



Reports on credentials

Third report of the Credentials Committee

Composition of the Conference

1. Since 6 June 2011, when the Credentials Committee adopted its second report (*Provisional Record* No. 5C), new credentials have been received from one member State (Kyrgyzstan). Therefore, at present a total of 168 member States are represented at the International Labour Conference.
2. As of today there are 5,469 persons accredited to the Conference (as compared to 5,138 in 2010, 4,944 in 2009, and 4,838 in 2008), of whom 4,464 are registered (as compared to 4,227 in 2010, 4,096 in 2009, and 4,212 in 2008). The attached list contains more details on the number of delegates and advisers registered.
3. The Committee wishes to indicate that 163 ministers, vice-ministers, and deputy ministers have been accredited to the Conference.
4. As regards the representation of the Libyan Arab Jamahiriya, after publication of its second report, the Committee received a *note verbale* on 7 June 2011 from the “Permanent Mission of Libya accredited to the United Nations Office in Geneva and International Organizations in Switzerland”, informing it that the Minister of Labour of the Libyan Arab Jamahiriya, Mr El-Amine Manfour Ali El-Amine had declared his defection from the Qadhafi regime during a press conference held in the premises of the Permanent Mission and that he joined “the revolution of 17 February” at the side of the National Transitional Council in Benghazi. The Committee takes note of this information. It observes that the credentials of the Minister can only be revoked by the authority which had so established them and notes that Mr El-Amine Manfour Ali El-Amine has not registered at the Conference.

Monitoring

5. The Committee was seized automatically with two cases, pursuant to article 26quater of the *Standing Orders of the Conference*, by virtue of decisions of the Conference taken at its 99th Session (2010).

Djibouti

6. At the 99th Session (2010), the Conference decided to renew and to reinforce the monitoring measures concerning Djibouti (*Provisional Record* No. 19, 2010) and it requested the Government to: (a) submit to the Director-General of the International Labour Office, by the end of the year 2010, a detailed report on the progress achieved in Djibouti as regards the establishment of criteria for the independent representation of workers in the country and the concrete actions undertaken towards a definitive resolution of the problem; and (b) submit for the present session of the Conference, at the same time that it submits its credentials for the delegation of Djibouti, a detailed report substantiated with relevant documentation on the procedure utilized to nominate the Workers' delegate and advisers, specifying the organizations consulted on the matter and according to which criteria, the percentage of workforce that the organizations consulted represent, the date and place of these consultations, and the names of the individuals nominated by the organizations during these consultations and positions they held within those organizations. This request had been made on the basis of a unanimous recommendation of the Credentials Committee, which considered that the procedure concerning the composition of the Workers' delegation of Djibouti to the Conference should be once again subject to monitoring by virtue of the provisions of article 26bis, paragraph 7, of the Conference Standing Orders.
7. The Government did not submit the reports requested by the Conference.
8. Clarifications requested by the Committee were provided orally in the name of the Government by Mr Mohamed Siad Doualeh, Ambassador, Permanent Representative and Government delegate to the Conference. He was accompanied by Mr Djama Mahamoud Ali, Counsellor at the Permanent Mission in Geneva and adviser to the Conference. The Permanent Representative said that in the absence of certain members of the Government delegation, expected in Geneva next week, he would limit himself to preliminary remarks. He presented the Government's apologies for not having provided the requested reports and reassured the Committee members that the Government took its engagements seriously, and stated that the Government was committed to respecting strictly the recommendations of the direct contacts mission of 2008.
9. *Noting that the Government once again did not respect its obligation to provide the reports requested, the Committee deplores its lack of cooperation, all the more so, as again this year, the nomination of the Workers' delegation to the Conference has been the subject of an objection. (see paragraphs 30 to 41). Moreover, the second hearing of the Government in the framework of the objection, (see paragraph 32), does not reassure the Committee that the Government is committed to fulfilling its obligations.*
10. *Taking into account the examination of the objection, the Committee considers that the situation justifies the renewal of the monitoring under analogous terms to those decided by the Conference at its last session (see paragraph 41).*

Myanmar

11. At its 99th Session (2010), the Conference decided, by virtue of article 26bis, paragraph 7, of the Conference Standing Orders, and based on the recommendation of the Credentials Committee, to renew the monitoring of Myanmar (*Provisional Record* No. 19, 2010) thereby requesting the Government to: (a) submit to the Director-General of the International Labour Office, by the end of the year 2010, a detailed report on the progress achieved in Myanmar as regards the establishment of permanent structures for the independent representation of the workers in the country and on how the Government envisages to consult those structures for the purpose of nominating the Workers' delegate

and advisers to the present session of the Conference; and (b) submit for the present session of the Conference, at the same time that it submits its credentials for the delegation of Myanmar, a detailed report substantiated with relevant documentation on the procedure utilized to nominate the Workers' delegate and advisers, specifying the organizations consulted on the matter and according to which criteria, the percentage of workforce that the organizations consulted represent, the date and place of these consultations, and the names of the individuals nominated by the organizations during these consultations and positions they held within those organizations.

12. The Government did not submit the reports requested by the Conference.
13. Clarifications requested by the Committee were provided orally in the name of the Government by Mr Chit Shein, Director-General, Ministry of Labour and Mr Htin Lynn, Minister-Counsellor at the Permanent Mission in Geneva. Mr Lynn stated that he had addressed a very brief letter to the Committee, informing it why the report had not been sent. He explained that the Minister was faced with many priorities. The situation was very complex and noncompliance was not political but rather technical. Concerning the progress made towards electing a Worker delegate to the Conference, the Government recalled the history of how the Workers' delegate to the 96th Session of the Conference had been chosen in 2007 as well as how the Workers' delegate to the 98th Session of the Conference had been chosen in 2009. According to the Government representative, it had tried its best to have a Workers' representative at the Conference but each time the credentials were questioned. Because of this criticism – despite the Government's best efforts – whomever it accredited would be embarrassed by having the credentials questioned; as there was still no workers' organizations in the country, no delegate had been nominated again this year. The Government informed the Committee that, having received comments on the draft labour law from the ILO, the law was at the final drafting stage. The Government was not yet able to distribute it outside the legislative body but it would be happy to provide it to the ILO as soon as possible. Once adopted, the existence of workers' organizations would be possible in Myanmar and a Workers' delegate to the Conference could be chosen. The Government representative stressed that the law would allow for the existence of more than one workers' organization. Concerning the date of adoption, he recalled that the democratic government in Myanmar had only been in place since March. The Government stressed that substantial progress had been made as this year there was the first democratically elected government in the country in over 20 years.
14. *The Committee deeply regrets the Government failed to provide any of the reports it had requested under the monitoring arrangements decided by the Conference at its previous session. Such lack of cooperation curtails the Committee's ability to discharge its mandate under article 26bis, paragraph 7, and article 26quater of the Conference Standing Orders. The Committee also had before it an objection concerning the failure to deposit credentials of a Workers' delegate by the Government of Myanmar, dealing with the same subject matter. Following its examination of the objection the Committee considers that the situation justifies the renewal of the monitoring under analogous terms to those of last year (see paragraphs 70 to 77).*

Objections

15. The Committee has received 17 objections this year. These relate both to the credentials of delegates and their advisers who are accredited to the Conference as reflected in the *Provisional List of Delegations* and to the failure to deposit credentials of an Employers' or a Workers' delegate. The Committee has completed the examination of all objections, which are listed below in the French alphabetical order of the member States concerned.

Objection concerning the nomination of the Workers' delegation of Argentina

16. The Committee received an objection presented by Mr José Rigane, of the Central de Trabajadores de la Argentina (CTA) concerning the nomination of three members of the Workers' delegation of Argentina. The author of the objection claimed that three members of the CTA (Mr Hugo Yasky, Mr Pedro Wasiejko and Mr Roberto Baradel) had not been nominated in agreement with the confederation's recently elected executive committee, and should therefore be replaced. Due to problems in the CTA electoral process of 23 September 2010, it had been necessary to hold complementary elections. The mandate of the previously elected executive committee had then been extended, at its request, by the Government. The author of the objection alleged that the results of the complementary elections, which took place on 9 December 2010, gave a clear victory to a new leadership, headed by Mr Pablo Micheli. However, the Government had invited the executive committee whose mandate had expired to submit its nominations to the Conference. Mr Rigane stressed that, while the previous confederation executive committee had challenged the holding and results of the complementary elections, a judicial decision of 27 May 2010 confirmed the validity of the complementary elections, a fact that voided the mandate extension. The decision of the Government to first question the call for and validity of the complementary elections, and to later request nominations from the group that had lost them, as well as integrate their representatives in the delegation, amounted to governmental interference in the electoral process of a trade union, which had been the subject of a complaint before the Committee on Freedom of Association. Mr Rigane noted that the jurisprudence of the Committee on Freedom of Association required that the complaints submitted by administrative bodies before the courts concerning trade union election results should not suspend the validity of the elections until the adoption of a final judicial decision. Consequently, according to the author of the objection, the presence of the three challenged members in the Workers' delegation was illegitimate and in breach of the ILO Constitution. He also requested that the Government be required to pay the expenses of their CTA representatives.
17. The Committee received an unsolicited submission from Mr Yasky and Mr Wasiejko. The authors of the communication explained that the mandates of the executive committee in which they served had been lawfully extended by the labour authorities in order to prevent a vacuum in leadership, given the partial invalidation of the general elections due to electoral fraud. They stated that the judicial handling of the electoral dispute had thus far received divergent rulings: before the ruling of 27 May, another judge initially handling the matter had decided, as an interim measure in their favour, to withhold the recognition of a new executive committee. They also noted that the ruling of 27 May was not definitive and that the appeal being filed by them would likely succeed. They argued that the current composition of the CTA delegation to the Conference ensured the equal participation of both sides in dispute. They regretted that an internal conflict had been brought before the Committee, and requested it to reject any request to exclude CTA members from the Workers' delegation.
18. In a written communication of 3 June 2011 addressed to the Committee at its request, the Government argued that it had nominated the Workers' delegation in conformity with the ILO Constitution and the Conference Standing Orders. What was being presented as an act of state interference was in reality an internal conflict between disputing leaderships, which fell beyond the jurisdiction of the Committee and whose resolution was still pending before national courts. The Government recalled the jurisprudence of the Committee in this regard, which stating that the Committee lacked jurisdiction to adjudicate upon the differences of opposing factions of a trade union, and that these questions were within the domain of the relevant national authorities, including the judiciary. It also explained that the mandate extension awarded was a common practice to avoid representation gaps and

the legal and economic prejudice that they entailed. It also noted that the CTA faction now objecting to the extension mechanism had resorted to it in the preceding elections. The Government explained that the executive committee whose mandate had been extended had challenged the validity of the call for complementary elections before the public authorities, and had refused to participate in them. Having heard both factions, the Ministry had found that the legal delay to call the elections had not been complied with. The complementary elections had thus been held in breach of the Ministerial resolution on the matter, and an interim court decision had subsequently put a halt to the recognition of any new leadership. Faced with a complex internal dispute and taking into account the judicial situation at the time credentials had to be submitted to the ILO (17 May 2011), the Government had used its best efforts to foster an agreement and had included the two disputing factions in the consultations to nominate a delegation, in conformity with article 3 of the ILO Constitution. It subsequently broadened the Workers' delegation to integrate both sides of the conflict: instead of simply including four CTA members, as was the practice in the past, it had nominated, in an impartial and balanced manner, three members from each side. The Government explained that, since the ruling of 27 May had been appealed by all interested parties, the courts had been requested to stay the appeal. The uncertain final outcome of the dispute, and the potential prejudice that would result from immediate execution of this judgment, further justified this stay. Consequently, the Government was unable to modify the credentials until a final judgment was reached.

