducing that risk was to use holographs on the certificates, which were difficult to falsify. In the near future, certificates would increasingly be made available online. It would be possible to create a platform by linking up clients, employers and personnel providing a competitive advantage for sharing and thus proving qualifications required for quality services. In developing training that was linked with relevant legislation, the wheel would not have to be reinvented every time, as valuable practice examples existed.

Mr Katende opened his presentation with the remark that training was a key requirement for effective transport services. For the purpose of the session he quoted a broad definition of training including all “activities leading to skilled behaviour”. He noted a set of contradictions: whereas almost all countries of the world attached great importance to transport efficiency, the majority of them had not properly planned and budgeted for the training of the operators of road transport systems. There were no international requirements and regulations for certain levels of training and competence for registration and licensing purposes, as was required in other transport sectors, such as aviation. He

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mentioned the European Union's "Driver Training Directive" as one model of responsible state intervention in road transport training which could cross-fertilize other regions.

As regards the situation in Africa, there were three major corridors to be looked at: the northern, the southern and the West African corridors. For all three it could be said that there were expressed intentions to provide for training and qualification requirements; however, no implementation was found in practice. In the southern corridor, there was an expressed desire to provide training in the Southern African Development Community (SADC) Protocol on Transport, Communications and Meteorology (1998), but no training programmes or institutions existed. In South Africa at present there was no requirement for any formal qualification to be a professional driver, including various categories such as truck and taxi drivers. However, there was an increasing awareness of the growing demand for better quality services that would require the provision of proper training to drivers. For example, South Africa would introduce the requirement of formal qualifications for professional drivers in the context of the organization in that country of the forthcoming World Cup, even if it were unclear how it could be achieved. The lack of training for drivers, traffic police officials, customs and immigration officials was associated with another complex phenomenon – corruption. In 1997, trucking companies in ECOWAS States paid an estimated US\$320 million for drivers to be able to pass through the various checkpoints, a substantial part of which could be considered bribes occasioned by the failure of member States to enforce the Regional Transport Accord and failure to train workers and other involved in transport to empower them in coping with such situations. In Ghana, the social partners shared the view that sustained training and sensitization of drivers, workers and passengers in the corridor was necessary for effective road transport. Training should be provided through collaborative efforts of the social partners and their allies.

Mr Katende took the statement made by Mr Dingenmans, to the effect that the world in future would have no place for non-qualified drivers, as a serious warning for workers. It was in the interest of workers to participate in a collective effort on this important matter. He pointed out that the ITF's education policy aimed at strengthening workers to help them to respond effectively to the challenges of the rapid restructuring of the road transport sector due to globalization. Key elements of that policy included health and safety, particularly important in Africa in view of the extremely difficult and insecure working conditions; environmental protection; labour market issues; liberalization, privatization and deregulation; transport policy; vocational training schemes; workers' participation; new technology in transport; and the consequences of and struggle against corruption. The requirements of road transport actors' training were numerous. Mr Katende concluded by noting that he had more questions than answers. He requested that the social partners should work together in advancing the training capacities along the transport corridors. The ILO could help in finding ways to provide access to training for transport workers through new technologies such as CDs or online tuition, as was done in gender training. Further, ways of cost sharing for training should be explored. Workers were willing to contribute to training costs; governments could help by making resources available for training programmes together with donors. Lastly, links between the various corridors could be established in order to combine efforts in developing training programmes and infrastructure.

Mr Juhel made a general remark about recent facts, which revealed that there had been little attention to training on road transport. He then opened the floor to a general discussion with a question to Government representatives regarding the provisions for training in their countries.

The Government representative of the United Kingdom briefly explained the efforts of the Government of the United Kingdom related to training, and presented a methodology used by the Government, which follows the ILO product cycle, and

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presented the safe and efficient driving scheme. He referred to the presentation of Mr Katende and noted that the United Kingdom has to charge for the services.

