



Fifth item on the agenda: Decent work for peace, security and disaster resilience: Revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71)

Reports of the Committee on Employment and Decent Work for the Transition to Peace: ¹ Summary of proceedings

1. The Committee on Employment and Decent Work for the Transition to Peace, established by the International Labour Conference (Conference) at its first sitting on 30 May 2016, was initially composed of 172 members (85 Government members, 23 Employer members and 64 Worker members). To achieve equality of voting strength, each Government member entitled to vote was allotted 1,472 votes, each Employer member 5,440 votes and each Worker member 1,955 votes. The composition of the Committee was modified eight times during the session and the number of votes attributed to each member was adjusted accordingly. ²

¹ The resolution and proposed Conclusions submitted by the Committee for adoption by the Conference are published in *Provisional Record* No. 15-1.

² The modifications were as follows:

- (a) 31 May: 193 members (104 Government members with 15 votes each, 24 Employer members with 65 votes each and 65 Worker members with 24 votes each);
- (b) 1 June: 206 members (107 Government members with 1,988 votes each, 28 Employer members with 7,597 votes each and 71 Worker members with 2,996 votes each);
- (c) 2 June: 211 members (109 Government members with 1,036 votes each, 28 Employer members with 4,033 votes each and 74 Worker members with 1,526 votes each);
- (d) 3 June: 149 members (110 Government members with 124 votes each, eight Employer members with 1,705 votes each and 31 Worker members with 440 votes each);
- (e) 4 June: 143 members (110 Government members with 27 votes each, six Employer members with 495 votes each and 27 Worker members with 110 votes each);
- (f) 6 June: 134 members (110 Government members with 9 votes each, six Employer members with 165 votes each and 18 Worker members with 55 votes each);

2. The Committee elected its Officers as follows:

<i>Chairperson:</i>	Ms F. Kodra (Government member, Albania) at its first sitting
<i>Vice-Chairpersons:</i>	Ms L. Sephomolo (Employer member, Lesotho) and Mr M. Guiro (Worker member, Senegal) at its first sitting
<i>Reporter:</i>	Mr N. Montague (Government member, New Zealand) at its 15th sitting

3. At its tenth sitting, the Committee appointed a Drafting Committee³ composed of the following members:

Government member: Mr Y. Criado (France), assisted by Ms K. Sparding (United States)

Employer member: Mr A. Yewdell (United States), assisted by Ms P. Veringa Gieskes (Democratic Republic of the Congo)

Worker member: Mr S. Sintubin (Belgium), assisted by Mr S. Benedict (International Trade Union Confederation)

4. The Committee had before it Reports V(1) and V(2), entitled *Employment and decent work for peace and resilience*, prepared by the Office for the fifth item on the agenda of the Conference: “Decent work for peace, security and disaster resilience: Revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71) – *Standard setting, first discussion under the double discussion procedure*”.

5. The Committee held 19 sittings.

Introduction

6. The representative of the Secretary-General, (Mr G. HOUNGBO, Deputy Director-General for Field Operations and Partnerships of the International Labour Organization (ILO)), welcomed the members of the Committee.

- (g) 7 June: 135 members (109 Government members with 133 votes each, seven Employer members with 2,071 votes each and 19 Worker members with 763 votes each;
- (h) 8 June: 133 members (109 Government members with 119 votes each, seven Employer members with 1,853 votes each and 17 Worker members with 763 votes each.

³ Pursuant to article 59(1) and article 6 of the Standing Orders of the International Labour Conference, a Committee Drafting Committee is tasked to ensure legal consistency of the texts of proposed Conventions and Recommendations and the concordance between the English and French versions, which become the authentic texts of Conventions and Recommendations. It also verifies that the proposed texts reflect the decisions of the Committee and makes changes of an editorial nature to align the texts with ILO terminology and reference style. In addition, the Committee Drafting Committee undertakes any other task referred to it.

-
7. Upon her election, the Chairperson underlined that the issue before the Committee was important because of the strategic relevance of employment and decent work responses to conflict and disaster, for the transition to peace and recovery. Employment and decent work, in other words social justice, had a crucial role in the prevention of those types of crises as well as in the transition to peace and recovery.
 8. The Chairperson called on the Committee's support for an enthusiastic discussion conducted in a spirit of respect of the diversity of views. She noted that the topic for discussion was very relevant to the current international context with both short- and long-term consequences for sustainable development. Following the work of the Committee, it was hoped to have a set of proposed Conclusions that would inform the discussion at the 106th Session of the Conference in 2017.
 9. The representative of the Secretary-General provided an overview of the Committee's work for the revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71). He emphasized the strategic importance and the timeliness of a standard-setting discussion, which was highly pertinent in the present context of recurring conflicts and disasters. The topic of employment and decent work for peace and resilience was highly relevant to the realities of today; employment generation in the aftermath of conflict was essential for reconstruction and peace.
 10. Report V(1) provided an overview of the evolution of the concepts and realities of conflict and crisis over time and explained how crisis response evolved. The Office had sought the views of the constituents and intergovernmental organizations through a questionnaire in preparation for the revision of the Recommendation. Those replies, summarized in Report V(2), together with the Office's observations, were the basis of the proposed Conclusions before the Committee.
 11. The Committee's discussions would provide the basis for developing an instrument to guide ILO constituents on the key role of employment creation and skills development, in the transition from war to peace and in the aftermath of conflict and disaster. That underscored the centrality of livelihoods and full, productive and freely chosen employment and decent work. Experience had shown the need to encompass other elements of decent work, in particular the respect for rights, including fundamental rights, national dialogue for reconciliation and peace consolidation, social protection and restoring labour markets.
 12. The representative of the Secretary-General recalled that Recommendation No. 71 was solidly rooted in the ILO's founding and constitutional principles that "universal and lasting peace can be established only if it is based upon social justice". The proposed revision expanded the Recommendation to include non-international armed conflicts that destabilized fragile societies and economies; and, to address disasters because of the commonalities with conflicts in terms of the impact and consequences on the world of work and beyond. It went beyond reconstruction and recovery which was dealt with in Recommendation No. 71, with a focus on prevention, preparedness and resilience in order to anticipate and mitigate the impact of crises.
 13. The proposed revision was taking place amid a growing international consensus on the importance of employment creation and income generation as fundamental elements in crisis response; on the nexus between rapid response, early recovery, reconstruction and long-term development; on the importance of better coherence and coordination among multiple actors at the international, regional and local levels; and on the principles of shared responsibility and solidarity.
 14. The representative of the Secretary-General also recalled that Recommendation No. 71 was the only normative framework in the UN system that focused on employment creation for

