



Reports on credentials

Second report of the Credentials Committee

Composition and quorum of the Conference

1. Since 2 June 2014, when the Credentials Committee adopted its first report (*Provisional Record* No. 5B), there has been no change in the composition of the International Labour Conference and, therefore, at present a total of 165 member States are represented at the International Labour Conference. In addition, since the adoption of its first report, two member States, El Salvador and Madagascar, have regained the right to vote.
2. To date, there are 5,254 persons accredited to the Conference (as compared to 5,593 in 2013, 5,327 in 2012, and 5,469 in 2011), of whom 4,457 are registered (as compared to 4,569 in 2013, 4,395 in 2012, and 4,464 in 2011). The attached list contains more details on the number of delegates and advisers registered.
3. The Committee wishes to indicate that 155 ministers, vice-ministers, and deputy ministers have been accredited to the Conference.

Monitoring

4. The Committee was seized automatically with one case, pursuant to article 26quater of the Standing Orders of the International Labour Conference, by virtue of decisions of the Conference taken at its 102nd Session (2013).

Djibouti

5. At its 102nd Session (2013), the Conference decided, by virtue of article 26bis, paragraph 7, of the Conference Standing Orders, and upon the unanimous recommendation of the Credentials Committee, to renew the reinforced monitoring measures concerning Djibouti (*Provisional Record* No. 25, 2013) and it requested the Government to: (a) submit to the Director-General of the International Labour Office, by the end of 2013, 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 following session of the Conference, at the same time that it submitted 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 numerical importance of the

consulted organizations, the date and place of these consultations, and the names of the individuals nominated by the organizations during these consultations and the positions they held within those organizations.

6. In a written communication of 6 February 2014 addressed to the Office, Mr Hassan Houmed Ibrahim, Director of Labour, informed the Office that considerable progress had been achieved through the amendment of his country's legislation on freedom of association. Two legislative proposals were being developed on the establishment of criteria for the independent representation of workers and on the establishment of an institutional framework to resolve the problem of the representation of workers' and employers' organizations in the country. The Government indicated that the *Union générale des travailleurs djiboutiens* (UGTD) had organized its ordinary congress in August 2011 in the presence of national and international observers, while the *Union djiboutienne du travail* (UDT) had not yet organized its congress, despite several reminders from the Government. According to the Government, the UDT was still expecting confirmation of the participation of representatives from the International Trade Union Confederation (ITUC) and of the Office in order to organize its congress. The Government stated that it would soon plan to draft a decree on holding social elections. In addition, the Government recalled that the issue at stake stemmed from 1995, when two new unions had been created: the UGTD and the UDT. This had led to the existence of two "double unions" with identical names and acronyms and recurrent objections before the Credentials Committee that the Government had created "clone unions".
7. *The Committee notes that the Government provided a written report on 6 February 2014, as requested by the Conference, although it regrets that the report did not contain any new information likely to provide a clear assessment of the situation regarding the trade union movement in Djibouti and lead to a credible resolution of the problem. The Committee further regrets that no additional report was received at the time of the submission of the credentials of the delegation of Djibouti, 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 13–19).*
8. *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 19).*

Objections

9. The Committee has received nine 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* published as a *Supplement to the Provisional Record* of 28 May 2014, as well as 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' delegate of Barbados

10. The Committee received an objection presented by the International Trade Union Confederation (ITUC) concerning the nomination of the General Secretary of the Congress of Trade Unions and Staff Associations of Barbados (CTUSAB), as the Workers' delegate. The ITUC alleged that the nomination contravened article 3, paragraph 5, of the ILO Constitution as well as the previous recommendations of the Credentials Committee in relation to the objection concerning the nomination of the Workers' delegate to the

102nd Session of the Conference (June 2013). The ITUC alleged that since the last session of the Conference the Government, in contradiction to the Credentials Committee's recommendation, had not attempted to verify the Barbados Workers' Union's (BWU) representative status nor had it consulted with the BWU concerning the selection of the Workers' delegation to the present session of the Conference. The ITUC recalled that in 2013 the Government had failed to nominate the BWU on the basis that it was not the most representative workers' organization, since the Government considered that BWU had 10,000 members following its withdrawal from the CTUSAB on 18 April 2013. The ITUC disputed this figure and explained that BWU actually had 25,000 dues-paying members. The discrepancy in BWU's membership numbers arose as BWU had a declared figure for the CTUSAB that was for the limited purpose of encouraging ownership and full participation by all affiliates, including those with members under 200. The ITUC emphasized that the Government's own labour market information showed that the BWU had 25,000 registered members. The ITUC noted that in 2013 the Government had stated that representativity was based on criteria other than absolute numbers, but to date the Government had not provided information indicating what criteria it had considered. The ITUC requested the Credentials Committee to call on the Government to clarify the situation and fulfil its constitutional obligations.

11. In a written communication addressed to the Committee at its request, the Government repeated information in connection with last year's objection. It maintained that its decision to invite the CTUSAB, the umbrella body of all workers' organizations in Barbados, to nominate the Workers' delegate was in conformity with article 3, paragraph 5, of the ILO Constitution, as the CTUSAB was, and still is, the most representative organization in the country. It expressed doubts as to the numbers given by the BWU and reiterated its position that, as the ILO Constitution did not provide a definition of "most representative organization", numbers could not be the only test. According to the Government, the most representative body for workers in Barbados was the one which, in the past, had been recognized by all the tripartite partners: the CTUSAB. In this regard, it underlined that the CTUSAB had been regarded in the past as the workers' representative within the Social Partnership of Barbados and it was the signatory, on behalf of workers in Barbados, to all protocols and resolutions formulated by the Social Partnership. It was satisfied that the CTUSAB was the most representative organization in the country and relied on its long-standing relationship with that organization to explain its decision to invite the CTUSAB to nominate the Workers' delegate. The Government objected to the explanation surrounding the BWU's declared membership of 10,000 versus its claimed membership of 25,000, considering it contradictory, and raised questions about the integrity of the information. It suggested that if the BWU wished to be consulted, the CTUSAB was still willing to integrate the BWU within its umbrella organization and it encouraged the BWU to reconsider its position.
12. *The Committee notes that the ITUC asserts that the BWU has a dues-paying membership of 25,000, but that this figure remains disputed by the Government, who continues to assert that the BWU only has a membership of 10,000. The Committee, therefore, considers that it does not have the necessary elements to ascertain the representativeness of the BWU under article 3, paragraph 5, of the ILO Constitution. While the Government correctly observes that there is no definition of the term "most representative organizations", Advisory Opinion No. 1 of the Permanent Court of International Justice (PCIJ) of 1922 clarified that "... other things being equal, the most numerous will be the most representative". In this regard, the Committee observes that since last year no steps have been taken by the Government to verify the actual membership level of either the CTUSAB or the BWU so as to address this issue. Rather, the Government merely stated that numbers are not the only test without identifying which other criteria are to be applied, referring to the role that the CTUSAB played within the Social Partnership prior to the withdrawal of the BWU. While the Committee notes that the contested issue of membership*

figures is not within the scope of its mandate and must be resolved at the national level, it trusts that the Government will undertake the necessary steps to determine the status and representativeness of the associations in question on the basis of pre-established, objective and verifiable criteria, so as to provide a clear picture of the trade union situation in Barbados and that these criteria will be made known to the workers' organizations. The Committee considers that it does not have enough elements to find that the nomination of the Workers' delegate has not been made in conformity with article 3, paragraph 5, of the ILO Constitution. Therefore, it does not uphold the objection.