The Employer representative from Brazil commended the discussion, reported on the situation in Brazil and discussed the use of taxes in the country, in particular the case of targeting social services for workers. She explained that the National Confederation of Transport (CNT) had created a social service for transport workers in 1993, and there were currently more than 120 centres. Finally she provided more details about Brazilian initiatives in this respect.

A Worker representative raised the issue of responsibility regarding the training and upgrading of drivers and for covering the relevant costs.

Mr Dingenmans confirmed the pertinence of the Brazilian examples and presented an example from Belgium. He summed up by saying that employers provided training schemes, either on a voluntary basis or via taxes, and said that the burden of providing training and of the costs should be combined or shared.

Mr Juhel discussed some possibilities such as regional training centres, suggesting that solutions should come through a joint endeavour, and commented on the World Bank Transport Strategy.

Ms Evans-Klock stated that social dialogue was part of the answer to the question, and explained why and how. She emphasized the role of social dialogue in defining what to do and how to proceed. She finally explained the approach followed by the Skills and Employability Department of the ILO.

Mr Dingenmans explained a project in the Balkans regarding training centres and provided information on another project in China. He concluded by noting that it was important also to have centres in other parts of the world.

Mr Katende expressed the view that training should be integrated into the overall strategy of the government. The duty of the two social partners (employers and workers) should be to flag requirements. He then provided information on an initiative in Nairobi and noted the role of social dialogue.

A Worker representative from the European Transport Workers' Federation (ETF) asked the ILO representative whether there could be a possibility to apply pressure for implementing training through Conventions, whether there was a legislative tool for the entire world, and whether training should go beyond technical training, for example covering also union training. She also asked the European Commission's representative whether it would be possible to encourage an exchange of practices in new training and if there would be funds for this.

Ms Evans-Klock, on behalf of the ILO, replied that the ILO together with the social partners could decide which Conventions would be appropriate, and added that the ILO's training went beyond technical training.

Mr Pirkanniemi agreed on the importance of exchanges of practices. He added that there were no specific EU funds for that, but there might be possibilities for obtaining funding.

Mr Dingenmans referred to an example of an IRU initiative in St. Petersburg and added that the IRU Academy did have a platform for exchanging best practices within its network.

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An Employer representative from Chile inquired about funding for specific training for transporting animals.

Mr Dingenmans provided information on a past initiative related to transport of animals and made a suggestion for a future joint project in that field.

Mr Juhel also gave an example of a World Bank project related to transport of animals and noted that, if there were a perceived need, the Bank would consider a new initiative. He then made a number of remarks to conclude the session. Firstly, he made a point regarding his own personal experience: although he had an old truck driving licence, he did not feel prepared to drive a truck at present, despite the fact that he would be allowed to do so without any additional training. Therefore there was a need for more regulation. He added that there was also a need for appropriate standards. He then referred to the special case and needs of Africa for which transport was the lifeblood. He finally expressed the hope that the next ILO transport meeting would review progress to be made between now and then on the issue of training in the road transport sector.

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## Closing speeches

The Employer spokesperson emphasized that the Meeting addressed the crucial subject of border crossing in the road transport sector which had an impact on international trade. Everyone present had participated actively, and he wished especially to thank the International Road Transport Union. Thanks to a full discussion by all, it was hoped that improvements could be made in professional activities pertinent to border crossing, creating an impetus for international trade.

The Worker spokesperson said that the Workers were pleased that their contributions had been listened to, and noted that they also had carefully listened to the contributions of others. A number of compromises had been made, but now was the time to take the conclusions home and implement them. There was mention of tripartite structures, pilot projects in various regions, and so on, which had to be implemented through practical solutions. Social dialogue had a role to play, and there was a social responsibility to prevent the spread of HIV/AIDS.

The Government representative of Ecuador, speaking on behalf of the Government group, thanked the Government representatives for their important contributions during the Meeting, as well as the Employer and Worker spokespersons for their open attitude and willingness to listen to the views of the Government group.