crisis response. Bearing in mind other UN policy frameworks, namely the United Nations Policy for Post-Conflict Employment Creation, Income Generation and Reintegration, 2009, and the Sendai Framework for Disaster Risk Reduction 2015–2030, there was a need for a more comprehensive and updated instrument to provide relevant guidance to constituents from an employment and decent work perspective.

Opening statements ⁴

15. The Employer Vice-Chairperson stated that the Employers' group viewed the proposed Conclusions as a very good basis for discussions and noted the emerging consensus among governments, employers' organizations and workers' organizations on how the ILO should use employment and decent work to respond to crisis situations, whether provoked by armed conflict or natural disasters, to promote peace, recovery, reconstruction and resilience. The revision of Recommendation No. 71 was timely and necessary to equip the ILO, its constituents and the international community with an up-to-date instrument to promote peace and resilience.
16. The international community was confronted by a number of challenges when war and disaster struck and different United Nations (UN) and humanitarian agencies focused on rescue operations, provision of food and shelter and relief operations for refugees and internally displaced persons. The loss of employment, livelihoods, businesses and skills through displacement, interruptions in education and the breakdown of social cohesion posed challenges that were at the core of the ILO's mandate. Interventions were needed by way of employment programmes, vocational training, social protection, strengthening labour market institutions and the promotion of the ILO Declaration on Fundamental Principles and Rights at Work (1998).
17. Expanding employment and jobs after war or disaster should aim to provide an enabling environment for the private sector. That would entail establishing a conducive environment for micro-, small and medium-sized enterprises (SMEs), ensuring stable macroeconomic conditions that facilitated access to finance and fair competition, and promoting political stability and economic predictability. Infrastructure would need to be rebuilt, red tape and bureaucratic obstacles reduced and corruption combated. Policy coherence for finance, trade and investment, attracting investments in job-rich sectors, such as agriculture, positioning countries in the global economy based on competitive advantage, such as resource-rich fragile States, and specific attention to youth employment and women's entrepreneurship were also important.
18. The ILO needed to focus on both short-term and medium- to long-term interventions: promoting infrastructure and public works development; providing incomes to youth, ex-combatants, internally displaced persons and returnees; supporting micro-enterprises and SMEs, emphasizing vocational skills training to meet immediate demand; and providing an enabling environment for the private sector, which was critical for the creation of decent, productive and sustainable jobs. Reviving business activity and entrepreneurship would help economic activities resume, spur foreign and domestic investment, create jobs and yield taxes for local authorities. She emphasized that employers' organizations and trade unions

⁴ Unless otherwise specified, all statements made by Government members on behalf of regional groups or intergovernmental organizations are reported as having been made on behalf of all Governments members of the group or organization in question who are Members of the ILO and are attending the Conference.

were playing an important role in conflict prevention and resolution but their capacities needed to be enhanced.

19. The Worker Vice-Chairperson recalled the increase in conflicts and natural disasters; the ever-growing percentage of the world's population living in conflict-affected countries; the increased number of forcibly displaced persons; the rising number of refugees; and the emerging challenges of climate change and environment degradation affecting economic growth and employment. He underlined that the human and economic cost resulting from armed conflicts was incalculable. The total economic loss entailed by disasters between 2005 and 2014 amounted to more than US\$1,300 billion and was disproportionately affecting women, children and vulnerable groups. While \$13 billion was spent on humanitarian interventions, less than 1 per cent of that figure was invested in prevention and mitigation measures.
20. The effect of those multiple crises was compounded by the fragility witnessed in the world of work. Deregulation of social protection systems exposed 75 per cent of the world's population to risks linked to health, disability, unemployment and ageing, while 50 per cent of workers in the world were excluded from any minimum standard of protection. Since the outbreak of the financial crisis in 2008, more than 61 million jobs had been lost and current trends were projecting 80 million jobs lost and 212 million unemployed persons by 2019.
21. Countries emerging from conflicts and disasters were faced with socio-economic pressures such as a decrease in access to, and quality of, public services, downward pressure on salaries, disruption of social protection systems, a general disregard of fundamental rights, an increase in forced and bonded labour and a rise in the worst forms of child labour and gender violence.
22. Workers' organizations had a critical role to play in the post-crisis transition. Examples of effective contributions included supporting the peace and democratization process in Myanmar, and the role played by the General Union of Tunisian Workers (UGTT) in the establishment of the new constitution in Tunisia. A successful partnership across the international labour movement had resulted in the improvement of occupational safety and health in Timor-Leste.
23. Most crisis situations constituted both the underlying causes and the consequences of inequality and human rights deficits. They perpetuated poverty, undermined sustainable development and hindered the realization of decent work, with a devastating impact on women. The renewed interest of the international community on the nexus between peace and socio-economic development called for the ILO and its constituents to articulate their position in this debate. The discussion on the new instrument should be considered an integral part of the ILO centenary initiatives and the attainment of the goals of the 2030 Agenda for Sustainable Development.
24. The normative guidance of the ILO should be centred on economic security, socio-economic and political inclusion, human and labour rights as well as decent work, and should explicitly feature elements of the ILO Declaration on Fundamental Principles and Rights at Work and the ILO Declaration on Social Justice for a Fair Globalization (2008). In particular, the promotion of freedom of association and collective bargaining was a key element in facilitating reconciliation and peace building, as were ILO Conventions related to forced labour, child labour and non-discrimination.
25. The Government member of Angola, speaking on behalf of the Africa group, welcomed the revision of Recommendation No. 71 to bring it in line with current realities of countries facing conflict and natural disasters. He underlined that the report correctly described the changing contexts and measures to be taken and that ILO policy and strategies on decent

