

Report VII

Review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work

Seventh item on the agenda

ISBN 978-92-2-121901-9 (Print)
ISBN 978-92-2-121902-6 (Web pdf)
ISSN 0074-6681

First edition 2010

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

ILO publications can be obtained through major booksellers or ILO local offices in many countries, or direct from ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland. Catalogues or lists of new publications are available free of charge from the above address, or by email: pubvente@ilo.org.

Visit our web site: www.ilo.org/publns.

I. Introduction

1. The ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up was adopted by the 86th Session of the International Labour Conference in June 1998. Its Annex stipulates two reporting procedures which are aimed at encouraging the efforts made by ILO member States to promote the fundamental principles and rights at work. Underlining the innovative and experimental nature of the reporting procedures, the Annex foresaw that the Conference “shall, in due course, review the operation of this follow-up in the light of the experience acquired to assess whether it has adequately fulfilled the overall purpose articulated in Part I (of the Annex)”.¹
2. In June 2008, the 97th Session of the Conference adopted the ILO Declaration on Social Justice for a Fair Globalization. The 2008 Declaration, while “drawing on and reaffirming the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up”, pronounces the respect, promotion and realization of the fundamental principles and rights at work as one of the four equally important strategic objectives of the ILO.
3. The follow-up to the 2008 Declaration introduced a scheme of recurrent discussions by the Conference, based on modalities agreed by the Governing Body, without duplicating the ILO supervisory mechanisms, with the stated purpose of better understanding the diverse realities and needs of the Members with respect to each of the strategic objectives and of assessing the results of ILO activities with a view to informing programme, budget and other governance decisions.²
4. Pursuant to a decision by the Governing Body in November 2008, tripartite consultations were held from 2 to 4 February 2009 on the follow-up to the more recent Declaration. A number of possible modifications to the follow-up procedures of the 1998 Declaration were examined. In light of the above, the Governing Body decided to include an additional item on the agenda of this Conference entitled “Review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work”.
5. The proposals set forth in this paper are aimed at both a review of the follow-up procedures as had already been foreseen in the Annex to the 1998 Declaration, as well as ensuring consistency and efficiency of the follow-up in view of the adoption of the 2008 Declaration.

II. Scope of the review

6. The focus of this review is the Annex to the 1998 Declaration which sets out two reporting procedures as the follow-up to the Declaration: the Global Reports and the Annual Reviews. The Declaration itself is not in any way subject to revision under this agenda item. Accordingly, the proposals in this paper take into account the effectiveness and the promotional nature of the follow-up, which should not be weakened under any circumstances.
7. Numerous achievements in the promotion of the fundamental principles and rights at work under the 1998 Declaration have been reported to the Conference and the Governing Body since the reporting arrangements became functional in 2000. A high

¹ Part IV, paragraph 2, of the Annex to the *ILO Declaration on Fundamental Principles and Rights at Work*, 1998.

² Part II(B)(i) and (ii) of the Annex to the *ILO Declaration on Social Justice for a Fair Globalization*, 2008.

rate of involvement by governments and employers' and workers' organizations is evident from the reporting rate, which on occasion has reached 99 per cent. There has been general satisfaction with the reports submitted to the Conference and the Governing Body. Continued debate and the visibility of the programme have helped the promotion of fundamental principles and rights at work, and a major technical cooperation programme in various regions and countries has created new capacity and knowledge for the constituents and has improved the realization of fundamental principles and rights on the basis of improved information, a promotional dialogue, and the implementation of technical cooperation projects.

8. A significant increase in the ratification of the fundamental Conventions was achieved by synergy with the ratification campaign that had already been launched in 1995 following the World Summit for Social Development in Copenhagen. The follow-up regarding situations where fundamental Conventions have not been ratified has permitted the establishment of a country baseline information system which makes it possible to assess and monitor progress in the implementation of the fundamental principles and rights at work in each of the countries concerned.

9. After a decade of promotional activities and reports under the 1998 Declaration it is now possible to significantly better assess efforts of member States, challenges faced and needs for technical cooperation in order to strengthen the capacity of the tripartite constituents and to help member States move toward a fuller promotion and realization of fundamental principles and rights at work.

10. The fact that the 1998 Declaration on Fundamental Principles and Rights at Work has become an additional tool for the ILO and the international community to enhance the promotion, respect and realization of fundamental principles and rights is very much due to the unique nature of the 1998 Declaration. It is an authoritative political statement by the Conference and as such enshrines the universal commitment of all ILO Members, even if they have not ratified the Conventions in question, to respect, to promote and to realize the principles concerning the fundamental rights which are the subject of those Conventions.³

11. Under the Declaration, the Organization has an obligation to assist its Members, irrespective of whether they have ratified the Conventions in question or not, in response to their established and expressed needs, in order to attain the objectives set out in the Declaration.⁴ This covers the entire range of ILO advocacy, promotional work, assistance and technical cooperation, especially as contained in the plans of action that have been regularly adopted and implemented under the Declaration following the annual discussion on the Global Report at the Conference.