19. On 7 June 2011 the Committee received a supplementary communication from the Government, which transmitted a court's decision declaring the suspensive effect of the appeal. The judge ordered the suspension of the ruling of 27 May on the grounds that all parties had appealed it, and the irreparable prejudice that could ensue from its immediate execution. According to the Government, the court's decision endorsed the extension of the mandate, and confirmed that the nomination of the Workers' delegation conformed to the fact that a final judicial solution to the matter had not yet been reached.
20. On 8 June 2011 the Committee received a supplementary communication from the author of the objection, transmitting the Government's submission to the court requesting the stay of appeal to the ruling of 27 May. He argued that the Government had no legitimate interest in appealing the ruling and that it had done so in order to favour the other faction in dispute, thus interfering in the electoral process of the CTA. He requested that the objection be treated as a complaint before the Committee on Freedom of Association.
21. *The Committee notes that, pursuant to article 5, paragraph 2(a), of the Conference Standing Orders, it is only competent to examine objections relating to the credentials of delegates and their advisers. Consequently, the Committee finds that it can only examine the objection to the extent it relates to the nomination of Mr Yasky.*
22. *The Committee notes that it has before it a dispute relating to the election of trade union leaders which has been referred to the national courts. It also notes that all the parties involved have appealed the first judicial ruling and that, as a result, the courts have decided to provisionally stay its effect. The Committee observes that it lacks jurisdiction to examine a dispute concerning a trade union election which is pending before the national courts and that, consequently, it is unable to reach any conclusion on the matter.*
23. *Concerning the allegations of governmental interference in the electoral process, the Committee understands that these are now before the Committee on Freedom of Association, and that the Committee on Freedom of Association may therefore examine the issues raised by the author of the objection.*

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24. *In relation to the request for payment of the travel expenses of the CTA representatives, the Committee notes that it falls outside its mandate under article 26ter, paragraph 1, of the Conference Standing Orders.*

**Objection concerning the nomination
of the Workers' delegation of Chile**

25. The Committee received an objection on 2 June 2011 presented by the Unión Nacional de Trabajadores (UNT) concerning the nomination of the Workers' delegation of Chile. The objecting organization claimed that since 2005 it had been requesting that tripartite consultations be held to discuss its inclusion in the delegation to the Conference. Such consultations had not taken place due to the opposition of the Central Unitaria de Trabajadores (CUT), which always nominated its leaders as sole members of the Workers' delegation. As a result, and in spite of the efforts undertaken by the Ministry of Labour to resolve the situation, once again it had not been possible to include any representatives of the UNT in the delegation. On the basis that more than one trade union confederation was legally recognized in the country, the UNT objected to the composition of the Workers' delegation, from which it had been excluded.
26. The Committee had received on 17 May, together with the credentials of Chile, a communication from the Government concerning the same matter, which was subsequently supplemented on 7 June by a communication at the Committee's request. The Government noted that historically the CUT had been the only workers' organization in the country, from which all members of the Workers' delegation had been nominated. During recent years the situation had been changing and at present there were three most representative organizations: the CUT, the UNT and the Central Autónoma de Trabajadores (CAT). The Government had made its best efforts to promote an agreement between these three organizations on the participation of workers' organizations at the ILO and, in particular, the composition of the Workers' delegation to the Conference. However, the CUT had not accepted the inclusion of representatives of other organizations in the delegation. Having consulted the Office, the Government concluded that it had to respect the nomination proposals for the Workers' delegate and advisers provided by the CUT. The Government, however, noted its commitment to maintaining open consultations with all most representative organizations and to strengthen social dialogue amongst organizations, so that in future sessions of the Conference and activities the workers of Chile may be able to be represented by all three organizations. The Government sought confirmation concerning its obligation to nominate a delegation, whether or not an agreement between organizations was reached. It also sought clarification on the meaning of most representative organizations: whether it referred to the most representative among several, in which case the Government should continue to nominate the Workers' delegation taking into account the proposals of one organization, or whether it entailed the application of general representativeness criteria, in which case, where several organizations existed, they may all have to be included.
27. *The Committee recalls that, as stated in Advisory Opinion No. 1 of 1922 of the Permanent Court of International Justice (PCIJ) and subsequent case law of the Committee, several most representative organizations may exist in one country and that, in such cases, the Government must, pursuant to the terms of article 3, paragraph 5, of the ILO Constitution, aim to effect an agreement amongst them. Employers' and Workers' delegates represent, respectively, all the employers and all the workers in a country, and not just their respective organizations. As stated by the PCIJ, "the only object of the intervention of industrial organizations, in connection with the selection of delegates and technical advisers, is to ensure, as far as possible, that the Governments should nominate persons whose opinions are in harmony with the opinions of employers and workers respectively". The principle of tripartism at the Conference is best realized when governments as well as*

employers' and workers' organizations are successful in ensuring, within the bounds of their respective roles, that all employers and workers in a country are adequately represented.

28. *Consequently, where several representative organisations exist, Governments must take them all into consideration when proceeding to the nomination of a delegation and, ideally, obtain the agreement of all the most representative among them. However, while both the Government and the organizations concerned should strive to achieve such an agreement, and while a plurality of organizations may better represent the views of employers and workers in a country, such a plurality cannot be imposed by the Government. Failing an agreement amongst most representative organizations, the Government must assess, based on objective and verifiable criteria, which organization (or group of organizations that have agreed on a common proposal) is the most representative. The Employers' and Workers' delegate and advisers will have to be chosen in agreement with such most representative voice. In this connection, while numbers are not the only test of representative character and other criteria may also be borne in mind, everything else being equal the most numerous organization, or group of organizations, will be the most representative.*
29. *The Committee notes that neither the author of the objection nor the Government dispute that the CUT remains at present the most representative workers' organization in the country. It is also undisputed that the Government made its best efforts to foster an agreement between workers' organizations in order to nominate the delegation and that, faced with the impossibility of reaching an agreement, the Government relied on the nomination of the most representative organization. The Committee has, therefore, no element before it to question that the Government complied with its obligations under article 3, paragraph 5, of the ILO Constitution. Welcoming the efforts of the Government to strengthen social dialogue and to broaden the representativeness of its delegations, within the bounds of the ILO Constitution and the Conference Standing Orders, the Committee indicates that the Government may avail itself of the advice or technical assistance the Office may be able to provide in this respect.*

Objection concerning the nomination of the Workers' delegation of Djibouti

30. The Committee received an objection concerning the nomination of the Workers' delegation from Djibouti presented by Mr Adan Mohamed Abdou, Secretary-General of the Union djiboutienne du travail (UDT), and Mr Kamil Dirane Hared, Secretary-General of the Union générale des travailleurs djiboutiens (UGTD). They contended that the UDT was the most representative workers' organization in the country and alleged that the Government had once again refused to take into consideration the list of representatives designated by their respective organizations in view of participation at the present session of the Conference. According to them, the Government usurped the name of the UGTD and continued to ignore its commitments made before the Commission. Referring to the statement made by the Government before the Credentials Committee during the 99th Session (2010) about the union elections of the UGTD scheduled for August 2010 in collaboration with the World Federation of Trade Unions (WFTU) and the International Confederation of Arab Trade Unions (ICATU), the authors of the objection asked that information about the election be furnished by the WFTU, as well as by the Bureau for Workers' Activities (ACTRAV). They asked the Committee to take an effective and definitive decision concerning the delegation of Djibouti. In documents given to the Committee at a late stage the objecting organization provided unsigned minutes indicating that affiliates of the UDT held their Congress, in fear and discretion, at the UDT headquarters on 17 and 18 January 2010.

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31. In a written communication addressed to the Committee at its request, the Government indicated that the UGTD had organized its Ordinary Congress on 8 and 9 August 2010 in Djibouti. The Congress was attended by both national and international observers. It stressed that the UGTD was an affiliate of the WFTU and that its Deputy General Secretary, Mr Adib Miro, attended the Congress. As far as the Government was concerned, the UGTD was the only trade union with legitimate representation. Concerning the nomination of the workers' representatives to the Conference, the Government stated that it had written to the UGTD and the UDT on 3 May 2011, asking them to designate their representatives. The UGTD nominated Mr Abdo Dikieh Dirieh and Mr Hassan Ali Doualeh, Secretary-General and 1st Deputy Secretary-General, respectively. As for the UDT, the Government stated that it had received three different replies providing the nomination of delegates. Both Mr Mohamed Youssouf and Mr Ahmed Djama Egueh had requested by separate letters to be included in the delegation. Mr Mohamed Abdou had sent a list comprised of a delegate (himself) and four advisers; three of the advisers came from the UDT (Mr Hassan Cher Hared, also substitute adviser; Mr Farah Abdillahi Miguil; Mr Souleiman Ahmed Mohamed) and Mr Kamil Diraneh Hared was Secretary-General of the UGTD. The Government also indicated that the Director of Labour and Relations with the Social Partners, in his capacity as Secretary of the Permanent Committee of the National Council on Labour, Employment and Professional Development had sent a letter to the President of the UDT on 25 July 2010, inviting the UDT to undertake measures to determine the representativity of the organization. The Government submitted that it had never received a response to this letter and that the UDT had still not organized its Congress. According to the Government, Mr Kamil Diraneh Hared, co-signatory of the objection, had been officially invited to participate in the Congress of the UGTD but he did not attend. The Government considered that the authors of the objection had no union mandate, nor did the other workers' representatives who had been proposed by Mr Mohamed Abdou and Mr Kamil Diraneh Hared. Nor did there exist an *intersyndicale* UDT-UGTD.
32. The Committee heard statements in the name of the Government by Mr Hassan Houmed Ibrahim, Director, Employment and Relations with the Social Partners and Government delegate to the Conference. He was accompanied by two advisers, Mrs Koina Omar Dahelo, Inspector of Work and Social Laws, and Mr Djama Mahamoud Ali, Counsellor at the Permanent Mission in Geneva. Declaring openly that he was not aware of the conclusions made last year by the Credentials Committee, he stressed that the Government had seized the UGTD and the UDT, asking them to nominate their representatives; concerning the fact that the letters were addressed to the President of one union (UDT) and the Secretary-General of the other (UGTD), it fell within the internal structure of the organizations concerned, themselves, to designate who should receive communications from the Government. He confirmed that, since the UDT had not held a Congress, even though he had invited it to do so, and that the Government received three different replies from the UDT, the delegate and the adviser had been nominated from the ranks of the UGTD, the only union having a legal existence in the eyes of the Government. By not nominating any representative from the UDT, it did not interfere with the problem of internal dissention in the UDT. According to him, Mr Abdou is the Secretary-General of a political party, and that this was incompatible with exercising a union mandate.
33. Ms Osiris Oviedo de la Torre, Deputy General Secretary of the WFTU, provided clarifications to the Committee at its request. She confirmed that the UGTD had held a Congress in Djibouti on 8 and 9 August 2010. She presented a declaration from the WFTU dated 7 June 2011 confirming the legitimacy of the election of Mr Abdo Dikieh Dirieh and Mr Hassan Ali Doualeh as the leaders of the UGTD for the period 2010–13. The WFTU, represented at the Congress by Mr Adib Miro, Deputy General Secretary, attested to the regularity of the electoral procedure and the acts adopted during the Congress.

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34. *The Committee takes note of the declaration from the WFTU that the UGTD held a Congress and elected its leadership for the period 2010–13. It notes that Mr Abdo Dikieh Dirieh and Mr Hassan Ali Doualeh were elected Secretary-General and 1st Deputy Secretary-General, respectively. Nevertheless, the objection before the Committee has been co-signed by Mr Kamil Diraneh Hared, as Secretary-General of the UGTD. It notes that three members of the UDT are on the list of representatives of the ITUC to the present session of the Conference.*
35. *The Committee expresses its deep concern at the absence of progress in several areas, which does not remove the doubts it has about the union movement in Djibouti. The Committee deeply regrets the lack of the Government's commitment vis-à-vis respect for the procedures before the Committee and more generally vis-à-vis its obligations as a member of the International Labour Organization.*
36. *The Committee deplores the fact that the Government did not submit the reports requested of it (see paragraph 7). The lack of cooperation casts doubts on the Government's willingness to put an end to these recurrent problems, raised at each session of the Conference. The doubt is all the greater considering the lack of cooperation by the Government concerning allegations of serious violations of freedom of association against the UDT and its leadership, despite an urgent appeal in the case before the Committee on Freedom of Association (Case No. 2753, 359th Report). The Committee notes that in that case the Committee on Freedom of Association expressed in the strongest terms that it expected to see the Government take immediate steps to improve the situation.*
37. *The hearings held by the Committee with the Government also have not removed doubts surrounding the situation, in particular that of the UDT. The fact that the UDT could not hold its Congress, for reasons that remain obscure, does not call into question its legitimacy as a trade union. In the same vein, the fact that Mr Abdou is a leader of a political party does not, in and of itself, prevent him from being a trade unionist (Provisional Record No. 17, 2001). The Committee recalls that, taking into account the information at its disposal, in particular the recommendations of ILO supervisory bodies over the past decade, the reports of the direct contacts missions sent to Djibouti and other corroborating sources, that the existence of the UDT, as led by Mr Abdou, in the trade union movement of Djibouti is a fact. (see Provisional Record 4C, 2009).*
38. *The Committee considers that, once again, the objection raises questions which go beyond those concerning exclusively the nomination of the Workers' delegation to the Conference, and therefore beyond the mandate of the Committee. The Committee calls the attention of the objecting organizations that it is in their interest to present specific allegations, supported by relevant documentation, which are within the jurisdiction of the Credentials Committee.*
39. *Taking note of the elections held in the UGTD, the Committee trusts that the necessary measures will be taken to clarify promptly the trade union landscape in Djibouti. The Committee urges the Government to take appropriate measures so that the UDT can hold its Congress, in complete independence. It trusts that such a Congress will allow the workers to freely nominate their representatives, without interference from public authorities, whether this concerns the eligibility conditions of the leaders or the way the elections are held.*
40. *In a framework that fully respects the workers' organizations ability to act, the Government will thus be in a position to determine, with those organizations, objective and transparent criteria for the nomination of the workers' representative to the International Labour Conference (see Case No. 2450, 359th Report of the Committee on Freedom of Association). Referring to the recommendations of the Committee on Freedom of*

Association, the Credentials Committee requests the Government to accept a tripartite mission.