work were essential in that respect. Strengthening the institutions promoting social dialogue and social protection as well as infrastructure development was particularly important for those most vulnerable in crisis situations, notably women, children, youth and persons with disabilities. The role of international cooperation was important for the prevention and elimination of crisis situations. The revised Recommendation would strengthen the ILO's ability to deliver on its mandate and support the goals of the 2030 Sustainable Development Agenda. He assured the Committee that the Africa group would play an active role in the discussion, taking into account other international instruments, particularly the 2030 Sustainable Development Agenda, the Paris Agreement under the United Nations Framework Convention on Climate Change (COP21), the Addis Ababa Action Agenda of the Third International Conference on Financing for Development and the Sendai Framework for Disaster Risk Reduction 2015–2030.

26. The Government member of Japan, speaking on behalf of the Asia and Pacific group (ASPAG), stressed that revising Recommendation No. 71 to take into account the experiences of countries in his region, which had endured several natural disasters, would make the instrument more effective and practical for each country. It was important to implement rapid and adequate employment and labour policies in countries hit by natural disasters, in addition to medical care and welfare provisions.
27. The Government member of the Netherlands, speaking on behalf of the European Union (EU) and its Member States, thanked the ILO for the preparatory reports, including both the formal and informal consultations, prior to that discussion. He supported the initiative, noting the legitimacy of the ILO in responding to crises by extending the scope of Recommendation No. 71 to ILO-related fields. The EU and its Member States had gained experience in facing emergency situations which could be beneficial to the discussion, in particular with regard to the EU approach to resilience and forced displacement. He noted the importance and relevance of measures to integrate refugees in labour markets and society, respecting human dignity and international human rights, and those that provided support to host communities. Priorities should ensure the establishment of an inclusive business climate, a tailored approach to local contexts and a prominent role for host governments. Those measures should be coordinated with other UN agencies and regional and international humanitarian organizations. The ILO's strategy for addressing crises should be centred on inclusive, sustainable and equitable growth as well as decent work and the fundamental principles and rights at work. Long-term responses to crises should include investing in institutions, building the rule of law and developing civil society. The promotion of women's economic recovery and access to resources after a crisis was noted as critical for building an inclusive and peaceful society.
28. The Government member of Canada welcomed the revision of Recommendation No. 71. While the fundamental objectives of the Recommendation remained valid, he noted that the world had changed significantly since it had been originally adopted and its revision would support coordinated action in the resolution of complex problems. Its objectives would be job creation and the re-establishment of national economies in both armed conflict and disaster situations. Freely chosen and productive decent employment were indispensable to promoting peace, preventing crises and reinforcing resilience. The scope of the proposed Conclusions went beyond the typical mandate of the ILO and therefore its actions needed to be coordinated with other organs of the international system. The revision of Recommendation No. 71 provided a pertinent opportunity and was a timely initiative, and the proposed Conclusions provided a good basis for the Committee's deliberations.
29. The Government member of the Philippines stated that decent work should be at the forefront of crisis response. The Committee's discussion was therefore timely given the growing vulnerability of people due to climate change and armed conflict, and the revision of the Recommendation was very important for her country. Maintaining peace and security

and adapting to climate change were priority reform areas for her Government. She highlighted the “Build Back Better” principle being applied by the Philippines, in which promoting emergency employment and sustainable livelihoods was crucial to recovery. Respecting rights and providing social protection to individuals impacted by disaster, as well as the development of skills and enterprises to facilitate enhanced employment opportunities and adaptive capacities and resilience, were important.

30. The Government member of Chile, speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC), supported the revision of Recommendation No. 71. The world was confronted with new challenges not only from armed conflict, but also as a result of climate change, leading to internal and global migration, either forced or voluntary. She stressed that no country was free from risk with regard to natural and man-made disasters, and recalled the recent devastating earthquake in Ecuador that required international solidarity for relief and reconstruction. She also recalled UN General Assembly Resolution 46/182 which reaffirmed the importance of humanitarian assistance. Regarding armed conflict, she highlighted the recent progress made in Colombia towards achieving peace through social dialogue, humanitarian law and fundamental principles and rights at work. Achieving a sustainable peace also entailed the provision of training opportunities and decent work.
31. The Government member of Senegal supported the Africa group’s statement and expressed satisfaction that an international standard focusing on decent work and the transition to peace was on the Conference agenda. As many workers were now excluded from the world of work and many forms of atypical work were prevalent, the international community needed to combat poverty, reduce inequality and extend protection to the most vulnerable. He described the Emerging Senegal Plan, a national poverty reduction strategy which emphasized: (a) structural transformation of the economy and growth; (b) human capital, social protection and sustainable development; and (c) governance, institutions, peace and security. Its public policy and programme provided the framework for the country’s national employment policy, food security strategy and social protection strategy. The revised Recommendation should reinforce the importance of the Declaration on Fundamental Principles and Rights at Work and the Social Justice Declaration. The instrument should recommend that labour administrations and public employment services be reinforced to enhance capacities for implementation.
32. The Government member of Egypt supported the Africa group’s statement and the ILO’s efforts, which were timely and important given the diversification of crises and disasters necessitating different measures of rapid response. The revision of Recommendation No. 71 was needed to achieve long-term solutions based on decent work. Mechanisms should include job creation, investment in SMEs, infrastructure and multinational activities, with a focus on youth. Evaluation of the impact of programmes on the labour market was vital. Primary and secondary education, as well as vocational training and attention to the informal economy, were needed for recovery. Similarly, it was necessary to focus on livelihoods, health care and building social protection floors. He welcomed the efforts to improve and adapt existing instruments and increase support to developing countries suffering from conflict and disasters.
33. The Government member of Japan, drawing on his country’s experience of damage caused by multiple natural disasters, stressed the importance of: information sharing; implementing employment and labour policies from the outset; addressing occupational safety and health in reconstruction and restoration; and ensuring that specific measures were put in place for the resettlement of affected persons according to the nature of the disaster. He concluded that the importance of swift implementation of employment and labour policies was often underestimated, those policies being essential to limiting damage and achieving a rapid recovery. In his country’s experience, the inclusion in disaster response coordination of