12. The unique importance of the 1998 Declaration is well recognized beyond the ILO by many regional and international organizations and public and private authorities. The Declaration has been cited as a reference in numerous policy documents and discussions, in activities of workers' and employers' organizations, in framework agreements between enterprises and trade unions, in corporate social responsibility documents, in bilateral trade agreements, and by the regional and global financial institutions and development banks. The technical cooperation programme under the Declaration has also received continued support from the donor countries. Most of this support has been for the elimination of child labour and forced labour; less funding has been obtained for the promotion of freedom of association and non-discrimination.

³ See paragraphs 2 and 3 of the *ILO Declaration on Fundamental Principles and Rights at Work*.

⁴ *ibid.*

13. The features mentioned above are not subject to review under this agenda item. The proposals for review and revision limit themselves to the reporting procedures in the Annex to the Declaration. They cover the Annual Reviews and the Global Reports. What needs to be identified, based on the experience gained over a decade, is how the reporting can be optimized in the light of the follow-up to the 2008 Declaration. This calls for avoiding any duplication and disconnects in the process, and ensuring that no unnecessary and unreasonable reporting burden is placed on the member States or the Office.

III. The Global Report

14. Since 2000, a Global Report has been submitted to the Conference each year covering one of the four categories of fundamental principles and rights at work (freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation). By 2011 each topic will have been discussed three times in a cycle of four years. The discussion of each Global Report, in line with the intention of the 1998 Declaration, has resulted in plans of action adopted by the Governing Body at its November sessions. Thus, four plans of action – discussed in the Committee on Technical Cooperation of the Governing Body – exist and have been regularly updated. The ILO Strategic Policy Framework contains an Outcome for each of the four categories of fundamental principles and rights at work, which takes these plans of action into account.

15. As a result of the 2008 Declaration on Social Justice for a Fair Globalization, each year the Conference will discuss a recurrent item related to one of the four strategic objectives of the Organization.⁵ In March 2009, the Governing Body decided that the length of the cycle to discuss recurrent items on all strategic objectives would be seven years. The first recurrent discussion is in 2010 on employment and the second in 2011 on social protection (social security). The Governing Body further decided that the recurrent discussion in 2012 should be on all the four categories of fundamental principles and rights at work. Over a cycle of seven years the strategic objective of fundamental principles and rights at work would thus be discussed twice. This actually is roughly comparable to the present interval of four years for the coverage of each of the fundamental principles and rights by a Global Report.

16. The stated purpose of the Global Report is the provision of a dynamic global picture of the state of affairs with respect to the promotion of each category of fundamental principles and rights at work during the previous four-year cycle, serving as a basis for assessing the effectiveness of ILO action in this regard, and the elaboration of a plan of action for the future. Maintaining the same basic purpose would coincide with the intention of the recurrent discussions under the follow-up to the 2008 Declaration, namely to serve the Organization so as to: (i) better understand the diverse realities and needs of its Members with respect to each of the strategic objectives, respond more

⁵ Part II(B) of the Annex to the *ILO Declaration on Social Justice for a Fair Globalization*, 2008.

effectively to them, using all the means of action at its disposal (including standards-related action, technical cooperation, and the technical and research capacity of the Office), and adjust its priorities and programmes of action accordingly; and (ii) assess the results of the ILO's activities with a view to informing programme, budget and other governance decisions.⁶ In the light of such similarity in the intervals, as well as the concept and nature of the recurrent item discussions, the Global Reports can be transformed into recurrent item reports without causing duplication or repetition and maintaining their basic purposes.

17. The recurrent reports are to be “flagship” products, providing a global and dynamic picture of the developments and situation across regions concerning the respect, realization and promotion of the rights and principles that are covered. They will examine recent global trends in the application and promotion of those rights and principles, respecting the promotional nature of the discussion (maintaining the hitherto scrupulously observed distinction between that discussion and the way in which the concrete application of standards is examined by the Conference).

18. The recurrent report should discuss ILO policy and activities in the preceding period and their achievements or failures with respect to promoting the rights and principles concerned, together with lessons learned from the process. This will ensure transparency of ILO activities together with a possibility for the Conference to discuss means of improving the impact of ILO action. The report will lay out the elements of an ILO plan of action to promote fundamental principles and rights at work through various means, such as research, technical assistance and technical cooperation, and partnerships with other public and private actors, as well as cooperation within the multilateral system. Thus a practical outcome will be the review and adoption by the Conference of an integrated plan of action for the ILO for the coming years.

19. Global Reports have been discussed in a special sitting of the plenary of the Conference, and this will continue to be the case until the completion of the cycle in June 2011. The recurrent reports will be discussed by a Conference Committee set up for that item. The discussions will be much more extensive and interactive, and they will be expected to lead to draft conclusions for adoption by the Conference.

20. Currently, with the submission of the Global Reports to the plenary of the Conference, there is no possibility of immediately drawing conclusions out of the one-day interactive tripartite discussion. The plenary has typically consisted primarily of prepared statements in the form of formal speeches. The various ad hoc arrangements that have been introduced to improve interaction have, by and large, not been successful. The conference room has progressively emptied following the opening and high-level statements or a panel discussion. It should be added that this situation is not peculiar to the Global Report discussion; it is a feature of the whole Conference plenary, which has been examined by several reviews of the functioning of the Conference.