Objection concerning the nomination of the Workers' delegation of Djibouti

13. The Committee received an objection concerning the nomination of the Workers' delegation of Djibouti presented by Mr Adan Mohamed Abdou, Secretary-General of the *Union djiboutienne du travail* (UDT), and Mr Kamil Diraneh Hared, Secretary-General of the *Union générale des travailleurs djiboutiens* (UGTD). The authors of the objection alleged that the Government had, once again, refused to take into account the list of representatives designated by their respective organizations for their participation in the present session of the Conference, preferring instead the "clone unions". In their view, the Government continued to usurp the name of the UGTD and the UDT, in breach of its commitments before the Credentials Committee. They requested the Committee to take an effective and definitive decision with respect to the delegation of Djibouti.
14. In a written communication addressed to the Committee at its request, the Government stated that it did not understand why the legitimacy of the UGTD was still being challenged as the UGTD had organized its congress in August 2010 in the presence of national and international observers. It also indicated that the next congress would take place in August 2014. According to the Government, the UDT continued to refuse to organize its congress in the absence of representatives of the International Trade Union Confederation (ITUC) and the ILO. The Government added that there was no *Intersyndicale UDT-UGTD* and that the authors of the objection possessed no legitimate union mandate. Mr Kamil Diraneh Hared had not participated in the last UGTD congress for reasons known to him and Mr Adan Mohamed Abdou, who had been elected in Parliament in February 2013, could not in his capacity as Vice-President of the *Alliance Républicaine pour le Développement* (ARD) exercise any union mandate under national legislation. Concerning the nomination of the Workers' representatives at the present session of the Conference, the Government stated that it had written to the UGTD and the UDT on 12 February 2014, asking them to designate their nominees. The UGTD nominated Mr Abdourahman Ali Omar, Executive of the UGTD. The UDT nominated Mr Mohamed Youssouf Mohamed and Mr Mahamoud Hachi Dirieh, respectively UDT Chairperson and Vice Secretary-General.
15. The Committee received a communication on 6 June 2014 from the UDT informing it that Mr Adan Mohamed Abdou had been arrested and detained at the Djibouti airport as he was on his way to the present session of the Conference. In response to a request by the Committee to provide explanations in this respect, the Government in a communication dated 10 June 2014, limited itself to stating that the recent detention of Mr Adan Mohamed Abdou was not related, according to information in its possession, to any trade union activity.
16. *The Committee remains very concerned by the confusion that continues to reign regarding the status of the Djiboutian trade union movement and regrets that the information brought to its attention, either by the objecting organizations or the Government, does not contain any elements that may help it to arrive at a clear vision of the trade union situation in Djibouti.*

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17. The Committee deeply regrets that the objection merely repeats, year after year, the same allegations without clarifying the facts of the case. It wishes to recall that it is in the interest of the objecting organizations to present specific allegations, supported by relevant documentation in relation to the mandate of the Committee. The information provided by the Government has not removed doubts either concerning the persistence of the phenomenon of “clonage” of the organizations, nor has it removed doubts surrounding the situation prevailing in the UDT. Once again the Committee urges the Government to take appropriate measures so that the UDT, as any other workers’ organization, can hold its congress, in complete independence from public authorities. With reference to the statement of the Government according to which Mr Adan Mohamed Abdou cannot exercise any union mandate under national legislation because of his political affiliation, the Committee recalls that legislation which disqualifies persons from trade union office because of their political beliefs or affiliations is not in conformity with the right of trade unionists to elect their representatives in full freedom.
18. In addition, the Committee expresses its deep concerns regarding the information received on 6 June 2014 concerning the detention of Mr Adan Mohamed Abdou at the Djibouti airport, as he was on his way to the present session of the Conference as a representative of the ITUC, which appears to confirm that the harassment suffered by the UDT, as repeatedly deplored by the ILO Committee on Freedom of Association (see case No. 2450 and No. 2753), has not ceased. The Committee has also received information that the ITUC is in the process of organizing a mission to Djibouti to assess the situation of the workers’ organizations. The Committee welcomes such initiative and hopes, in view of the abovementioned elements, that it will take place in the near future, in collaboration with the Office. It trusts that it will benefit from the full support of the Government and all the parties involved, and take due account of the observations and recommendations of the ILO supervisory bodies. The Committee further trusts that concrete solutions will finally be found, in a climate of confidence, and in a framework that fully respects the capacity to act of the genuine workers’ organizations in Djibouti, in total independence from the Government, in accordance with the provisions of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).
19. 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 26bis, paragraph 7, and 26quater 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 2014, 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 failure to deposit credentials of an Employers' and a Workers' delegate by the Government of El Salvador

20. 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 El Salvador. 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.
21. In a written communication addressed to the Committee at its request, the Government explained that it had not convened a meeting with the workers' organizations to determine the composition of a Workers' delegation to the present session of the Conference, given that since March 2013 the workers' organizations have had no representatives before the Superiour Labour Council (*Consejo Superior del Trabajo*). The Government pointed out that the Council is the legally recognized tripartite body in El Salvador whose stated purpose, according to article 1 of its Standing Orders, is to institutionalize social dialogue and promote social and economic coordination between the public authorities, the employers' and workers' organizations. The Government had urged the legally registered trade union federations and confederations to reach consensus, as soon as possible, and submit a single nomination designating their representatives to the workers' section of the Council. With respect to the nomination of the Employers' delegation, the Government added that it had convened a meeting of the employers' organizations on 7 May 2014, but that they had not confirmed their participation or nominated anyone to represent them at the present session of the Conference.
22. *While the Committee welcomes the Government's readiness to provide it with requested information, it nevertheless notes that, despite the information provided, certain issues remain unclear. Recalling that article 3, paragraph 5, of the ILO Constitution requires governments to undertake official consultations and actively seek agreement with the most representative employers' and workers' organizations prior to nominating their tripartite delegations to the Conference, the Committee notes that the Government has provided no indication of any efforts made to secure agreement among the workers' organizations in this case. Similarly, the Committee has no information before it of the efforts made by the Government – other than the transmission of an invitation to a consultation – to arrive at a nomination of the Employers' delegation.*
23. *By not sending a full tripartite delegation to the Conference, the Government is in contravention of article 3, paragraph 1, of the ILO Constitution. The Committee recalls that, without the participation of a full delegation composed of Government, Employers' and Workers' representatives, the Conference cannot function properly or attain its objectives.*
24. *The Committee urges the Government to clarify the process of consultation and to undertake additional efforts, where such consultations are not successful, in order to arrive at a nomination of the Employers' and Workers' delegations to the Conference. It hopes, moreover, that the process of nominating the Employers' and Workers' delegations to the next session of the Conference will be in a spirit of cooperation by all the parties involved.*

Objection concerning the nomination of the Workers' delegate of Ecuador

25. The Committee received an objection concerning the nomination of Mr Jorge Patricio Tenesaca Rojas, Sr. as the Workers' delegate of Ecuador, on behalf of the *Parlamento Laboral Ecuatoriano* (PLE) which had allegedly been made without agreement or consultation. The objection was presented by four confederation members of the PLE: the *Central Ecuatoriana de Organizaciones Clasistas* (CEDOC–CLAT), the *Confederación Ecuatoriana de Trabajadores del Sector Público del Ecuador* (CTSPE), the *Confederación Sindical de Trabajadores/as del Ecuador* (CSE) and the *Confederación Ecuatoriana de Trabajadores y Organizaciones de la Seguridad Social* (CETOSS).
26. In a subsequent written communication addressed to the Committee on 4 June 2014, following a change to the composition of the Workers' delegation, the objecting organizations notified the Committee of the withdrawal of their objection.
27. *The Committee notes the withdrawal of the objection.*

Late objection concerning the nomination of a Workers' adviser of the Islamic Republic of Iran