appropriate ministries, like the Ministry of Health, Labour and Welfare, was crucial. Japan welcomed the opportunity to share its experience with the international community.

34. The Government member of Turkey thanked the ILO for the report. She agreed that the world of work was central to finding permanent and comprehensive solutions for crises, and gave the example of the Syrian refugee crisis. While some positive effects in terms of consumption and employment were evident in the short term, medium- and long-term migration flows caused increases in labour supply and downward pressure on wages and jobs for local communities. Additionally, these posed challenges for enterprises and people were being forced into the informal economy. Since 2014, Turkey had been the largest refugee hosting country, with over 3 million refugees being granted protection in full observance of international principles. New regulations eliminated sectoral restrictions and established minimum wages and social security benefits, granting Syrians the same rights as Turkish nationals. The majority of Syrian refugees were unskilled, therefore active labour market policies were being implemented which promoted vocational training and institutional capacity building. Acknowledging ILO projects in Turkey and neighbouring regions, she observed that increased global cooperation was needed to share the burden and more support to neighbouring host countries to address refugee crises.
35. The Government member of Switzerland commended the ILO for its good-quality report which provided a solid basis for the discussion of the revision of the Recommendation, which was urgently needed. He stressed the importance of providing relevant guidance to governments for the promotion of employment in the transition period from war to peace. Responses to crises needed to take into account varying national and regional circumstances. The proposed instrument should be anchored in the mandate of the ILO and not systematically and disproportionately promote state interventionism. Rather, it should support employment promotion, the strengthening of public institutions, social protection, social dialogue and respect for fundamental rights at work.
36. The Government member of the United States expressed her gratitude to the ILO for the revised text, which was a good starting point for the discussion and highlighted the important role of decent work and international labour standards. She noted the need for the instrument to include internal conflicts and natural and man-made disasters, all of which shared similar characteristics of instability, insecurity, poverty and inequality. An employment-focused response was warranted to address the destruction of livelihoods, businesses and workplaces. Support for government institutions providing basic needs, social protection and law and order was also needed. Being at the crossroads of development, humanitarian and peacebuilding efforts, crisis responses tended to overlook decent work, addressing basic human needs. The proposed instrument should strongly underscore the need to establish or strengthen an environment conducive to employment generation and decent work while actively asserting workers' rights and protection.
37. The Government member of Cuba thanked the Office for the reports but voiced his regret that a number of comments submitted by his country had not been reflected, and that much work was still needed to reach a consensus. The UN system and the international community shared a major responsibility to strengthen national capacities to respond to crises. The principles for humanitarian assistance set out in UN General Assembly Resolution 46/182 should be respected and he cautioned against using ambiguous concepts that could potentially undermine the sovereignty of States. He proposed the use of the term "humanitarian emergencies" instead of "crisis", which was considered too vague and might lead to misinterpretation.
38. The Government member of Pakistan acknowledged the paramount importance of adapting response measures to national circumstances and the nature of crises. The proposed Conclusions were overly ambitious and needed to include practical solutions on

implementation, based on the experience of the ILO. The role of non-state actors and their utter disregard for international law could not be overlooked. As countries faced with crises suffered significant economic loss and disruption of normal activity, response measures could not be limited to employment. It was of critical importance that the proposed instrument did not place unnecessary obligations on countries already grappling with the impact of a crisis. In that regard, she proposed that further consultations take place with the member countries of the g7+ and a report be submitted to the Governing Body in March 2017. She pointed out that the issue of refugees should be governed by relevant instruments and therefore should not be included in the proposed instrument, unless the principle of sharing the burden of host countries was given central importance.

39. The Government member of Belgium thanked the ILO for the excellent report submitted to the Conference, which reflected the very foundation of the ILO. He acknowledged the importance of the revision of Recommendation No. 71 given the current context where the world was facing a changing demography and a growing number of civilian casualties, internal conflicts, refugees, internally displaced persons and tragic accidents. The number of persons being displaced due to climate and environmental changes was also on the rise. A growing number of countries, including his own, were tackling the threat of terrorism. He subscribed to the concept of fragility and resilience introduced in the proposed Conclusions, as well as the rights-based approach of the ILO which stressed the importance of equality. In the current context, decent work played an important role in assisting countries in crisis situations. Particular attention needed to be paid to refugees and internally displaced persons to ensure their integration into the labour market.
40. The Government member of Sierra Leone, aligning with the statement of the Africa group, said that it was necessary to revisit the Recommendation in the wake of an increasing number of disasters arising from climate change and epidemics. Her country had suffered from armed conflict and continued to face unemployment, underemployment and informality, which were disproportionately affecting youth and women. It was in that context that Sierra Leone was implementing its Agenda for Prosperity. Sierra Leone had been severely affected by the Ebola pandemic, resulting in significant loss of jobs, health workers and doctors, and post-recovery programmes should address unemployment, especially of youth. Sierra Leone was one of the founding g7+ member countries, referred to as “fragile States”, which had worked towards the five peacebuilding and state-building goals of legitimate and inclusive politics, security, economic foundations, justice, and revenue and services. The proposed Conclusions were particularly important to fragile States, and the ILO was well placed to assist them in addressing these in its field of competence.
41. The Government member of Kuwait, speaking on behalf of the Gulf Cooperation Council (GCC) countries and Yemen, supported the revision of Recommendation No. 71, which should consider the different stages of recovery, be it from conflict or disasters. Support from the international community was important to assist crisis countries.
42. The Government member of China, who supported the ASPAG statement, added that the ILO had done great work in preparing a very satisfactory proposal for the revision. He suggested taking into account national contexts and good practices, consistency with international laws and instruments, and focus on the mandate of the ILO in the revision of the instrument. Job generation, social protection and active labour market policies played an important role in addressing crisis situations. China, frequently affected by natural disasters, had taken serious measures to enhance employment: employment subsidies; infrastructure development; tax credits for companies hiring affected workers and/or providing training; and job search assistance. These were all important measures that stabilized the labour market and built economic resilience and social stability.