⁶ Part II(A)(i) of the *ILO Declaration on Social Justice for a Fair Globalization*, 2008, and Part II(B) of its Annex.

IV. Annual Review

21. Over the past ten years, the Annual Reviews have highlighted the improved ratification rate of the fundamental Conventions as described below. However, it is not possible to establish a causal link between the Annual Reviews and the ratifications, and one must bear in mind that the increase in ratifications began with the 1995 campaign. In addition, a new Convention – the Worst Forms of Child Labour Convention, 1999 (No. 182) – was added to the list following its adoption in 1999. At that time, the Conference specifically stressed the importance of rapid and widespread ratification, and potential concerns were addressed in the drafting process itself.

22. There are now considerably fewer situations of non-ratification than when the Annual Reviews began. In fact there is now a body of often quite detailed information on virtually each case of non-ratification. Meanwhile, the information as a whole is not liable to change as rapidly as previously. The information should be kept up to date and made available, including to the Governing Body, in a suitable manner. A more analytic review of the trends and measures undertaken could then be included in the recurrent item reports that regularly consolidate the four categories of fundamental principles and rights at work for a debate at the Conference.

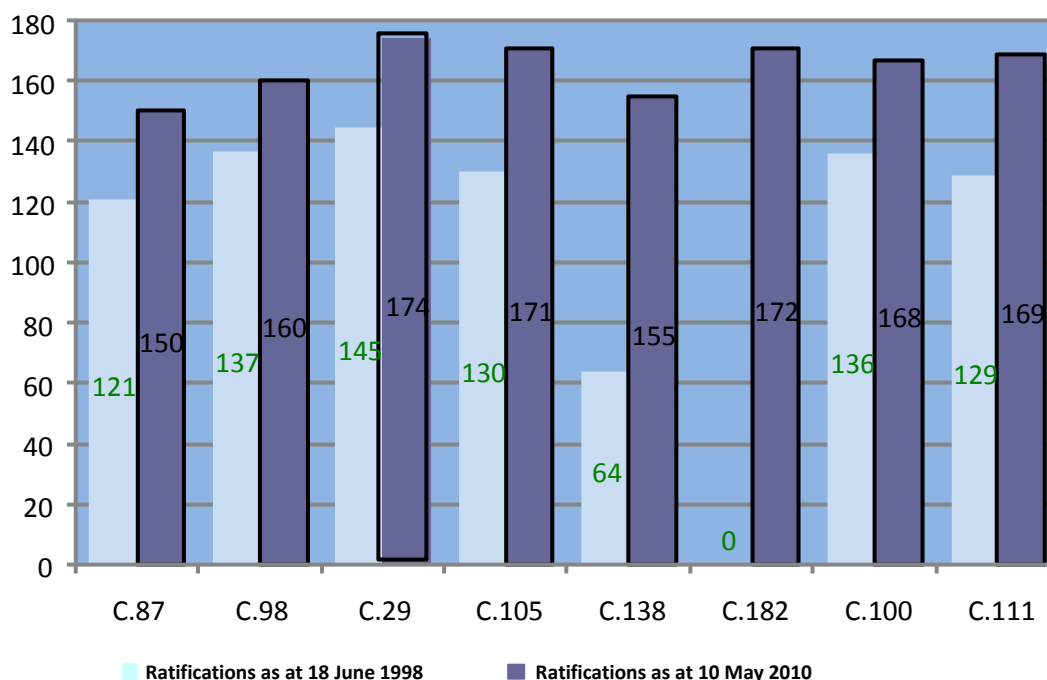
23. With the ratification rate of the fundamental Conventions at around 90 per cent, we have reached a stage where one could ask whether all the resources that are currently used for in-depth examination of the situations of non-ratification are justifiable. When the procedure was first put in place in June 1998, there were 862 ratifications of the then seven fundamental Conventions. This number has now increased by almost 53 per cent to reach a total of 1,319 ratifications of the eight ILO fundamental Conventions, out of a potential of 1,464.⁷

24. Meanwhile, a pattern of ratifications has emerged, where some of the fundamental Conventions are getting close to universal ratification, while some others are still relatively lagging behind, in spite of the overall increase in ratifications. At present, the number of ratifications of the forced labour Conventions, Nos 29 and 105, stand at 174 and 171 respectively (out of a total of 183 member States). The non-discrimination Conventions, Nos 100 and 111, have been ratified by 168 and 169 countries; the child labour Conventions, Nos 138 and 182, by 155 and 172 countries; and Conventions Nos 87 and 98, dealing with freedom of association and the right to collective bargaining, by 150 and 160 countries. At the beginning of 1998 the same Conventions, except for Convention No. 182, had received 145, 130, 136, 129, 64, 121 and 137 ratifications, respectively. Convention No. 182 was adopted in 1999, becoming the most rapidly ratified ILO Convention.

25. Such a trend could not have been foreseen at the time of the adoption of the Declaration. Since the purpose of the exercise was not solely to promote ratification, the expectation was that a significant number of non-ratifications would remain, and examining them was the rationale for the rather elaborate Annual Review mechanism. For this purpose, the follow-up also included the possibility of an independent expert group together with modalities for discussing situations of member States that were not Members of the Governing Body.