28. The Committee received an objection presented by the Workers' delegate of the Islamic Republic of Iran concerning the Government's alleged inclusion of a Workers' adviser of Islamic Republic of Iran without agreement or consultation.
29. *This objection, dated Sunday, 1 June 2014, was received by the Credentials Committee on Monday, 2 June 2014, well after the expiry of the 72-hour time limit established by article 26bis, paragraph 1(a) of the Standing Orders of the Conference (this deadline expired Saturday, 31 May 2014 at 10 a.m., which is 72 hours following the publication of the Provisional List of Delegations). The Committee therefore considers that the objection is not receivable by virtue of the abovementioned provision.*

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

30. 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 Kyrgyzstan. 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.
31. *The Committee regrets that the Government has provided no response to date in relation to its request for information. In the absence of a response, it observes that, for over a dozen years, the Government has failed to accredit either an Employers' or a Workers' delegation to the Conference and that once again the Government representatives are both from the Permanent Mission in Geneva. As it noted in its prior recommendations made in the context of the objection submitted during the 102nd Session of the Conference (June 2013), while a government has the ability to assure its representation through its diplomatic mission, this is not the case for its employers' or workers' delegations. The Committee deplores the continued failure of the Government to ensure a full tripartite delegation to the Conference. It considers that, by not sending a full tripartite delegation*

to the Conference, the Government has breached article 3, paragraph 1, of the ILO Constitution. The Committee further deplores the Government's apparent disregard of article 13, paragraph 2(a), of the ILO Constitution, recalling that it is incumbent upon the Government to finance the participation of the delegates of the social partners to the Conference. The Committee wishes to emphasize that, by sending a delegation that is exclusively governmental, the Government has unilaterally deprived the employers and workers in Kyrgyzstan of their right to be represented in the highest policy-making body of the ILO and to participate in its work. Moreover, it must be recalled that, without the participation of Government, Employer and Worker representatives, the Conference cannot function properly or attain its objectives.

32. The Committee therefore expects that next year the Government will send a fully tripartite delegation, covering the travel and subsistence expenses of the three groups, as required under article 13, paragraph 2(a), of the ILO Constitution.

Objection concerning the nomination of the Workers' delegate of Myanmar

33. The Committee received an objection concerning the nomination of the Workers' delegate of Myanmar presented by the International Trade Union Confederation (ITUC). The ITUC submitted that the nomination was made in breach of article 3, paragraphs 1 and 5, of the ILO Constitution, as the Government had failed to select the most representative workers' organization. It stated that the Government had appointed the Workers' delegate based on a joint nomination by the Myanmar Trade Unions Federation (MTUF) and the Agriculture and Farmers Federation of Myanmar (AFFM). The ITUC contended that, in so doing, the Government had bypassed the largest and most representative trade union, namely the Federation of Trade Unions of Myanmar (FTUM), which was a multi-sector "confederation" of trade unions with affiliates that FTUM had verified, including through the deposit of affiliation forms with the Government. The ITUC stated that the FTUM had a constitution and a democratic structure, with 377 affiliated registered basic level and township level labour organizations and more than 30,000 members; whereas the AFFM represented workers in only a narrow segment of the economy and that the number of its affiliates remained unclear. It further stated that even if the number of combined MTUF and AFFM affiliates put forward by the Government amounted to 389 affiliates (which was roughly equal to the entire affiliation of the FTUM), that number remained unverified and fluctuated depending on the information source. The ITUC submitted that, in light of the size and coverage of the FTUM and the fact that each and every affiliate could be accounted for, the FTUM was the most representative workers' organization in the country and that it should have been able to nominate the Workers' delegate that would be accredited by the Government to the present session of the Conference.

34. In a written communication addressed to the Committee at its request, the Government considered that it had complied with the requirements of article 3, paragraph 5, of the ILO Constitution. It explained that there were three informal workers' federations representing the majority of the sectors of the economy in the country: the AFFM, the MTUF and the FTUM. A first round of consultations were held in March 2014 among the three federations but, after failing to reach an agreement, the FTUM left the consultative process and submitted to the Ministry of Labour a nominee of its own choice. This unilateral nomination was opposed by the AFFM and the MTUF. Thereafter, in April 2014, another round of consultations for which modality and selection process as agreed by all participants was undertaken based on the principles of largest representation of workers, organizations and segments of the economy. The Government explained that all 1,137 basic workers organizations that comprised the AFFM, the MTUF, the FTUM and others were invited to participate in this process, but that the FTUM chose not to take part. The Government submitted that this process was inclusive, starting at the basic labour

organization level and then moving up to township, district and state levels, to eventually a national election between state level nominees. Mr Sai Khaing Myo Tun, the Workers' delegate to the present session of the Conference, was among the elected representatives at the state level. Pursuant to informal consultations with the ILO Liaison Office in Myanmar, the election process was halted and nominations were sought from the three federations of workers' organizations. The AFFM and the MTUF jointly nominated Mr Sai Khaing Myo Tun, who was supported by the Myanmar Maritime Workers. The Government stated that it had verified the number of those affiliated to the AFFM and the MTUF, which resulted in their being more representative than the FTUM. The Government added that the AFFM and the MTUF continued to receive affiliation forms. By 12 May 2014, the Government had verified 389 affiliated basic labour organizations representing a total of 35,431 workers for both the AFFM and the MTUF, as compared to 377 affiliated basic labour organizations representing a total of 30,300 members for the FTUM. The Government emphasized its willingness to promote and protect workers' rights in Myanmar and to nominate the most representative Workers' delegate to participate in the Conference. It drew attention to the current political, socio-economic and administrative reforms under way as well as to the progress achieved in the new legislative framework to promote freedom of association.

35. The Committee received an unsolicited communication dated 2 June 2014 from 21 basic labour organizations affiliated with the FTUM, dissenting from the FTUM's nomination of its proposed Workers' delegate.
36. In another unsolicited communication dated 2 June 2014, the MTUF, the AFFM and the Myanmar Teachers' Federation (MTF) confirmed that they had unanimously elected and supported the Workers' delegate to the Conference as appointed by the Government.
37. *The Committee welcomes the establishment of three federations of workers' organizations, which are forming their respective opinions and policies through democratic procedures, corroborating the positive trends underlined by the Committee at the last session of the Conference. It notes, however, the absence of a method of registration and that two federations that are cross-sectoral are not formally recognized.*
38. *The Committee notes that the Government had invited all three federations for consultations, including the FTUM, that had deposited affiliation forms with the Government. The Committee further notes that this took place after the Government had attempted to establish a system of consultations starting at the basic labour organization level and then moving up to other levels. It welcomes the fact that the Government responded positively to the advice of the ILO Liaison Office in Myanmar to halt the process and to seek nominations from the three federations of workers' organizations. The Committee recalls in this respect that it is up to the workers' organizations to designate their delegate and advisers at the Conference, in total independence from public authorities. As stated in Advisory Opinion No. 1 of the Permanent Court of International Justice (PCIJ) of 1922, the only object of the intervention of industrial organizations in selecting delegates and advisers is to ensure that the Governments nominate persons whose opinions are in harmony with the opinions of employers and workers, respectively.*
39. *Noting the absence of a registration system, the Committee considers that it was not provided with sufficient information and data, regarding the number of workers covered by the different workers' organizations in the country, to draw conclusions about the combined representative force of the different organizations. Referring to PCIJ Advisory Opinion No. 1, the Committee recalls that where several representative organizations 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. Failing an agreement among the most representative*

organizations, as this was the case, 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.

