



Reports on credentials

Second report of the Credentials Committee

Composition and quorum of the Conference

1. Since 1 June 2015, 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 169 member States are represented at the International Labour Conference. In addition, since the adoption of its first report, four member States, El Salvador, Ghana, Paraguay and Uzbekistan, have regained the right to vote.
2. To date, there are 5,912 persons accredited to the Conference (as compared to 5,254 in 2014, 5,593 in 2013, 5,327 in 2012, and 5,469 in 2011), of whom 4,842 are registered (as compared to 4,457 in 2014, 4,569 in 2013, 4,395 in 2012, and 4,464 in 2011). The attached lists contain more details on the number of delegates and advisers accredited and registered.
3. The Committee wishes to indicate that 163 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 103rd Session (2014), the Conference decided, by virtue of article 26bis(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. 16, 2014) and it therefore requested the Government to:
 - (a) submit to the Director-General of the International Labour Office, by no later than the end of 2014, a detailed report on the progress achieved in Djibouti with regard to the establishment of criteria facilitating the independent representation of workers in the country and indicating the concrete measures taken to reach a definitive resolution of the problem; and

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- (b) submit to 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 in this regard and on the basis of which criteria, the numerical importance of the consulted organizations, the date and place of these consultations, the names of the individuals nominated by the organizations during these consultations and the positions they held within those organizations.

6. The Government did not provide the written reports requested by the Conference.
7. The Committee notes that in the credentials communicated to the Office on 17 May 2015, two persons were designated as Workers' delegate: Mr Adan Mohamed Abdou, in his capacity as "parliamentarian and former Secretary-General of the *Union djiboutienne du Travail* (UDT)",¹ and Mr Abdou Sikieh Dirieh, in his capacity as "parliamentarian, President of the *Commission sociale et protection de l'environnement*, and former Secretary-General of the *Union générale des Travailleurs djiboutiens* (UGTD)".² Two additional persons were designated in these initial credentials as advisers: Mr Mohamed Youssef Mohamed (as "President" of the UDT)³ and Mr Said Mahamoud Sougueh (as "Financial Secretary" of the UGTD). The Committee observes that on 1 June 2015, in response to a communication from the Office dated 18 May 2015, it received a communication signed by the Minister of Labour designating only two individuals: Mr Mohamed Youssef Mohamed (UDT) and Mr Said Mahamoud Sougueh (UGTD), still in the capacity of advisers. The functions of these two individuals were specified in a new communication sent later on the same day, designating Mr Said Mahamoud Sougueh (UGTD) as Workers' delegate and Mr Mohamed Youssef Mohamed (UDT) as adviser.
8. Clarifications requested by the Committee were provided verbally on behalf of the Government by Mr Hassan Houmed Ibrahim, Director for Labour, Employment and Social Security and Government delegate to the Conference. He was accompanied by Ms Ikram Awaleh Farah, Chief of the Standards Branch within the Labor Directorate and Government adviser to the Conference. Mr Houmed Ibrahim indicated that the employers' and workers' organizations nominated their representatives to the Conference freely, before admitting in passing that the Government had itself decided on the attribution of their functions in the delegation, designating them as either delegates or advisers. He did not consider that there was any problem of representativeness and stated that the issue of "clone" organizations had been resolved. He stated that he was not personally aware of the reports requested by the Conference, but that in any event, the Government had already provided the information requested, on the occasion of the preceding session of the Conference. According to the Government, the withdrawal of Mr Adan Mohamed Abdou and Mr Abdou Sikieh Dirieh from the credentials was due to their election to the National Assembly, given that national labour legislation precluded individuals from accumulating functions as workers' representatives and parliamentarians. He considered that significant

¹ Mr Adan Mohamed Abdou is one of the union leaders who have been submitting for a number of years an objection to the Credentials Committee challenging the legitimacy of the Worker representatives accredited by the Government.

² Mr Abdou Sikieh Dirieh has frequently been included by the Government in the Workers' delegation (as delegate or adviser).

³ The legitimacy of Mr Mohamed Youssef Mohamed has also been challenged before the Credentials Committee on various occasions.

efforts had been made in the country, notably at the level of legislation, and he failed to understand why the Committee continued to harass the Government.

9. *The Committee notes that the Government has once again failed to comply with its obligation to provide the written reports requested, despite the reminder communicated to it by the Office. The Committee observes that the submission of credentials for the delegation of Djibouti was incomplete and that the Office had given the Government the opportunity to correct them.*
10. *The Committee observes that the information that was provided to it orally was both imprecise and contradictory. The Committee wishes to note, moreover, that it was shocked at the attitude of the Government representatives and their lack of respect toward the Committee. It also wishes to point out that while both the Minister of Labour and the Ambassador of Djibouti at the Permanent Mission in Geneva were present at the Conference, both declined to appear before the Committee.*
11. *The Committee deplores the Government's lack of cooperation, all the more so given that, once again this year the nomination of the Workers' delegation to the Conference has been the subject of an objection (see paragraphs 24 to 34).*
12. *Taking into consideration its review of the objection, the Committee considers that the situation warrants the renewal of reinforced monitoring, once again (see paragraph 34).*

Objections

13. The Committee has received 14 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 1 June 2015 and the *Revised Provisional List of Delegations* published on 5 June 2015, 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 Costa Rica

14. The Committee received an objection presented by four trade union confederations, the *Confederación de Trabajadores Rerum Novarum* (CTRN), the *Central del Movimiento de Trabajadores Costarricenses* (CMTC), the *Central Social Juanito Mora Porras* (CSJMP) and the *Confederación Unitaria de Trabajadores* (CUT), challenging the nomination of the Workers' delegate of Costa Rica to the present session of the Conference. The objecting organizations alleged that the coordinating workers' organization, *Bloque Unitario Sindical y Social Costarricense* (BUSSCO), was not a legally constituted trade union, nor was it registered in the trade union registry maintained by the Ministry of Labour as required under Costa Rica's labour legislation. In addition, they objected to the Government's nomination of a representative of the *Unión Nacional de Empleados de la Caja y la Seguridad Social* (UNDECA) as the Workers' delegate, contesting the Government's presumption that the organizations forming part of BUSSCO – including UNDECA – represented the largest number of workers in Costa Rica. In this regard, they noted that the organizations affiliated to BUSSCO were primarily from the education and health sectors and did not represent workers in other economic sectors, including the public sector. Moreover, the authors of the objection maintained that ANDE, one of the organizations affiliated with BUSSCO and the one claiming to have the highest number of workers, represents only teachers. They stated that two other unions – the *Sindicato de*

Trabajadoras y Trabajadores de la Educación Costarricense (SEC) and the *Sindicato de Trabajadoras de Comedores Escolares y Afines* (SITRACOME), both affiliated with the CTRN – were the most representative in the education sector, representing all categories of workers in this sector, with a membership of more than 74,000 education sector workers. In particular, SEC was the education sector organization with the highest number of members. Lastly, the authors of the objection maintained that the *Asociación de Profesores de Segunda Enseñanza* (APSE) represented only professors in secondary education in Costa Rica. Therefore, neither ANDE nor APSE was the most representative workers’ organizations in the education sector, whereas the SEC was.

15. In a written communication addressed to the Committee at its request, the Government noted that it had appreciated the assistance that had been provided by the ILO Office in Costa Rica with regard to the nomination process for the present session of the Conference and, in this context, it had taken into consideration the conclusions and recommendations of the Credentials Committee in a similar case lodged with the Committee at the 101st Session (June 2012) of the Conference. On that occasion, the Committee had drawn the Government’s attention to Advisory Opinion No. 1 of the Permanent Court of International Justice (PCIJ) of 1922, which found that when several organizations agreed on a nomination, the Government was required 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, taken together, are larger than those of the most numerous organizations, can therefore prevail.
16. The Government noted that Advisory Opinion No. 1 of the PCIJ clarified the meaning of the term “most representative industrial organizations” in article 3(5) of the ILO Constitution which, in the case of Costa Rica, was not limited to trade union confederations, but also included coalitions of trade union organizations of different sizes, that can join together for the purpose of nominating a Workers’ delegate to the Conference. The Government considered that, where proposals were made by one or more trade union coalitions, it could take into account trade union coalitions if the number of their affiliates was greater than that of the largest confederation or group of confederations of trade unions. The Government stated that it was on this basis that it had accredited Ms Martha Elena Rodríguez González, Secretary-General of UNDECA, as Workers’ delegate to the present session of the Conference, as she had been designated by the workers’ organizations that participated in an assembly called by BUSSCO for this purpose on 26 March 2015. In this regard, the Government clarified that BUSSCO was not a trade union, but rather a coalition of trade unions that had agreed on the nomination of the Workers’ delegate to the Conference. According to the Government, BUSSCO was comprised of 17 workers’ organizations: the *Sindicato Nacional de Asistentes de Servicios de Salud* (SINASS); the *Asociación Nacional de Técnicos y Trabajadores de la Energía y las Comunicaciones* (ANTTEC); the *Asociación de Profesores de Segunda Enseñanza* (APSE); the *Sindicato Independiente de Trabajadores Estatales Costarricenses* (SITECO); the *Sindicato de Trabajadores del Instituto Nacional de Aprendizaje* (SITRAINIA); the *Unión de Profesionales del Banco Popular* (UNPROBANPO); the *Unión Nacional de Trabajadores del Sector Privado y Público* (UNTRASEPP); the *Sindicato de Trabajadores de la Universidad Nacional* (SITUN); the *Asociación Nacional de Educadores y Educadoras* (ANDE); the *Unión Nacional de Empleados de la Caja y la Seguridad Social* (UNDECA); the *Unión Nacional de Trabajadores y Trabajadoras del Sector Público y Privado* (UNT); the *Central General de Trabajadores* (CGT); the *Sindicato de Empleados y Empleadas de la Universidad de Costa Rica* (SINDEU); the *Unión Médica Nacional* (UMN); the *Asociación Nacional de Profesionales en Enfermería* (ANPE); the *Sindicato de Profesionales en Ciencias Médicas* (SIPROCIMECA); the *Sindicato Nacional de Administradores de Servicios de Salud y Afines del Seguro Social* (SINASSASS).