The Deputy Secretary-General emphasized that the Meeting had been guided by understanding of the role of social dialogue in facilitating an exchange of information in this important area of the globalized economy. Measures had been proposed for concentrated efforts to fight HIV/AIDS. The conclusions just adopted offered guidance to facilitate cross-border mobility in which the role of governments was crucial. She finally highlighted the attendance statistics, noting that 27 of the 116 participants were women.

The Chairperson praised the spirit that had prevailed throughout the Meeting, the way in which it had been conducted and its achievements that would help workers, employers and governments to address this difficult issue. The discussions had been characterized by true social dialogue, as should be the case for all ILO events. It had been a short but productive Meeting. He congratulated the groups and their Chairpersons, the Meeting's Vice-Chairpersons and the group spokespersons for their assistance and excellent discipline. Special thanks were also due to the participants for their valuable contributions and clear decisions, which had made this Meeting a real success. He also gave special thanks to the secretariat, translators and interpreters for their hard work and excellent performance. Finally, he wished all participants a safe trip home and a prosperous and healthy future.

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## Evaluation questionnaire

A questionnaire seeking participants' opinions on various aspects of the Meeting was distributed before the end of the Meeting. The analysis of the completed questionnaires received is presented below.

**1. How do you rate the Meeting as regards the following?**

	5	4	3	2	1	Average score
	Excellent	Good	Satisfactory	Poor	Unsatisfactory	
The choice of agenda item (subject of Meeting)	17	16	4	-	-	4.35
The points for discussion	12	20	5	-	-	4.18
The quality of the discussion	6	25	5	-	-	4.02
The Meeting's benefits to the sector	15	16	6	1	-	4.24
The conclusions	7	16	11	-	-	3.88
Panel discussion	10	20	6	-	-	4.11
Opportunity for networking	9	17	5	2	-	4.00

**2. How do you rate the quality of the report in terms of the following?**

	Excellent	Good	Satisfactory	Poor	Unsatisfactory	Average score
Quality of analysis	19	18	-	-	-	4.51
Objectivity	15	21	1	-	-	4.37
Comprehensiveness of coverage	13	18	6	-	-	4.18
Presentation and readability	17	20	-	-	-	4.45
Amount and relevance of information	15	18	4	-	-	4.41

**3. How do you consider the time allotted for discussion?**

	Too much	Enough	Too little
Discussion of the report	1	31	6
Panel discussion	3	30	-
Group meetings	2	30	4
Working Party on Conclusions	2	18	13

**4. How do you rate the practical and administrative arrangements (secretariat, document services, translation, interpretation)?**

	5	4	3	2	1	Average score
	Excellent	Good	Satisfactory	Poor	Unsatisfactory	
	20	15	2	-	-	4.49

**5. Respondents to the questionnaire**

	Government	Employers	Workers	Observers	Total	Average response rate
No.	21	7	6	3	37	n/a
Response rate	39%	44%	43%	9%	n/a	32%

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**6. Participants at the Meeting**

Governments	Employers	Workers	Technical advisers	Observers	Total
31	10	10	33	32	116

**7. Delegates/technical advisers**

	Governments	Employers	Workers	Total
Delegates	31	10	10	51
Technical advisers	23	6	4	33
Total	54	16	14	84

**8. Female participation**

	Government	Employers	Workers	Observers	Total	Percentage
Delegates	6	3	–	n/a	9	18
Technical advisers	6	2	–	n/a	8	24
Observers	n/a	n/a	n/a	10	10	31
Total	12	5	–	10	27	23
Percentage	22	31	0	31	23	

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**List of participants**  
**Liste des participants**  
**Lista de participantes**



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Representative of the Governing Body  
of the International Labour Office  
Représentant du Conseil d'administration  
du Bureau international du Travail  
Representante del Consejo de Administración  
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**Conférence européenne des ministres des transports**

**Conferencia Europea de Ministros de Transportes**

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**European Commission**

**Commission européenne**

**Comisión Europea**

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**Banque mondiale**

**Banco Mundial**

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**Organización Internacional de Empleadores**

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**Unión Internacional de Transportes por Carretera**

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#### **Fédération internationale des ouvriers du transport**

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