41. *In light of the above, the Committee considers that the situation justifies the renewal of the monitoring decided by the Conference at its last session, that is a reinforced monitoring. By virtue of article 26quater and 26bis, paragraph 7, of the Conference Standing Orders, the Committee unanimously proposes that the Conference request the Government of Djibouti to:*

- (a) submit to the Director-General of the International Labour Office, by the end of the year 2011, a detailed report on the progress achieved in Djibouti as regards the establishment of criteria for the independent representation of workers in the country and the concrete actions undertaken towards a definitive resolution of the problem; and*
- (b) submit for the next session of the Conference, at the same time that it submits its credentials for the delegation of Djibouti, a detailed report substantiated with relevant documentation on the procedure utilized to nominate the Workers' delegate and advisers, specifying the organizations consulted on the matter and according to which criteria, the percentage of workforce that the organizations consulted represent, the date and place of these consultations, and the names of the individuals nominated by the organizations during these consultations and positions they held within those organizations.*

Objection concerning the nomination of the Workers' delegate of Ecuador

42. The Committee received an objection presented by the Confederación Sindical de Trabajadoras y Trabajadores del Ecuador (CSE) and the Central Ecuatoriana de organizaciones Clasistas (CEDOC-CLAT), concerning the nomination of the Workers' delegate Mr Pablo Serrano of the Confederación Ecuatoriana de Organizaciones Sindicales Libres (CEOSL). The authors of the objection submitted that the Government repeatedly ignored the existence of six workers' confederations and imposed, unilaterally and without consultation, a delegation that conformed to its political interests, thus infringing on the autonomy of the workers' organizations in the country. They noted that their organizations had not been invited to participate in the nomination process, nor even received communication of the nomination. The Government had breached the requirement of the ILO Constitution to nominate those designated by the most representative workers' organization.

43. In a written communication to the Committee at its request, the Government stated that, resorting to the same process that had been used in the past years, it had applied objective and legal criteria that permitted the participation of various organizations in the Conference. Pursuant to Executive Decree No. 1381 of 17 December 1982 and Ministerial Accord No. 213 of 28 May 1990, and without seeking to favour any confederation, the Government proceeded to convoke the most representative confederations set out in these regulations: the CEOSL, the Confederación de Trabajadores del Ecuador (CTE) and the Confederación Ecuatoriana de Organizaciones Clasistas Unitarias de Trabajadores (CEDOC-CUT). These three were, on the basis of their membership numbers, the most representative organizations. In conformity with the rotation agreement contained in Executive Decree No. 1381, the Government nominated the Workers' delegate proposed by those organizations. According to the Government, the objection derived from a dispute between workers' representatives and was motivated by the fact that one of its authors was the former president of the CEOSL, who had lost the elections in 2010 and had thereafter become the President of the CSE, a new organization established on 17 May 2010. It stated

that it did not receive any request from the CSE to be included in this year's workers' delegation to the Conference under the umbrella of one of the organizations recognized as most representative.

44. *The Committee notes that it has received little information on the representativeness of the organizations that designated the Worker's delegate, beyond the Government's statement that these are legally recognized as most representative based on their membership numbers, and that they are to be consulted pursuant to the decree enacting the rotation agreement. Conversely, the Committee notes that the objecting organizations have not provided any information whatsoever concerning their representativeness. Moreover, the Committee observes that in recent years the Workers' delegate has come from one of the three organizations designating the Workers' delegation to this session of the Conference, and that these organizations appear to endorse the rotation agreement. The Committee, therefore, has no elements to conclude that the Government failed to nominate the Workers' delegation in agreement with the most representative workers' organizations.*
45. *The Committee observes that the application of rotation agreements through a governmental decree can only meet the requirements of article 3, paragraph 5, of the Constitution, in so far as the decree reflects the agreement of all most representative organizations existing at the time it is applied. The Committee trusts that the Government will ensure that all most representative organizations are taken into account in the nomination of the Workers' delegation at future sessions of the Conference.*

Objection concerning the failure to deposit credentials of a Workers' delegate by the Government of Fiji

46. The Committee received an objection presented by the International Trade Union Confederation (ITUC) concerning the failure to deposit credentials of a Worker's delegate by the Government of Fiji. The ITUC contended that Fiji had not fulfilled its obligations under article 3, paragraphs 1 and 5, of the ILO Constitution. According to the ITUC, on 17 March 2011 the Government had requested the Fiji Trades Union Congress (FTUC) to provide a nomination for the Workers' delegation to the present session of the Conference. On 1 April, the FTUC provided the name of Mr Felix Mark Anthony, National Secretary of the FTUC. On 7 May the Ministry of Labour wrote to the FTUC stating that the nomination of Mr Anthony could not be accepted and it asked the FTUC to nominate a woman representative instead, in view of the Government's policy on equal opportunities as well as the resolution adopted at the 78th Session of the Conference calling for increased participation by women in the Conference. On 10 May the FTUC replied that it would be happy to nominate a woman provided that it was allowed two delegates and that, if this were not the case, the nominee remained Mr Anthony. On 26 May the Government informed the FTUC that since the latter was unable to review its position, the Ministry of Labour would not accept the nomination of Mr Anthony. The ITUC also drew the Committee's attention to the fact that the Government's lack of compliance with its Constitutional obligations took place in the context of victimization of Mr Anthony and the FTUC and a deterioration of the trade union rights' situation in Fiji. The ITUC requested the Committee to call upon the Government to comply with its constitutional obligations and respect the right of the FTUC to nominate its delegate.
47. In a written communication addressed to the Committee at its request, the Government denied that it had breached article 3 of the Constitution. It stated that the Fiji Commerce and Employers Federation (FCEF) and the FTUC were the most representative employers' and workers' organizations, respectively. On 17 March 2011 the Government wrote to both organizations inviting them to nominate their representatives as delegates to this session of the Conference. On 29 March the FCEF communicated the name of Mr Kalpesh Solanki and on 1 April the FTUC communicated the name of Mr Anthony. On 7 May,

citing the resolution adopted at the 78th Session (1991) of the Conference on the participation of women as well as the Government's policies on equal opportunities on participation of men and women on programmes for the development of the nation, the Government requested the FTUC to nominate a woman this year as delegate; an identical letter was sent to the FCEF. On 10 May the FCEF replied that the invitation request had not specified the criteria for nomination and that it had therefore nominated the most suitable person with the capacity to represent the best interest of the business community and employers. The FCEF requested that the nomination of Mr Solanki be endorsed and it stated that it would ensure gender balance in the future. On 24 May, in response to the FTUC's proposal that two Workers' delegates be accredited, the Government informed the FTUC that it was "of the firm view that a female delegate will need to represent FTUC". It stated that there had been a female delegate of the Employers' on two separate occasions and that female Ministers had led the Government delegation in the past. It considered that non-inclusion of women was tantamount to contravening the ILO Constitution and the Convention on the Elimination of all forms of Discrimination against Women. In order to correct this deficit, it would only accept a female delegate from the FTUC. Since the FTUC did not change their nomination, on 26 May the Government informed the FTUC that it would not be part of this year's delegation. The Government submitted that it had never refused the FTUC's representation to the Conference; it was a question of gender equality. It pointed out that it fully respects the right of both the employers' and workers' organizations to independently nominate delegates to the Conference. It denied the allegations concerning the victimization of Mr Anthony.

48. *The Committee notes that the objection is based on the failure of the Government to accredit a Workers' delegate to the Conference. This failure to nominate the Workers' delegate arises from the fact that the Government refused to nominate the worker designated by the FTUC, whose representative nature has not been called into question.*
49. *By the Government's own admission, it had purposefully ignored the nomination made by the organization that it had itself consulted for the purpose of the nomination of the delegation. As the Committee has stressed in the past, governments must accept the most representative organizations' choice regarding the persons to be nominated as the Employers' and the Workers' delegates. Refusal to do so is a clear violation of their obligation under article 3, paragraph 5, of the ILO Constitution.*
50. *While the Committee strongly supports the call for increased participation of women in the Conference, this may not be used as a pretext to refuse to nominate a delegate duly designated by the most representative employers' or workers' organizations in the country. The Committee encourages governments to call on the social partners to bear gender equality in mind when choosing their representatives but it cannot impose it on them. Had the Government truly wished to attain gender balance in the delegation of Fiji, it could have started with its own delegation, which included only one woman in a delegation of five Government representatives.*
51. *The Committee observes that, following the nomination by both the FCEF and the FTUC of male delegates to represent the Employers' and Workers', respectively, the Government sent requests to both organizations asking for a new nomination, specifically of a woman, to be made. It notes that in the same situation the Government endorsed the nomination of the Employers' delegate while refusing the nomination of the Workers' delegate, in the name of gender equality. This raises doubts as to the Government's impartiality vis-à-vis the FTUC, considering the allegations that there is a deterioration of trade union rights in the country.*
52. *As the Government deliberately chose not to nominate the Workers' delegate, the Committee must recall the obligation of member States under article 3, paragraph 1, of the*

ILO Constitution to nominate tripartite delegations to the Conference. The Committee therefore trusts that in the future the Government will nominate a Workers' delegate and in so doing respect the persons freely chosen by the social partners to be their representatives to the Conference.

Objections concerning the nomination of the Workers' delegation of Guatemala

53. The Committee received an objection presented by the Confederación de Unidad Sindical de Guatemala (CUSG), the Confederación Central General de Trabajadores de Guatemala (CGTG) and the Unión Sindical de Trabajadores de Guatemala (UNSITRAGUA) concerning the nomination of the Workers' delegation of Guatemala. On 8 April 2011 the Government had invited these organizations to submit proposals for the Workers' delegation to the Conference. On 2 May 2011 the CUSG, the CGTG and UNSITRAGUA sent their joint proposal for the composition of the Workers' delegation. However, the Government disregarded it and unilaterally nominated representatives from the Federación de Trabajadores del Estado de Guatemala (FENASTEG), the Unión Guatemalteca de Trabajadores (UGT), and the Federación de Trabajadores de la Alimentación Agroindustrias y Similares (FESTRAS, which is a member of the UGT). This nomination had not been officially notified to the objecting organizations, thus impeding them to challenge it under national law. According to the objecting organizations, their non-inclusion in the delegation contravened article 3 of the ILO Constitution as the delegation had not been established in agreement with the most representative workers' organizations. It was part of a broader strategy of interference and discrimination, including through violence and intimidation, which they had denounced nationally and internationally since 2008, as well as before the ILO supervisory bodies. They alleged that CUSG, CGTG and UNSITRAGUA were nationwide confederations that represented the different economic sectors, were affiliated to the International Trade Union Confederation (ITUC), as well as to its American regional organization (the Trade Union Confederation of the Americas), and had a longstanding relationship with the ILO. Consequently, they requested the Committee to verify the nomination procedure for the Workers' delegation.
54. The Committee also received an objection presented by the UGT concerning the nomination of the Workers' delegation of Guatemala. On 25 April 2011 the Ministry of Labour had invited the organizations belonging to the UGT to submit their nominations, giving them only four working days to respond. Bearing in mind the call made by the ILO to include a larger percentage of women in delegations, the UGT had proposed Ms Julia Amparo Lotan Garzona as titular delegate. This designation was subsequently endorsed by two other trade unions and by the Second Congress of Women Workers, held from 13 to 15 May 2011. However, the Ministry of Labour had unilaterally nominated a different titular delegate, without the agreement of the most representative organizations and, therefore, in breach of article 3 of the ILO Constitution. The objecting organization argued that the UGT encompassed multiple unions, federations and confederations and that, based on the number of workers affiliated to it, the UGT was the most representative organization. FENASTEG was not the federation with the largest number of affiliated unions, and in any event the most important criterion to assess representativeness was the total number of individuals affiliated. Consequently, according to the UGT, the Ministry had favoured a federation, which albeit legitimate, could not be considered most representative. The UGT also claimed that the consultation procedure had been carried out in bad faith, as the nomination had been communicated on 31 May 2011, too late to be challenged through national procedures. It requested the Credentials Committee to examine the matter in order to suggest pertinent sanctions and recommendations.
55. In a written communication addressed to the Committee at its request, the Government argued that it had not acted unilaterally nor interfered in the internal affairs of workers'

organizations. It had established the delegation through a consultation procedure and designated its members solely based on the proposals received. Letters inviting the representative organizations registered in the Ministry to submit their nominations by 2 May were sent out on 8 and 15 April. The Government explained that no rotation agreement was in place and provided detailed membership figures of the workers' organizations registered in the Ministry of Labour. It submitted that the representativeness of the UGT could not be assessed, as it was not registered and thus had no legal personality. The Government also submitted its calculations to determine the representativeness of the proposals received, based on quantitative criteria. In this connection, it stressed the need for organizations to keep their information updated in order to assist in the nomination of delegations in conformity with article 3 of the Constitution. The Government stated that among the organizations that submitted proposals FENASTEG represented the majority of workers and it had only asked to nominate a titular delegate. Consequently, the Government had chosen FENASTEG's candidate as delegate, and designated the substitute delegate and advisers based on a representativeness assessment of the other proposals received. In the Government's calculation note it was stated that the membership numbers of certain federations belonging to the group that had submitted the first objection were not added together given the fact that their proposals had been sent separately.

