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International Labour Conference – 112th Session, Geneva, 2024

Date: 25 June 2024

Plenary sitting: Reports of the Credentials Committee

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Tuesday, 11 June 2024, 10.05 a.m.

President: Mr Dubey

Employer Vice-President of the Conference

First report of the Credentials Committee: Presentation and noting

The President

It is my honour to declare open the 12th plenary sitting of the 112th Session of the International Labour Conference.

I invite you all to turn your attention to the first report of the Credentials Committee, which is contained in [Record of Proceedings No. 3A](#).

Please allow me quickly to recall that the members of the Credentials Committee are as follows: Mr Essah (Nigeria), Chairperson; Mr Yllanes Martínez (Mexico), Employer Vice-Chairperson; and Ms Losi (South Africa), Worker Vice-Chairperson, who was temporarily replaced by Ms Brown (United Kingdom of Great Britain and Northern Ireland).

I will now give the floor to Mr Essah, who will present to us the Committee's first report.

Mr Essah

Chairperson of the Credentials Committee

I am honoured and pleased to present to the plenary of the 112th Session of the International Labour Conference the first report of the Credentials Committee. This report – which is published as Record of Proceedings No. 3A – includes information on the composition of the Conference, as well as the Committee's conclusions on the question of the representation of Myanmar at this session of the Conference.

In connection with its mandate to examine the credentials of delegations to the Conference, the Credentials Committee traditionally comments on the overall composition of the Conference. In this regard, I would like to mention two points.

First, with 174 Member States having accredited a delegation, the participation level in the Conference remains high. With respect to the 13 Member States that are not represented at this session of the Conference, the Committee reiterated its concern that, by not appointing a delegation, or by failing to accredit a fully tripartite delegation, the government deprives the employers or workers of the country, as the case may be, of their right to be represented in the highest policymaking body of the ILO and to participate actively in the work.

Second, the participation of women in the Conference has continued its steady but slow increase. This year, it reached 37.8 per cent. The Committee noted that it is the first time that the minimum target of 30 per cent of women's participation has been reached in all three groups. Apart from the fact that this target – which was set in 1990 and should have been reached within the five following years – looks rather unambitious today, women continue to be unevenly distributed by function and by group. Let us hope that the upward trend will continue and will accelerate.

Let me now turn to the question of the representation of Myanmar. Like the last three years, the Committee was faced with two sets of competing credentials: one set submitted by the military authorities that seized power in February 2021, and another from the so-called National Unity Government. As you are aware, the Credential Committee's decision not to recognize either authority as the legitimate government, taken in line with the position of the

United Nations (UN) General Assembly, has had the effect that no invitations have been extended to Myanmar to attend sessions of the Conference or Governing Body or other ILO meetings. The Committee noted that, in December 2023, the UN General Assembly decided again to defer a decision on the credentials of Myanmar. It also noted that several other entities have also deferred consideration of the question, including the Credentials Committee of the recent 77th World Health Assembly. In the light of these considerations, the Committee decided that no delegates from Myanmar would be accredited at the 112th Session of the Conference.

However, like last year, the Committee considered that, at the ILO, the situation could not be considered satisfactory, as the continued ambiguity on the question of the representation of Myanmar affects not only the representation of the Government of Myanmar in the ILO, but also precludes the participation of the employers and workers of Myanmar in the Conference and at other tripartite meetings. Last year, the Committee had suggested, in the continued absence of guidance from the UN General Assembly, that it could, in due course, consider making its own determination to enable the tripartite constituents of Myanmar to resume active participation in the work of the Organization. This year, it considered that, in the meantime, there might be other options to allow employers' and workers' representatives from Myanmar to contribute to the work of the Conference at future sessions. As it considered that the examination of such options was not within its mandate, it decided to invite the Governing Body, through the Conference, to urgently consider such options.

With this, I invite you to take note of the first report of the Credentials Committee, which is contained in Record of Proceedings No. 3A and is available on the website of the Conference.