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17. The Government noted that according to its registry maintained by the Department of Social Organizations of the Ministry of Labour and Social Security, the coalition of workers' organizations that nominated the Workers' delegate had a total of 129,190 members. Moreover, it noted that all of the organizations acting together under the umbrella of BUSSCO had legal personality and included a range of sectors, including a large confederation, the *Central General de Trabajadores* (CGT).
 18. The Government submitted that it had also given consideration to the letter from the General Coordinator of the confederations in which the Government had been informed that five confederations had reached agreement on the nomination of Mr Augusto Boirivant Arce and Mr Marvin Rodríguez Cordero, as Workers' delegate and substitute delegate, respectively. Nevertheless, according to the Government's registry, the group of five confederations had a total of 92,917 members, which was less than the 129,190 members comprising BUSSCO. The Government thus accepted the nomination presented by BUSSCO as the coalition of organizations with the highest number of members.
 19. The Government disputed the allegation that the coalition of organizations comprising BUSSCO was limited to the health and education sectors. These organizations in fact represented a variety of sectors, both public and private, as is the case of the CGT, which represented a range of sectors at national level. The Government also contested the characterization of ANDE as an organization that only included teachers, noting that according to the Department of Social Organizations, ANDE was a duly registered trade union, with legal capacity and a membership of 52,155 persons, that accepted other categories of educational sector professionals, including docents, retired teachers and education centre workers. In relation to SEC and SITRACOME, the Government noted that they have a total of 27,931 and 963 members, respectively.
 20. *The Committee takes note of the Government's response to the Committee's request for information, in which the Government identified the workers' organizations that it considered to be the most representative in the country, together with data indicating their relative numerical importance. The Government identified six organizations: the CTRN (with 57,757 members); the CSJMP (with 15,191 members); the CMTC (with 6,384 members); the CUT (with 1,227 members); the CCTDRN (with 12,358 members); and the CGT (with 13,931 members). The Committee notes that the Government also confirmed that on 26 March 2015, all of the organizations concerned had been consulted with regard to the nomination of the Workers' delegation, providing documentation indicating that the consultations had taken place.*
 21. *The Committee appreciates the comprehensive information and documentation provided by the Government, which indicates that consultations with representative workers' organizations took place. However, it notes that there remain contested facts regarding the criteria by which the figures are established and taken into account for the purpose of the nomination of the Workers' delegation, which may require further refinement. This question is not within the scope of the Committee's mandate to determine, but must be resolved at the national level. Therefore, the Committee invites the Government to continue seeking the technical assistance of the ILO in this regard. Consequently, the Committee considers that further elements are necessary to ensure that the Government has met its constitutional obligations under article 3(5) of the ILO Constitution.*

Late objection concerning the nomination of the Workers' delegation of Côte d'Ivoire

22. The Committee received an objection from the *Fédération des Syndicats Autonomes de Côte d'Ivoire* (FESACI), alleging that the Government had excluded the representatives nominated by the Secretary-General of this organization from the Workers' delegation and designated the leader of the dissenting branch, Mr Traoré Dohia, as Workers' delegate in their stead.
23. This objection, dated 27 May 2015, was received by the Credentials Committee on 6 June 2015, at 1.30 p.m., well after the expiry of the time limit established for the present session of the Conference (48 hours from 10 a.m. of the opening day of the Conference – 3 June 2015, 10 a.m.).⁴ The Committee notes that the objection would have been late even had the usual 72-hour time limit established by article 26bis(1)(a) of the Standing Orders of the Conference been applicable (this deadline would have expired on 4 June at 10 a.m.). The Committee therefore considers that the objection is not receivable by virtue of the deadline fixed for this year's Conference.

Objection concerning the nomination of the Workers' delegation of Djibouti

24. 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 Dirane Hared, Secretary-General of the *Union générale des travailleurs djiboutiens* (UGTD). The authors of the objection alleged that the Government had, once again, failed to take into account the list – annexed to the objection – of representatives designated by their respective organizations for their participation in the present session of the Conference, instead giving preference to the “clone unions”. They considered that the Government continued to usurp the name of the UGTD and the UDT, in breach of the commitments it had made before the Credentials Committee. They specified that the future congress of the UGTD to which the Government had referred in appearing before the Credentials Committee in 2014 had not taken place on the date foreseen and that in any event this was a “false congress” of the “clone” UGTD. The objection was accompanied by a report of the socio-political situation in Djibouti (covering the period from February 2013 to May 2015). The authors of the objection requested the Committee to take an effective and definitive decision with respect to the delegation of Djibouti.
25. In a supplementary written communication dated 9 June 2015, Mr Adan Mohamed Abdou and Mr Habib Ahmed Dualeh, the latter acting in his capacity as representative of the UGTD Secretary-General, confirmed their allegations concerning the Workers' delegation of Djibouti, but withdrew the above-referenced report on the socio-political situation in Djibouti from their objection. Through the *Intersyndicale UDT–UGTD*, the authors of the objection acknowledged the mutual desire of the Government and the Worker representatives of Djibouti to find a definitive resolution to this conflict that has endured since 1995. They requested the ILO's support to this end and expressed their hope that the Government would confirm in writing this reciprocal commitment, which implied: the reintegration of the union leaders and activists terminated since 1995; the official recognition of the trade union confederations of the UDT and the UGTD; and the

⁴ See para. 8 of *Provisional Record No. 2, 2015*.

elimination of “clone” unions in whatever form from the trade union landscape in the country, thereby prohibiting interference by the public authorities in trade union matters.

26. In a written communication addressed to the Committee at its request on 10 June 2015, the Government recalled that, in August 2010, the UGTD, led by Mr Abdou Sikieh Dirieh, had held its eighth congress in the presence of national and international observers. According to the Government, the ninth congress of the organization should have taken place in March 2015, but had to be postponed to a later date due to the absence of representatives of the International Labour Office. With regard to the UDT led by Mr Mohamed Youssouf Mohamed, it still refused to hold its congress without the participation of representatives of the International Trade Union Confederation (ITUC) and the International Labour Office. The Government reiterated that the *Intersyndicale UDT–UGTD* does not exist and that the authors of the objection lack any legitimate union mandate. With the aim of resolving this issue definitively, the Government urged the two confederations to organize their elections in the presence of international observers. The Government noted with concern that the allegations brought before the Committee on a yearly basis amount to an extremely virulent political manifesto and challenged their receivability. It considered that it had always striven to maintain lasting social peace through dialogue and strengthened tripartism. The Government stated that it considered the social partners to be of fundamental importance, since they were the cornerstone of all socio-economic development processes in the country. With respect to the designation of Worker representatives to this session of the Conference, the Government indicated that it had sent a communication to the UGTD and the UDT dated 13 May 2015, asking them to nominate their representatives.
27. The Government stated that Mr Adan Mohamed Abdou and Mr Abdou Sikieh Dirieh had in fact been withdrawn from the list of Worker representatives provided by their respective organizations due to: (i) the prohibition against the accumulation of functions set out in the national labour legislation; and (ii) budgetary constraints preventing the Government from covering the expenses of additional Worker representatives. The Government noted, moreover, that the Worker representatives that jointly signed the objection (namely Mr Kamil Diraneh Hared and Mr Mohamed Doubad Waiss, on behalf of the UGTD and Mr Hassan Cher Hared on behalf of the UDT, did not have any union mandate.
28. The Committee also received a communication dated 10 June 2015, signed by the acting Secretary-General of the UGTD, Mr Mohamed Waiss Okieh (named by decision of the Executive Committee of the UGTD following the election of Mr Abdou Sikieh Dirieh to the National Assembly). Mr Mohamed Waiss Okieh considered that the objection lodged in the name of the *Intersyndicale UDT–UGTD* had no legal value and that its signatories were acting in the name of a “phantom pseudo-organization”. The communication refers to the eighth congress of the UGTD of August 2010 as well as to the ninth congress that is to be held in the near future.
29. *The Committee takes note of the information provided by the objecting organizations, as well as of the new elements contained in their supplemental communication of 9 June 2015.*
30. *The Committee is surprised at the reversal of position that the authors of the objection have suddenly expressed, all the more so given that the hearing with the Government of Djibouti had closed with an observation that the situation was at an impasse (see monitoring, paragraphs 9–11).*

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31. *The Committee remains very concerned at the confusion that continues to reign in relation to the situation of the trade union movement in the country, and considers that the information presented to it by the Government as well as by the trade union organizations, still do not permit it to eliminate the doubts surrounding the continuing phenomenon of “clone” organizations.*
32. *The only new element in this matter derives from the recent communication of 9 June 2015, in which the signatories indicate that they are ready to negotiate with the Government to resolve the problems that have kept their organizations in an adversarial situation for two decades. The Committee wishes to believe that these new declarations will shortly be confirmed by the Government through concrete measures showing that it has finally taken due note of the recommendations of the Committee on Freedom of Association and of the Credentials Committee. It is essential that concrete solutions be found 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).*
33. *The Committee recalls that it is only in a framework that fully respects the capacity to act of workers’ organizations, in total independence, that the Government will be able to determine, together with the latter, objective and transparent criteria for the nomination of workers’ representatives to national and international tripartite events and to the International Labour Conference.*
34. *In light of the foregoing, 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(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 2015, a detailed report:*
 - (i) on the progress achieved in Djibouti as regards the establishment of criteria for the independent representation of workers in the country; and*
 - (ii) the concrete steps undertaken following upon the commitment to re-establish a dialogue in order to fully resolve the problems existing between the workers’ representatives and the Government (see paragraph 32);*
 - (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 numerical importance of the organizations consulted, the date and place of these consultations, the names of the individuals nominated by the organizations during these consultations and the positions they held within those organizations.*