56. *Upon examination of the membership data provided by the Government, the Committee notes that each of the two groups of organizations objecting to the nomination of the Workers' delegation are more representative, in terms of individual members represented, than the organization from which the titular delegate comes. It also notes that the Government accredited two advisers without specifying their organization and functions, information that, as has been repeatedly stated by the Committee, all governments are required to indicate in their credentials.*
57. *Concerning the Government's obligation to nominate Employers' and Workers' delegations in agreement with the most representative organizations, pursuant to article 3, paragraph 5, of the ILO Constitution, the Committee recalls the Advisory Opinion No. 1 of the Permanent Court of International Justice (PCIJ) of 1922. The PCIJ found that when several organizations agreed on a nomination, the Government had to take into account their joint numerical strength. Failing an agreement between all the most representative organizations, the nomination of a coalition of organizations whose membership numbers are, taken together, larger than those of the most numerous organization, can therefore prevail.*
58. *Concerning the first objection, the Committee considers that the Government cannot disregard the joint numerical strength of a group of organizations on the grounds that their proposals are submitted separately when such proposals put forth the same nomination. Noting that the Government did not accredit any of the persons jointly designated by the organizations that authored the first objection, the Committee finds that the Government could not ignore their common proposal without breaching its obligations.*
59. *In relation to the second objection, the Committee observes that whether or not a group of organizations has separate legal personality is not relevant if the representatives of these organizations send the same proposal. It also notes that the Government did not question the fact that all the organizations assembled under UGT had sent the same nomination proposal. Furthermore, the Committee observes that, while the Government argued that the representativeness of the UGT could not be assessed, it had nevertheless accredited one of its members as substitute delegate.*

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60. *Consequently, the Committee has good reason to believe that the Workers' delegation was nominated in serious breach of article 3, paragraph 5, of the ILO Constitution. Noting with concern the allegations of intimidation and violence, which are being examined by the ILO's supervisory bodies, the Committee expects that the Government will take into consideration the Committee's conclusions and will ensure that the nomination of the Workers' delegation at future sessions of the Conference will be in compliance with article 3, paragraph 5, of the ILO Constitution.*

Objection concerning the failure to deposit credentials of an Employers' and a Workers' delegate by the Government of Equatorial Guinea

61. The Committee received an objection presented by the International Trade Union Confederation (ITUC) dated 2 June 2011 concerning the failure to deposit credentials of an Employers' and a Workers' delegate by the Government of Equatorial Guinea. The ITUC submitted that Equatorial Guinea had not fulfilled its obligation under article 3, paragraph 1, of the ILO Constitution. It requested the Committee to ask the Government to explain why the delegation was incomplete and to recommend that its constitutional obligations be fulfilled.
62. *The Committee notes that on 6 June 2011 the Government of Equatorial Guinea had accredited a fully tripartite delegation. The objection has therefore become moot. The Committee, however, reminds member States of their obligation under article 26, paragraph 1, of the Conference Standing Orders to deposit credentials of their delegates and advisers and of all other members of their delegation with the Office at least 15 days before the date fixed for the opening session of the Conference. Respect of the obligation to accredit a fully tripartite delegation in a timely manner enables the verification of the credentials by all parties concerned and therefore allows the Committee to effectively exercise its mandate under the ILO Constitution and the Conference Standing Orders.*

Objections concerning the nomination of the Workers' delegate of Mauritania

63. The Committee received an objection, dated 3 June 2011, presented by the Confédération nationale des travailleurs de Mauritanie (CNTM), concerning the nomination of the Workers' delegate of Mauritania. The objecting organization considered that the nomination of the Workers' delegate from the ranks of the Union des travailleurs de Mauritanie (UTM) was detrimental to the CNTM, which the Government had excluded from the delegation to the Conference as well as from social dialogue in the country. The CNTM submitted that the UTM was declining in the union landscape and that the CNTM was a much more popular and representative organization, with a massive presence in all sectors, both public and private. It had repeatedly asked for the Government to select the most representative organization in accordance with national legislation and an agreement between the Government and industrial organizations concluded in February 2008, in the presence of the ILO.
64. The Committee received a second objection, dated 3 June 2011, presented by the International Trade Union Confederation (ITUC) concerning the nomination of the Workers' delegate of Mauritania. The objecting organization submitted that the nomination of the Workers' delegate breached article 3, paragraph 5, of the ILO Constitution and led to the exclusion of the Confédération générale des travailleurs de Mauritanie (CGTM) in the delegation. According to the ITUC, the CGTM is the most representative workers' organization, known for its independence and opposition to the coup. It had the greatest number of staff representatives and was characterized by the greatest national presence.

The ITUC indicated that the *intersyndicale* regrouping the country's three principal workers' organizations – CGTM, Confédération libre des travailleurs de Mauritanie (CLTM) and CNTM – had requested the Government to proceed with the determination of most representative workers' organization but that it still had not organized union elections in the country. The budget for 2011 had no budget line for organizing these elections, in contrary with the previous year's budget. In these conditions, the ITUC submitted that the determination of representativity must be based on the provisions of article 265 of the Labour Code which sets out the criteria of representativity (number of members and results of staff representative elections, membership dues, independence, experience, and breadth of activity). It emphasized in this sense that the elections of staff representatives mentioned in article 265 were organized regularly in the different enterprises and that these were most often won by the CGTM. Both objecting organizations contested the credentials of the Workers' delegate.

65. In a written communication addressed to the Committee at its request, the Government denied all the allegations made by the CNTM and the ITUC. Concerning the non-inclusion of the CNTM in the Workers' delegation, the Government stated that in the past it had always ensured the participation of this organization in the Conference by bearing the travel and subsistence expenses of its Secretary-General. While waiting for trade union elections to be held, the Government decided during a consultation meeting with the unions to proceed with a system of rotation so that they could be treated equally. In response to the allegations made by the ITUC, the Government stated that before the multiplication of unions and challenges made to the representativity of the oldest unions, it had obtained technical assistance from the ILO in 2008 on the determination of criteria for union representativity. It added that while waiting for the elections, which would determine representativeness, to be held, the Government had always accepted the consensus made between workers' representatives. While it recognized that the workers' organizations could be said to have been delayed (related to the calendar of political elections and budgetary questions) it said that it was determined to organize the elections as soon as possible with the support of the ILO.
66. *The Committee notes that the information provided, whether by the objecting organizations or the Government, did not contain sufficient proof, in particular on the number of members in the organizations concerned, allowing it to come to any conclusion about their representativity. The Committee regrets that in its reply the Government did not provide evidence taking into account the minutes of staff elections which the ITUC alleged were regularly organized at the enterprise level and won in the majority by the CGTM.*
67. *The Committee notes a deterioration in the situation since the last session of the Conference when the Committee had been seized of a question, not about the presence or not of the trade union organization in the Workers' delegation of Mauritania, but on the payment of travel and subsistence expenses of certain members of the delegation, including the representative of the CGTM. The Committee notes that this year no representative of this organization is in the Workers' delegation. In this regard, the Committee notes that the Government nominated the Workers' delegation to the Conference by applying a system of rotation of its own choosing, without having proceeded with an evaluation of the respective importance of the organizations concerned. As stated by the Committee numerous times, a system of rotation can only serve as a method for nominating the Workers' delegation if the most representative organizations in the country have so decided in agreement amongst themselves.*
68. *The Committee stressed the importance of clarifying the situation of union representativity rapidly in the country. It recalls that Mauritania benefitted from technical assistance of the ILO on this subject in 2008. Taking note of the delay in the implementation of criteria on*

union representativity, it notes that further steps have been taken by the Government and highlights the engagement of the latter to organize trade union elections as soon as possible, with the assistance of the ILO.

- 69.** *Accordingly, the Committee strongly encourages the Government to guarantee the implementation of objective and transparent criteria allowing the determination of the most representative organizations, in accord with all the parties concerned. The Committee expects, therefore, that the nomination of the Workers' delegate to future sessions of the Conference will be made in compliance with article 3, paragraph 5, of the Constitution.*

Objection concerning the failure to deposit credentials of a Workers' delegate by the Government of Myanmar

- 70.** The Committee received an objection presented by the International Trade Union Confederation (ITUC) concerning the failure to deposit credentials of a Workers' delegate by the Government of Myanmar. The ITUC submitted that Myanmar had not fulfilled its obligation under article 3, paragraph 1, of the ILO Constitution. It recalled the Committee's comments made last year about the inadequacy of the system established to nominate a Workers' delegate and that the Committee had urged the Government to take meaningful steps towards permitting the establishment of free and independent organizations and, furthermore, that full implementation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), would be the best means to create the conditions for the creation of such free and independent organizations. In light of the repeated objections, the ITUC urged the Committee to call upon the Government to provide explanations about this situation and to once again urge it to respect its constitutional obligations as well as the provision of Convention No. 87.
- 71.** In a written communication addressed to the Committee at its request, the Government submitted that, despite its best efforts to nominate a Workers' delegate to the Conference, there had been unreasonable objections to the credentials during previous sessions. Consequently, a Workers' delegate had not been nominated this year. Myanmar was currently in the final stage of drafting a law for the formation of workers' organizations, which would be submitted to the *Pyidaungsu Hluttaw* (legislative body) for discussion and approval in the very near future. Following promulgation of the law, workers' organizations would come into existence and a Workers' delegate would be accredited.
- 72.** *The Committee recalls that it has been dealing on numerous occasions with the nomination of the Workers' delegate of Myanmar and that it has considered the case to be an extremely serious one in which it has come close to making a unanimous recommendation to the Conference to invalidate the credentials of the Workers' delegate. The Committee also notes that on some occasions in the past the Government chose not to nominate a Workers' delegate or withdrew the delegate's credentials during the Conference in order to avoid objections and possible invalidation.*
- 73.** *The Committee recalls the obligation of member States under article 3, paragraph 1, of the ILO Constitution to nominate tripartite delegations to the Conference. Without the participation of Government, Employers' and Workers' representatives, the Conference cannot function properly or attain its objectives. The purpose of the Committee's mandate to examine objections relating to a Government's failure to deposit credentials of an Employers' or Workers' delegate is to avoid weakening the unique system of verification of the genuine representation at the Conference by a deliberate failure of members to nominate the Workers' or Employers' delegate.*

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74. *In this regard, the Committee must firmly reject the Government's explanation that it did not nominate a Workers' delegate because there had been "unreasonable objections" to the credentials of the Workers' delegate of Myanmar at previous sessions of the Conference. The Committee has stressed numerous times that the only way a government could avoid facing repeated objections addressed to the Committee would be to allow workers to organize themselves without any interference from the government and elect their representatives to the Conference.*
75. *The Committee notes the information provided by the Government, including the clarifications provided orally in the framework of the monitoring of the situation in Myanmar (see paragraph 13). It notes in particular that since last year elections were held and the first session of the Parliament took place. The Government has indicated that it is still in the process of drafting legislation allowing for the formation of workers' organizations. The Committee regrets, however, that this legislation still has not been adopted nor has a copy of the draft law been provided to the Committee. The Committee once again expresses grave concern at the continuing absence of freedom of association in Myanmar. Respect for freedom of association, being a Constitutional obligation and more specifically an obligation under Convention No. 87, which Myanmar ratified in 1955, the elaboration of a new law should not be a pretext for not allowing the creation of free and independent workers organizations or the operation of existing ones in the country.*
76. *The Committee therefore again urgently requests the Government to take meaningful steps towards permitting the establishment of free and independent organizations, in particular the adoption without delay and application of legislation that permits the creation of workers' organizations, which will have the right to establish and join federations and confederations which in turn have the free and full right to affiliate with international organizations of workers. In so doing, the Government may wish to avail itself of the possibility to seek advice from the Office. In this regard, compliance by the Government with the request made by the Governing Body of the International Labour Office at its 310th Session (March 2011) "to transmit to the Office, without delay, the draft law on Labour Organizations currently under preparation so as to allow meaningful consultation" will be an important element.*
77. *The Committee considers that the situation justifies the renewal of the monitoring under analogous terms to those of last year. Therefore, by virtue of the 26quater and 26bis, paragraph 7, of the Conference Standing Orders, the Committee unanimously proposes that the Conference request the Government of Myanmar to:*
- (a) submit to the Director-General of the International Labour Office, by the end of the year 2011, a detailed report on the progress achieved in Myanmar as regards the establishment of free and independent workers' organizations and on how the Government envisages to consult them for the purpose of nominating the Workers' delegate and advisers to the next session of the Conference; and*
 - (b) submit for the next session of the Conference, at the same time that it submits its credentials for the delegation of Myanmar, a detailed report substantiated with relevant documentation on the procedure utilized to nominate the Workers' delegate and advisers, specifying the organizations consulted on the matter and according to which criteria, the percentage of workforce that the organizations consulted represent, the date and place of these consultations, and the names of the individuals nominated by the organizations during these consultations and positions they held within those organizations.*