⁷ Current figures in this paper are as at 10 May 2010.

Number of ratifications of ILO fundamental Conventions at the adoption of the 1998 Declaration (on 18 June 1998) and at present (on 10 May 2010)



26. The modalities of the Annual Review were originally foreseen to be as follows: (i) questionnaires were sent to member States not having ratified one or more of the fundamental Conventions; (ii) replies were compiled by the Office for the attention of the Governing Body; (iii) the Office could resort to a group of experts (later known as Expert-Advisers) to present an introduction to this compilation; (iv) a tripartite discussion on the situation pertaining to all four categories of principles and rights would take place each year at the March session of the Governing Body; and (v) the Governing Body could, if necessary, function as a committee of the whole to allow the participation of governments that were not members of the Governing Body.

27. Annual Reviews were intended to provide an opportunity to review the efforts made by Members that have not yet ratified all the fundamental Conventions. They are concerned mainly with the challenges faced and the progress made towards the respect, promotion and realization of the fundamental principles and rights in those member States. In practice, however, under the existing procedures rather general information is provided on certain trends, specifically on ratification, intention to ratify, new legislation, the need for technical assistance, and difficulties preventing ratification. This information has often been duplicated in the replies to the ratification campaign.

28. Some of the Annual Review procedures have been modified in practice in response to changes in the external environment. The modifications were introduced in part as a result of recommendations by the Expert-Advisers, and with the approval of the Governing Body. They underline the need to review and adjust the procedures that were put in place in 1998. Such a review would have most probably been necessary even without the change spurred by the follow-up to the 2008 Declaration on Social Justice for a Fair Globalization.

29. At first, any report received by the Office from any non-ratifying government was reproduced in a compilation of reports and was published. Preparing the compilation of annual reports proved to be cumbersome. Some governments insisted on their reports being published unabridged. It was also not always easy to distinguish between information and a submission which had the nature of a complaint, or which dealt with a complaint, and thus belonged instead to the standards supervisory mechanism. As a result some material had to be deleted. After January 2002, the compilation of annual reports was no longer produced in printed form.

30. Questionnaires for annual reports consisted initially of rather detailed questions that were repeated each year. This was later replaced by an attempt to develop a baseline for each country for each non-ratified fundamental Convention. Such a baseline must be updated regularly, and the questionnaires can now be shorter and simpler and can benefit from other regular reporting procedures. Such reporting would not be only on ratification prospects but would cover the efforts made by member States to promote, respect and realize fundamental principles and rights at work.

31. The group of Expert-Advisers played a visible role in the first years following the launch of the follow-up. At the outset their task was to draw the attention of the Governing Body to important aspects in the compilation of the annual reports. This was done by providing an introduction to the compilation of annual reports. However, the introduction became relatively long and repetitive, and on occasions the Expert-Advisers' recommendations were not specifically discussed by the Governing Body. The Expert-Advisers made a number of concrete recommendations that were followed up on the technical cooperation activities and reported back to the Governing Body. But as the number of situations of non-ratification diminished, and the remaining situations were well documented, the question of the usefulness of calling upon the Expert-Advisers was raised. The Expert-Advisers themselves had discussed this question and had expressed doubts as to the usefulness of continued investment in their meetings. This group has not been convened since January 2008.

32. The discussion on annual reports in the Governing Body has also not been what might originally have been expected. There has never been much discussion on the annual reports. Despite the special arrangements put in place to turn the Governing Body into a committee of the whole in the event a non-Member of the Governing Body wished to intervene, there has been no request to resort to this format.

33. There is a certain degree of duplication regarding both the content and the process. Given that the comments and data received through the annual reports largely focus on issues related to ratification prospects, they tend to duplicate what is reported through the ratification campaign. In practice, the same member State has been invited to respond to similar questions on the same non-ratified fundamental Convention twice or even three times a year. A government that receives a questionnaire under the Annual Review also receives a letter to report its position under the ratification campaign on the same Convention, and on occasion is also required to reply to an article 19 questionnaire on the same Convention.

34. Any procedures or arrangements replacing the current annual reports would need to serve the objectives of the annual report procedures set out in 1998. They should afford the ILO the opportunity to have information on and discuss the realization of fundamental principles and rights in non-ratifying member States. The need to have appropriate reporting by non-ratifying member States remains, but this could also be done without a separate questionnaire, using the existing report forms under article 19 of the Constitution – the same article on which the Annual Review itself is based.

35. The scope for the reviews on an annual basis has diminished considerably with the high level of ratifications. The review could be conducted on a three- or four-year basis, depending on the periodicity of the recurrent discussions on fundamental principles and rights at work. That would permit regular updating of the country baselines that contribute to the knowledge base, among other things, for the recurrent discussions. Such a synchronization would address one of the concerns expressed in recent years by reducing the reporting burden on member States.