40. The Committee trusts that the Government will undertake the necessary steps to establish objective and verifiable criteria on representativeness and to implement them in a manner respecting freedom of association principles. The Committee further trusts that the Government will nominate the Workers' delegations at future sessions of the Conference in full compliance with article 3, paragraph 5, of the ILO Constitution.

Objection concerning the nomination of the Employers' delegation of Somalia

41. The Committee received an objection concerning the nomination of the Employers' delegation of Somalia presented by the Employers' Group of the Conference. The authors of the objection alleged that the Government had replaced the Employers' delegation initially nominated from the Somali Employers' Federation (SEF) with the Somali Chamber of Commerce and Industry (SCCI). They contended that the SEF is recognized as the most representative employers' organization in the country, whereas the SCCI is not. The Employers' group submitted that this serious incident constitutes a violation of the member States' obligation to nominate non-government delegates and advisers in agreement with the most representative industrial organizations in their respective countries, as required by article 3, paragraph 5, of the ILO Constitution.
42. In an unsolicited communication addressed to the Committee, the President of the SEF advised the Committee that the SCCI was an organization controlled and financed by the Government. He added that the Ministry of Labour had signed a Memorandum of Agreement with the SEF recognizing it as the sole organization representing employers in the country, but that the SEF had not been consulted or informed by the Government regarding the nomination to the present session of the Conference.
43. In a written communication received in reply to the Committee's request, the Ambassador and Permanent Representative of Somalia in Geneva and Government delegate to the Conference advised that, to the best of his knowledge, no written agreement existed between the Government and the SEF, and that the SEF had not approached the Government with regard to it being accredited to the present session of the Conference. He added that the SCCI did not receive government funding and observed that the Employer representative of Somalia to the Conference in the past had been from the SCCI.
44. The Committee notes that the information before it is insufficient to determine the representative character of the SEF, as against the SCCI. In the absence of this information, the Committee cannot ascertain whether objective and verifiable criteria have been used to determine the most representative employers' organization. It therefore reminds the Government that it is essential to dispose of the necessary statistical data in order for it to ensure the representative character of Employers' delegations at future sessions of the Conference. Moreover, the Committee recalls that where several employers' organizations exist in a particular country, the Government should undertake consultations with all of them when proceeding to nominate the Employers' delegate and the advisers. As a result, the Committee decided not to uphold the objection.

Late objection concerning the nomination of the Workers' delegate of Somalia

45. The Committee received an objection from the Somali Congress of Trade Unions (SCTU) concerning the nomination of the Workers' delegate of Somalia from the Federation of Somali Trade Unions (FESTU). The SCTU alleged that the FESTU was not a genuine representative of the workers in the country.
46. *This objection, dated 2 June 2014, was received by the Credentials Committee well after the expiry of the 72-hour time limit established by article 26bis, paragraph 1(a) of the Standing Orders of the Conference (this deadline expired Saturday, 31 May 2014 at 10 a.m., which is 72 hours following the publication of the Provisional List of Delegations). The Committee therefore considers that the objection is not receivable by virtue of the abovementioned provision.*

Objection concerning the nomination of the Employers' delegate of Togo

47. The Committee received an objection presented by the Employers' group of the Conference concerning the replacement of the Employers' delegate, Mr Kossivi Naku, President of the *Conseil National du Patronat du Togo* (CNP-Togo), by Mr Dieudonné Papaly, interim administrator of the CNP-Togo. The authors of the objection alleged that the President of CNP-Togo had been democratically re-elected as the head of the organization on 20 September 2013. The unsuccessful candidate, Mr Ahlonko Bruce, who was then CNP-Togo's Vice-President, had not immediately contested the results nor expressed any objection with respect to the regularity of the proceedings leading to the President's re-election. It was only in January 2014 that he referred the matter to the interim relief judge of the Tribunal of First Instance of Lomé, who annulled the September 2013 elections by a decision of 10 January 2014. This decision was overturned on appeal on 12 March 2014 on the grounds that the interim relief judge lacked jurisdiction over the dispute. The case was then remanded for consideration to the Tribunal of First Instance, which annulled on 4 April 2014 the results of the September 2013 elections and appointed Mr Papaly as interim administrator of CNP-Togo with the mandate to organize new elections within 18 months. The authors of the objection submitted that an appeal had been filed and was currently pending. Following these judicial pronouncements, 16 professional employers' organizations signed a common statement in which they certified that the elections held on 20 September 2013 was transparent, democratic and in accordance with the applicable rules. The authors of the objection requested that the appointment of Mr Naku as President be respected and alleged a breach of article 3, paragraph 5, of the ILO Constitution.
48. In a written communication addressed to the Committee at its request, the Government considered that it had not interfered in the process leading to the temporary appointment of Mr Papaly and that it had merely drawn the consequences flowing from the judicial decision of 4 April 2014 establishing an interim administration of CNP-Togo. The Government observed that CNP-Togo had always been the organization representing employers at the sessions of the Conference and that the current situation did not call for any exception to be made to this principle. The Government had initially accepted the nominations submitted by CNP-Togo, then represented by Mr Naku, contained in its communication of 28 January 2014 for the present session of the Conference. It was only when Mr Papaly was appointed in his capacity as the interim administrator of CNP-Togo that the Government communicated a revised list of employers' representatives to the International Labour Office on 12 May 2014, which merely modified the titular delegate.

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49. *The Committee considers that the representativeness of the CNP-Togo is not called into question, but the quality of the person representing it – in this instance Mr Papaly – accredited as Employers’ delegate to the present session of the Conference. The Committee notes that the issue before it arises out of a dispute concerning the results of the elections for the President of the CNP-Togo, which are the object of ongoing judicial proceedings as an appeal was lodged against the lower court’s decision of 4 April 2014 appointing an interim administrator of CNP-Togo. While the Committee recalls that it does not have jurisdiction over a complaint challenging the results of elections that are currently pending before national courts, it also recalls that the implementation of a decision at the national level should not be in contradiction with the international obligations of the State concerned.*
50. *The Committee considers that what is at stake in the present case is the legitimacy of a court-appointed individual to represent the employers of Togo. The Committee observes that the prerogatives conferred by a court decision upon an interim administrator should not have been of such a nature as to preclude the employers’ chosen representative from exercising his functions at the Conference. The Committee recalls that the only object of the intervention of industrial organizations in selecting delegates and advisers is to ensure that the governments nominate persons whose opinions are in harmony with the opinions of employers and workers respectively (Advisory Opinion No. 1 of the Permanent Court of International Justice (PCIJ) of 1922). Because Mr Papaly was not a genuine representative of the employers, the Government should have proceeded with new consultations in order to fully ensure the representation of the employers at the Conference. Consequently, the Committee finds that the nomination of the employers’ delegate was not made in accordance with article 3, paragraph 5, of the ILO Constitution, which would justify the invalidation of the credentials of the Employers’ delegate to the Conference. It has, however, decided not to propose invalidation this year, trusting that the present situation will be corrected as soon as possible so that the nomination of the Employers’ delegate to future sessions of the Conference is made in full conformity with the ILO Constitution.*

Objection concerning the nomination of the Workers’ delegation of the Bolivarian Republic of Venezuela