Objection concerning the nomination of the Workers' delegate of Pakistan

78. The Committee received an objection presented by the International Trade Union Confederation (ITUC) concerning the nomination of the Workers' delegate of Pakistan. The ITUC submitted that it had not been made in accordance with article 3, paragraphs 1 and 5, of the ILO Constitution. Mr Kurshid Ahmed, General Secretary of the Pakistan Workers Federation was initially accredited as Workers' delegate and appeared as such in the *Provisional List of Delegations* published 1 June 2011. Subsequently the Government modified the credentials, removing Mr K. Ahmed as titular delegate and accrediting him as adviser and substitute delegate. Mr Manzoor Chaudry Ahmad, President of the Peoples Labour Federation of Pakistan, who previously had been registered in the Government delegation, was accredited as Workers' titular delegate. The ITUC contended that the Pakistan Workers Federation was the most representative workers' organization in the country. It considered the change of credentials to be a blatant violation of Pakistan's constitutional obligations and asked the Committee to call upon the Government to comply with their obligations and redress the situation.
79. In a written communication addressed to the Committee at its request, the Government indicated that the Workers' delegate was changed following a complaint made by three representative workers' organizations: Peoples Labour Federation, Mutihida Labour Federation and All Pakistan Labour Federation. It submitted that the Peoples Labour Federation of Pakistan was the most representative workers' organization. There are eight major workers' organizations at the national level; four of these were consulted: Peoples Labour Federation, All Pakistan Trade Union Congress, Peoples Trade Union Workers Federation and All Pakistan Labour Federation. These consultations were held on 13 and 27 May. Annexed to the Government's communication was a certificate, dated 10 June 2011, of the number of affiliated unions and membership of "some of the biggest federations" registered with the National Industrial Relations Commission of Pakistan. The Pakistan Workers' Federation had the most affiliated unions of all (396) but a lower membership (994,760) than the Peoples Labour Federation of Pakistan, which had 281 unions but the largest membership of all (1,093,202).
80. *The Committee notes that the Government reply stated that it consulted four workers' organizations on the nomination of the Workers' delegate, in the course of consultations held on 13 and 27 May 2011 and that the Pakistan Workers' Federation was not among them. This contradicts the information provided by the Government along with the credentials dated 16 May 2011 and with the amended credentials dated 30 May 2011. On both occasions the Government indicated that the workers' organization consulted for the nomination of the Workers' delegate was the Pakistan Workers' Federation.*
81. *The Committee is puzzled over this contradictory information regarding the consultation process that led to the nomination of the Workers' delegate. It observes that, in accordance with the information provided by the Government, the Pakistan Workers Federation is the largest workers' organization in terms of the number of affiliated trade unions and the second largest in terms of individual membership. The Committee is of the view that if the Government has not included this organization in the consultations for the nomination of the new Workers' delegate, the Government cannot have complied with its obligation under article 3, paragraph 5, of the Constitution to nominate the Workers' delegate in agreement with the most representative workers' organization in the country.*
82. *If, however, the consultation of the Pakistan Workers' Federation mentioned in the original credentials and the consultation of the four organizations mentioned in the Government's communication formed the same consultation process, the question is on which basis the Government changed the Workers' delegate in the course of the*

Conference. The Committee notes that the Government mentioned a complaint made by three workers' organizations, including the Peoples Labour Federation, but it did not specify under which procedure and on which grounds this complaint was made. In this connection, the Committee notes that Mr K. Ahmed has been the Workers' delegate of Pakistan at each session of the ILC (except Maritime sessions) since 1972 and that his credentials have not been challenged before the Credentials Committee neither this year nor the last 23 years. The Committee therefore has doubts that the change of the Workers' delegate was in accordance with the provisions of article 3, paragraph 5, of the Constitution.

83. *These doubts are reinforced by the fact that the new Workers' delegate, Mr M. C. Ahmad, had initially been included in the Government delegation of Pakistan, not as an "other participant" but as a Government adviser; had he been the choice of one or more of the most representative workers' organizations he could have already been included in the initial Workers' delegation.*

84. *In these circumstances, the Committee trusts that in the future the Government will nominate the Workers' delegate in accordance with the most representative workers' organizations in the country, as required by the provisions of article 3, paragraph 5, of the Constitution.*

Late objection concerning the nomination of a Workers' adviser of Pakistan

85. The Committee received an objection presented by the Pakistan Workers Federation Balochistan concerning the nomination of a Workers' adviser of Pakistan whose name appeared on the *Provisional List of Delegations* published as a Supplement to the *Provisional Record* of 1 June 2011.

86. *This objection, dated 6 June, was received by the Secretariat of the Conference the same day, therefore well after the expiry of the 72-hour time limit provided by article 26bis, paragraph 1(a), of the Conference Standing Orders. The Committee therefore considers that the objection is not receivable by virtue of the abovementioned provision of the Standing Orders.*

Objection concerning the nomination of the Workers' delegation of Somalia

87. The Committee received an objection presented by the International Trade Union Confederation (ITUC) concerning the nomination of the Workers' delegation of Somalia. The ITUC contended that the nomination had not been made in conformity with article 3, paragraphs 1 and 5, of the ILO Constitution. The ITUC contended that Mr Abdirizak Moalin Elmi, who appeared on the *Provisional List of Delegations* as titular delegate and Chairperson of the Somali Federation of Trade Unions, was in fact Director of the Human Resources Department of the Ministry of Labour, Youth and Sports and was thus a Government representative. Mr Abdinasir Mohamed Shire, who was registered as adviser and substitute delegate, was not in the trade union movement. In addition, Mr Ali Farah Ibrahim, who was accredited as technical adviser of the Somali Federation Trade Unions, in fact worked in the Human Resources Department of the Ministry of Labour, Youth and Sports and that in 2010 he was part of the Government's delegation. The ITUC also informed the Committee that no consultations had taken place between the Government and the Federation of Somali Trade Unions (FESTU) on the composition of the Workers' delegation to the present session of the Conference. The ITUC asked the Committee to call

upon the Government to provide an explanation to the allegations made in the objection and to fulfil its constitutional obligations.

88. *The Committee regrets that, to date, the Government has not replied to its request for information and notes that on 6 June 2011 the credentials were modified. Mr Elmi is no longer a member of the delegation; Mr Omar Faruk Osman Nur, General Secretary of the FESTU was nominated in his place. Although this substitution makes the objection moot in so far as it concerns the titular delegate, the same cannot be said for the allegations against the two advisers, one of which is also substitute delegate.*
89. *In the absence of a reply, the Committee could decide to examine the objection and to give credence to the allegations of the objecting organization. According to these allegations, the Government accredited as Workers' advisers certain persons who did not represent unions and without consulting with the FESTU, the organization which the Government presumably recognized its representativeness as it designated the Secretary-General of the FESTU as Workers' delegate. Given the seriousness of these allegations, the Committee could have proposed to the Conference that the credentials of the two advisers be invalidated. The Committee decides, however, not to do so this year, taking into account that the Workers' delegate has been replaced during the Conference, as well as the instability of the political and administrative institutions that continue to mark the country. The Committee expects that next year the entire Workers' delegation will be nominated in accordance with article 3, paragraph 5, of the Constitution.*

Objection concerning the failure to deposit credentials of an Employers' and a Workers' delegate by the Government of Tajikistan

90. The Committee received an objection presented by the International Trade Union Confederation (ITUC) concerning the failure to deposit credentials of an Employers' and a Workers' delegate by the Government of Tajikistan. The ITUC submitted that the Government had not fulfilled its obligation under article 3, paragraph 1, of the ILO Constitution. It requested the Committee to call upon the Government to explain why the delegation was incomplete and to recommend that its constitutional obligations be fulfilled.
91. *The Committee deeply regrets that the Government has not responded to its request for information nor has it accredited a fully tripartite delegation. It notes that Tajikistan has not sent a fully tripartite delegation since 2007. In both 2008 and 2009, the delegation of Tajikistan was exclusively governmental and in 2010 there was no delegation at all. The Committee reminds member States of their obligations under article 3, paragraph 1, of the ILO Constitution to nominate tripartite delegations to the Conference. Respect for the principles of tripartism requires a balanced representation of employers and workers so as to permit their effective participation at meetings. Without the participation of Government, Employer and Worker representatives, the Conference cannot function properly or attain its objectives.*
92. *The Committee expects that next year the Government will send a fully tripartite delegation to the Conference.*

Objection concerning the nomination of the Employers' delegation of the Bolivarian Republic of Venezuela

93. The Committee received an objection presented by the Employers' group of the Conference concerning the nomination of the Employers' delegation of the Bolivarian

Republic of Venezuela. The Employers' group argued that the Government should not have included Mr Miguel Valderrama and Mr Mario Castillo, both of the Federación de Artesanos, Micros, Pequeños y Medianos Industriales (FEDEINDUSTRIA), Mr Alfredo Cabrera of the Confederación de Agricultores y Ganaderos de Venezuela (CONFAGAN), Ms Keila De la Rosa and Mr Elmer Villamizar, both of Empresarios por Venezuela (EMPREEN), and Ms Fanny Suarez of the Consejo Bolivariano de Industriales, Empresarios y Microempresarios (COBOIEM) as advisers in the delegation since their organizations could not be considered representative employers' organizations according to criteria recognized by the ILO (free, independent organizations without government interference). The Employers' group alleged that these organizations lacked an employer basis, and received financial support and favouritism from the Government. Moreover, CONFAGAN, in addition to being linked to the Government, had much fewer members than the organization that was truly representative of the rural sector, the Federación Nacional de Ganaderos (FEDENAGA). COBOIEM was an unknown organization in Venezuela that did not represent the business world. Moreover, the nominations of these advisers had not been accepted by the Federación de Cámaras y Asociaciones de Comercio y Producción de Venezuela (FEDECAMARAS), the organization from which the titular delegate came and the most representative employers' organization in the country, as recognized in the past by the Committee, as well as in the report of a 2004 direct contacts mission to Venezuela. Furthermore, the report stated that EMPREEN was chiefly composed of micro businesspeople that are not employers and therefore it could not be considered to be an employers' organization. The Employers' group also submitted that in March 2009 the Committee on Freedom of Association had stressed the importance of non-interference by the Government in employers' organizations and the need to respect FEDECAMARAS. Furthermore, the Government had not availed itself of the technical assistance of the Office recommended by the Credentials Committee and had failed to establish a national joint high-level committee assisted by the ILO to assess the allegations concerning interference and favouritism, as proposed by the Committee on Freedom of Association in March 2010. The Employers' group explained that, following the invitation to provide nominations for the Conference, FEDECAMARAS had reminded the Government that any modification to its proposal would be deemed arbitrary and abusive, and denounced before the Credentials Committee. Notwithstanding this, the Government had changed the proposed composition and imposed advisers from such semi-public bodies that were neither independent nor representative, thus contravening article 3, paragraph 5, of the ILO Constitution. Moreover, while the Government agreed to finance the participation of the imposed advisers, it had only paid for the participation costs of two FEDECAMARAS representatives – Ms Muñoz and Mr Gilberto Sánchez.

94. The Committee received an unsolicited communication from FEDEINDUSTRIA defending its independence and representativeness, in particular of micro, small and medium enterprises in the manufacturing and the services sectors for over 40 years, as shown by its contributions to the development of laws, policies and institutions. It invoked the principle of freedom of association in order to defend its autonomy from the monopolizing behaviour of FEDECAMARAS, which once again impeded the participation of FEDEINDUSTRIA's representatives in the work of the Conference and its committees. The Committee also received an unsolicited communication from CONFAGAN asserting that it was independent from the Government and the most representative organization of the farming sector. CONFAGAN complained that, while nationally recognizing its representativeness, FEDECAMARAS impeded the registration of its adviser in all the committees, thus impairing its right to participate in the Conference. The Committee also received an unsolicited communication from COBOIEM, similarly complaining that FEDECAMARAS, whose representativeness had been declining in the past years, did not allow its members to participate in the different committees and meetings. FEDEINDUSTRIA CONFAGAN and COBOIEM requested the Committee to intervene in order to allow their advisers to partake in the Conference.