36. The first recurrent discussion under the follow-up to the 2008 Declaration, on the strategic objective of employment, that is taking place at the present session of the Conference, and the second recurrent item discussion that will be held in 2011 on the strategic objective of social protection (social security), will both be accompanied by an article 19 General Survey on relevant Conventions. For the third recurrent discussion at the 101st Session of the International Labour Conference in 2012, on the strategic objective of fundamental principles and rights at work, the Governing Body decided to ask the Office to prepare an article 19 report on the eight fundamental Conventions.⁸ As the article 19 reports cover the non-ratifying member States, the countries covered under annual reports will be covered completely by this General Survey.⁹

37. The baseline information from non-ratifying States should be maintained, and member States should be easily able to consult it. They should be requested to update the information in the baselines whenever new developments occur, and the same possibility of providing information should remain open for the employers' and workers' organizations. The recurrent item reports would then also reflect the efforts made by member States that have not yet ratified all the fundamental Conventions.

V. ILO assistance and technical cooperation

38. The 1998 Declaration relies on the commitment of the member States to respect, promote and implement fundamental principles and rights at work. The Declaration itself recognizes the obligation of the Organization to assist its Members, in response to their established and expressed needs, to attain the objectives set in the Declaration. Since the adoption of the Declaration the Office has developed and implemented a programme of technical cooperation in both ratifying and non-ratifying member States. Its capacity to provide such assistance needs to be maintained and strengthened, especially in view of the reinforcement of ILO capacity called for in the 2008 Declaration on Social Justice for a Fair Globalization and the pursuit of all strategic objectives in an integrated and mutually reinforcing manner.

39. The International Programme on the Elimination of Child Labour (IPEC) is providing technical cooperation related to the elimination of child labour. The ILO Programme for the Promotion of the Declaration on Fundamental Principles and Rights at Work (DECLARATION) is implementing projects to assist member States in promoting fundamental principles and rights at work related to freedom of association and collective bargaining, the elimination of forced labour (including trafficking in human beings), and the promotion of equality and non-discrimination in employment and occupation.

⁸ GB.307/10/2(Rev.).

⁹ For a more detailed description of the implications of the linkages between the recurrent report and the General Survey, see also GB.304/LILS/4. For decisions on the linkages between the recurrent item discussion on employment in 2010, and on social protection in 2011, see GB.303/PV, para. 252.

40. DECLARATION has provided technical assistance to more than 80 member States over the last ten years. Activities have led to the introduction of freedom of association and collective bargaining in some of the countries where those principles were previously denied. Such assistance has led to the recognition by many countries that forced labour and human trafficking existed and urgently needed to be eliminated. Technical cooperation has resulted in concrete outcomes at national level, such as the revision of national laws and policies and the establishment of institutional structures to facilitate collective bargaining and to coordinate and strengthen national responses to forced labour and human trafficking. It has assisted countries in adopting and implementing plans of action on non-discrimination, including the establishment of observatories, the introduction of curricula in labour colleges, and legislative reforms.

41. These measures taken together have had a significant impact on improving the global realization of the fundamental principles and rights at work, and on building national capacities in many member States, and bear witness to the importance of technical cooperation projects under the Declaration. These programmes, including the Special Action Programme on Forced Labour that began as a direct result of the first Global Report on the topic, are mainly financed by extra-budgetary resources made available by donors. However, donor interest has not equally covered all the four principles.

42. Technical cooperation and technical assistance in support of all categories of fundamental principles and rights at work need to continue and expand in a sustained manner. It is necessary to regularly report on the results of these activities and the recurrent item reports to the Conference should take over this role which, since 2000, has been performed partly by the Global Reports.

43. The plans of action adopted by the Governing Body, with discussions that have taken place in its Committee on Technical Cooperation, have guided ILO work in this regard. With recurrent item reports, such plans of action would now be adopted by the Conference itself. They would be on all the four categories of fundamental principles and rights, as compared to the present situation where four separate plans of action are adopted in different years. They would thus also be able to address the interrelationship between the four categories of fundamental principles and rights at work, and promote them in a more dynamic and comprehensive manner. The plans of action would continue to guide technical cooperation and technical assistance, as well as research and other work that the ILO should undertake to assist the promotion, respect and realization of the fundamental principles and rights at work, as foreseen by paragraph 3 of the 1998 Declaration.

VI. Amendments to the Annex

44. In light of the above, the following draft resolution entails proposals for a revised follow-up. To make the changes proposed to the existing follow-up clearly visible, they are presented as tracked changes on the basis of the Annex to the ILO Declaration on Fundamental Principles and Rights at Work (additions are underlined and proposed deletions are crossed):

Draft resolution

The General Conference of the International Labour Organization, meeting in its 99th Session, 2010,

Recalling the adoption at its 86th Session, 1998, of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up,

Recalling the adoption at its 97th Session, 2008, of the ILO Declaration on Social Justice for a Fair Globalization,

Noting the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure,

Recalling that the implementation of the ILO Declaration on Social Justice for a Fair Globalization should not lead to an increase in the reporting obligations of member States,

Considering the need to align the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work with the follow-up to the Declaration on Social Justice for a Fair Globalization,

Decides to adjust the functioning of the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work,

Adopts, therefore, this ... day of June of the year two thousand and ten, the text appended to the present resolution, which supersedes the Annex to the 1998 ILO Declaration on Fundamental Principles and Rights at Work, and which shall be cited as the “Annex to the 1998 Declaration (Revised)”.