51. The Committee received an objection presented by the *Confederación General de Trabajadores* (CGT) concerning the nomination of the Workers’ delegation. The CGT alleged that the Government had nominated the Workers’ delegate and advisers unilaterally, in violation of the ILO Constitution and national legislation, breaching the Government’s obligation to respect the principle of freedom of association and contravening the recommendations of the Credentials Committee. In support of its objection, the CGT annexed the minutes of the 8 May 2014 meeting convened by the Government for purposes of selecting the Workers’ delegation. Present at the meeting were: the Government representative, along with representatives of the CGT; the *Central Bolivariana Socialista de Trabajadores* (CBST); the *Confederación de Trabajadores de Venezuela* (CTV); the *Central Unitaria de Trabajadores de Venezuela* (CUTV); the *Unión Nacional de Trabajadores* (UNETE); and the *Confederación de Sindicatos Autónomos de Venezuela* (CODESA). Referencing the annexed minutes, the objecting organization pointed out that no agreement had been reached among those present at the meeting concerning the nomination of the Workers’ delegation. Instead, the CBST declared that, as the most representative workers’ organization in the country, it was entitled to designate the Workers’ delegate and advisers. The other organizations in attendance noted that the meeting had been convened by the Government with insufficient notice and requested the opportunity to hold a second meeting on 12 May 2014 for purposes of enabling them to submit their nominations for consideration and discussion. The Government declined this request. The objecting organization considered that the Government’s refusal demonstrated

that the Government had failed to apply objective criteria in the process of nominating the Workers' delegation and had, moreover, acted with bias and favouritism in contravention of the principles of freedom of association. The CGT alleged that the Government had disregarded the workers' organizations that, together with the CGT, represented the majority of workers in the Bolivarian Republic of Venezuela. The objecting organization therefore requested the Committee to invalidate the credentials of the Workers' delegation to the present session of the Conference.

52. The Committee received a second objection from the UNETE concerning the nomination of the Workers' delegation. The objecting organization alleged that, ever since the CBST was established in November 2012, the Government had exclusively accredited a representative of the CBST as Workers' delegate to the Conference, although representatives of the UNETE, CGT, CTV, CODESA and CUTV had been included in the delegation as "other persons participating in the Conference". In contrast, this year the Government had unilaterally accredited the Workers' delegation (one delegate and eight advisers) exclusively from the CBST. UNETE contended that it and other members of the *Unidad de Acción Sindical y Gremial (Unidad)* had been excluded from the Workers' delegation to the present session of the Conference by the Government, in retaliation for having presented grievances to the ILO high-level tripartite mission to the Bolivarian Republic of Venezuela in January 2014. The UNETE considered that its members, together with those of the CGT, the CTV and the CODESA formed the *Unidad*, and that the *Unidad* constituted the most representative workers' organization in the country. The objecting organization also questioned the nomination process, as it had received insufficient notice of the 8 May 2014 meeting and the Government had declined to hold a second meeting on 12 May 2014 as requested by the UNETE, the CGT, CTV and CODESA. The objecting organization noted that it had nevertheless submitted its nomination for the Workers' delegation on 12 May and that, on the same date, the *Unidad* had also submitted a joint proposal. Both proposals nominated Ms Marcela Máspero, National Coordinator of UNETE, as the Workers' delegate. The UNETE claimed that, despite its request for a response, submitted on 19 May 2014, the Government did not provide any reply to the nominations submitted by the UNETE and the *Unidad*. The UNETE therefore requested the invalidation of the credentials of the Workers' delegation to the present session of the Conference.
53. The Committee received a third objection presented by UNETE, the CTV, the CGT and joined by the *Corriente Clasista Revolucionaria y Autónoma (CCURA)* on behalf of the *Unidad*, also challenging the Government's nomination of the Workers' delegation. The objection affirmed that the *Unidad*, composed of 16 organizations, was the most representative workers' organization and requested the invalidation of the credentials of the Workers' delegation to the present session of the Conference.
54. In a written communication addressed to the Committee at its request, the Government indicated that its response was limited to the nomination of the Workers' delegation to the present session of the Conference. The Government stated that the CCURA, which had joined the third objection, was not a registered workers' organization and therefore lacked the capacity to bring an objection before the Credentials Committee. It added that it had no knowledge regarding the *Unidad*, noting that it was not a registered workers' organization. The Government explained that it had examined data from the National Registry of Workers' Organizations in order to establish and apply objective and verifiable representativity criteria in nominating the Workers' delegation, pursuant to previous recommendations of the Credentials Committee. According to the data, the CBST included trade unions and federations from the most important economic sectors in the country, representing 56 per cent of all workers affiliated to registered workers' organizations. The other workers' confederations represented less than 11 per cent of Venezuelan workers affiliated to unions: UNETE – 5 per cent; CTV – 4 per cent; CUTV – 1 per cent; CGT –

less than 1 per cent; and CODESA – less than 1 per cent. The Government added that the remaining workers were affiliated to registered workers' organizations that were not affiliated to any trade union confederation. Referring to the meeting of 8 May 2014, the Government noted the participation of the CBST, CGT, UNETE, CUTV, CODESA and CTV. The Government acknowledged that there was currently no agreement on a system of rotation for the appointment of the Workers' delegate. It emphasized that it was for the workers' organizations to select the Workers' delegate. Only in this case, as no agreement was reached between the organizations at the meeting, the Government considered the two proposals submitted and accepted the proposal presented by the CBST as the most representative confederation. According to the Government, it was then incumbent on the Workers' delegate to appoint the advisers without government interference.

55. *The Committee observes that the Government convened a meeting of six workers' organizations which was held on 8 May 2014 for the purpose of nominating the Workers' delegation to the present session of the Conference. The Government does not deny that no agreement was reached at the meeting. Rather, it confirms that it accepted the nomination for the Workers' delegate submitted by the CBST as the most representative workers' organization. The Government neither denies that it declined the request for a second meeting nor that CGT, UNETE, CTV and CODESA submitted a joint nomination to the Workers' delegation on 12 May 2014.*
56. *The Committee notes with concern the allegations made by the UNETE that it was excluded from taking part in the Workers' delegation to the present session of the Conference, along with the CGT, CODESA and CTV, following their meeting in January 2014 with the ILO high-level mission to the country. While the objection raises questions that go beyond those concerning exclusively the nomination of the Workers' delegation to the Conference and therefore beyond its mandate, the Committee notes that in contrast to the past year the Workers' delegation to the present session of the Conference come exclusively from the ranks of CBST.*
57. *The Committee recalls that, as stated in Advisory Opinion No. 1 of the Permanent Court of International Justice (PCIJ) of 1922 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 among them. Consequently, where several representative organizations exist, Governments must take them all into consideration when proceeding to the nomination of a delegation and actively seek to obtain the agreement of all the most representative among them. While a plurality of organizations cannot be imposed by the Government, it must make efforts to consult with them and obtain agreement.*
58. *In the absence of agreement, 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 Committee considers that the Government's affirmation that the CBST is the most representative, without providing membership figures, did not facilitate its task. It cannot therefore make a determination that objective and verifiable criteria has been used for the determination of the most representative workers' organization in the country.*
59. *The Committee expects the Government to provide verifiable information in the near future so as to enable a true picture of the trade union situation in the country on the basis of reliable figures, in order to remove all existing doubts concerning the representative character of the Workers' delegate of the Bolivarian Republic of Venezuela. In addition, it trusts that the Government will actively seek agreement among the workers' organizations to ensure a nomination process for the next session of the Conference that is transparent and fully consultative.*

Complaints

60. The Committee also received and dealt with three 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' delegate and advisers by the Government of Spain