95. In a written communication addressed to the Committee at its request, the Government refuted the allegations of the Employers' group that EMPREVEN, CONFAGAN, FEDEINDUSTRIA and COBOIEM were not representative employers' organizations. The Government did not favour, provide financial support to, or interfere with any organization. Rather, it promoted the inclusion of all, and had put in place programmes to engage and promote small and medium-sized enterprises, which had historically been excluded from economic and policy decisions. It argued that its non-discrimination and inclusion policies contrasted with the exclusion and favouritism of prior Governments, in which employers were unfairly imposed the exclusive representation of FEDECAMARAS. The Government denounced the monopolizing and discriminatory behaviour of FEDECAMARAS, which could not be deemed as the only most representative organization. In the Bolivarian Republic of Venezuela there had never been only one employer organization and FEDECAMARAS had no numeric data to demonstrate such absolute representativeness, which cannot be demonstrated solely on an alleged historical basis. The Government had explicitly challenged both the historical recognition of FEDECAMARAS noted by the Committee and the conclusions of the direct contacts mission of 2004. Not only FEDECAMARAS, but also EMPREVEN, CONFAGAN, FEDEINDUSTRIA and COBOIEM were deemed most representative in their respective fields. FEDEINDUSTRIA, for instance, had been created in 1972 and represented one of the most important employment creation economic sectors, with a very large number of small and medium businesses – the largest group of employers in the country, which did not consider themselves to be represented by FEDECAMARAS. The Government asserted that a delegation could be composed of representatives from several most representative organizations and that, consequently, the titular delegate had to permit the registration of all advisers in committees and their participation in the Conference. The composition of the delegation was not imposed by the Government but established in conformity with the results of the consultations of 10 May 2011 and the communications received by all the abovementioned organizations, which were all deemed to enjoy a high degree of representativeness, in spite of the unavailability of numeric data concerning their membership, given that none of them had registered in the Ministry. FEDECAMARAS proposed one delegate and seven advisers; the others only proposed advisers and no delegate. No rotation agreement being in place and, in order to promote plural participation, the Government nominated the representative from FEDECAMARAS as delegate and eight advisers taking into account the proposals received.

96. *The Committee notes that, once again, it has before it an objection concerning the Employers' delegation of the Bolivarian Republic of Venezuela. In the absence of an agreement between organizations, it is the Government's obligation to establish and implement objective and verifiable representativeness criteria, through a consultation process that respects the genuine character, autonomy and independence of employers' organizations. It cannot limit itself to note that all the above-mentioned organizations are most representative and to state that due to their non-registration it does not have membership data. The Committee deeply regrets that the situation concerning the establishment and implementation of representativeness criteria has, once again, not materially changed with respect to prior years.*

97. *Concerning the claims of historical recognition, the Committee notes that FEDECAMARAS has been consistently designated by the Government as titular delegate of the Employers' delegation of the Bolivarian Republic of Venezuela. As to the other organizations, the Government has been recurrently invited to avail itself of the assistance of the Office to determine their representativeness through objective and verifiable criteria. However, the Government has repeatedly failed to do so and once again has not provided objective information that convinces the Committee that these other organizations could be deemed as most representative employers' organizations.*

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98. *As to the participation of advisers in the Conference and its committees, the Committee must again remind the Government that, as it follows from the ILO Constitution and the Conference Standing Orders, the role of advisers is to accompany the delegates and to act on their behalf and under their instructions. In accordance with article 3, paragraph 6, of the Constitution, “advisers shall not speak except on a request made by the delegate whom they accompany”. Noting that the Government cannot impose advisers against the will of the most representative organizations, the Committee notes that the grievances submitted arise, once again, from the fact that the nomination lacks the agreement of the only organization for which the condition of most representative remains unchallenged.*
99. *In relation to the payment of expenses the Committee wishes to recall that, in accordance with article 13, paragraph 2(a), of the Constitution, Members must pay the travel and subsistence expenses of their full delegation; when the Government decides to pay for only part of the delegation, the agreement with the most representative organizations on the nomination of delegates and advisers has to include the question as to whose costs are borne by the Government.*
100. *In view of the above and the need to advance in the impartial establishment of objective and verifiable representativeness criteria and means to implement them that respect the freedom of association of organizations, the Committee, as in prior years, must reiterate its recommendation that the Government avail itself of the technical assistance that the Office may offer in that respect. Regretting that this recommendation has been ignored in the past, the Committee expects that the Government will avail itself of the opportunity provided in this regard by the high-level tripartite mission to the country decided by the Governing Body of the International Labour Office. In addition, the Committee recommends that the Government also avail itself of any advice or technical assistance that the Office can furnish to improve dialogue between employers’ organizations in the country. It expects that, with the assistance of the Office, the Government will ensure that the nomination of the non-governmental delegations at future sessions of the Conference will be in full compliance with article 3, paragraph 5, of the ILO Constitution.*

**Objection concerning the nomination of the Workers’
delegate of the Bolivarian Republic of Venezuela**

101. The Committee received an objection presented by Mr Manuel Cova, Secretary-General of the Confederación de Trabajadores de Venezuela (CTV) concerning the nomination of the Workers’ delegate of the Bolivarian Republic of Venezuela, Ms Marcela Máspero, of the Unión Nacional de Trabajadores (UNETE). He alleged that the nomination contravened the criteria and recommendations of the Credentials Committee. A consultation meeting had been held by the Government on 10 May 2011, at which both the CTV and the Confederación General de Trabajadores (CGT) had proposed Mr Cova as Workers’ delegate. An agreement concerning the nomination, however, had not been reached with the other confederations. Therefore, the delegate had to be designated by the CTV, which according to the author of the objection was the most representative confederation. Nevertheless, on 23 May 2011 the Ministry of Labour had notified the CTV that Mr Cova and another member of the same confederation had been nominated as advisers. On 25 May 2011 the CTV requested to have its representatives removed from the Workers’ delegation, as it considered that the Government had interfered with the internal affairs of trade unions. The objecting organization requested the invalidation of the credentials of the Workers’ delegate to the Conference. Furthermore, it noted that the Government had not availed itself of the technical support offered on numerous occasions by the ILO to assist in determining the actual representativeness of trade union confederations in the country.
102. In a written communication addressed to the Committee at its request, the Government stated that the Workers’ delegation had been determined, in accordance with the ILO

Constitution, through consultations with the most representative workers' organizations in the country: UNETE, CGT, CTV, the Confederación de Sindicatos Autónomos (CODESA) and the Central Unitaria de Trabajadores de Venezuela (CUTV). At the meeting of 10 May UNETE, CODESA and CUTV had suggested Ms Marcela Máspero as delegate. The CTV had proposed Mr Cova with the support of CGT, which stated it did so in conformity with a rotation mechanism that had been abandoned the last few years. Given this lack of consensus, the Ministry suggested holding a second meeting. To this offer the CTV representative at the first meeting had responded that, taking into account that three confederations supported the UNETE representative and two the CTV representative, it was not necessary to hold another meeting. Consequently, the Government established the delegation in keeping with the will of the workers' organizations and, in order to permit their fullest participation to the Conference, it accredited representatives from all of them as advisers. It informed the organizations consulted of the final composition of the delegation and later modified it to accede to the withdrawal request of CTV, although it nevertheless invited the CTV to reconsider its position. The Government argued that it acted as a mere facilitator of social dialogue, without interfering in the internal affairs of the organizations and fully respecting their autonomy. The Government noted that the CTV had not demonstrated that it was the most representative organization. It also stated that it had appealed to workers' organizations to comply with their obligation, set out in the Organic Labour Law, to provide information concerning the lists of their members, so that their membership strength could be numerically assessed. The CTV had not provided such information in the past years and, consequently, the Government was unable to present numeric data as to its composition. It also explained that workers' organizations had grown substantially in recent years: 5,387 new workers' organizations had been registered between 1999 and 2010, compared to 2,872 organizations registered between 1989 and 1998. Over the last three years, 50 per cent of the new organizations registered had affiliated to the UNETE, while the remaining 50 per cent did not belong to any other national confederation (CUTV, CGT, CTV or CODESA). In addition, according to the Government, the three largest worker federations that together have a total 128,000 members are affiliated to the UNETE. Finally, the Government explained that while, at present, there was no rotation system in place, it had been relying on a broad democratic dialogue between organizations that recognized and accepted each other as most representative.

103. *The Committee notes that once more it is presented with an objection concerning the nomination of the Workers' delegate from the CTV, a fact that casts doubt over the Government's contention that the consulted organizations recognize each other as most representative. The Committee reiterates that, in the absence of a rotation agreement, the method of determining representativeness of the organizations becomes crucial for the nomination of the Workers' delegation. It notes that the Government based its nomination on the proposals of the majority of organizations it considered to be most representative and that the Government provided some information about the representativeness of the organization of the Workers' delegate. However, the Committee notes that the figures provided by the Government do not allow it to draw conclusions as to the relative representative strength of the organizations concerned. In addition, the Committee observes that the CTV itself did not provide information on its character as the most representative organization.*
104. *Concerning the Government's statement that the absence of data to determine representativeness is attributable to the lack of compliance by workers' organizations with their obligation to provide membership lists, pursuant to the Organic Labour Law, the Committee wishes to recall once again the recommendations of the Committee on Freedom of Association on this subject. The Committee on Freedom of Association has stated that it is unnecessary to draw up a list of trade union members in order to determine the number of members, which could make acts of anti-union discrimination easier, that the*

determination to ascertain or verify the representative character of trade unions can best be ensured when strong guarantees of secrecy and impartiality are offered, and that verification of the representative character of a union should a priori be carried out by an independent and impartial body (see Digest of decisions and principles of the Freedom of Association Committee, fifth edition, 2006, paragraphs 351–353).

- 105.** *The Committee recommended in 2007, 2008 and 2010 that the Government avail itself of any advice or technical assistance that the Office can provide to advance in the impartial establishment of objective and verifiable criteria regarding the representativeness of workers' organizations, as well as means to implement them in conformity with the principles of freedom of association. The Committee regrets that the Government has not resorted to such assistance and invites it once again to avail itself of it. In addition, the Committee recommends that the Government also avail itself of any advice or technical assistance that the Office can furnish to improve dialogue between workers' organizations. The Committee expects that the Government will ensure, with the assistance of the Office, that the nomination of the Workers' delegate at future sessions of the Conference will be in compliance with article 3, paragraph 5, of the ILO Constitution.*

Complaints

- 106.** The Committee also received and dealt with five complaints, which are listed below in the French alphabetical order of the member States concerned.

Complaint concerning the non-payment of travel and subsistence expenses of the Workers' adviser by the Government of Comoros

- 107.** The Committee received a complaint, presented by the International Trade Union Confederation (ITUC) concerning non-payment of travel and subsistence expenses of the Workers' delegate of Comoros. According to the complainant organization, the Government, without providing any explanation, had refused to pay the travel expenses of the Workers' delegate. Consequently, the delegate had been unable to leave his country and participate in the Conference.
- 108.** *Although the Government was invited to comment on the complaint, the Committee regrets that it has neither received any reply nor any information as to the reason for the absence of a reply. In the absence of a reply, the Committee could decide to examine the complaint and to give credence to the allegations of the complainant organization. The Committee notes that the Government stated in its credentials form that it would cover the expenses of two members from the Confédération des Travailleurs comoriens (CTC), the organization of the Workers' delegate, and that two advisers belonging to this organization have registered to the Conference. The Committee recalls that the minimum obligation, in respect of which the Committee is competent to examine complaints under article 26ter, paragraph 1(a), of the Conference Standing Orders, is to pay for the travel and subsistence expenses of titular delegates. The Committee trusts that the Government will cover the travel and subsistence expenses of the Workers' delegate, in conformity with its commitment to fund such expenses for two Workers' members.*

Complaint concerning the non-payment of travel and subsistence expenses of the Employers' adviser by the Government of Gabon

109. The Committee received a complaint, dated 23 May 2011, presented by the Chairperson of the Confédération nationale du patronat gabonais (CNPG) concerning non-payment of travel and subsistence expenses. The author of the complaint referred to a communication from the Ministry of Labour, Employment and Social Security of 8 April 2011 in which the chairpersons of the employers' confederations were asked to consult with each other and communicate the names of the Employers' delegate and advisers no later than 15 April. The communication recalled the Government's practice limiting payment of travel and subsistence expenses to the titular delegate and one adviser. He alleged that only the CNPG replied within the deadline but that a new consultation took place at the request of employees of the Minister, following receipt of correspondence dated 18 April 2011 from a new organization, the Conseil gabonais du patronat (CGP), received three days after the deadline. The CNPG suggested that the Minister pay the expenses of the representative of the CGP, in addition to those of the representative of the CNPG, in case the Confédération patronale gabonaise (CPG) decided to cover the expenses of its delegate as it had done so in the past. During a meeting of 16 May 2011, the Minister decided to cover the travel and subsistence expenses of the representative of the CGP, to the detriment of that of the CNPG, in the name of an alleged principle of rotation. In an additional communication dated 2 June 2011, the complainant indicated that an airplane ticket had finally been provided to him, but that the problem of subsistence expenses remained.
110. In a written communication addressed to the Committee at its request, the Government stated that in the absence of criteria on how to determine representativeness of organizations, it called on the three existing employers' confederations (CPG, CGP and CNPG) to consult amongst themselves and to communicate the name of the delegate and advisers. According to the Government, the CNPG had been invited to the consultation meeting but its representative was unable to attend; nevertheless he had indicated that he would accept the result of the consultation. The Government stressed that for the 8th Session of the Labour and Social Affairs Commission of the African Union (Yaoundé 11–15 April 2011), a consultation had taken place between the three organizations and it was the representative of the CNPG who had been chosen as Employers' delegate and whose expenses were borne by the Government. It submitted that the representative of the CNPG had accepted the principle of a rotation for payment of expenses for an earlier mission, but that it refused for it to be applied to participation in the International Labour Conference.
111. *The Committee notes that it has been presented with contradictory evidence concerning the consultation procedure. The evidence provided by the Government implied that the employers' organizations came to an agreement, although the date and location of those consultations were not provided. However, bearing in mind the deadline of 15 April imposed by the Minister, it appears that only the objecting organization designated the name of its representative. A conflict also remains concerning the acceptance and effectiveness of a rotation mechanism assuring the participation and payment of expenses of representative organizations in international bodies such as the Conference. The Committee notes that the Government had chosen to bear the costs of the fourth adviser appearing in the Employers' delegation, and that, according to the Government, there did not exist criteria in Gabon for establishing the representativeness of the organizations.*
112. *The Committee recalls that its mandate to examine complaints is limited to the situations referred to in article 26ter, paragraphs 1(a) and (b) of the Conference Standing Orders. This means cases where the Government has not undertaken to pay the expenses of a tripartite delegation composed of at least two Government delegates, an Employers'*

delegate and a Workers' delegate or where there exists a serious and manifest imbalance between the number of Employer or Worker advisers whose expenses have been paid and the number of advisers appointed for the Government.