Objection concerning the nomination of the Workers' delegation of Egypt

35. The Committee received an objection concerning the nomination of the Workers' delegation presented by the Arab Trade Union Confederation (ATUC) and the Egyptian Democratic Labour Congress (EDLC), an affiliate of the International Trade Union Confederation (ITUC). The objecting organizations submitted that the Workers' delegation to the present session of the Conference was composed exclusively of members of the Egyptian Trade Union Federation (ETUF). The EDLC stated that it had been excluded from the Workers' delegation to the Conference, whereas it had been included in the delegation to the 2012 session. It also claimed that the ETUF was not a legitimate representative of Egyptian workers given that its representatives are not elected, but instead are appointed by ministerial decree. Since 2011, the ETUF has been managed by an interim administrative committee as a result of several judgments issued by the Egyptian judiciary, which held that the last ETUF elections held in 2006 were null and void. As a result, ETUF's board was dissolved at the federal level and replaced by a temporary committee, whose mandate was to monitor the enforcement of judgments concerning the dissolution of unions at the remaining levels. The objecting organizations submitted, however, that the mandate of the temporary committee had been renewed and extended every six months through the issuance of ministerial decrees, noting that the last such decree was issued in November 2014. They alleged that there were no longer any legitimate and legally recognized organizations representative of workers in the country due to the trade union monopoly which had existed for decades and that remained in force, in breach of ILO Conventions that Egypt had ratified. In particular, they stressed that all public employees were obliged to join an ETUF-affiliated union and that union dues were automatically deducted from their salaries. They stated that, on the other hand, the EDLC was a legitimate representative of workers in the country, as elections were held in April 2014, which the International Labour Office and the ITUC had monitored, as had the Ministry for Manpower and Migration. Although EDLC counted 886,000 voluntary members, it had not been able to collect dues, as a majority of its members were obliged to pay dues to ETUF-affiliated unions and could not afford to pay dues to two unions. Given that the ETUF was neither independent nor representative of workers in Egypt, the EDLC requested that the Committee invalidate the Workers' delegation and that the independent trade unions be entitled to exclusively form the Workers' delegation at the Conference.
36. In a written communication addressed to the Committee at its request, the Government explained that there was no law in Egypt regulating workers' representation at any international conference, but that a draft law had been prepared and would be submitted to Parliament for adoption upon its eventual reconvening. In this regard, the Government indicated that the election of the members of Parliament would take place before the end of 2015. It submitted that, if it had applied the criterion of the most representative organization, only the ETUF would have been represented at the present Conference, since it was the only workers' organization formally registered under the provisions of Act No. 35 of 1976 governing (official) trade unions (hereinafter "Law No. 35") and the ETUF had the largest numbers. However, the Government stressed that it supported other workers' federations who had established their organizations by submitting their constitutions to the Ministry of Manpower and Migration. It had designated the Workers' delegation based on a nomination proposed by the chairpersons of these trade union federations. The Government explained that the EDLC had been invited to all discussions on freedom of association and that it had assisted the EDLC when one of its members had composed another federation, usurping its name, by helping them to take the appropriate legal measures. Contrary to the allegations set out in the objection, the Government explained that, at the present session of the Conference, two other workers' organizations were represented in addition to the ETUF. The Government questioned the reliability of the documents submitted and stressed that the judgments referred to by the objecting

organizations and attached to the objection were not final enforceable judgments. It denied that any judgment issued by the Egyptian judiciary, whether by ordinary courts or administrative tribunals, had ordered the invalidation of the 2006–11 ETUF elections or those of its affiliates. Nor was there any final enforceable judgment on the dissolution of the ETUF. It explained that the rulings referred to in the former Minister of Manpower and Migration decrees concerned only the trade union session of 2001–06 and not the elections for the 2006–11 session. It asserted that, for the first time, the Egyptian trade union movement had held elections for all trade union boards, including the ETUF, and at all levels of the trade unions, and that these had been held in accordance with the rules and regulations adopted by the General Assembly, which is the highest authority under Article 30 of Law No. 35. The Government also denied that the ETUF was currently managed by an interim committee whose mandate had been extended by ministerial decree every six months. It explained that, following the Extraordinary General Assembly of the ETUF held on 29 December 2012, the ETUF had elected a new board in accordance with the rules and regulations and standing orders adopted by the General Assembly. Indeed, the last ministerial decree concerning the management of the ETUF by an interim committee had been issued on 4 August 2011. Given that a period of more than 60 days had elapsed since the last issuance of a decree renewing the committee's mandate, an exceptional general assembly of the ETUF had been held on 29 December 2012 in order to elect a new ETUF board pursuant to article 35 of Law No. 35. The ETUF General Assembly held on 10 October 2013 endorsed the new board. The Government asserted that there was no compulsory membership and that the freedom to join trade unions was guaranteed under Law No. 35.

37. In an unsolicited communication of 8 June 2015, an adviser to the Workers' delegation, Mr Mamdouh Mohamed Ismail, representative of the Egyptian Federation for Independent Trade Unions (EFITU), indicated that an executive board had been elected within the ETUF and that it had asked the Government to organize labour union elections among its affiliates. However, given the circumstances prevailing in the country, this had not been possible.
38. *The Committee notes the Government's explanations that the ETUF is the sole registered workers' organization in the country, given that the revised labour law (which was said to be at an advanced stage in 2012 when this case was last brought before the Credentials Committee) has yet to be adopted due to the continued absence of a Parliament. In this regard, the Committee takes note of the Government's undertaking to proceed with the process of adopting the revised law, which would permit freedom of association, when Parliament reconvenes (which is due to occur by the end of 2015). The Committee considers this explanation insufficient and it cannot but regret that the Government has yet to adopt the necessary legislative framework to ensure full legal recognition to newly formed independent unions. It wishes to recall that, even in the absence of an adequate domestic legal framework, member States are bound to respect their international obligations under article 3(5) of the ILO Constitution.*
39. *Against this background and with respect to the Government's statement that the EDLC is not a registered organization in the country, the Committee observes the Government's tacit recognition of the EDLC (for example, including its representatives in discussions on freedom of association and providing it with assistance in legal proceedings). In this context, the Committee wishes to recall that a workers' organization cannot be ignored by a government on the basis that the workers' organization exists only de facto.*
40. *Notwithstanding the Government's assertion with respect to the absence of final and enforceable judgments on the dissolution of the ETUF board or any other trade union organization, and the representativeness of the ETUF, the Committee cannot exclude the*

possibility that the Government imposed a sponsored organization since questions remain regarding its status and nature.

41. *The Committee finds that the objection raises questions that go beyond those concerning exclusively the nomination of the Workers' delegation to the Conference and may be better examined by the Committee on Freedom of Association. In this regard, the Committee observes that the Committee on Freedom of Association has already been seized of this matter and has stated in its interim conclusions that it "... firmly expects that the draft labour law will be adopted as a matter of priority giving clear legislative protection to the numerous newly formed independent trade unions and ensuring full respect for freedom of association rights (including the right of these organizations to freely elect their representatives, organize their administration and activities and bargain collectively)" (see ILO: Committee on Freedom of Association, 372nd Report, Case No. 3025, paragraph 156(b)).*
42. *Therefore, in the absence of clear and verifiable criteria, the Committee considers that questions remain with respect to representativeness which may distort the perception of the situation. The Committee trusts that the application of such criteria after the adoption of the new labour law fully implementing the abolishment of a single trade union system and ensuring equality of treatment between the workers' organizations will provide reliable information on the relative representativeness of the organizations concerned.*
43. *It recommends that the Government avail itself of technical assistance which the ILO may provide in this respect.*

Late objection concerning the nomination of the Workers' delegation of Ecuador

44. *The Committee received an objection from the Central Ecuatoriana de Organizaciones Clasistas (CEDOC-CLAT); the Confederación de Trabajadores del Sector Público del Ecuador (CTSPE); the Confederación Ecuatoriana de Trabajadores y Organizaciones de la Seguridad Social (CETOSS); and the Confederación Sindical de Trabajadores/as del Ecuador (CSE), alleging that the Government had unilaterally nominated the Workers' delegate and adviser to the present session of the Conference in violation of its constitutional obligations.*
45. *This objection, dated 4 June 2015, was received by the Credentials Committee on 5 June 2015, at 6.35 p.m., well after the expiry of the time limit established for the present session of the Conference (48 hours from 10 a.m. of the opening day of the Conference – 3 June 2015, 10 a.m.).⁵ The Committee notes that the objection would have been late even had the usual 72-hour time limit established by article 26bis(1)(a) of the Standing Orders of the Conference been applicable (this deadline would have expired on 4 June at 10 a.m.). The Committee therefore considers that the objection is not receivable by virtue of the deadline fixed for this year's Conference.*

⁵ See para. 8 of Provisional Record No. 2, 2015.

Objection concerning the nomination of the Employers' delegation of Guinea

46. The Committee received an objection from the Employers' group of the Conference concerning the designation of the Employers' delegation of Guinea. The author of the objection alleged that the Government had proceeded to replace several representatives nominated by the *Conseil national du patronat guinéen* (CNPG), which was the most representative employers' organization in the country and had represented the employers in previous years.
47. According to the author of the objection, this constituted an interference with the free and democratic functioning of the representative employers' organization of Guinea and a breach of the CNPG's right to nominate its representatives to the present session of the Conference in accordance with article 3(5) of the ILO Constitution. The Committee was requested to determine the validity of the designation of the Employers' delegation which was made unilaterally by the Government without any consultation or consensus.
48. In a written communication addressed to the Committee at its request, the Government indicated that there were three employers' organizations and one professional organization in Guinea: the *Confédération Patronale des entreprises de Guinée* (CPEG), the *Conseil national du patronat guinéen* (CNPG), the *Patronat de Guinée* (PAG) and the *Chambre des Mines* (CMG). It explained that there was no official information currently available with regard to the representativeness of the different employers' organizations, as only the PAG – created in 2011– and the CPEG had provided the Government with the required administrative and legal documents in the context of an evaluation initiated at the end of 2014. During their most recent congresses, the PAG (September 2011) and the CPEG (April 2015) had registered nine and 22 employers federations, respectively, and the membership of these organizations had recently increased. The Government had been unable to complete the assessment process because the CNPG's most recent congress had been held in 2008. According to the Government, the CPEG and the CNPG had agreed upon a system of rotation in May 2009, pending completion of this assessment process.
49. For the present session of the Conference, a representative of the PAG – which had not yet been established at the time of the 2009 agreement – was appointed as the Employers' delegate on the grounds that the organization in question had not yet benefited from such nomination. The Government stated that it had complied with its consultation obligation. The Government had decided to include some members of the CNPG in the Employers' delegation, despite the fact that the organization had not yet held its congress and appeared to be non-compliant with administrative requirements and certain principles of the ILO. The Government considered that it had acted in accordance with the principles of freedom of association, but was ready to take corrective measures as necessary.
50. *The Committee notes the Government's statement according to which an assessment process started at the end of 2014 in order to clarify the situation with respect to representativeness. In this context, the Committee wishes to emphasize that registration of an employers' organization is not in itself sufficient to enable it to draw conclusions regarding representativeness or ability to speak on behalf of the employers. The Committee encourages the Government to continue its efforts towards establishing and applying objective and verifiable criteria to determine the representative nature of the organizations concerned. Pending receipt of such data, the Government should take into account the results of consultations among the social partners or any resulting agreement. In the present case, this had led to a system of rotation between two employers' organizations, which had been unilaterally expanded by the Government to include a third employers' organization. In this respect, the Committee recalls that a system of rotation can only serve as a method for nominating an employers' delegation if the organizations*

concerned have so decided in agreement among themselves, which does not appear to have occurred in the present case. The Committee expects, therefore, that the nomination of the Employers' delegation to future sessions of the Conference will be made in compliance with article 3(5) of the ILO Constitution and it trusts that it will be carried out with a spirit of cooperation among all the parties concerned.