Follow-up to the Declaration

I. OVERALL PURPOSE

1. The aim of the follow-up described below is to encourage the efforts made by the Members of the Organization to promote the fundamental principles and rights enshrined in the Constitution of the ILO and the Declaration of Philadelphia and reaffirmed in this Declaration.

2. In line with this objective, which is of a strictly promotional nature, this follow-up will allow the identification of areas in which the assistance of the Organization through its technical cooperation activities may prove useful to its Members to help them implement these fundamental principles and rights. It is not a substitute for the established supervisory mechanisms, nor shall it impede their functioning; consequently, specific situations within the purview of those mechanisms shall not be examined or re-examined within the framework of this follow-up.

3. The two aspects of this follow-up, described below, are based on existing procedures: the ~~annual~~-follow-up concerning non-ratified fundamental Conventions will entail merely some adaptation of the present modalities of application of article 19, paragraph 5(e), of the Constitution; and the ~~global report~~recurrent report on the effect given to the promotion of the fundamental principles and rights at work that will serve to inform the Conference of the needs of the Members, the ILO action undertaken, and the results achieved in the promotion of the fundamental principles and rights at work.~~obtain the best results from the procedures carried out pursuant to the Constitution.~~

II. ~~ANNUAL~~ FOLLOW-UP CONCERNING NON-RATIFIED FUNDAMENTAL CONVENTIONS

A. Purpose and scope

1. The purpose is to provide an opportunity to review ~~each year~~ on a regular basis, by means of simplified procedures ~~to replace the four-year review introduced by the Governing Body in 1995~~, the efforts made in accordance with the Declaration by Members which have not yet ratified all the fundamental Conventions.

2. The follow-up will cover ~~each year~~ the four areas of fundamental principles and rights specified in the Declaration.

B. Modalities

1. The follow-up will be based on reports requested from Members under article 19, paragraph 5(e), of the Constitution. The report forms will be drawn up so as to obtain information from governments which have not ratified one or more of the fundamental Conventions, on any changes which may have taken place in their law and practice, taking due account of article 23 of the Constitution and established practice.

~~2. These reports, as compiled by the Office, will be reviewed by the Governing Body.~~

~~3. With a view to presenting an introduction to the reports thus compiled, drawing attention to any aspects which might call for a more in-depth discussion, the Office may call upon a group of experts appointed for this purpose by the Governing Body.~~

~~4. Adjustments to the Governing Body's existing procedures should be examined to allow Members which are not represented on the Governing Body to provide, in the most appropriate way, clarifications which might prove necessary or useful during Governing Body discussions to supplement the information contained in their reports.~~

2. The information requested will serve to update the baselines and will be included in the recurrent reports on fundamental principles and rights at work submitted to the Conference. A report updating information on the efforts made by Members will be submitted annually to the governing Body.

III. ~~GLOBAL REPORT~~ RECURRENT REPORT ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK

A. Purpose and scope

1. The purpose of ~~this~~ the recurrent report is to provide a dynamic global picture relating to each category of fundamental principles and rights noted during the preceding ~~four-year~~ period, and to serve as a basis for assessing the effectiveness of the assistance provided by the Organization, and for determining priorities for the following period, including in the form of action plans for technical cooperation designed in particular to mobilize the internal and external resources necessary to carry them out.

2. The report will cover, ~~each year~~, one or more of the four categories of fundamental principles and rights in turn as decided by the Governing Body when placing the recurrent item on the agenda of the Conference.

B. Modalities

1. The report will be drawn up under the responsibility of the Director-General on the basis of official information, or information gathered and assessed in accordance with established procedures. In the case of States which have not ratified the fundamental Conventions, it will be based in particular on the findings of the aforementioned ~~annual~~ follow-up. In the case of Members which have ratified the Conventions concerned, the report will be based in particular on reports as dealt with pursuant to article 22 of the Constitution. It will also refer to the experience gained from technical cooperation and other relevant activities of the ILO.

2. This report will be submitted to the Conference ~~for tripartite discussion as a report of the Director-General. The Conference may deal with this report separately from reports under article 12 of its Standing Orders, and may discuss it during a sitting devoted entirely to this report, or in any other appropriate way~~ a recurrent discussion on the strategic objective of fundamental principles and rights at work, based on the modalities agreed by the Governing Body. It will then be for the Conference Governing Body, at an early session, to draw conclusions from this discussion on all available ILO means of action, including concerning the priorities and plans of action for technical cooperation to be implemented for the following four-year period, and to guide the Governing Body and the Office in their responsibilities.

IV. IT IS UNDERSTOOD THAT:

~~1. Proposals shall be made for amendments to the Standing Orders of the Governing Body and the Conference which are required to implement the preceding provisions.~~

~~2.1.~~ The Conference shall, in due course, review the operation of this follow-up in the light of the experience acquired to assess whether it has adequately fulfilled the overall purpose articulated in Part I.