113. *However, the Committee recalls the principle that governments must pay the travel and subsistence expenses of the entire delegation, by virtue of article 13, paragraph 2(a), of the ILO Constitution. When this principle is not realized and the number of accredited advisers is greater than the number of those whose expenses are borne by the government, it is crucial to know who will benefit from the government's support. As the Committee has stated on other occasions, this question is not at the entire discretion of the Government. The payment of travel and subsistence expenses cannot be considered as a favour and the Government must be careful to not show favouritism towards minority organizations to the detriment of more representative organizations. In this case, it implies that objective, transparent and verifiable criteria were established and applied in the determination of the most representative organization. The Committee also recalls that when a government decides to pay only for part of the delegation, agreement with the most representative organizations concerning the nomination of the delegate and advisers must also include the designation of the persons for whom expenses will be borne by the government. This would also mean that the order of the advisers on the list of delegations must also be determined by consultation and agreement.*

Complaint concerning a serious and manifest imbalance between the number of Workers' and Government advisers whose expenses have been covered by the Government of Italy

114. The Committee received a complaint lodged by Mr Giuseppe Casucci, Workers' delegate at the Conference, on behalf of the Italian trade confederations CGIL, CISL and UIL, alleging a manifest imbalance between the number of Workers' and Government advisers whose expenses have been covered by the Government. The complaint contended that, during a tripartite committee meeting prior to the present session of the Conference, the representative of the Ministry of Labour informed the workers' and employers' organizations that due to financial reasons the Government could only accredit and bear the expenses of the Workers' and Employers' delegate to the Conference, although it would not be opposed to the presence of other persons provided that their expenses would not be charged to the Government. Despite financial restrictions, the first *Provisional List of Delegations* showed that the Government delegation to the Conference was composed of the Minister of Labour, two persons accompanying him, two Government delegates and eight technical advisers. In addition to the titular Workers' delegate, the Workers' delegation included a substitute delegate and six advisers, all of whom were participating at the expense of their organizations. The complaint highlighted that this is the third consecutive year with such an imbalance and it requested the Committee to take the necessary actions.
115. In a written communication addressed to the Committee at its request, the Government contended that the imbalance should be evaluated in so far as the number of advisers. It pointed out that the overall number of eight advisers did not take into consideration an alternation in the Committees; in reality, there was never more than four advisers at one time. Due to financial concerns, certain days were not even covered; this was attested to by the fact that the badges were returned at the end of their work in the technical committees. In addition, the Government indicated that the statute concerning the conditions of foreign missions had not been altered and that advisers at the previous and current sessions of the Conference had to cover a part of their expenses themselves, in the hopes of getting reimbursed at a later date.

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116. *The Committee recalls that article 13, paragraph 2(a), of the ILO Constitution imposes on its Members an obligation to pay the travel and subsistence expenses of the delegates and their advisers nominated to the Conference. The competence conferred on the Committee to examine complaints on the non-observance of that provision includes, in accordance with article 26ter, paragraph 2(b), of the Conference Standing Orders, cases of serious and manifest imbalance as between the number of Employer or Worker advisers whose expenses have been covered in the delegation and the number of advisers appointed for the Government delegates. The purpose is to ensure that the financial means available for the participation of a tripartite delegation to the Conference would be distributed between the Government, the Employers' and the Workers' delegations at least in a proportion similar to that envisaged in the Constitution for the composition of delegations to the Conference.*
117. *The Committee notes that the Government has recognized, again this year, that it will not bear the travel and subsistence expenses of the Workers' advisers. The Committee, however, does not consider uniquely the number of accredited advisers but must also consider the presence and ability of the Government to participate in the work of the Conference. In the present case, the Committee notes that in the delegation of Italy the imbalance is greater than it was at the previous session of the Conference. The work of the Committees of the present session of the Conference are covered by four Government advisers, compared to three last year, and that the Government still has not covered the expenses of any Workers' adviser, as evidenced by the pertinent records of the Conference at the date the complaint was examined by the Committee (9 June 2011).*
118. *The Committee finds the budgetary reasons invoked by the Government to be rather unconvincing, all the more so since the country is one of countries of chief industrial importance. It expresses its concern for the situation of civil servants who are not systematically reimbursed for the expenses incurred for professional reasons due to their work at the Conference. The Committee recalls that to expect advisers to participate in the Conference at their own charge is incompatible with article 13, paragraph 2(a), of the ILO Constitution. Given the importance of the work of the ILO in the context of the financial crisis, the Committee expects that all the Members know how to give priority in their budget for participation in the work of the Conference by assuring the payment of travel and subsistence expenses for a sufficient number of advisers for the delegation, distributed in an equal manner between the three parties of the delegation.*

Complaint concerning the payment of the travel and subsistence expenses of the Employers' delegate by the Government of Nicaragua

119. The Committee received a complaint presented by the Employers' group at the Conference alleging the non-payment of travel and subsistence expenses of the Employers' delegate by the Government of Nicaragua. It submitted that the Government breached its obligations under article 13, paragraph 2(a), of the ILO Constitution and undermined the ability of the employers of Nicaragua to fully participate in the important work of the Conference. It also went against the resolution concerning the strengthening of tripartism in overall activities, adopted by the Conference at its 56th Session (1971) and was contrary to the spirit of tripartism of the Government by virtue of its membership to the ILO. The Employers' group alleged that this is the fifth consecutive year that the Government had not covered the travel and subsistence expenses of the Employers' delegate. Preferring to give the Government the benefit of the doubt, no complaint had been filed in 2007 and 2008 but since the situation had persisted complaints were filed in 2009, 2010 and now in 2011. It submitted that the Committee had recalled in 2009 and 2010 that the decision not to cover the expenses of the Employers' delegate is incompatible with the Government's obligation under article 13, paragraph 2(a), of the ILO Constitution to cover the expenses of a complete tripartite delegation. The Employers' group asked the Committee to strongly

urge the Government of Nicaragua to pay the full travel and subsistence expenses of the Employers' delegate, which would in fact be a reimbursement to his employer organization for having already paid these costs and, in the future, to comply with its constitutional obligations by paying the full travel and subsistence expenses well in advance of the Conference.

120. In a written communication to the Committee made at its request, received after the time limit set by the Committee, the Government acknowledged that it had not been able to cover the travel and subsistence expenses of the Employers' and Workers' delegate for the fifth consecutive year. It explained that this inability to meet their obligations under the ILO Constitution was due to budgetary constraints and that the Government had informed the workers' and employers' organizations that it would be unable to finance their participation at the Conference. It added that due to such financial difficulties the Government had had to entrust the representation of the Government delegation to officials from its Permanent Mission in Geneva.
121. *The Committee acknowledges the difficult financial situation that member States may be facing and understands the financial burden that the participation of a full tripartite delegation to the Conference implies. It notes that all the Government representatives registered came from its Permanent Mission. However, once again the Committee must remind the Government that while most governments could rely on the support of their Permanent Mission in Geneva to ensure participation of a governmental delegation, the social partners could not rely on such a system. The Committee notes that financial constraints have not only an impact on governments, but an even greater impact on the social partners and their ability to cover their own expenses. The decision not to cover the expenses of the Employers' delegate is incompatible with the Government's obligation under article 13, paragraph 2(a), of the ILO Constitution to cover the expenses of a complete tripartite delegation. The Committee is very concerned at the repeated breach by the Government of Nicaragua of its obligations in this regard. The Committee, therefore, expects that the Government will meet its duty to cover the travel and subsistence expenses of the Employers' delegate for the entire duration of the Conference, and that, in the future, the Government will comply with its constitutional obligations in this respect.*

Complaint concerning an act or omission by the Government of Panama by which an accredited delegate or adviser has been prevented from attending the Conference

122. The Committee received a complaint on 4 June presented by Mr Guillermo Puga, Secretary-General of the Confederación de Trabajadores de la República de Panamá (CTRP), accredited as adviser to the Workers' delegation of Panama. He alleged that the Government had prevented him from attending this session of the Conference. The author of the objection argued that, due to reasons of a fundamentally political nature, he was currently subjected to an unjust and illegal process before the national courts, as a result of which he had to request the permission of the judicial authorities in order to leave the country. He stated that the invitation to the Consejo Nacional de Trabajadores Organizados (CONATO) to participate in the Conference was not communicated by the Government sufficiently in advance. This had further complicated his situation, given the delays of the judicial authorities in resolving his petition to exit the country. According to Mr Puga, this had been done intentionally by the Government, with the complicity of the court, to prevent him from attending the Conference. In support of his allegations he noted that in Panama the trade union movement and its leaders were being permanently harassed, and that anti-trade unionism had become a government policy.

123. The Committee had received a communication from the Government on 2 June concerning the same matter, which was subsequently supplemented on 7 June by a communication at the Committee's request. Further clarifications solicited by the Committee were provided orally in the name of the Government by Mr Iván Gantes Castillo, International Affairs Adviser, Ministry of Foreign Affairs and Mr Mario Molino García, Legal Adviser, Ministry of Labour. The Government rejected the accusations of political interference and argued that it had done its best to fulfil its duties under the ILO Constitution. It also alleged that the complaint was irreceivable due to the fact that Mr Puga had not expressly referred his situation to the Committee. The Government informed the Committee that it had designated the delegation following the proposal of the two most representative workers' organizations, as was its obligation under national law and pursuant to the agreement in force between these two organizations. On 15 April the Government sent these two organizations invitations to nominate the Workers' delegation; their proposals were received on 27 April and a resolution nominating a fully tripartite delegation, including Mr Puga, was enacted on 3 May. The resolution was published in the *Official Bulletin* and was available online. To further attest to its good faith in facilitating the attendance of Mr Puga at the Conference, the Government presented documentation showing that it had processed the purchase of his airplane ticket and payment of expenses. On 25 May Mr Puga met with the Minister of Labour in order to explain his situation and that he was facing difficulties in obtaining a permit to leave the country. The Government informed the Committee that the court case involving Mr Puga was a criminal process against all members of the Board of the Social Security Fund, of which he was a member. The Government noted that an exit permit such as the one required by Mr Puga was normally awarded within a short period; securing it was a personal matter under Mr Puga's responsibility and it should have been sufficient to provide the judge with the official resolution nominating the delegation to the International Labour Conference. Mr Puga had been able to obtain an exit permit in this manner to attend the 17th American Regional Meeting of the ILO, held in Santiago de Chile in December 2010. The Government learned from Mr Puga that the unexpected difficulties faced on this occasion may have arisen from the fact that the case was in the process of being transferred to another court. However, the Government representatives did not understand why he had waited until 25 May to bring the matter to the Government's attention. At the request of Mr Puga and on that same day, the Minister of Labour sent a letter to the President of the Supreme Court, seeking his good offices to facilitate Mr Puga's exit permit. On 30 May 2011 the Supreme Court ruled that it was not the competent authority to decide on the request and indicated the court before which it should be submitted. The Government informed the Committee that the application for an exit permit was being processed by the competent court, awaiting clearance from the prosecutor, upon which the court would normally approve it and inform the immigration authorities; the entire process could thus take place in a matter of days. The Government assured the Committee that as soon as the permit was granted it would reschedule the flight for Mr Puga to attend the Conference and it explained that the stipend for travel expenses was already at his disposal.

124. *To the extent that the Government challenges the receivability of the complaint, the Committee observes that it was addressed to the Director-General of the International Labour Office, who acts as Secretary-General of the Conference, and who, as such, refers matters to the competent organs of the Conference. The Committee notes that it has jurisdiction to examine this case pursuant to article 5, paragraph 2(c), of the Conference Standing Orders, adopted at the last session of the Conference, and that it is the first time that it is seized with a complaint under this new mandate.*

125. *The Committee takes note of the nomination process described by the Government and the information provided by the Government concerning the criminal proceedings affecting Mr Puga and the actions taken to facilitate his participation at the Conference. Following the hearing of the Government, the Committee noted the commitment of the Government to*

swiftly facilitate the departure of Mr Puga as soon as the exit permit would be awarded by the competent court and trusted that the Government would persevere in its efforts to enable Mr Puga to attend this session of the Conference. The Committee considers that the complaint calls for no further action on its part at this stage.