The President

The Credentials Committee has unanimously adopted its first report, and the Conference is requested to take note of its content without discussion, in accordance with article 31(3) of the Standing Orders of the Conference.

If there is no objection, may I take it that the Conference takes note of the first report of the Credentials Committee?

(The Conference takes note of the first report of the Credentials Committee.)

I would like to take this opportunity to thank the Officers of the Committee for their excellent work. I have been told that the atmosphere in the Committee was very positive and that the work was carried out in a spirit of fruitful collaboration.

(The Conference continues its work in plenary.)

Friday, 14 June 2024, 10.05 a.m.

President: Mr Buzu

Second report of the Credentials Committee: Presentation, noting and approval of the Committee's proposals

The President

I am honoured to declare open this morning's 16th plenary sitting, on the last day of this 112th Session of the International Labour Conference. We shall begin with the second report of the Credentials Committee, which is contained in [Record of Proceedings No. 3B](#).

I now give the floor to Mr Essah, the Chairperson of the Credentials Committee, who will present to us the Committee's second report.

Mr Essah
Chairperson of the Credentials Committee

I am honoured and pleased to present to the plenary of the 112th Session of the International Labour Conference the second report of the Credentials Committee. This report, published as Record of Proceedings No. 3B, contains the conclusions on the cases lodged with the Committee. We received 17 objections, 1 of which was considered serious enough to warrant monitoring; 3 complaints; and 6 communications. In addition, the Committee examined four monitoring cases that were referred to it by the Conference at its last session.

The Committee held seven sittings and worked in an informal and cordial manner. This is all the more important as we are a small Committee of just three members: one Government representative, one Employer's representative and one Worker's representative.

This is the first time that I have served as Chairperson of the Credentials Committee, and the experience has given me great insight into the important role that the Committee plays in ensuring the genuine tripartite composition of the Conference. This is something that I value, as a true believer in tripartism.

A credentials committee is a routine feature of the plenary assemblies of international organizations and international conferences. Most of them only examine the formal validity of the credentials submitted by Member States. Occasionally, they are faced with cases in which the legitimacy of a government is questioned or where competing credentials are received from more than one entity claiming to represent a Member State. As I reported to you on Monday, our Credentials Committee has been dealing with such a situation in the case of Myanmar, for the fourth consecutive year.

What makes the Credentials Committee of the International Labour Conference unique are other aspects of its mandate. The Committee is tasked with examining objections to credentials in two different situations. The first is where it is alleged that the delegate or adviser is not nominated in agreement with the most representative organizations of employers or workers. The second is where a government fails to nominate an Employers' or Workers' delegate, resulting in an incomplete delegation.

The first type of objection is the core mandate of the Credentials Committee, which it has exercised since 1919. The need for it is clear: to make sure that the Employers' and Workers' delegates of Member States truly represent the workers and the employers of their country. This is why governments must appoint them in agreement with the most representative employers' and workers' organizations in the country. But what happens when they do not? The Committee must then examine objections. It requests the government concerned for its comments. On the basis of the information at its disposal, it reaches its conclusions. As mentioned before, our Committee examined 17 such objections, 3 of which concerned Employers' delegates and 14 of which concerned Workers' delegates.

I would like to highlight just two cases: Belarus and Nicaragua.

In the case of Belarus, the question that was before the Committee for a second consecutive year was whether the Workers' delegates and advisers from the Federation of Trade Unions of Belarus can be considered genuine workers' representatives. The information before the Committee did not show that the Federation was a genuine workers' organization, free and independent from the Government, and reinforced the Committee's serious doubts

as to the compliance of the nomination with the relevant constitutional provisions. On this basis, the Committee decided to propose to the Conference that this case be monitored by the Committee next year.

In the case of Nicaragua, the Committee remains deeply concerned about the grave allegations of persecution, intimidation and repression of employers' organizations that are being examined by competent ILO supervisory bodies. These concerns have been expressed at three of the four previous sessions of the Conference. For the nomination of the Employers' delegates and advisers to the Conference, it is particularly relevant that the Government appears to have deprived representative employers' organizations of their legal existence. In this case, the Committee proposes to renew the monitoring.