Objection concerning the nomination of the Workers' delegation of Haiti

51. The Committee received an objection from representatives of a coalition of six workers' organizations (the *Coordination des syndicats haïtiens* (CSH); the *Confédération des travailleurs d'Haïti* (CTH); the *Confédération des travailleurs/euses des secteurs public et privé* (CTSP); the *Centrale nationale des ouvriers haïtiens* (CNOHA); the *Mouvement syndical haïtien* (MSH); and the *Coordination des transporteurs et des travailleurs haïtiens* (CT2H)), known as the *Monde syndical haïtien* (MOSA). This objection concerned the nomination of Ms Claudia Pierre of the *Confédération des Forces ouvrières haïtiennes* (CFOH) as the Workers' delegate of Haiti and was supported by the International Trade Union Confederation (ITUC). The authors of the objection stated that their coalition was the most representative in the country and that it should have been consulted in view of designating the Workers' delegate to the present session of the Conference. It was submitted that the Workers' delegate did not belong to a representative organization and had been accredited unilaterally by the Government, whereas the coalition's proposed delegate and substitute delegate had not been included in the delegation. Despite a decision taken to convoke nine confederations that had been involved in the development of the ILO Decent Work Country Programme, with a view to nominating a Workers' delegate to the Conference, the Government bypassed this decision and convoked the MOSA coalition to another meeting. The coalition rejected the invitation, since the only other organization included in this process was a pro-governmental parallel structure to which the CFOH was linked. The authors of the objection considered that the process of nomination of the Workers' delegate had lacked transparency. Consequently, the authors of the objection requested that the Committee call upon the Government to meet its constitutional obligations.
52. In a written communication addressed to the Committee at its request, the Government explained that there was an open conflict between the MOSA coalition and the *Front national syndical haïtien*, which represent two of the three main branches of the trade union movement in Haiti, the third branch being the *Comité intersyndical des femmes haïtiennes* (CISFH). The three branches had been requested to make proposals to the Ministry of Social Affairs and Labour regarding the nomination of the Workers' delegate, but no consensus had been reached. In a meeting convened with the concerned parties, the Minister had proposed that in lieu of accrediting a single Worker representative, the Government would pay half of the travelling and subsistence expenses of two Worker representatives. Since this proposal had been rejected by the MOSA coalition, the Government had invited the parties concerned to come up with a single name. In the absence of any agreement or rotation system, and with a view to ensuring a tripartite delegation to the Conference, the Government accredited Ms Claudia Pierre, a representative chosen by the CISFH (an entity composed of duly registered associations). The Government rejected allegations of a close relationship with the CISFH and of interfering with the choice of Worker representative to the present session of the Conference.
53. The Committee notes that, while it has not been provided with reliable and verifiable data regarding the representativeness of the different workers' organizations in Haiti, the Government has not affirmed that the CISFH, which had put forth the name of Ms Pierre as Workers' delegate, was the most representative of the workers of the country. The

Committee notes that the MOSA coalition endeavours to demonstrate its representative nature, but that there is no mechanism in Haiti permitting the determination of the representative character of the employers' and workers' organizations. Therefore, the Committee encourages the Government to make efforts towards establishing and applying objective and verifiable criteria to determine the representativeness of the organizations concerned.

54. *Concerning the issue of consultations, the Committee notes that there were parallel consultations which may have been due in part to an open conflict between two of the three main branches of the trade union movement in the country. However, the Committee considers that it does not have sufficient information at its disposal to exclude the possibility that there was interference by the Government, since it unilaterally selected a representative from the third branch. The Committee requests the Government to strengthen its efforts to promote social dialogue and to clarify the situation of the trade union movement in the country in order to guarantee that the Workers' delegations to future sessions of the Conference are nominated in compliance with article 3(5) of the ILO Constitution, as well as in independence from public authorities and in a spirit of cooperation with the organizations involved.*

Objection concerning the nomination of the Employers' delegation of Somalia

55. The Committee received an objection submitted by the Employers' group of the Conference concerning the nomination of the Employers' delegation of Somalia, as it had included individuals from the Somali Chamber of Commerce and Industry (SCCI). The Employers' group stated that the Government had unilaterally replaced the Employers' delegation initially nominated by the Somali Employers' Federation (SEF). According to the authors of the objection, the SEF is the country's most representative employers' organization. In support of its position, the Employers' group referred to a Collective Statement dated 15 May 2015 made by the Federation of Somali Trade Unions (FESTU), a member of the International Trade Union Confederation (ITUC), and the SEF, a member of the International Organisation of Employers (IOE), condemning the Government's designation of the tripartite delegation of Somalia to the Conference as failing to comply with article 3(5) of the ILO Constitution. The Collective Statement also denounced demands made by Ministry of Labour officials to FESTU and SEF to support financially the Government's attendance to the Conference, as being a violation of article 13(2)(a) of the ILO Constitution. The Employers' group considered these practices not only as serious violations of member States' obligations to nominate Employers' and Workers' delegates and advisers in agreement with the most representative industrial organizations in their countries, but also as a source of deep concern. The Employers' group submitted additional information consisting of a Memorandum of Agreement between the Director-General, Directorate of Labour, Youth & Sports of the Ministry for Human Development and Public Services and the SEF, dated 6 January 2014, according to which the SEF is the sole representative organization of employers in Somalia; a letter dated 20 October 2014, signed by the Minister of Labour and Social Affairs recognizing the SEF as representative of Somali employers in the private sector; and a written communication by the President of SEF indicating that the SCCI was a fully government-funded agency and its membership was mandatory.
56. In a written communication addressed to the Committee, the Government stated that the SEF was not registered in the country and that, to its knowledge, it did not operate in Somalia. The Government explained that it had not been able to locate the letter or the Memorandum of Agreement referred to by the objecting organization. It asserted that the SCCI was the only known and registered organization representing employers in the country. It also explained that the SCCI was an umbrella organization for employers,

whose membership was open to all. The Government asserted that the SCCI was fully independent and that its membership so far amounted to 760 companies and regional members, and that it was currently increasing. It stressed that the funding of the SCCI came from its members and that the Government did not fund or support it financially.

57. *The Committee recalls that it has been seized on several occasions with objections regarding the nomination of the Employers' and Workers' delegations of Somalia. In this respect, the Government explained that the absence of employers' and workers' organizations' representatives to the Conference was due to the difficulties resulting from the prolonged state of civil war and had informed the Credentials Committee in 2008 that it had taken measures to favour the re-establishment of employers' and workers' organizations in the country. Against this background and with respect to the Government's statement that the SEF is not a registered organization in the country, the Committee wishes to recall that an employers' organization cannot be excluded on the basis that it exists only de facto.*
58. *The Committee questions the Government's assertions regarding the SEF's status given that one of its ministries appears to have signed an agreement with the SEF on 20 October 2014. The Committee expresses deep concern at the fact that by refusing to accept the existence of an employers' organization, the Government is acting in breach of the requirements under article 3(5) of the ILO Constitution. In particular, the Committee cannot exclude the possibility that there has been an imposition by the Government of a sponsored organization since questions surround the status and nature of the SCCI. The Committee therefore trusts that the consultation process will be undertaken for future sessions of the Conference with all the most representative organizations which are free and independent from interference by public authorities.*

Objection concerning the nomination of the Workers' delegate of Somalia

59. The Committee received an objection concerning the nomination of the Workers' delegate of Somalia presented by the International Trade Union Confederation (ITUC). The author of the objection alleged that the Office of the Prime Minister of Somalia had accredited a tripartite delegation to the present session of the Conference on 2 May 2015, which included individuals from the Federation of Somali Trade Unions (FESTU), an ITUC affiliate. However, a later list excluding FESTU representatives was sent to the ILO in disregard of its Constitution. The ITUC called into question the genuine character of the employers' and workers' representatives which were designated in the later list, and which were confirmed by the Government in subsequent correspondence with the ILO. It contested in particular that Mr Omar Faruk Osman, who had been designated as the Workers' delegate in the list of 2 May 2015, was no longer General Secretary of FESTU as a result of an extraordinary national congress of FESTU held on 29–30 September 2013. According to the objecting organization, the replacement of Mr Osman by Mr Mohamed Ibrahim Isak, as acting General Secretary of FESTU and adviser in the Workers' delegation, could not have occurred as there had never been a legal extraordinary national congress and as Mr Isak had never formed part of FESTU. FESTU, which is the legitimate and most representative workers' organization in the country, had therefore been prevented from being designated as the Workers' delegate in violation of the ILO Constitution. It added that the Somali Congress of Trade Unions (SCTU), whose members were included in the Workers' delegation to the present session of the Conference, was not representative of workers in Somalia and stated that its credibility was questionable. The ITUC also denounced demands made by Ministry of Labour officials to FESTU and to the Somali Employers' Federation (SEF) to support financially the Government's attendance to the Conference, as a clear violation of article 13(2)(a) of the ILO Constitution.

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60. In a written communication addressed to the Committee at its request, the Government stated that it recognized the independence of FESTU and of the SCTU, which were both registered national trade union federations in Somalia. It had recognized the results of the extraordinary national congress held by FESTU members on 29–30 September 2013 in Mogadishu that had led to the replacement of Mr Omar Faruk Osman by Mr Mohamed Ibrahim Isak as acting General Secretary. It contended that the other trade union federation, the SCTU, had recognized the results of FESTU elections, and that it was currently working with the new leaders of FESTU attending the Conference. Further, the Somali Chamber of Commerce and Industry (SCCI) and the Ministry of Labour and Social Affairs reported that the elections had been free and fair. The Government acknowledged that it had no right to interfere with the organization's internal rules and procedures and confirmed that it had consulted the social partners on the selection of the tripartite delegation attending the present session of the Conference. The Government questioned the credibility of Mr Osman and considered that he was no longer the leader of FESTU and, consequently, he did not have a legitimate claim to be a Worker representative to the Conference. Contrary to the allegations made by the ITUC, the Government had covered the travel expenses and costs for the Somali delegates attending the Conference, and these expenses had been fully paid for by the Ministry of Labour and Social Affairs.
61. The Committee received an unsigned unsolicited communication dated 19 May 2015 from Mr Mohamed Ibrahim Isak. He informed the Committee that FESTU had held an extraordinary national congress on 29–30 September 2013, which had led to the replacement of Mr Osman following democratic elections and provided a copy of the report.
62. *The Committee observes that the question at issue is the process leading to the designation of the Workers' delegation of Somalia to the present session of the Conference. In this regard, the Committee notes that the Government questioned the credibility of Mr Osman and considered that he was no longer the leader of FESTU and, consequently, he did not have a legitimate claim to be a Worker representative to the Conference.*
63. *The Committee considers that the matter at issue appears to be a long-standing conflict between the Government and FESTU and, in this respect, notes that the Office of the Prime Minister of Somalia had accredited a tripartite delegation on 2 May 2015, which included individuals from FESTU, including Mr Osman. However, a later list excluding its representatives was sent to the Office. At the same time, the Committee notes that Mr Osman was the Workers' delegate of Somalia to the 103rd Session (2014) of the Conference. The Committee observes that modifications in the credentials of the tripartite delegation emanated from various public authorities, which demonstrates that there was a lack of consultation. The Committee therefore considers that this amounts to interference, in breach of the requirements set out in article 3(5) of the ILO Constitution, as the Government decided to unilaterally replace the nominated Worker representatives.*
64. *The Committee recalls the general principle, that the right of workers' organizations to elect their own representatives freely is an indispensable condition for them to be able to act in full freedom and to promote effectively the interests of their members. For this right to be fully acknowledged, it is essential that the public authorities refrain from any intervention which might impair the exercise of this right, whether it be in determining the conditions of eligibility of leaders or in the conduct of the elections themselves (see **Digest of decisions and principles of the Freedom of Association Committee**, fifth (revised) edition, 2006, paragraph 391).*
65. *The Committee therefore expects that the nomination of the Workers' delegation to future sessions of the Conference will be made in full compliance with article 3(5) of the ILO Constitution.*