-
43. The Government member of India welcomed the proposed instrument and advised that his country had a legal framework and institutional mechanisms to deal with conflict and disasters the nature and magnitude of which had changed over time, making crisis management vital and complex. Wherever a national legal framework existed, it should prevail over outside regulatory frameworks. He stressed that employment and decent work for peace and resilience, as part of sustainable development, contributed to making communities and nations socially, economically and ecologically sustainable.
44. The Government member of Colombia highlighted the relevance of the discussion to his country, where conflict resolution had been under discussion for over 50 years. To achieve sustainable peace, a better standard of living, better working conditions, decent wages, improved education and health care and access to credit were necessary. Sustainable peace would create opportunities for work, address gender discrimination and improve access to training for youth. It would also strengthen the right to organize and support victims of violence. Rural labour markets needed to be strengthened with increased opportunities for training, better wages and conditions of work, with a social protection floor for rural households. As the President of Colombia had stated, “labour peace is essential for total peace”. The end of the conflict in Colombia offered great opportunities for strengthening social dialogue and an improved labour environment. He was very grateful to the ILO for their efforts to revise Recommendation No. 71, which was still very relevant but must be revised to meet new challenges.
45. The Government member of Sierra Leone speaking on behalf of the g7+ member countries, underscored the ILO and g7+ partnership. She explained that in December 2014 a Memorandum of Understanding between the g7+ Secretariat and the ILO had been signed during a High-Level Panel on Decent Work in Fragile States for cooperation in job creation, skills development, social protection, South–South and triangular cooperation, migration and labour market monitoring. The agreement expressed the ILO’s engagement and highlighted the close cooperation that the ILO maintained with the governments of fragile States, which supported the New Deal for Engagement in Fragile States, with a special focus on employment and livelihoods and on fair service delivery.
46. The representative of the United Nations Office at Geneva (UNOG) stated that since 2008 the number of active civil wars had nearly tripled and 60 million people were forcibly displaced worldwide. Warfare undermined employment and the right to work, which in turn perpetuated violence. Restoring peace largely depended on securing sustainable employment, which he stressed as being of particular importance for women, youth and ex-combatants. He confirmed that, in the current environment, updating Recommendation No. 71 was both timely and critical, and the UN had supported, and would continue to support, the ILO to forge a common approach across the UN agencies. Those efforts included the UN Integrated Disarmament, Demobilization and Reintegration Standards (2006) and the UN Policy for post-conflict employment creation, income generation and reintegration (2009). Multilateralism and better coordination could provide a unique way for the UN to work as one, and he suggested that agencies that worked in relief and development efforts could incorporate potential employment impact into their operational planning. New methods should be found to translate emergency employment programmes into sustainable solutions in order to have a positive impact on local employment and to build strong, peaceful societies. He thanked the ILO for their important work with the revision of Recommendation No. 71, and called for continued close collaboration.
47. The representative of the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) recalled that the challenges women faced in the world of work included finding and keeping decent jobs, the unequal earning power of women and men, the imbalance between paid and unpaid work and difficulties in gaining access to adequate social protection. Those challenges were compounded in conflict and post-conflict

situations. In research undertaken by UN Women and its partners, it was noted that during and after conflict women had higher labour force participation and their earnings and spending patterns could positively contribute to post-conflict stability. Recovery interventions should focus more systematically on women's engagement in economic reconstruction. Efforts to increase women's access to decent employment should also address the structural constraints to women's inclusion and participation in economic activities.