61. The Committee received a complaint submitted by Ms Alejandra Ortega Fuentes of the *Confederación Sindical de Comisiones Obreras* (CCOO), Workers' adviser and substitute delegate, and Mr Frades Pernas of the *Unión Central de Trabajadores* (UGT), Workers' adviser. The authors of the complaint recalled that in 2012 the Government had reduced the funding of travel and subsistence expenses from nine (one delegate and eight advisers) to only three workers' representatives (one delegate and two advisers). They contended that, for the third consecutive year, the Government had informed the workers' organizations that if they wished to accredit more advisers to attend the present session of the Conference, they would have to bear the costs. Annexed to the complaint was a letter from the Government addressed to the CCOO indicating that, due to current limitations on public spending, the Government had been compelled to maintain the reduction in the expenses associated with covering the travel and subsistence costs of the delegates and advisers, for both the Employers' and the Workers' delegations and that it could therefore cover the expenses of a delegate and two advisers for each delegation. The objecting organizations claimed that, while the economic situation in the country might be difficult, in light of Spain's industrial importance, the Government was not justified in declining to cover the expenses of a sufficient number of advisers to enable the Workers' delegation to follow all items on the agenda of the Conference. The CCOO and UGT noted that of their five representatives accredited to the present session of the Conference, the expenses of only two had been covered by the Government. The remaining three would therefore be compelled to limit their attendance, as their expenses had had to be covered by the objecting organizations. The authors of the complaint also contended that the Government had imposed conditions on the nomination process, demanding that the workers' organizations reach agreement among themselves on how to allocate the funding of the three persons to be covered by the Government and stating that, in the absence of such agreement, no workers' representatives would be funded. The CCOO and UGT claimed that, as the organizations representing approximately 75 per cent of Spanish workers (37.5 per cent and 35.4 per cent, respectively) and, moreover, as organizations representative of each of the 17 autonomous communities that make up the Spanish State, they constituted the most representative workers' organizations. The Government's requirement that they reach agreement with the other two less representative organizations, the *Confederación Intersindical Galega* (CIG) and the *Solidaridad de Trabajadores Vascos* (ELA-STV), constituted unfair treatment and created imbalance for the two larger, more representative organizations. Lastly, referring to the *Revised Provisional List of Delegations*, the authors of the complaint alleged that there continued to be a serious imbalance in the Workers' delegation as compared to the Government delegation, with the Government's two delegates being accompanied by 11 advisers, whereas the Workers' delegate was accompanied by six advisers, of which three would have to limit their attendance as the Government had not covered their expenses. Moreover, the CCOO and UGT alleged that the Government continued to disregard the recommendations of the Credentials Committee in relation to the first complaint lodged by the CCOO and UGT at the 101st Session of the Conference (June 2011), in which the Committee had concluded that conditioning the reimbursement of expenses on an agreement between the workers' organizations was incompatible with article 13, paragraph 2(a), of the ILO Constitution and that, in the absence of an agreement, the Government should give priority to the most representative organizations.

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62. In a written communication addressed to the Committee at its request, the Government confirmed that it had informed the social partners in April 2014 that it had been compelled to maintain the reduction in public spending expenses. As was the case in 2013, the Government would assume the expenses of the delegate and two advisers for the Employers' and Workers' delegations, with the aim of ensuring balance between these two groups. It informed the social partners that additional advisers, up to the maximum allowable of two per agenda item, could be nominated, but that this would be at the expense of the Employers' and Workers' delegations, respectively. The Government explained that it had also reduced the size of the Government delegation to the present session of the Conference, observing criteria of proportionality and balance. With respect to the Government delegates, the Government pointed out that it had accredited the Sub-Secretary of Labour and Social Security as delegate, accompanied by the General Technical Secretary of the Department as adviser, who would both attend the plenary session of the Conference. The Labour and Social Security Adviser from the Permanent Mission would cover the plenary sessions of the technical committees. The Government had accredited four additional individuals from the capital to ensure that sufficient advisers per agenda item were available to represent it throughout the Conference, acting as substitute delegates where necessary. With respect to personnel from the Permanent Mission in Geneva, the Government had, per its usual practice, accredited these individuals as they maintained a direct relationship with the International Labour Office. Lastly, the Government continued to emphasize the need to obtain a written agreement from the four workers' organizations concerned, with the aim of establishing criteria that would facilitate agreement on distribution of the expense allocations among each group on the basis of consensus, so that none of the workers' organizations would be excluded. The Government had informed the workers' organizations that the expenses it would assume for the delegate and two advisers of the Workers' delegation could be distributed by agreement among the four organizations concerned. Referring to the recommendations of the Committee in 2012 and 2013, the Government considered that it had acted in a legal and balanced manner, observing the limitation of travel and subsistence expenses for one delegate plus two advisers for the Employers' and the Workers' delegation.
63. *Once again, the Committee has before it a complaint regarding the non-payment of travel and subsistence expenses by the Government of Spain, brought by the same workers' organizations. It regrets that the Government has again insisted that the workers' organizations concerned reach agreement on the distribution of the payment for the Workers' delegate and two advisers before assuming any of their travel and subsistence expenses, in disregard of the Committee's prior recommendations. Pursuant to article 13, paragraph 2(a), of the ILO Constitution, Members must cover the travel and subsistence expenses of their full delegation. When the Government decides to cover the expenses of only part of the delegation, the distribution of payments cannot ignore the relative representativeness of the organizations whose representatives compete for them. While the Committee notes the Government's aim to ensure the inclusion of all workers' organizations concerned, where an agreement cannot be reached between them, the most representative organizations should be given priority. The Committee reiterates its conclusion from last year that the Government's decision to make the reimbursement of the expenses of the Workers' delegate contingent on an agreement between the workers' organizations concerned is not compatible with article 13, paragraph 2(a), of the ILO Constitution.*
64. *With respect to the claim of serious and manifest imbalance, the Committee notes the Government's explanation that it could only afford to pay for one delegate and two advisers for each of the Employers' and Workers' delegations. The Committee also notes the Government's explanation that the number of Government advisers from the country has been reduced and that individuals from the Permanent Mission have been nominated as advisers to ensure adequate coverage of all items on the Conference agenda.*

However, the Committee considers that the steps taken by the Government in nominating its delegation do not constitute a substantive improvement as compared with the previous year, because whereas a government has the ability to assure its representation through a diplomatic mission, the same cannot be said for the employers' or workers' organizations. The Committee recalls that the ability for the social partners to actively participate in the work of the Conference depends to a large extent on the number of advisers that accompany the delegate to the Conference; to expect that those advisers attend the Conference at their own expense is incompatible with article 13, paragraph 2(a), of the ILO Constitution. 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. The Committee trusts that the Government will give sufficient budgetary priority to participation in the work of the Conference to enable a sufficient number of advisers to attend the Conference, equitably distributed between the three groups in the delegation. It thus expects that the Government will fulfil its obligations under article 13, paragraph 2(a), of the ILO Constitution when accrediting the delegation of Spain to future sessions of the Conference.

Complaint concerning the non-payment of travel and subsistence expenses of the Workers' delegation by the Government of Italy

65. The Committee received a complaint lodged by Ms Silvana Cappuccio, Workers' delegate at the Conference, concerning the non-payment of expenses. The complainant alleged that the Government had informed the Workers' delegation to the present session of the Conference that it was only able to cover part of her expenses and none of the advisers', who would have to cover their own expenses. She claimed that the Government had failed to pay the portion of her expenses it had undertaken to assume and that, moreover, the final instalment of last year's payment to cover the expenses of the Workers' delegate to the last session of the Conference remained outstanding. The Workers' delegate alleged that, despite the Government's failure to cover the expenses of the Workers' delegation, it would be covering those of its own delegation. The author of the complaint contended that the Government had breached its obligations under article 26ter(a) and (b) of the Standing Orders of the Conference, by failing to cover the expenses of the Workers' delegate and by creating an imbalance between the delegations.
66. In a written communication addressed to the Committee at its request, the Government noted that its delegation had been significantly reduced. It pointed out that Italy had no advisers on two of the four technical committees in the present session of the Conference and that a representative from the Permanent Mission in Geneva was present at the Conference attending the sessions of the Committee on the Application of Standards. The Government contended that budgetary constraints were rendering Italy's participation in the Conference increasingly difficult, due to its length and the workload represented by the inclusion of more than one standard-setting item in a single session, which meant that the Government could attend only one of the two committees. With respect to the payment of the travel and subsistence expenses of the Workers' delegation to the previous session of the Conference, the Government indicated that, according to its records, the balance of the expenses for the Workers' delegation and the Employers' delegation had been paid between October and December 2013. With regard to the participation of the Workers' delegate to the present session of the Conference, the Government stated that a payment order for the delegate's travel expenses had been issued on 5 June 2014. The Government considered that the complaint was unfounded in that it had paid the requests submitted to it by the social partners. The Government also considered that it had demonstrated that this year there was no imbalance between the delegations given that the Government delegation was extremely limited.