Late objection concerning the nomination of the Workers' delegation of Swaziland

66. The Committee received an unsigned objection from the Workers' delegate and adviser, Mr Quinton T. Dlamini and Mr Vincent Ncongwane, of the Trade Union Congress of Swaziland (TUCOSWA), alleging that the Government had unilaterally designated two advisers within the Workers' delegation that derived from the Swaziland Economic Improvement Workers' Union (SEIWU).
67. *This objection, dated 4 June 2015, was received by the Credentials Committee on 4 June 2015 at 3.34 p.m., well after the expiry of the time limit established for the present session of the Conference (48 hours from 10 a.m. of the opening day of the Conference – 3 June 2015, 10 a.m.).⁶ The Committee notes that the objection would have been late even had the usual 72-hour time limit established by article 26bis(1)(a) of the Standing Orders of the Conference been applicable (this deadline would have expired on 4 June at 10 a.m.). The Committee therefore considers that the objection is not receivable by virtue of the deadline fixed for this year's Conference, as well as being unsigned and therefore equivalent to an anonymous objection.*

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

68. 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(1) of the ILO Constitution to accredit a complete delegation to the Conference. It requested the Committee to call upon the Government to furnish an explanation regarding why it had failed to accredit a complete tripartite delegation and to recommend that it meet its constitutional obligations in this regard.
69. In a written communication addressed to the Committee at its request, the Government explained that it had failed to accredit a complete tripartite delegation due to financial constraints.
70. *The Committee notes that at the 2006, 2008, 2009, 2011 and 2012 sessions of the Conference, Tajikistan was exclusively represented by the Government. At the 2010, 2013 and 2014 sessions of the Conference, Tajikistan was not represented at all. At the present session of the Conference, Tajikistan is once again represented exclusively by a Government delegate, from the Permanent Mission in Geneva. In this regard, the Committee recalls that, 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.*
71. *The Committee notes the Government's partial response to its request for information, only stating the lack of resources to fund a complete delegation to the Conference. In this respect, as the Committee has noted in paragraph 20 of its Report 5B to the present session of the Conference, the Government is in arrears in its financial contributions to the Organization and therefore its delegates cannot currently vote in the Conference or its committees.*

⁶ See para. 8 of Provisional Record No. 2, 2015.

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72. *The Credentials Committee recalls that, in accordance with a standing decision of the Governing Body, the Director-General had asked the concerned governments of member States to explain the reasons why they had failed to send complete delegations during the period of 2010–13. However, the Government did not provide any response to the letter from the Office requesting that it furnish explanations.*⁷
73. *The Committee wishes to express its deep concern that Tajikistan has not been represented by a complete delegation – or at all – for eight consecutive years and deplores its apparent lack of engagement in addressing this situation. In so doing, the Government deprives the country's employers and workers of their right to be represented in the highest policy-making body in the ILO and to participate in its work. Moreover, without the full and balanced participation of Government, Employer and Worker representatives, the Conference cannot function properly or attain its objective. In light of the foregoing, the Committee reiterates that member States are required to observe the provisions of article 3(1) of the ILO Constitution, which requires them to nominate complete tripartite delegations to the Conference. The Committee expects that Tajikistan will send a complete tripartite delegation to future sessions of the Conference.*

Objection concerning the nomination of the Employers' delegation of Togo

74. The Committee received an objection presented by the Employers' group of the Conference concerning the nomination of the Employers' delegation of Togo. The author of the objection alleged that the Government had unilaterally revised the list of delegates submitted by the President of the *Conseil national du patronat du Togo* (CNP–Togo), the most representative employers' organization in the country. In particular, Mr M.F. Adade, Secretary-General and the chosen representative of CNP–Togo, had been replaced by Ms Abotsi Klutse, employee of the same organization. A letter objecting to this replacement had been addressed by CNP–Togo to the Minister of Labour on 13 May 2015. In parallel, the Government had included in the Employers' delegation, without consultation, another individual from the *Association des Femmes Chefs d'Entreprise*, Ms Wilson Kpetemey. According to the authors of the objection, this constitutes an interference with the free and democratic functioning of the most representative employers' organization of Togo in breach of article 3(5) of the ILO Constitution by not including the Secretary-General of CNP–Togo, Mr M.F. Adade.
75. In a written communication addressed to the Committee at its request, the Government indicated that the nomination of the members of the Employers' delegation to the present session of the Conference had proceeded in two phases. First, Mr Naku, the President of CNP–Togo, had submitted a list with six names. Second, following consultations with different employers' organizations, some of whom contest the legitimacy of Mr Naku, the Government deemed it necessary to include representatives with other sensitivities within the employers. As a result, the total number of employers' representatives to the present session of the Conference was increased to eight. As Mr Naku had disagreed with the expanded list, he had been invited to discuss the matter separately with the Prime Minister and the Minister of Labour. Following a series of discussions, it was agreed that the Employers' delegation would be composed of eight members, all drawn from CNP–Togo. In view of this agreement with Mr Naku, the Government considered that the objection had become moot.

⁷ GB.323/LILS/1.

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76. The Committee observes that the matter at issue is the process leading to the designation of two Employers' advisers to the present session of the Conference. The Committee considers that as the representativeness of CNP–Togo is not in dispute, the Government should have proceeded to consult it prior to unilaterally modifying the list of proposed employers' representatives. In this regard, the Committee considers that it has not received sufficient information regarding the agreement between Mr Naku of CNP–Togo and the Government with respect to the changes to the composition of the Employers' delegation of Togo. Recalling that the nomination of advisers should be the result of an agreement with the most representative organizations, the Committee expects, therefore, that the nomination of the Employers' delegation to future sessions of the Conference will be made in compliance with article 3(5) of the ILO Constitution.

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

77. The Committee received an objection presented by the *Confederación de Trabajadores de Venezuela* (CTV); the *Confederación General de Trabajadores* (CGT); the *Confederación de Sindicatos Autónomos* (CODESA); and the *Unión Nacional de Trabajadores de Venezuela* (UNETE) concerning the nomination of the Workers' delegation. The four organizations maintained that the Government had once again nominated the Workers' delegate and advisers unilaterally and without consultation, establishing a delegation composed exclusively of representatives of the *Central Bolivariana Socialista de Trabajadores y Trabajadoras de la Ciudad, el Campo y de la Pesca de Venezuela* (CBST). They alleged that the nomination of the Workers' delegate and advisers was not in compliance with the ILO Constitution or national legislation, breaching the Government's obligation to respect the principle of freedom of association. The authors of the objection also alleged that the Government had repeatedly failed to take into account the conclusions and recommendations of the Credentials Committee made in relation to and contravening prior recommendations of the Credentials Committee in similar objections concerning the Government's nomination of the Workers' delegation in previous years.
78. The objecting organizations noted that Bolivarian Republic of Venezuela had a multiplicity of trade union organizations. They recalled that, through the Credentials Committee, the ILO had made repeated offers to assist the Government in implementing article 3(5) of the ILO Constitution, so that objective and concrete criteria could be established that could facilitate an accurate determination of the representativeness of each of the workers' organizations concerned. They noted that the Government had not availed itself of this assistance, thereby making it difficult to establish the true representativeness of the workers' organizations in the country.
79. The authors of the objection recalled that there were six trade union confederations in the Bolivarian Republic of Venezuela recognized as being the most representative – the CTV, the CUTV, the CODESA, the CGT, the UNETE and, beginning in 2012, the CBST. Since the 91st Session (June 2002) of the Conference, all of the most representative organizations had been included in the Workers' delegation. In the past, the Government had held meetings with the representatives of the five confederations to reach an agreement with regard to the composition of the Workers' delegation. The organizations alleged that, for the past two years, 2014 and 2015, the Government had accredited a Workers' delegation drawn exclusively from the CBST. They maintained that the CBST was not an independent organization, being linked to and influenced by the Government. For this reason, it was all the more important to ensure balance in the composition of the Workers' delegation, which should be made up of a proportional number of representatives of independent workers' organizations. Moreover, the objecting organizations stated that this year the Government had nominated a Workers' delegation composed entirely of CBST members unilaterally and without consultation.