Communications

126. The Committee also received two communications.

Communication concerning the Workers' delegate of the United Arab Emirates

127. The Committee received a communication dated 3 June 2011 from the International Trade Union Confederation (ITUC) concerning the Workers' delegate of the United Arab Emirates. The ITUC submitted that on the *Provisional List of Delegations*, Mr Saleh AbdulRahman Al Marzooqi was accredited as the Workers' delegate with the title "Chairperson, Board of Directors, UAE Coordination Committee of Professional Associations Operating in the Country". It contended that this title reflected more of an employer position than a worker one. It requested the Committee to seek clarifications from the Government.
128. In a written communication addressed to the Committee at its request, the Government stated that Mr Al Marzooqi was a school teacher and active member of the UAE Teachers' Association. He represented that association in the UAE Coordination Committee of Professional Associations and served as Chairperson of the latter's Board of Directors.
129. *The Committee takes note of the communication and reply from the Government and considers that it does not call for any further action on its part.*

Communication concerning the Workers' delegation of Qatar

130. The Committee received a communication dated 3 June 2011 from the ITUC concerning the Workers' delegation of Qatar. The ITUC was seeking clarification of the functional titles of the members of the Workers' delegation.
131. *The Committee notes that the communication was provided to the Government with an opportunity to comment should it wish to do so. In the absence of a reply from the Government, the Committee notes the communication and considers that it does not call for any further action on its part.*

General observations

Tripartite imbalance within delegations

132. The Committee took note of the discussions held during the 307th and 309th Sessions (March and November 2010) of the Governing Body concerning tripartite imbalance within delegations and reviewed the responses received from 13 of the 17 governments it had invited to provide information regarding their credentials (see *Provisional Record* No. 5B, paragraph 14). Of those 13 responses, seven advised the Committee that a large proportion of accredited Government members were officials from the Permanent Mission in Geneva, and often noted that these participants were intended to assist their respective

delegations in technical and other issues, in accordance with the practice at other meetings of United Nations bodies and agencies. Amongst this group two governments indicated that such assistance was not solely limited to Government delegates arriving from their respective capitals, but also extended to Employers' and Workers' delegates. Additional explanations noted by these governments were that Permanent Mission staff enabled them to ensure participation when foreign policy issues came up or the delegate could not intervene or that some of the advisers accredited would in fact not attend the Conference as they were busy with other meetings. The remaining governments advised as follows: one noted that a larger number of Government advisers had been included when submitting the credentials since at the time there was no certainty as to which ones would finally attend the Conference; one specified that certain advisers were not funded by the government, but by an independent agency or a foundation; one said that it was attempting to build its capacity by exposing its officials to international conferences, such as the ILC; two considered that additional Governmental advisers were necessary to cover all the items on the agenda of the Conference; one of those specified that it needed support from additional advisers due to its appearing on the list of individual cases before the Committee on the Application of Standards as well as to its bid to be elected into the Governing Body; two considered that the individuals that had been nominated as advisers could in fact be designated as "persons accompanying the minister". In this connection, five of the 13 governments, in response to the Committee's invitation to provide comments, adjusted their delegations to reduce the number of advisers, as they considered that they did not fulfil the functions of advisers in so far as they did not need to either vote or speak at the Conference. To the above observations some governments added either that the workers' and employers' organizations had freely chosen the number of advisers they wanted to designate, that the social partners were able to fund additional advisers if they wished to do so, or that the social partners did not object to nor feel disadvantaged by the apparent imbalance arising from the support role given by Permanent Mission officials accredited to the Conference.

- 133.** The Committee takes note of the replies received. It notes that many of the governments which provided comments had according to their responses accredited additional officials from Permanent Missions to assist the delegates and advisers coming from the capital, including in certain cases Employers' or Workers' delegation members. It also notes, however, that some have indicated that they needed officials from Permanent Missions or other additional advisers to cover the work of all the committees of the Conference. In this regard, the Committee recalls that the question regarding tripartite imbalance within delegations arises precisely when Government delegates have at their disposal a sufficient number of advisers to cover the whole work of the Conference while the Employers' and Workers' delegate do not. Unlike Governments, the Employers' and Workers' delegates cannot, beyond for possible logistical support, rely on the Permanent Missions to cover the work of the Conference. Thus, the distinction between Government advisers from the capital and advisers from the Permanent Mission often fails to furnish a satisfactory justification for the imbalances identified.
- 134.** The responses that put forward the need for more advisers confirm, however, that a full participation of a member in the work of the Conference requires a sufficient number of advisers. As the Committee has observed before, the Conference in its current format is characterized by a condensation of the work in a much shorter period than before, which regularly results in simultaneous sittings of four or five technical committees and sometimes the plenary. While there is no constitutional obligation for a Government to nominate advisers, it must be recognized that the Conference can only work properly if there are a sufficient number of advisers present in the three groups of the Conference. Consequently, the Committee hopes that all members will continue to give sufficient budgetary priority to participation in the work of the Conference in spite of the current

financial crisis, and also because of it, in view of the importance of the ILO's work on the response to the crisis.

- 135.** The Committee observes that when governments indicate that they accept the designation by the social partners of additional advisers on the understanding that they are funded by their respective organizations, the issue of tripartite imbalance shifts from a question of accreditation to a question of reimbursement of travel and subsistence expenses. In this connection, the Committee recalls that it has jurisdiction under article 26ter of the Conference Standing Orders to hear complaints alleging a serious and manifest imbalance as between the number of Employers' or Workers' advisers whose expenses have been covered in the delegation concerned and the number of advisers appointed for the Government delegates. As regards tripartite imbalance arising at the stage of accreditation, it recalls that it has previously reported on communications it has received concerning allegations of tripartite imbalance, along with the comments that the concerned government may have provided and other relevant information, including on the applicable principles. It notes in this connection that it has not received any specific communication on tripartite imbalance in the composition of a delegation at this session of the Conference.
- 136.** The Committee notes with satisfaction the cooperation shown by governments in providing it with relevant information and the fact that the Committee's request for information addressed to governments whose credentials appeared to reveal important imbalances has prompted some to adjust the composition of their delegations. The Committee believes that governments' reactivity to the Committee's request shows that most of them are sensitive to the question of tripartite imbalance in delegations and prepared to address it. The result of this exercise also confirms the Committee's view expressed last year that addressing situations of tripartite imbalance is best accomplished through the consideration of specific allegations, which allow for the identification of serious cases and the review of their particular circumstances. The Committee would, therefore, like to request the Governing Body, through the Conference, to continue its consideration of the matter, including the possibility of extending the Committee's mandate to specific submissions based on alleged tripartite imbalance in a delegation, taking into account the above information.

* * *

- 137.** The Credentials Committee adopts this report unanimously. It submits it to the Conference in order that the Conference may take note of it and adopt the proposals contained in paragraphs 41 and 77.

Geneva, 14 June 2011

(Signed) P. Vokouma
Chairperson

Lidija Horvatić

Yves Veyrier

1) Government delegates 2) Employers' delegates 3) Workers' delegates 4) Government advisers 5) Employers' advisers 6) Workers' advisers List of registered delegates and advisers

	1)	2)	3)	4)	5)	6)	1)	2)	3)	4)	5)	6)
	1)	2)	3)	4)	5)	6)	1)	2)	3)	4)	5)	6)
Afghanistan.....	2	1	1	8	-	-	2	1	1	9	4	7
Albania.....	2	-	1	4	-	1	2	-	3	-	-	-
Algeria.....	2	1	1	9	4	8	2	1	1	2	-	-
Angola.....	2	1	1	2	1	1	2	1	1	2	-	-
Antigua and Barbuda.....	-	-	-	-	-	-	2	1	-	8	3	8
Argentina.....	2	1	1	7	7	5	1	1	1	4	-	-
Armenia.....	-	-	-	-	-	-	1	1	1	4	-	-
Australia.....	2	-	1	5	2	2	2	1	1	4	2	6
Austria.....	2	1	1	8	-	1	-	-	-	-	-	-
Azerbaijan.....	2	1	1	9	1	5	2	1	1	8	-	6
Bahamas.....	2	1	1	-	-	3	2	1	1	5	1	-
Bahrain.....	2	-	1	5	3	3	2	1	1	7	8	8
Bangladesh.....	2	-	1	5	2	2	2	1	1	1	-	-
Barbados.....	2	1	1	3	-	1	2	1	1	4	-	-
Belarus.....	2	1	1	7	2	7	2	1	1	3	6	6
Belgium.....	2	1	1	9	6	7	2	1	1	5	-	-
Belize.....	-	-	-	-	-	-	2	1	1	5	-	2
Benin.....	2	1	1	4	1	8	-	1	1	5	-	-
Bolivia, Plurinational State.....	2	1	1	3	-	3	2	1	1	5	-	-
Bosnia and Herzegovina.....	1	-	2	-	-	-	2	1	1	5	-	8
Botswana.....	2	1	1	3	-	-	2	1	1	5	-	-
Brazil.....	2	1	1	16	7	5	-	1	1	5	1	1
Brunei Darussalam.....	2	1	1	4	-	-	2	1	1	3	-	1
Bulgaria.....	2	1	1	5	3	2	2	1	1	6	4	7
Burkina Faso.....	2	1	1	11	3	5	2	1	1	1	4	8
Burundi.....	2	1	1	3	-	-	2	1	1	10	7	7
Cambodia.....	2	1	1	5	1	-	2	1	1	3	-	2
Cameroon.....	2	-	1	15	6	6	2	1	1	10	2	1
Canada.....	2	1	1	13	4	4	2	1	1	6	-	-
Cape Verde.....	2	1	1	3	-	-	2	1	1	5	1	4
Central African Republic.....	2	1	1	9	2	2	2	1	1	4	-	3
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Chile.....	2	-	10	7	8	-	2	1	1	9	4	5
China.....	2	1	1	16	8	8	2	1	1	13	3	8
Colombia.....	2	-	1	16	8	8	2	1	1	1	5	7
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Côte d'Ivoire.....	2	1	-	13	7	5	2	1	1	14	8	4
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Eritrea.....	-	-	-	-	-	-	2	1	-	8	3	8
Estonia.....	2	1	1	7	7	5	1	1	1	4	-	-
Ethiopia.....	-	-	-	-	-	-	1	1	1	4	-	-
Fiji.....	2	-	1	5	2	2	2	1	1	4	2	6
Finland.....	2	1	1	8	-	1	-	-	-	-	-	-
France.....	2	1	1	9	1	5	2	1	1	8	-	6
Gabon.....	2	1	1	-	-	3	2	1	1	5	1	-
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Georgia.....	2	-	1	5	2	2	2	1	1	1	-	-
Germany.....	2	1	1	3	-	1	2	1	1	4	-	-
Ghana.....	2	1	1	7	2	7	2	1	1	3	6	6
Greece.....	2	1	1	9	6	7	2	1	1	5	-	2
Grenada.....	-	-	-	-	-	-	2	1	1	5	-	-
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Guinea.....	2	1	1	3	-	3	2	1	1	5	-	-
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Jordan.....	2	-	1	16	8	8	2	1	1	1	5	7
Kazakhstan.....	1	1	-	1	2	2	2	1	1	1	4	1
Kenya.....	2	1	1	10	1	8	2	1	1	9	2	6
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Kuwait.....	2	1	1	5	3	2	2	1	1	16	1	4
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Lebanon.....	2	1	1	10	5	2	2	1	1	4	3	-
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Liberia.....	2	1	1	3	-	-	2	1	1	15	1	7
Libyan Arab Jamahiriya.....	-	-	-	-	-	-	-	-	-	-	-	-
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Myanmar.....	-	-	-	-	-	-	2	1	1	5	-	-
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Nicaragua.....	2	-	1	-	-	-	2	1	1	3	-	2
Niger.....	2	1	1	3	1	1	2	1	1	6	4	7
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Russian Federation.....	2	1	1	9	2	6	2	1	1	16	1	5
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Saint Lucia.....	2	1	1	16	1	4	2	1	1	1	-	-
Saint Vincent and the Grenadines.....	2	-	-	-	-	-	-	-	-	-	-	-
Samoa.....	2	1	1	-	-	1	-	-	-	-	-	-
San Marino.....	2	1	1	3	-	-	2	1	1	-	1	3
Sao Tome and Principe.....	2	-	1	4	4	3	2	1	1	-	-	-
Saudi Arabia.....	2	1	1	3	-	-	2	1	1	16	4	4
Senegal.....	2	1	1	-	3	5	2	1	1	15	1	7
Serbia.....	-	-	-	-	-	-	-	-	-	-	-	-
Seychelles.....	2	1	1	3	-	-	2	1	1			

CONTENTS

	<i>Page</i>
<i>Reports on credentials</i>	
Third report of the Credentials Committee	1
Composition of the Conference	1
Monitoring	1
Objections	3
Complaints	26
Communications	32
General observations.....	32

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