48. The representative of the United Nations Office for Disaster Risk Reduction (UNISDR) recalled that the Sendai Framework for Disaster Risk Reduction 2015–2030 already provided overall guidance for reducing existing levels of disaster risk, preventing the creation of new risks and reducing losses linked to disasters. Strong cooperation and shared responsibilities were encouraged between central and local authorities, civil communities and various public and private stakeholders. She stressed that the promotion of resilient employment and livelihoods needed to be an integral part of preparedness. The provision of equitable work opportunities, decent and safe working environments and social protection represented fundamental components of a successful strategy to ensure resilience and achieve development as part of the 2030 Agenda for Sustainable Development. The ILO was acknowledged as a key partner and instrumental in supporting the social partners within countries in introducing decent work-related approaches within overall policies and strategies for preparedness, response and recovery from disasters.
49. The representative of the United Nations Educational Scientific and Cultural Organization (UNESCO) recalled that UNESCO's Recommendation concerning technical and vocational education and training (TVET) and Recommendation on adult learning and education, both adopted in November 2015, contained useful guidelines for achieving the aims of TVET to promote inclusive and sustainable economic growth, strengthen social equity and support environmental sustainability. In addition, UNESCO had very recently adopted a new Strategy for TVET (2016–2021), which aimed to establish national, regional and international tools and mechanisms of fair and transparent recognition of skills and qualifications. It also focused on persons with disabilities, indigenous peoples, ethnic minority groups, refugees and persons affected by conflicts or disasters, as well as unemployed persons and vulnerable workers. Ongoing armed conflicts were having a disastrous impact on education in affected societies, and every effort needed to be made to deploy and uphold the right to education and training in conflict and post-conflict contexts towards achieving decent work, social cohesion and resilience.
50. The representative of the United Nations Development Programme (UNDP) concurred that employment played a central role in preventing crises, enabling recovery and building resilience. To that purpose, the active participation of the private sector through business operations that created jobs and economic opportunities was crucial. The UNDP had made livelihood and economic opportunities central to its Regional Refugee and Resilience Plan 2015–2016: In Response to the Syria Crisis (3RP), and had developed a jobs and livelihoods guidance note for their staff. In collaboration with its partners, the UNDP played a key role in addressing the root causes of crises through its disaster risk reduction and peacebuilding programmes. However, she recognized that a comprehensive approach, such as the one proposed by the revision of Recommendation No. 71, was needed to leverage the efforts of governments, the private sector and humanitarian and development actors to harness the full potential of employment in preventing crises, enabling recovery and building resilience.
51. The representative of the United Nations High Commissioner for Refugees (UNHCR) regretted that the world was witnessing the highest number of forcibly displaced persons since the Second World War and that voluntary repatriation was at its lowest since the 1980s. However, the number of refugees being offered comprehensive local integration remained limited. By providing access to income, work could enable forcibly displaced persons to live

in dignity. The right of refugees to work was specified in a number of international and regional instruments. Nevertheless, legal barriers remained for many refugees and some States had used national legislation to prevent refugees from working. In 2015, only 20 per cent of refugees reported having the legal right to work. He expressed concern that, in the absence of a conducive legal framework, many refugees might end up working in the informal economy. Not only was allowing refugees to work a development mandate, outlined by Goal 8 of the 2030 Agenda for Sustainable Development, but research showed some positive economic impacts.

52. The representative of the Office for the Coordination of Humanitarian Affairs (OCHA) highlighted the crucial role played by the private sector and cash transfers in mitigating the impact of crises. Concerning the role of the private sector, she gave two examples: the Philippines where the Government had recognized the critical role played by the private sector in reviving the local economy; and the Ebola crisis where a coalition of private companies had provided support and protection to employees and families. She confirmed how the role of business, and hence employment, was important in the recovery from a humanitarian crisis and highlighted the strong interconnections between social causes, employment and the private sector. Cash transfer programmes were another modality of humanitarian assistance, particularly unrestricted or multi-purpose cash, which she explained created multiplier effects from the very earliest stages of a humanitarian response. The potential for large-scale cash transfers in emergencies, particularly using existing government social protection systems or the private sector, could result in savings for the humanitarian system and a more dignified and people-centred response. All of that should contribute to bolster local economies and generate employment in times of crisis and leverage employment as a driver for recovery.
53. The representative of Public Services International (PSI) stressed that public service workers – for example, firefighters, police, health service workers and educators – were at the frontline in disaster and conflict response and should be at the heart of a revised instrument. They needed continuous training, good equipment, occupational safety and health and social protection to carry out their work effectively. A lack of labour rights was an impediment to their effective response, and the move towards the privatization of public services was of serious concern. Decent work was the cornerstone for peace and resilience, and capacity building for public service workers, for example in the area of labour rights, should be strengthened.
54. The Employer Vice-Chairperson noted that there was a consensus that job creation and business development were priorities for recovery and resilience. Of particular importance in this regard was the creation of an enabling environment that supported business and employment growth. There seemed to be questions about the mandate of the ILO in crisis response, as well as the role of the social partners, and she looked forward to the Committee's deliberation of those topics.
55. The Worker Vice-Chairperson stated that, generally, it was workers that were most affected by disasters and conflict, and therefore all ILO constituents needed to be involved in responses to such situations, in the spirit of mutual respect and social dialogue.

General discussion guided by the sections of the proposed Conclusions contained in Report V(2)

56. The Chairperson advised the Committee that the sitting would be dedicated to sharing comments on the proposed Conclusions in order to better inform possible amendments.

Parts A–VI

57. The Worker Vice-Chairperson agreed that the Preamble rightly mentioned that lasting peace could be attained only if it were based on social justice, that full, productive, freely chosen and decent employment was vital to recovery and that social protection and fundamental principles and rights at work were critical factors in recovery. In terms of Part I, Purpose and scope, of the proposed Conclusions, he asked the Committee to review the relationship between point 7 and point 6, as the latter seemed to cover the main information needed. Detailed definitions, derived from the work of the ILO, were required for a clearer, more flexible approach. Finally, he proposed that social dialogue be included as one of the guiding principles.
58. The Employer Vice-Chairperson recommended that the Preamble include a reference to the Conclusions concerning the promotion of sustainable enterprises adopted by the Conference in 2007, on the enabling environment for sustainable enterprises. International cooperation was important, keeping in mind the comparative advantage of organizations in providing aid. Regarding Part I, she emphasized that financial crises were dealt with under the policy instrument “Recovering from the crisis: A Global Jobs Pact”, adopted by the Conference in 2009. Regarding Part II, Guiding principles, she agreed that member States should be guided by their specific national contexts and define their own vulnerable groups.
59. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, stated that the definitions under point 5 needed to be consistent with other international instruments. Regarding point 9(i), he supported the need for close coordination between humanitarian and development partners.
60. The Government member of Angola, speaking on behalf of the Africa group, called for the harmonization of definitions. He sought clarification of the term “other situations of violence” in point 5(a).
61. The Government member of Kuwait, speaking on behalf of the GCC countries, requested the inclusion of a reference to early warning on industrial and man-made disasters, in line with the Prevention of Major Industrial Accidents Convention, 1993 (No. 174).
62. The Government member of the Russian Federation proposed that the definitions of the terms “conflict” and “disaster” be deleted, and the definition of a term “resilience” be aligned with that of the UNISDR. He advised that the 69th Session of the UN General Assembly had established a working group on terminology relating to disaster risk reduction, which should be taken into consideration. Referring to the Annex, he suggested adding “as appropriate” as his country was not party to several instruments and Conventions. Concepts of “minorities” mentioned in point 9(d) and “hatred on the basis of ethnicity” in point 9(g) needed to be aligned with the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 1992, as well as the International Covenant on Civil and Political Rights, 1966.
63. The Government member of Cuba expressed support for various points made by the Government member of the Russian Federation. The definitions contained in the proposed Conclusions did not reflect those agreed in other international frameworks. The use of the term “crisis” was too broad and vague. He proposed the term “humanitarian emergency”, which was in line with existing international frameworks. He did not agree with the inclusion of the term “as well as other situations” in point 5(a). Under Part II, Guiding principles, reference should be made to UN General Assembly Resolution 46/182 “Strengthening of the coordination of humanitarian emergency assistance of the United Nations”, as that was the internationally recognized framework for humanitarian assistance.