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80. In this respect, they recalled that they had made a proposal that the Government nominate a delegation made up of representatives of the CTV, the CGT, the CODESA and the UNETE, to which the Government had not responded. It was only upon reviewing the *Provisional List of Delegations* to the Conference that they became aware of the composition of the Workers' delegation to the present session of the Conference.
81. The objecting organizations maintained that the Government had repeatedly failed to implement article 3(5) of the ILO Constitution, in continuous disregard of the conclusions and recommendations of the Credentials Committee in this regard.
82. In a written communication addressed to the Committee at its request, the Government noted that it would only respond to the elements in the objection referring to the designation of the Workers' delegation. The Government submitted that all of the workers' organizations in the country, regardless of whether or not they were the most representative, were independent and autonomous, both in the private and public sectors. Responding to the Committee's request for information regarding the names of the most representative organizations together with data regarding their membership, the Government indicated that, according to the National Trade Union Registry, the CBST brought together trade unions and federations representing the most important economic sectors in the country, and represented 56 per cent of all workers that were members of trade union confederations. Attaching a table prepared by the National Trade Union registry, the Government noted that the remaining trade union confederations in the country represented slightly less than 11 per cent of affiliated workers: the UNETE (5 per cent); the CTV (4 per cent); the CUTV (1 per cent); the CGT and the CODESA (both less than 1 per cent). The Government explained that the remaining 34 per cent of workers were members of trade unions that were duly registered but were not affiliated to any of the trade union confederations in the country.
83. With regard to the nature and extent of consultations that had taken place in determining the composition of the Workers' delegation, the Government submitted that it had respected the autonomy of the workers' organizations and had therefore not interfered in the process of nominating the delegation. Instead, the Government communicated with the CBST as the most representative workers' organization and asked the CBST to consult with the other workers' organizations for this purpose. The Government further submitted that it was required to adhere to an explicit communication from the CBST dated 15 April 2015 in which it demanded that the Government "refrain from interfering in the designation of other minority or non-representative organizations". The Government claimed that it respected the CBST's demand with the aim of avoiding further comments from this Committee, and that, therefore, as the most representative workers' organization, the CBST proceeded to nominate the Workers' delegation. The Government acknowledged that it did not hold consultations with any other workers' organization. The Government denied the allegation that the CBST is attached to and dependent on the Government. It further denies the allegations made by the objecting organizations that the nomination of the Workers' delegation to the present session of the Conference was made in violation of ILO constitutional provisions "to block and silence within the Conference and especially within the Committee on the Application of Standards the examination of the complaints that the independent workers' group has been presenting in past years before the Committee on Freedom of Association and the Committee of Experts, expressed in the different reports of said bodies."
84. *The Committee notes, once again, with deep concern that this year the Government did not carry out consultations with workers' organizations concerned, nor did it attempt to seek an agreement among them with regard to the nomination of the Workers' delegation, which is once again drawn exclusively from a single organization: the CBST. It notes, moreover, the Government's statement that it did so in accordance with a communication*

from the CBST demanding that the Government refrain from consulting with the other workers' organizations, allegedly due to their status as minority organizations. The Committee recalls that, as stated in Advisory Opinion No. 1 of the Permanent Court of International Justice (PCIJ) of 1922 and in the 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(5) of the ILO Constitution, aim to effect an agreement among them. 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. The Committee regrets the Government's failure to take into consideration the Committee's conclusions in the objection brought by the workers' organizations at the 103rd Session of the Conference, in which it called on the Government to actively seek agreement among the workers' organizations to ensure a transparent and fully consultative nomination process for the next session of the Conference.

85. The Committee recalls that, in the absence of an agreement between organizations, to ensure that the nomination of the Workers' delegation is made in accordance with article 3(5) of the ILO Constitution, it is essential that the Government establish and apply objective and verifiable criteria and provide adequate means to objectively determine the most representative nature of the organizations concerned.
86. The Committee regrets that the Government has once again failed to provide verifiable information regarding the representativeness of the organizations concerned, despite the establishment of a National Trade Union Registry as of 1 January 2013. In the absence of such information, the Committee considers that it cannot decide on the allegations concerning the representativeness of the organizations concerned. It therefore strongly recommends, as it did last year, that the Government avail itself of the technical assistance offered by the ILO in 2007, 2008, 2010, 2012 and again this year.
87. The Committee deplores the long-standing nature of this case. In light of the above, it strongly expects that the Government will ensure that the nomination of the Workers' delegation will at future sessions of the Conference be in full compliance with article 3(5), of the ILO Constitution.

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

88. 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 Yemen. The ITUC submitted that the Government had failed to fulfil its obligation under article 3(1) of the ILO Constitution to accredit a complete delegation to the Conference. It requested the Committee to call upon the Government to explain why the delegation was incomplete and to recommend that it meet its constitutional obligations.
89. In a written communication addressed to the Committee at its request, the Government indicated that it had been unable to accredit a complete delegation as required under article 3(1) of the ILO Constitution. The Government explained that it had been prevented from sending a tripartite delegation to the present session of the Conference due to travel bans by air, sea and land as a result of the ongoing armed conflict in the country. Accordingly, the Government requests the Committee to take these exceptional circumstances into consideration.

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90. *The Committee notes the explanations provided by the Government with regard to the difficulties due to the ongoing armed conflict and resulting travel bans that have prevented it from sending a complete tripartite delegation to the present session of the Conference. In this respect, the Committee observes that this year marks the first time in at least a decade that the Government had failed to accredit a complete tripartite delegation to the Conference. The Committee also takes note of UN Security Council Resolution No. 2216 of 14 April 2015, calling for an end to the violence in the country. The Committee hopes that the situation in Yemen will be resolved in the near future and that it will once again be in a position to be represented by complete tripartite delegations at future sessions of the Conference in accordance with article 3(1) of the ILO Constitution.*

Complaints

91. The Committee also received and dealt with four complaints, which are listed below in the French alphabetical order of the member States concerned.

Complaint concerning the partial payment of travel and subsistence expenses of the Workers' delegate and advisers by the Government of Albania

92. The Committee received a complaint presented by the International Trade Union Confederation (ITUC) alleging partial payment of travel and subsistence expenses for the Workers' delegate, as well as for the adviser and substitute adviser, in breach of article 13(2)(a) of the ILO Constitution. The complaining organization stated that the Government had accredited the Workers' delegation. However, the Workers' delegate, Mr Nikolla, and his adviser and substitute delegate, Mr Kalaja, would only be able to travel to Geneva for the final week of the Conference, further to arrangements made with the Government. As a result, they were prevented from taking part in a substantive portion of the Conference, including the discussion in the Committee on the Application of Standards where the case of Albania was scheduled for 4 June 2015 with respect to the Worst Forms of Child Labour Convention, 1999 (No. 182). In addition, the ITUC noted that there was a serious and manifest imbalance between the Workers' and the Government delegations, as the Government delegation was composed of seven advisers and substitute delegates, whereas the Workers were refused a delegation of three persons, which would have included one woman. It requested that the Committee call upon the Government to provide further clarifications on this matter and to fulfil its constitutional obligations.

93. *The Government has not provided information regarding the allegations. The Committee recalls that article 13(2)(a) of the ILO Constitution imposes on its Members an obligation to pay the travelling and subsistence expenses of the delegates and their advisers nominated to the Conference. The competence conferred to the Credentials Committee in 1997 to examine complaints on the non-respect of that provision is limited, however, to the situations envisaged in article 26ter(1)(a) and (b), of the Standing Orders of the Conference, that is, failure to cover the expenses of at least a tripartite delegation comprising two Government delegates, an Employers' delegate and a Workers' delegate; and cases of serious and manifest imbalance as between the number of Employers' and Workers' advisers whose expenses have been covered in the delegation and the number of advisers appointed for the Government delegates. The Committee noted with regret that, while the Government has registered six persons to the Conference, neither the Workers' delegate nor the Employers' delegate was registered. Consequently, the Committee considers that the Government has failed to meet its minimal constitutional obligations under article 13(2)(a) of the ILO Constitution. With respect to serious and manifest imbalance, the Committee 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.

Complaint concerning the non-payment of travel and subsistence expenses of the Employers' and the Workers' delegations by the Government of Congo

94. The Committee received a complaint lodged by the Workers' delegation of Congo. The complainants alleged the non-payment of travel and subsistence expenses by the Government with respect to both the Employers' and the Workers' delegation of Congo, in accordance with the ILO Constitution. The authors of the complaint pointed out that, while the Government delegation was complete and present at the Conference, there was a marked absence of Worker representatives in the different committees. They requested the Committee to hold the Government accountable for this serious breach of its constitutional obligations.
95. In a written communication addressed to the Committee at its request, the Government indicated that it devoted great attention to the respect of the rights of social partners. It explained that the regrettable absence of Employer and Worker representatives from the present session of the Conference was attributable to administrative oversight, but that measures were being taken to address the problem and to enable their participation to future meetings of the ILO.
96. *The Committee recalls that article 13(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. It takes note of the Government's explanation regarding the administrative oversight and willingness to remedy the problem and trusts that the Government will fulfil its obligations under the ILO Constitution in nominating the delegation of Congo to future sessions of the Conference.*

Complaint concerning the non-payment of travel and subsistence expenses of the Workers' advisers by the Government of Spain

97. The Committee received a complaint submitted by Mr Frades Pernas of the *Unión Central de Trabajadores* (UGT), Workers' delegate and Ms Alejandra Ortega Fuentes of the *Confederación Sindical de Comisiones Obreras* (CCOO), Workers' adviser and substitute delegate. The authors of the complaint recalled that in April 2012, the Government had reduced the funding of travel and subsistence expenses for the Worker representatives from nine representatives (one delegate and eight advisers) to only three (one delegate and two advisers). While this year the Government had increased funding of expenses from three to four Worker representatives, the UGT and the CCOO maintained that the reduced size of the Workers' delegation prevented it from covering all of the items on the Conference agenda adequately and for the necessary period of time.
98. The UGT and the CCOO alleged that this reduction had resulted in a serious imbalance in the Workers' delegation as compared to the Government delegation. They contended that the economic situation in the country was improving and that, as a result, it was inexcusable that Spain, a country of industrial importance, could not cover the expenses of a sufficient number of technical advisers for the Workers' delegation. They also cited two additional elements in support of the complaint: the reduced duration of the Conference in 2015 and the Government's establishment of new criteria for coverage of expenses that implied cost savings.