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67. *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 advisers nominated to the Conference. The Committee notes the Government's explanation that, on 5 June 2014 – one week after the opening of the present session of the Conference – the advance payment authorization for the travel and subsistence expenses of the Workers' delegate was issued. The Committee further notes the Government's explanation that no payment remained outstanding with respect to the participation of the Workers' delegate to the prior session of the Conference. The Committee considers that, while the Government has covered the full travel and subsistence expenses to enable the Workers' delegate to participate at the present session of the Conference, it should have done so earlier. While the Committee considers that the complaint regarding the non-payment of a portion of the Workers' delegate's travel and subsistence expenses does not require any action on its part, the Committee trusts that the Government will take the necessary steps in the future to ensure that such payments occur as early as possible, so as to permit participation by those nominated to serve as delegates and advisers for the full duration of the Conference.*
68. *With respect to the allegation of imbalance in the composition of the delegation, the Committee takes note of the Government's explanations regarding its economic difficulties, including that the two titular delegates and one of the four advisers are from the Permanent Mission in Geneva. While the Committee considers that there is no serious and manifest imbalance, it nevertheless recalls that the ability of the social partners to actively participate in the work of the Conference depends to a large extent on the number of advisers that accompany the delegate to the Conference; to expect that those advisers attend the Conference at their own expense is incompatible with article 13, paragraph 2(a), of the ILO Constitution. 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. Therefore, the Committee trusts that the Government will give sufficient budgetary priority to participation in the work of the Conference to enable a sufficient number of advisers to attend the Conference, equitably distributed between the three groups in the delegation. It thus expects that the Government will fulfil its obligations under article 13, paragraph 2(a), of the ILO Constitution in nominating the delegation of Italy to future sessions of the Conference.*

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

69. *The Committee received a complaint presented by the Groupement des Entreprises de Madagascar (GEM) and the Conférence des Travailleurs de Madagascar (CTM), supported by the Employers' group, alleging the non-payment of travel and subsistence expenses for the Employers' delegate and adviser and the Workers' delegate and adviser, in breach of article 13, paragraph 2(a), of the ILO Constitution. The authors of the complaint stated that the Government had accredited the Employers' and Workers' delegations. However, on the day prior to departure for Geneva, the Government informed the Employers' and the Workers' delegates that neither their travel and subsistence expenses or those of their advisers could be covered due to a lack of budgetary resources, with the exception of the Workers' adviser whose expenses were covered by the Agence Portuaire Maritime et Fluviale (APMF). The authors of the complaint indicated that this was a long-standing situation that had persisted since the 100th Session of the Conference (June 2011).*

70. In a written communication addressed to the Committee at its request, the Government explained that Madagascar was currently facing an unprecedented socio-economic crisis that impacted severely on the Government's budget and left it no alternative but to introduce draconian measures that limited the use of public funds. As a result, a strict budget was imposed on the Ministry of Labour that could not be exceeded without incurring sanctions. Notwithstanding these constraints, the Government had deployed every effort to fulfil its international obligations. It explained that, as a result of the payment of its arrears to the ILO for the period 2011–13, there were insufficient funds for the travel and subsistence expenses of the Employers' and Workers' delegates and advisers to the present session of the Conference. The Ministry of Transport undertook to cover the expenses of the Workers' adviser, but was unable to cover the expenses of the Employers' adviser, as requested by the Ministry of Labour. The Government expressed its commitment to remedy the situation and to ensure the necessary funding to cover the expenses of a full delegation, as it had made such proposals in the context of its present budgetary process.

71. *The Committee notes that the Government has not denied the allegation that it has failed to meet its minimum obligation under article 13, paragraph 2(a), of the ILO Constitution to cover the costs of a tripartite delegation. Rather, the Government submits that the current socio-economic crisis has prevented it from having sufficient funds to cover the travel and subsistence expenses of a full delegation. 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. However, the Committee considers that while financial constraints have an impact on governments, they have an even greater impact on the social partners, affecting their ability to attend the Conference. In particular, the Committee deplores that the Workers' and the Employers' delegates and their advisers, who had been accredited by the Government, were only informed on the day prior to their departure that their expenses could not be covered. This late notice made it impossible for them to find alternative sources of funding. The Committee further considers that the composition of the Government delegation, which includes three individuals from the capital and two from the diplomatic mission, is also at odds with the strict budgetary measures that had been adopted and that did not permit the Government to cover, at a minimum, the expenses of either the Workers' or the Employers' delegate. Therefore, the Committee trusts that the Government will fulfil its commitment to send a full delegation to the next session of the Conference.*

Other matters

72. The Committee wishes to recall that for it to treat objections and complaints and in view of the very limited time at its disposal to receive and examine them, and noting that two objections were late, it is essential that they be submitted as early as possible and that they contain all the necessary, supporting documentation. This is especially necessary in light of the proposed trial two-week session of the Conference that is to take place in 2015. In order for the Committee to examine them correctly, it must have all necessary information and the substance of the problem must be explained clearly. It is also essential for governments to respond quickly and fully to allegations when the Committee so requests.

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- 73.** 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 proposal contained in paragraph 19.