-
64. The Government member of the United States shared the concerns expressed with regard to the definitions in the proposed Conclusions, noting that there was no UN definition for “conflict”. The Decent Work Agenda should be more prominent in the Preamble and some points in the Preamble should be moved to Part II.
 65. The Government member of Sudan recalled that decent work and development were closely linked, yet progress in Sudan was blocked by imposed embargos.
 66. The Government member of Australia sought clarification of the definition of “refugees” and “migrant workers”.
 67. The Government member of Egypt endorsed the previous statements on the definitions proposed in point 5(a) and (b), which were not in line with definitions established in international conventions. He proposed that the definitions contained in Part I be deleted.

Parts VII–Annex

68. The Employer Vice-Chairperson requested clarification of the term “basic income” under Part VII, Social protection, and inquired as to who would be paying it. Regarding Part VIII, she requested additional information on, and clarification of, the use of the words “reinforce labour laws”, and instead proposed “labour laws should encourage sustainable employment”. The use of the term “social dumping” should be clarified as it was subjective and potentially harmful. Under Part XII, International cooperation, the capacity of local actors should be included and improved.
69. The Worker Vice-Chairperson noted that while he had no specific comments under Part IV, Rights, equality and non-discrimination, the fundamental principles and rights of workers should be covered in detail. Under Part V, generation of decent employment should be ensured through social dialogue rather than simply promoted. He endorsed the inclusion of equal access to vocational training in Part VI and social protection in Part VII. Social protection floors should be extended in order to prevent crisis situations. Protecting the humanitarian and labour rights of refugees and providing aid to displaced persons in need were of the utmost importance. In his view, additional ILO instruments should be included in the Annex.
70. The Government member of Cuba expressed concern about the terminology used to identify “disadvantaged and marginalized groups”, and proposed it be rephrased as “people in a situation of vulnerability”. In point 21(b) of Part VI, he suggested replacing “disaster risk education” with “disaster risk reduction” in line with the Sendai Framework for Disaster Risk Reduction 2015–2030. In point 27(b) of Part IX, Social dialogue, he proposed replacing “workers, especially the most vulnerable” with “people in vulnerable situations”. He stressed that the training mentioned in point 29 of Part X, Refugees, internally displaced persons and returnees, should be carried out in accordance with international instruments. In point 40 of Part XII, International cooperation, he suggested replacing “humanitarian relief” with “humanitarian assistance”.
71. The Government member of Pakistan proposed deleting any reference to “refugees” from Part X.
72. The Government member of Egypt pointed out that Part X should not anticipate the conclusions of the discussion on the topic to be held by the UN General Assembly in September 2016.

-
73. The Government member of the Russian Federation pointed out that the provision contained in Part IV, point 13(d), referring to “rape and sexual exploitation and harassment”, was not in line with the objective of the revised instrument, which should focus on labour. Given that a Recommendation was not legally binding, he proposed using “encourage” instead of “ensure” in Part VI, point 20.
74. The deputy representative of the Secretary-General (Ms A. Berar Awad, Director of the Employment Policy Department) explained that the objective of the general discussion which had just taken place was to allow for an exchange of views among delegates before the formal process of amendment. In reply to specific queries, she noted that the rationale behind Part I, point 7, was to protect volunteers, who were not considered salaried workers yet needed to be addressed. The concept of “basic income” was defined in Paragraph 5 of the Social Protection Floors Recommendation, 2012 (No. 202). Regarding definitions, she emphasized that the intention of the Office had been to contextualize existing definitions rather than create new ones. The notions of international and non-international conflict referred to in point 5(a), based on the International Committee of the Red Cross (ICRC) definitions, did not cover situations such as high rates of homicide, narcotics trafficking, youth gangs and hooliganism, where the consequences could be similar to armed conflict. She noted that it would be for the Committee to decide whether or not to extend the scope of those terms. She further clarified that the definition of “disaster” in point 5(b) was inspired by the Sendai Framework for Disaster Risk Reduction, 2015–2030, but shortened and contextualized. The definition of “resilience” in point 5(c) followed the UNISDR definition, which was currently applied by the UN system. Therefore, the secretariat remained at the disposal of the members of the Committee to add, delete or modify definitions. “Migrants” was used as in Article 11(1) of the Migration for Employment Convention (Revised), 1949 (No. 97), and the term “refugees” as defined in the Convention Relating to the Status of Refugees, 1951. She underlined that the current definitions in the proposed Conclusions would be further refined as amendments were proposed and deliberated upon by the Committee.