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99. The UGT and CCOO also claimed that, for the fourth consecutive year, the Government had imposed conditions on the nomination process, requiring the four most representative workers' organizations to reach agreement among themselves regarding the distribution of the funding, in the absence of which no workers' representatives would be funded. They contended that they constituted the most representative workers' organizations, with the CCOO and the UGT representing 37.1 per cent and 34.8 per cent of workers respectively, in all of the 17 Autonomous Communities in the country. Therefore, the Government's requirement that they reach agreement with the other two less representative organizations, the *Confederación Intersindical Galega* (CIG) and the *Solidaridad de los Trabajadores Vascos* (ELA-STV), constituted unfair treatment resulting in an imbalance among the four organizations concerned. Moreover, the CCOO and the UGT alleged that the Government continued to disregard the recommendations of the Credentials Committee in relation to the first complaint they had submitted to 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(2)(a) of the ILO Constitution and that, in the absence of an agreement, the Government should give priority to the most representative organizations.
100. In a written communication addressed to the Committee at its request, the Government submitted that Spain continued to suffer the effects of an unprecedented economic crisis that had required it to impose cost-saving measures on all of its activities, including in its funding of the tripartite delegation to the Conference. In May 2014, the Government had informed the social partners that, despite the constraints imposed on public spending, as an exceptional measure, and taking into account the agenda of the Conference, the Government had considered it appropriate to increase the amount of funding to the Employers and Workers on an equal basis, funding the attendance of four representatives (instead of three) for each of the two delegations. The Government acknowledged that the economic situation in Spain had improved since May 2014, but submitted that the amounts allocated to cover the expenses of the entire tripartite delegation to the present session of the Conference were governed by the provisions of Royal Decree No. 462/2002 on compensation for reasons of service, which remained in force and could only be modified by the Executive Ministry.
101. In respect of the composition of its tripartite delegation, the Government explained that the Minister and her assistants were not registered as either delegates or advisers for purposes of the Conference and that there were seven advisers from the Ministry of Labour and Social Security, corresponding to one representative for each technical committee, with substitute delegates for specified committees. The delegation also included officials from the diplomatic mission who were involved with the work of the Organization. The Government noted that, while it had limited its funding for the Workers' delegation to a maximum of four Worker representatives, it had informed the Workers that it was not opposed to nominating an additional four representatives up to the maximum of eight advisers as stated in the *Conference Guide*, but that the expenses of any additional advisers would need to be borne by the workers' organizations. With regard to the requirement that the workers' organizations reach an agreement regarding the distribution of the funding, the Government noted that it had always insisted on the need to obtain a written agreement between the four trade unions concerned (CCOO, UGT, CIG and ELA-STV), with the aim of establishing criteria for distributing the funding among them. The Government noted that this year the CCOO and UGT, as the most representative organizations, had unilaterally adopted an agreement to which the two minority organizations had adhered, and thereby received three of the four allocations available. The Government submitted that it had taken into account the recommendations of the Credentials Committee in the 101st (June 2012), 102nd (June 2013) and 103rd (June 2014) Sessions of the Conference. It considered that the composition of the Spanish delegation was in conformity with the rules, equitably balanced and respected the criteria of one delegate and three advisers. It

had increased this proportion at the present session of the Conference only as an exceptional measure, given its obligation to appear before the Conference Committee on the Application of Standards in relation to the Employment Policy Convention, 1964 (No. 122).

102. *The Committee deplores that, for the fourth consecutive year, it has received a complaint from the same organizations alleging non-payment of travel and subsistence expenses for the Workers' delegation. In addition, the Committee notes the undisputed allegation that the Government continues to require the workers' organizations to reach agreement among themselves regarding the manner in which the available funds will be distributed – as a precondition for receiving the funding. On this point, the Committee reiterates its conclusions from the past two years that, while the Government can seek a consensus-based agreement, it cannot refrain from meeting its minimal constitutional obligations under article 13(2)(a) of the ILO Constitution to assume the travel and subsistence expenses of the Workers' delegation in the absence of agreement.*
103. *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. Thus, where an agreement cannot be reached between the organizations, the most representative among them should be given priority.*
104. *Turning to the claim of serious and manifest imbalance between the number of Workers' advisers whose expenses have been covered in the delegation and the number of advisers appointed for the Government delegates, the Committee notes the Government's explanation that, despite recent improvements in the economic situation in the country, it is bound by Royal Decree No. 462/2002 to maintain the current limit on the number of Worker representatives that it may fund. In this respect, the Committee notes the Government's statement that the Decree can be modified only by the Executive Cabinet; however, it considers this explanation unconvincing given that the Decree was last amended on 30 December 2014 and that, moreover, the shortcomings of a government's legislation as a constraint to the implementation of the Committee's recommendations cannot be invoked. The Committee reiterates once again 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(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 notes that this year, according to the records of the Conference, there were nine Government advisers accredited (taking into account the seven advisers from the Ministry of Labour mentioned in the Government's communication as well as two Government technical advisers who are also substitute delegates). In comparison, there were only three Workers' advisers whose expenses had been paid by the Government. The Committee recalls that in the course of the discussions that led to the introduction in 1997 of paragraphs 8–11 in article 26 of the Standing Orders, the stated purpose of these provisions was 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 delegates to the Conference.*
105. *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(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 Employers' delegate and advisers by the Government of the Democratic Republic of the Congo

106. The Committee received a complaint lodged by the Employers' delegation, alleging that the Government had failed to respect its constitutional obligations pursuant to article 13(2)(a) of the ILO Constitution. The complainants contended that the Government had paid the travel and subsistence expenses of 16 Government representatives, whereas it had paid the travel and subsistence expenses of only two Employer representatives and two Worker representatives. The complainants considered that there was therefore a serious and manifest imbalance between the Government delegation compared with the delegations of the social partners. Furthermore, the Government had covered the expenses of the representatives for a period of only ten days instead of at least 15 days.
107. In a written communication addressed to the Committee at its request, the Government indicated that the complaint was inaccurate in that the Government had in fact offered to cover the expenses of two Employer representatives and three Worker representatives (two representatives of a national trade union confederation and one representative of a confederation of public service unions), but that one Workers' representative had not been able to travel to Switzerland due to visa problems. The Government indicated that it would take due note of the Committee's observations with regard to the issue of imbalance.
108. *The Committee recalls article 13(2)(a) of the ILO Constitution imposes on member States an obligation to pay the travel and subsistence expenses of the delegates and advisers of the entire tripartite delegation. The competence conferred to the Committee in 1997 to examine complaints regarding the non-respect of that provision is, however, limited to the situations envisaged in article 26ter(9)(a) and (b) of the Standing Orders, that is, failure to cover the expenses of at least a tripartite delegation comprising two Government delegates, the Employers' and Workers' delegates, and cases of serious and manifest imbalance between the number of Employers' and Workers' advisers whose expenses have been covered by the Government and the number of Government advisers appointed for the Government delegates. In the course of the discussions that led to the introduction in 1997 of these provisions, it was stated that the purpose of these provisions was 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 ILO Constitution for the composition of delegations to the Conference. It was recognized that, for an imbalance to be objectionable, it had to be abnormal or serious on the one hand, and obvious or manifest on the other hand.*
109. *In the present case, the Committee notes that the two Government delegates are accompanied by 16 advisers, who have all registered. The Employers' delegation, in contrast, consists of the delegate and one adviser whose travel and subsistence expenses were covered by the Government. While there is no constitutional obligation for a Government to nominate advisers, it must be recognized that the Conference can only work properly and attain its goals if there are a sufficient 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(2)(a) of the ILO Constitution. Insofar as the Government has acknowledged in its reply that it has only paid the travel and subsistence expenses of two persons in the Employers' delegation, while covering the expenses of eight times as many advisers in the Government delegation, the Committee considers that the ability of the Government delegation and the Employers' delegation to actively participate in the work of the Conference cannot be said to be comparable. Noting this imbalance, the Committee trusts that the Government will cover*

the expenses of a sufficient number of advisers in the Employers' delegation to ensure that the ability of the Employers to participate in the committees and the plenary is similar to that of the Government.

Communications

110. The Committee received three communications.

Communication concerning the Employers' and Workers' delegation of Cameroon

111. The Committee received a communication from representatives of the *Syndicat national des employés du secteur des transports terrestres* (SYNESTER) and of the *Syndicat national des conducteurs professionnels ouvriers des transports du Cameroun* (SYNACPROTCAM) contesting the nomination of Employers' and Workers' delegates of Cameroon. The authors of the communication considered that the method of designating Worker representatives (that is, through elections in enterprises with at least 20 employees) did not take into account the workers in the informal sector who outnumber those in the formal economy. In addition, the most recent elections (January 2014) were allegedly affected by irregularities. The authors of the communication submitted that, in recent years, with respect to collective bargaining, workers' organizations of the transport sector had as an interlocutor a fictitious employers' confederation, the *Organisation patronale des syndicats des transporteurs et auxiliaires du Cameroun* (OPSTAC). The authors of the communication invited the Credentials Committee to examine closely the representativeness of the Workers' and Employers' delegates of Cameroon.

112. *The Credentials Committee takes note of the communication, which does not call for any action on its part.*

Communication concerning the Workers' delegation of Cameroon

113. The Committee received a communication addressed to the Director-General of the ILO dated 25 March 2015 from the President of the Cameroon United Workers Confederation (CUWC). The author of the communication expressed his disagreement with the Ministerial Order of 9 March 2015, regarding the ranking of workers' confederations following the workers' representatives' elections that had taken place on 15 January 2014. Among various other things, he considered that pursuant to national labour legislation, which had been pending revision over two decades, the elections of the workers' representatives could not be considered as an element of representativeness. He alleged that the Ministerial Order was taken solely for the purpose of justifying accreditations of workers' organizations with doubtful representativeness to the present session of the Conference. He had, consequently, requested the Minister in charge of Labour to withdraw the Ministerial Order also on the basis that it contained falsified data. On 7 April 2015, the author of the communication filed a complaint with the Administrative Tribunal of Yaoundé requesting the suspension of the order. Accordingly, he a priori contested the composition of the Workers' delegation to the present session of the Conference due to the lack of objective criteria in determining the most representative workers' organizations in the country.

114. *The Credentials Committee takes note of the communication, which does not call for any action on its part.*

Communication concerning the Employers' delegate of Togo

115. The Committee received a communication from Mr Kangligan Ayi Ajavon, President-Administrator of the *Conseil national du patronat du Togo* (CNP-Togo), who stated that the Employers' delegate, Mr Kossi Naku, had no mandate to represent CNP-Togo at the present session of the Conference. The author of the communication explained that the elections that were held on 20 September 2013 for the Presidency of CNP-Togo had been invalidated by a court decision and that new elections would be organized shortly, in accordance with an order of the Appeals Court of 8 October 2014. He objected to the participation of Mr Naku to the present session of the Conference, considering that it would give rise to confusion at the national level. He requested assistance from the International Labour Office to review the internal statutes of the CNP-Togo and to mobilize the first-level organization to carry out the elections in question.
116. *The Committee recalls that at the 103rd Session (June 2014) of the International Labour Conference, the Credentials Committee had been seized of an objection filed by the Employers' group concerning the unilateral replacement of Mr Naku, by an interim administrator of the CNP-Togo appointed by the national courts. The Credentials Committee had observed 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. In view of last year's decision and that the requests for assistance to the Office go beyond the Credentials Committee's mandate, the Committee considers that this communication is not an objection and that it does not call for any further action on its part.*

Other matters

117. The Committee wishes to recall that, for it to treat objections and complaints effectively, and particularly if the two-week Conference format is to be retained, it is essential that these be submitted to the Committee as early as possible, while bearing in mind the provisions of the relevant Standing Orders of the Conference.⁸
118. For objections to be receivable, they must be timely and contest either the inclusion/exclusion of a particular person's or persons' name, or their function(s), as published in either the *Provisional List of Delegations* or *Revised Provisional List of Delegations*. In this context, the Committee calls upon governments to transmit the credentials of their tripartite delegations through the online accreditation system⁹ and respect the deadline for their submission. The Committee further wishes to invite the Director-General to consider whether the publication of such information may occur prior to the opening of the Conference, with a view to facilitating the Committee's work.
119. To enable the Committee to examine such matters with due care and attention, objections and complaints must be accompanied by directly relevant supporting documentation, drafted clearly and concisely, and be submitted in English, French or Spanish, in particular if the two-week Conference format is to be retained. It is also crucial that governments

⁸ See, articles 26–26quater, Section B of the Standing Orders of the International Labour Conference available at <http://www.ilo.org/public/english/bureau/leg/download/so2-18092012.pdf#page=9>.