Appendix I

ILO Declaration on Fundamental Principles and Rights at Work and its Annex, adopted in June 1998

Whereas the ILO was founded in the conviction that social justice is essential to universal and lasting peace;

Whereas economic growth is essential but not sufficient to ensure equity, social progress and the eradication of poverty, confirming the need for the ILO to promote strong social policies, justice and democratic institutions;

Whereas the ILO should, now more than ever, draw upon all its standard-setting, technical cooperation and research resources in all its areas of competence, in particular employment, vocational training and working conditions, to ensure that, in the context of a global strategy for economic and social development, economic and social policies are mutually reinforcing components in order to create broad-based sustainable development;

Whereas the ILO should give special attention to the problems of persons with special social needs, particularly the unemployed and migrant workers, and mobilize and encourage international, regional and national efforts aimed at resolving their problems, and promote effective policies aimed at job creation;

Whereas, in seeking to maintain the link between social progress and economic growth, the guarantee of fundamental principles and rights at work is of particular significance in that it enables the persons concerned, to claim freely and on the basis of equality of opportunity, their fair share of the wealth which they have helped to generate, and to achieve fully their human potential;

Whereas the ILO is the constitutionally mandated international organization and the competent body to set and deal with international labour standards, and enjoys universal support and acknowledgement in promoting Fundamental Rights at Work as the expression of its constitutional principles;

Whereas it is urgent, in a situation of growing economic interdependence, to reaffirm the immutable nature of the fundamental principles and rights embodied in the Constitution of the Organization and to promote their universal application;

The International Labour Conference

1. Recalls:
 - (a) that in freely joining the ILO, all Members have endorsed the principles and rights set out in its Constitution and in the Declaration of Philadelphia, and have undertaken to work towards attaining the overall objectives of the Organization to the best of their resources and fully in line with their specific circumstances;
 - (b) that these principles and rights have been expressed and developed in the form of specific rights and obligations in Conventions recognized as fundamental both inside and outside the Organization.
2. Declares that all Members, even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the Organization to respect, to promote and to realize, in good faith and in accordance

with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely:

- (a) freedom of association and the effective recognition of the right to collective bargaining;
 - (b) the elimination of all forms of forced or compulsory labour;
 - (c) the effective abolition of child labour; and
 - (d) the elimination of discrimination in respect of employment and occupation.
3. Recognizes the obligation on the Organization to assist its Members, in response to their established and expressed needs, in order to attain these objectives by making full use of its constitutional, operational and budgetary resources, including, by the mobilization of external resources and support, as well as by encouraging other international organizations with which the ILO has established relations, pursuant to article 12 of its Constitution, to support these efforts:
- (a) by offering technical cooperation and advisory services to promote the ratification and implementation of the fundamental Conventions;
 - (b) by assisting those Members not yet in a position to ratify some or all of these Conventions in their efforts to respect, to promote and to realize the principles concerning fundamental rights which are the subject of these Conventions; and
 - (c) by helping the Members in their efforts to create a climate for economic and social development.
4. Decides that, to give full effect to this Declaration, a promotional follow-up, which is meaningful and effective, shall be implemented in accordance with the measures specified in the Annex hereto, which shall be considered as an integral part of this Declaration.
5. Stresses that labour standards should not be used for protectionist trade purposes, and that nothing in this Declaration and its follow-up shall be invoked or otherwise used for such purposes; in addition, the comparative advantage of any country should in no way be called into question by this Declaration and its follow-up.

Annex

Follow-up to the Declaration

I. OVERALL PURPOSE

1. The aim of the follow-up described below is to encourage the efforts made by the Members of the Organization to promote the fundamental principles and rights enshrined in the Constitution of the ILO and the Declaration of Philadelphia and reaffirmed in this Declaration.

2. In line with this objective, which is of a strictly promotional nature, this follow-up will allow the identification of areas in which the assistance of the Organization through its technical cooperation activities may prove useful to its Members to help them implement these fundamental principles and rights. It is not a substitute for the established supervisory mechanisms, nor shall it impede their functioning; consequently, specific situations within the purview of those mechanisms shall not be examined or re-examined within the framework of this follow-up.

3. The two aspects of this follow-up, described below, are based on existing procedures: the annual follow-up concerning non-ratified fundamental Conventions will entail merely some adaptation of the present modalities of application of article 19, paragraph 5(e), of the Constitution; and the Global Report will serve to obtain the best results from the procedures carried out pursuant to the Constitution.

II. ANNUAL FOLLOW-UP CONCERNING NON-RATIFIED FUNDAMENTAL CONVENTIONS

A. Purpose and scope

1. The purpose is to provide an opportunity to review each year, by means of simplified procedures to replace the four-year review introduced by the Governing Body in 1995, the efforts made in accordance with the Declaration by Members which have not yet ratified all the fundamental Conventions.

2. The follow-up will cover each year the four areas of fundamental principles and rights specified in the Declaration.

B. Modalities

1. The follow-up will be based on reports requested from Members under article 19, paragraph 5(e), of the Constitution. The report forms will be drawn up so as to obtain information from governments which have not ratified one or more of the fundamental Conventions, on any changes which may have taken place in their law and practice, taking due account of article 23 of the Constitution and established practice.