Geneva, 10 June 2014

(Signed) Ngoni Masoka
Chairperson,

Lidija Horvatić

Sarah Fox

	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	11	-	-	Ecuador.....	2	1	1	2	1	1	Luxembourg.....	2	1	1	3	4	6	Seychelles.....	2	1	1	1	-	-
Albania.....	2	1	1	8	1	-	Egypt.....	2	1	1	12	3	5	Madagascar.....	2	-	-	2	-	1	Sierra Leone.....	2	-	-	-	-	1
Algeria.....	2	1	1	14	4	8	El Salvador.....	2	-	-	-	-	-	Malawi.....	2	-	-	1	5	2	Singapore.....	2	1	1	8	2	8
Angola.....	2	1	1	3	2	1	Equatorial Guinea.....	-	-	-	-	-	-	Malaysia.....	2	1	1	10	4	10	Slovakia.....	2	1	1	4	3	3
Antigua and Barbuda.....	-	-	-	-	-	-	Eritrea.....	2	1	1	4	-	1	Maldives.....	2	1	1	2	-	-	Slovenia.....	2	1	1	2	1	1
Argentina.....	2	1	1	7	10	6	Estonia.....	2	-	-	4	1	1	Mali.....	2	1	1	16	1	3	Solomon Islands.....	-	-	-	-	-	-
Armenia.....	-	-	-	-	-	-	Ethiopia.....	2	1	1	4	3	1	Malta.....	2	1	1	7	5	7	Somalia.....	1	-	1	-	-	-
Australia.....	2	1	1	4	1	2	Fiji.....	2	1	1	2	-	-	Marshall Islands.....	-	-	-	-	-	-	South Africa.....	2	1	1	8	4	5
Austria.....	2	1	-	7	2	4	Finland.....	2	-	1	5	2	3	Mauritania.....	2	-	1	9	-	7	South Sudan.....	2	1	1	9	1	-
Azerbaijan.....	2	1	1	6	2	5	France.....	2	1	1	12	3	9	Mauritius.....	2	1	1	4	1	-	Spain.....	2	1	-	11	4	6
Bahamas.....	2	1	1	-	-	1	Gabon.....	1	-	1	10	3	8	Mexico.....	2	-	-	10	8	7	Sri Lanka.....	2	1	1	9	-	6
Bahrain.....	2	1	1	6	2	5	Gambia.....	-	-	-	-	-	-	Republic of Moldova.....	2	1	1	-	-	-	Sudan.....	2	1	1	6	5	8
Bangladesh.....	2	-	-	13	2	4	Georgia.....	2	1	-	2	1	-	Mongolia.....	2	1	1	11	6	1	Suriname.....	2	1	1	-	-	-
Barbados.....	1	-	1	1	-	-	Germany.....	2	-	1	10	4	8	Montenegro.....	2	1	1	2	2	1	Swaziland.....	2	1	1	5	1	1
Belarus.....	2	1	1	7	2	7	Ghana.....	2	1	1	2	7	8	Morocco.....	2	1	1	12	4	9	Sweden.....	1	1	1	2	2	4
Belgium.....	2	1	1	12	5	7	Greece.....	2	-	1	12	5	4	Mozambique.....	2	1	1	12	-	1	Switzerland.....	2	1	1	10	4	8
Belize.....	-	-	-	-	-	-	Grenada.....	-	-	-	-	-	-	Myanmar.....	2	1	1	8	-	1	Syrian Arab Republic.....	2	1	-	2	1	-
Benin.....	2	1	1	12	1	8	Guatemala.....	1	1	1	6	2	1	Namibia.....	2	1	1	13	2	2	Tajikistan.....	-	-	-	-	-	-
Bolivia (Plurinational State).....	2	-	-	4	2	-	Guinea.....	2	1	1	11	7	10	Nepal.....	1	1	1	2	1	7	United Republic of Tanzania.....	2	1	1	16	4	3
Bosnia and Herzegovina.....	1	1	1	1	-	1	Guinea-Bissau.....	-	-	-	-	-	-	Netherlands.....	2	1	1	13	4	6	Thailand.....	2	1	1	12	2	5
Botswana.....	2	1	1	4	-	-	Guyana.....	-	-	-	-	-	-	New Zealand.....	2	1	-	6	1	2	The former Yug. Rep. Of Macedo.....	2	1	1	-	1	-
Brazil.....	2	1	1	14	7	5	Haiti.....	2	1	-	1	-	-	Nicaragua.....	2	-	1	3	-	-	Timor-Leste.....	-	-	-	-	-	-
Brunei Darussalam.....	2	1	1	4	-	-	Honduras.....	2	1	1	1	1	1	Niger.....	2	1	1	12	7	10	Togo.....	2	1	1	10	5	8
Bulgaria.....	2	1	1	4	5	2	Hungary.....	2	1	1	5	7	7	Nigeria.....	2	1	-	20	5	4	Trinidad and Tobago.....	2	1	1	10	-	1
Burkina Faso.....	2	-	1	20	3	5	Iceland.....	2	1	-	2	1	1	Norway.....	2	1	1	9	4	5	Tunisia.....	2	-	1	10	3	5
Burundi.....	2	1	1	1	-	-	India.....	1	1	1	13	8	8	Oman.....	2	1	1	13	6	5	Turkey.....	2	1	1	18	6	9
Cambodia.....	2	1	1	3	-	-	Indonesia.....	2	-	1	20	8	3	Pakistan.....	2	1	1	6	-	-	Turkmenistan.....	2	1	1	2	-	-
Cameroun.....	2	1	1	8	3	3	Islamic Republic of Iran.....	2	1	1	9	6	7	Panama.....	2	1	1	6	2	2	Tuvalu.....	-	-	-	-	-	-
Canada.....	2	1	-	8	4	4	Iraq.....	2	1	1	9	2	8	Papua New Guinea.....	2	1	1	3	-	-	Uganda.....	2	1	1	1	7	8
Cabo Verde.....	2	1	1	3	-	-	Ireland.....	1	1	1	3	-	1	Paraguay.....	2	1	1	6	1	8	Ukraine.....	2	1	1	3	1	5
Central African Republic.....	2	1	1	5	1	1	Israel.....	2	1	1	3	-	3	Peru.....	2	1	1	9	3	6	United Arab Emirates.....	2	1	-	7	2	3
Chad.....	2	1	1	9	1	4	Italy.....	2	1	1	3	2	2	Philippines.....	2	1	1	10	3	3	United Kingdom.....	2	1	1	10	3	3
Chile.....	2	1	1	9	7	10	Jamaica.....	2	1	1	3	-	1	Palau.....	-	-	-	-	-	-	United States.....	2	1	1	16	5	8
China.....	2	1	1	20	7	10	Japan.....	2	1	1	13	4	8	Poland.....	2	1	1	7	5	5	Uruguay.....	2	-	1	4	2	3
Colombia.....	2	1	1	11	7	8	Jordan.....	2	1	1	8	-	6	Portugal.....	2	1	1	10	6	9	Uzbekistan.....	2	1	1	1	-	-
Comoros.....	2	1	1	5	1	2	Kazakhstan.....	2	1	1	4	-	1	Qatar.....	2	1	1	4	1	-	Vanuatu.....	-	-	-	-	-	-
Congo.....	2	1	1	20	4	9	Kenya.....	2	1	1	13	3	10	Romania.....	2	-	1	10	3	4	Venezuela (Bolivarian Republic).....	2	-	1	7	7	8
Costa Rica.....	2	1	1	3	1	-	Kiribati.....	2	1	1	1	-	-	Russian Federation.....	2	1	1	13	2	9	Viet Nam.....	2	1	1	5	-	2
Côte d'Ivoire.....	2	1	1	20	8	8	Republic of Korea.....	2	1	1	18	7	9	Rwanda.....	2	-	1	2	-	-	Yemen.....	2	-	1	2	-	3
Croatia.....	2	1	-	3	1	1	Kuwait.....	2	1	1	9	3	3	Saint Kitts and Nevis.....	-	-	-	-	-	-	Zambia.....	2	1	1	12	7	2
Cuba.....	2	1	1	5	1	2	Kyrgyzstan.....	-	-	-	-	-	-	Saint Lucia.....	-	-	-	-	-	-	Zimbabwe.....	2	1	1	11	1	1
Cyprus.....	2	1	1	4	4	6	Lao People's Democratic Rep.....	2	1	1	3	1	1	Saint Vincent and the Grenadines.....	-	-	-	-	-	-							
Czech Republic.....	2	-	1	5	3	4	Latvia.....	2	1	1	6	1	-	Samoa.....	-	-	-	-	-	-							
Democratic Republic of the Cong.....	2	-	1	20	5	4	Lebanon.....	2	-	1	7	2	7	San Marino.....	2	1	1	-	2	4	Total	317	134	145	4)	5)	6)
Denmark.....	2	1	1	11	3	4	Lesotho.....	2	1	1	2	-	-	Sao Tome and Principe.....	-	-	-	-	-	-							
Djibouti.....	2	1	-	3	1	2	Liberia.....	2	1	1	-	1	7	Saudi Arabia.....	2	1	1	20	3	4							
Dominica.....	-	-	-	-	-	-	Libya.....	2	-	1	18	-	3	Senegal.....	2	1	1	12	2	8							
Dominican Republic.....	2	1	1	12	2	8	Lithuania.....	2	1	1	3	-	-	Serbia.....	2	1	1	1	1	3							

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