⁹ <http://www.ilo.org/ilc/Credentials/lang--en/index.htm>.

make every effort to respond to allegations swiftly and fully, when so requested by the Committee.

- 120.** 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 34.

Geneva, 11 June 2015

(Signed) Mr Mbaibardoum Djeguedem
Chairperson

Ms Lidija Horvatić

Mr Jens Erik Ohrt

- 4) Government advisers
- 5) Employers' advisers
- 6) Workers' 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	5	-	-	Ecuador.....	2	1	1	-	-	1	Luxembourg.....	2	1	1	4	4	6	Seychelles.....	2	1	1	-	-	-
Albania.....	2	1	1	4	1	1	Egypt.....	2	1	1	14	5	7	Madagascar.....	1	1	-	1	-	-	Sierra Leone.....	2	1	1	1	-	1
Algeria.....	2	1	1	13	6	7	El Salvador.....	2	1	1	2	-	1	Malawi.....	2	1	1	1	1	-	Singapore.....	2	1	1	8	3	8
Angola.....	2	1	1	3	2	1	Equatorial Guinea.....	2	1	1	-	-	-	Malaysia.....	2	1	1	8	2	6	Slovakia.....	2	1	1	4	3	3
Antigua and Barbuda.....	-	-	-	-	-	-	Eritrea.....	1	1	1	1	-	-	Maldives.....	2	1	1	3	-	-	Slovenia.....	2	1	1	2	1	-
Argentina.....	2	1	1	9	6	5	Estonia.....	2	1	1	4	-	-	Mali.....	2	1	1	16	1	3	Solomon Islands.....	-	-	-	-	-	-
Armenia.....	-	-	-	-	-	-	Ethiopia.....	2	1	1	3	3	2	Malta.....	2	1	1	5	4	5	Somalia.....	2	1	1	3	1	2
Australia.....	2	1	1	7	2	2	Fiji.....	2	1	1	2	-	-	Marshall Islands.....	-	-	-	-	-	-	South Africa.....	2	1	1	6	4	5
Austria.....	1	1	-	7	2	5	Finland.....	2	1	1	4	3	3	Mauritania.....	2	1	1	5	-	4	South Sudan.....	2	1	1	12	1	1
Azerbaijan.....	2	1	-	5	1	2	France.....	2	1	1	11	3	8	Mauritius.....	2	1	1	3	1	-	Spain.....	2	-	1	9	3	6
Bahamas.....	2	1	1	3	3	-	Gabon.....	2	1	1	12	3	6	Mexico.....	2	1	1	9	8	7	Sri Lanka.....	2	1	1	8	-	7
Bahrain.....	2	1	-	2	3	8	Gambia.....	-	-	-	-	-	-	Republic of Moldova.....	2	1	1	-	-	-	Sudan.....	1	1	1	6	4	8
Bangladesh.....	2	1	1	14	4	3	Georgia.....	2	1	1	2	-	-	Mongolia.....	2	1	1	2	7	2	Suriname.....	1	1	1	-	-	-
Barbados.....	2	1	1	1	-	1	Germany.....	2	1	1	13	4	8	Montenegro.....	2	1	1	3	-	1	Swaziland.....	2	1	1	9	1	3
Belarus.....	2	1	1	8	2	8	Ghana.....	2	1	1	4	6	8	Morocco.....	2	1	1	10	4	6	Sweden.....	2	-	1	5	4	4
Belgium.....	2	1	1	14	5	7	Greece.....	2	1	1	8	6	3	Mozambique.....	2	1	1	8	-	2	Switzerland.....	1	1	1	9	4	8
Belize.....	-	-	-	-	-	-	Grenada.....	-	-	-	-	-	-	Myanmar.....	2	1	1	9	8	4	Syrian Arab Republic.....	2	-	1	1	1	5
Benin.....	2	1	1	16	1	6	Guatemala.....	1	1	1	2	2	2	Namibia.....	2	1	1	9	2	2	Tajikistan.....	1	-	-	-	-	-
Bolivia, Plurinational State.....	2	1	1	6	1	1	Guinea.....	2	1	1	7	7	8	Nepal.....	2	1	1	2	-	6	United Republic of Tanzania.....	2	1	1	13	4	4
Bosnia and Herzegovina.....	2	1	-	-	-	-	Guinea-Bissau.....	2	-	1	-	-	1	Netherlands.....	2	1	1	13	4	6	Thailand.....	2	1	1	13	5	7
Botswana.....	2	1	-	1	-	7	Guyana.....	-	-	-	-	-	-	New Zealand.....	2	1	1	4	1	1	The former Yug. Rep. of Macedon.....	2	1	1	1	1	1
Brazil.....	2	1	1	10	5	6	Haiti.....	2	1	1	3	2	-	Nicaragua.....	2	-	1	1	-	-	Timor-Leste.....	-	-	-	-	-	-
Brunei Darussalam.....	2	1	1	3	-	-	Honduras.....	2	1	1	3	1	-	Niger.....	2	1	1	14	5	8	Togo.....	2	1	1	12	6	8
Bulgaria.....	2	1	1	8	5	2	Hungary.....	2	1	1	4	5	4	Nigeria.....	2	1	1	16	7	7	Trinidad and Tobago.....	2	1	1	6	2	1
Burkina Faso.....	2	1	1	15	3	5	Iceland.....	2	1	1	3	1	1	Norway.....	2	1	1	7	4	5	Tunisia.....	2	-	1	8	1	8
Burundi.....	2	-	-	5	-	-	India.....	2	1	1	16	8	8	Oman.....	2	1	1	8	4	5	Turkey.....	2	-	1	14	3	6
Cambodia.....	2	1	1	5	-	-	Indonesia.....	2	1	1	16	8	5	Pakistan.....	2	1	1	7	-	-	Turkmenistan.....	2	1	1	2	-	-
Cameroon.....	2	-	1	9	5	3	Islamic Republic of Iran.....	2	1	1	11	7	7	Palau.....	-	-	-	-	-	-	Tuvalu.....	-	-	-	-	-	-
Canada.....	2	1	1	6	3	4	Iraq.....	2	1	1	3	3	8	Panama.....	2	1	1	5	3	3	Uganda.....	2	-	1	2	6	3
Cabo Verde.....	2	1	1	4	-	-	Ireland.....	2	1	-	-	3	-	Papua New Guinea.....	2	1	1	4	-	-	Ukraine.....	2	1	-	2	-	4
Central African Republic.....	2	1	1	4	-	1	Israel.....	2	1	1	4	-	5	Paraguay.....	1	1	1	1	3	4	United Arab Emirates.....	1	1	1	6	4	4
Chad.....	2	1	1	10	1	4	Italy.....	2	1	1	6	2	3	Peru.....	2	1	1	8	2	5	United Kingdom.....	2	1	1	7	3	7
Chile.....	2	1	1	14	8	8	Jamaica.....	2	1	1	2	-	-	Philippines.....	2	1	1	9	3	3	United States.....	2	1	1	14	5	5
China.....	2	1	1	16	7	7	Japan.....	2	1	1	11	3	8	Poland.....	2	1	1	8	5	5	Uruguay.....	2	1	1	5	2	3
Colombia.....	2	-	1	10	8	8	Jordan.....	2	1	1	9	-	6	Portugal.....	2	1	-	8	7	8	Uzbekistan.....	2	1	1	-	-	-
Comoros.....	2	1	1	2	-	-	Kazakhstan.....	2	1	1	2	-	-	Qatar.....	2	1	1	4	1	1	Vanuatu.....	-	-	-	-	-	-
Congo.....	2	-	1	14	-	6	Kenya.....	1	1	1	6	6	8	Romania.....	2	1	1	10	3	3	Venezuela (Bolivarian Republic).....	2	1	1	7	8	7
Costa Rica.....	2	1	1	3	-	-	Kiribati.....	2	1	1	-	-	-	Russian Federation.....	2	1	1	14	3	8	Viet Nam.....	2	1	1	5	4	2
Côte d'Ivoire.....	2	1	1	16	8	6	Republic of Korea.....	2	1	1	15	6	8	Rwanda.....	2	1	1	3	-	-	Yemen.....	2	-	-	-	-	-
Croatia.....	1	1	1	1	1	-	Kuwait.....	1	-	1	7	2	3	Saint Kitts and Nevis.....	2	1	1	1	-	-	Zambia.....	2	1	1	13	7	4
Cuba.....	2	1	1	4	1	2	Kyrgyzstan.....	-	-	-	-	-	-	Saint Lucia.....	-	-	-	-	-	-	Zimbabwe.....	2	1	1	12	1	2
Cyprus.....	2	1	1	2	4	6	Lao People's Democratic Rep.....	2	1	1	2	1	1	Saint Vincent and the Grenadines.....	-	-	-	-	-	-							
Czech Republic.....	2	-	1	8	3	4	Latvia.....	2	-	1	7	1	1	Samoa.....	2	1	1	-	-	-							
Democratic Republic of the Cong	2	-	1	15	6	1	Lebanon.....	2	-	1	7	2	7	San Marino.....	1	1	1	-	1	2							
Denmark.....	2	1	1	11	6	8	Lesotho.....	2	1	1	4	-	-	Sao Tome and Principe.....	1	1	1	-	-	-							
Djibouti.....	2	1	1	2	-	1	Liberia.....	2	-	1	1	1	3	Saudi Arabia.....	2	1	1	16	6	5							
Dominica.....	-	-	-	-	-	-	Libya.....	2	1	1	4	1	4	Senegal.....	2	1	1	12	2	6							
Dominican Republic.....	2	1	1	7	2	7	Lithuania.....	2	1	1	4	-	-	Serbia.....	2	1	1	1	1	3							
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