2. These reports, as compiled by the Office, will be reviewed by the Governing Body.

3. With a view to presenting an introduction to the reports thus compiled, drawing attention to any aspects which might call for a more in-depth discussion, the Office may call upon a group of experts appointed for this purpose by the Governing Body.

4. Adjustments to the Governing Body's existing procedures should be examined to allow Members which are not represented on the Governing Body to provide, in the most appropriate way, clarifications which might prove necessary or useful during Governing Body discussions to supplement the information contained in their reports.

III. GLOBAL REPORT

A. Purpose and scope

1. The purpose of this report is to provide a dynamic global picture relating to each category of fundamental principles and rights noted during the preceding four-year period, and to serve as a basis for assessing the effectiveness of the assistance provided by the Organization, and for determining priorities for the following period, in the form of action plans for technical cooperation designed in particular to mobilize the internal and external resources necessary to carry them out.

2. The report will cover, each year, one of the four categories of fundamental principles and rights in turn.

B. Modalities

1. The report will be drawn up under the responsibility of the Director-General on the basis of official information, or information gathered and assessed in accordance with established procedures. In the case of States which have not ratified the fundamental Conventions, it will be based in particular on the findings of the aforementioned annual follow-up. In the case of Members which have ratified the Conventions concerned, the report will be based in particular on reports as dealt with pursuant to article 22 of the Constitution.

2. This report will be submitted to the Conference for tripartite discussion as a report of the Director-General. The Conference may deal with this report separately from reports under article 12 of its Standing Orders, and may discuss it during a sitting devoted entirely to this report, or in any other appropriate way. It will then be for the Governing Body, at an early session, to draw conclusions from this discussion concerning the priorities and plans of action for technical cooperation to be implemented for the following four-year period.

IV. IT IS UNDERSTOOD THAT:

1. Proposals shall be made for amendments to the Standing Orders of the Governing Body and the Conference which are required to implement the preceding provisions.

2. The Conference shall, in due course, review the operation of this follow-up in the light of the experience acquired to assess whether it has adequately fulfilled the overall purpose articulated in Part I.

Appendix II

List of the 52 reporting States not yet having ratified all fundamental Conventions, by region and by the fundamental Convention not yet ratified by each State

Regions/countries	Freedom of association/ collective bargaining	Forced labour	Child labour	Discrimination in employment and occupation
AFRICA: 11 States				
Cape Verde			C.138	
Eritrea			C.182	
Gabon			C.138	
Ghana			C.138	
Guinea-Bissau	C.87			
Kenya	C.87			
Liberia			C.138	C.100
Morocco	C.87			
Sierra Leone			C.138 and 182	
Somalia	C.87 and 98		C.138 and 182	C.100
Sudan	C.87			
AMERICAS AND THE CARRIBBEAN: 7 States				
Brazil	C.87			
Canada	C.98	C.29	C.138	
Cuba			C.182	
Mexico	C.98		C.138	
Saint Lucia			C.138	
Suriname			C.138	C.100 and 111
United States	C.87 and 98	C.29	C.138	C.100 and 111
ARAB STATES: 9 States				
Bahrain	C.87 and 98		C.138	C.100
Iraq	C.87			
Jordan	C.87			
Kuwait				C.100
Lebanon	C.87			
Oman	C.87 and 98			C.100 and 111
Qatar	C.87 and 98			C.100
Saudi Arabia	C.87 and 98		C.138	
United Arab Emirates	C.87 and 98			

Regions/countries	Freedom of association/ collective bargaining	Forced labour	Child labour	Discrimination in employment and occupation
ASIA AND THE PACIFIC: 23 States				
Afghanistan	C.87 and 98	C.29	C.138 and 182	
Australia			C.138	
Bangladesh			C.138	
Brunei Darussalam	C.87 and 98	C.29 and 105	C.138	C.100 and 111
China	C.87 and 98	C.29 and 105		
India	C.87 and 98		C.138 and 182	
Iran, Islamic Republic of	C.87 and 98		C.138	
Japan		C.105		C.111
Korea, Rep. of	C.87 and 98	C.29 and 105		
Lao People's Democratic Republic	C.87 and 98	C.105		
Malaysia	C.87	C.105		C.111
Maldives (new member State)	C.87 and 98	C.29 and 105	C.138 and 182	C.100 and 111
Marshall Islands	C.87 and 98	C.29 and 105	C.138 and 182	C.100 and 111
Myanmar	C.98	C.105	C.138 and 182	C.100 and 111
Nepal	C.87			
New Zealand	C.87		C.138	
Singapore	C.87	C.105		C.111
Solomon Islands	C.87 and 98	C.105	C.138 and 182	C.100 and 111
Thailand	C.87 and 98			C.111
Timor-Leste		C.105	C.138	C.100 and 111
Tuvalu (new member State)	C.87 and 98	C.29 and 105	C.138 and 182	C.100 and 111
Vanuatu			C.138	
Viet Nam	C.87 and 98	C.105		
EUROPE AND CENTRAL ASIA: 2 States				
Turkmenistan			C.138 and 182	
Uzbekistan	C.87			