In the case of Belarus, the number of monitoring cases has now risen to five, along with four renewals. When such a proposal is adopted by the Conference, the Government must provide a report to the Credentials Committee when it submits credentials the following year. The report is then assessed by the Credentials Committee.

A subject that has permeated our discussions on several cases is the link between the proper designation of Employers' and Workers' delegates, and the respect for freedom of association in the country concerned. It has always been evident that there is a strong link between the two. Nevertheless, the Committee generally refrains from adopting conclusions on questions concerning freedom of association, because such questions lie within the mandate of the Committee on Freedom of Association. This is why, for example, in the case of Liberia, it made only a cross reference to the freedom of association question underlying the leadership dispute within the Liberia Labour Congress. However, it clarified last year, in the case of Belarus, that while the Conference does not have a mandate to examine alleged violations of freedom of association, it may take the findings of the competent ILO supervisory bodies into account in its own conclusions on the question of whether an employers' or workers' organization is genuine and representative. It has reconfirmed this approach this year.

As stated again in the case of Guinea-Bissau, there can be no valid designation of delegates and advisers that is the result or the product of government interference.

In addition to objections, the Committee also examines complaints. These are cases where it is alleged that a government has not paid the travel and subsistence expenses of a delegate or adviser. Governments are reminded that they are obliged to cover these expenses under article 13(2)(a) of the ILO Constitution. Under the Standing Orders of the Conference, the Credentials Committee can only consider complaints if the Member has not paid the expenses of a titular delegate, or if there is a serious and manifest imbalance between the advisers paid for in the three parts of the delegation. While the Committee's mandate is limited, it finds itself with complaints where a Member State has not paid in a timely manner, or has not paid in full. The Committee calls on all Members to make adequate arrangements sufficiently in advance so as to permit essential partners to participate for the full duration of the session of the Conference.

In addition, the Committee had the opportunity to examine an unusual objection lodged by a non-profit research and advocacy organization. This case led to an in-depth examination of the historical records of the ILO. The Committee recalled an earlier statement, according to which objections within the spirit of the Standing Orders must come from members of delegations, from governments, or from national or international employers' or workers' organizations. Therefore, even though objections may be lodged by a wide variety of organizations or individuals, those must still have a specific interest in the composition of the

given delegation at the given session of the Conference. The case before the Committee did not meet this threshold and the objection was not found receivable.

This concludes the cases that I wish to bring to your particular attention this morning. It remains for me to thank my fellow members and the Vice-Chairpersons of the Committee; Mr Yllanes Martínez, from Mexico, for the Employers; Ms Losi from South Africa, for the Workers; and Ms Brown from the United Kingdom, who temporarily replaced Ms Losi. We truly worked very well as a tripartite team on this task, and this report reflects our unanimous views. I would also like to thank the Office, the translators and the interpreters for their efforts. They permitted the Committee to work in a seamless manner.

With this, I now invite the Conference to take note of the second report of the Credentials Committee, which is contained in Record of Proceedings No. 3B, and is available on the website of the Conference, and to approve the Committee's proposals as set out in paragraphs 15, 22, 25 and 33, in relation to the four existing monitoring cases, and in paragraph 45, in relation to the new monitoring case.

The President

The Credentials Committee has unanimously adopted its report and requests the Conference to take note of its content and to approve the proposals contained in paragraphs 15, 22, 25, 33 and 45 of Record of Proceedings No. 3B, relating to Djibouti, Mauritania, Nicaragua, the Bolivarian Republic of Venezuela and Belarus.

In accordance with article 31(3) of the Standing Orders of the Conference, the proposals shall be approved without discussion.

If there is no objection, may I take it that the Conference takes note of the second report of the Credentials Committee and approves the five proposals?

(The Conference takes note of the second report of the Credentials Committee and approves the five proposals.)

I would like to take this opportunity to thank the Officers of the Committee once again for their excellent work and dedication. The work of this Committee is fundamental to ensure tripartite representation at the Conference.

(The Conference continues its work in plenary.)