Consideration of the proposed Conclusions contained in Report V(2)

A. Form of the instrument

Points 1 and 2

75. Points 1 and 2 were adopted.

B. Content of the instrument

Preamble

Point 3

Chapeau

76. The chapeau was adopted.

Point 3(a)

77. Point 3(a) was adopted.

New clauses after point 3(a)

78. The Worker Vice-Chairperson introduced an amendment to add a new clause after point 3(a) to read “the Declaration of Philadelphia, 1944, the Universal Declaration of Human Rights, 1948, the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998, the ILO Declaration on Social Justice for a Fair Globalization, 2008, and Recovering from the crisis: a Global Jobs Pact, 2009;”. The instruments were important, relevant and lay at the heart of the ILO.
79. The Employer Vice-Chairperson opposed the amendment. She acknowledged the importance of the instruments but argued that it would be more appropriate for the reference to be included in the Annex.
80. The Government member of the Russian Federation suggested deleting the reference to “Recovering from the crisis: A Global Jobs Pact, 2009”, as that instrument addressed a financial crisis, which was beyond the scope of the proposed Conclusions.
81. The Government member of India supported the suggestion.
82. The Government member of the Netherlands speaking on behalf of the EU and its Member States, agreed with the Employer Vice-Chairperson’s suggestion to place the reference in the Annex.
83. The Government member of Senegal supported the amendment proposed by the Worker members.
84. The Government member of the United States shared the view of the Employer members to list the instruments in the Annex. She agreed with the suggestion to remove the reference to “Recovering from the Crisis: a Global Jobs Pact, 2009”.
85. The Worker Vice-Chairperson maintained the amendment to place the reference to the listed instruments in the Preamble, subamending it to delete the reference to “Recovering from the crisis: A Global Jobs Pact, 2009”.
86. The Employer Vice-Chairperson opposed the subamendment and reaffirmed that the full list should appear in the Annex.
87. The Government members of Chile, India, Russian Federation and Senegal supported the subamendment proposed by the Worker Vice-Chairperson.
88. The Government member of Cuba raised a point of procedure and sought clarification that the process of discussing the amendments was to be a negotiation among Governments, Worker members and Employer members. At the same time, he requested the secretariat to refrain from participating in the negotiation and emphasized that the function of the secretariat was to assist members in their deliberations and to provide clarifications when asked to do so or when necessary.
89. An explanation was provided by the secretariat on the correct procedures, and it was clarified that subamendments could be taken from the floor.

-
90. The Employer Vice-Chairperson recalled that the Employer members had received support for their suggestion to include the list of instruments in the Annex rather than in the Preamble.
 91. The Worker Vice-Chairperson noted that the Committee had heard the views of a number of Governments but that no specific position had been ascertained.
 92. A show of hands demonstrated support for the amendment as subamended.
 93. The amendment was adopted as subamended to exclude the reference to “Recovering from the crisis: A Global Jobs Pact, 2009”.
 94. The new clause after point 3(a) was adopted as subamended.
 95. The Employer Vice-Chairperson introduced an amendment to add a new clause after point 3(a) to read “specific applicable international agreements and instruments”. The intention was to include other relevant documents.
 96. The Worker Vice-Chairperson opposed the proposed amendment.
 97. The Government member of the Russian Federation queried certain terms used and noted that “specific” could be deemed redundant, the distinction between “agreements” and “instruments” was unclear and that “instruments” were already referenced in the Annex. He requested clarification from the Employer Vice-Chairperson.
 98. The Employer Vice-Chairperson explained that the intention was to allow for the addition of future relevant documents as the subject matter covered by the proposed Conclusions evolved. She explained that agreements were bilateral or multilateral between or among countries, and that instruments were international and had to be adopted by countries.
 99. The Government member of Pakistan concurred with the view of the Government member of the Russian Federation in that the Preamble was not the place for references to future instruments.
 100. In response to a request by the Government member of the United States for clarification as to whether the Annex could be revised to include reference to future instruments, the deputy representative of the Secretary-General referred to point 41 of the proposed Conclusions that indicated that it could indeed be revised.
 101. The Government members of Colombia, India and the United States did not support the amendment.
 102. The Employer Vice-Chairperson withdrew the amendment, in view of the clarification provided by the secretariat.

Point 3(b)

103. After withdrawing an amendment to insert “the perpetuation of” between “disasters on” and “poverty”, the Worker Vice-Chairperson introduced an amendment to insert “violations of human rights and dignity, lack of sustainable” between “poverty,” and “development”.
104. The Employer Vice-Chairperson proposed a subamendment to delete “lack of”.
105. The Worker Vice-Chairperson supported the subamendment.

-
106. The Government members of Cuba and the United States did not support the amendment or subamendment.
 107. The Government member of Canada, seconded by the Government members of New Zealand and the United States, proposed a further subamendment to delete “violation of” before “human rights”. The change was needed to underscore the impact of conflicts on human rights in general and not restrict it to violations perpetrated by state actors.
 108. The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the further subamendment, as did the Government members of Argentina, Côte d’Ivoire and Egypt.
 109. The further subamendment was adopted.
 110. The amendment was adopted as subamended.
 111. The Employer Vice-Chairperson introduced an amendment to replace “development and decent work” by “development, decent work and sustainable enterprises;”.
 112. The Worker Vice-Chairperson proposed a subamendment to add “cooperatives and the social economy” after “sustainable enterprises”.
 113. The Employer Vice-Chairperson opposed the subamendment. It would result in adding a long list of other actors and entities which were not relevant to the proposed instrument.
 114. The Government member of Cuba proposed a further subamendment to add “international cooperation” after “social economy”. It was seconded by the Government members of Pakistan and the Russian Federation.
 115. The Employer Vice-Chairperson and Worker Vice-Chairperson did not support the further subamendment.
 116. The further subamendment was not adopted.
 117. The Government member of Pakistan proposed a further subamendment to insert “employment generation” between “decent work” and “and sustainable enterprises”. It was seconded by the Government members of Cuba and Lebanon.
 118. Both the Employer Vice-Chairperson and the Worker Vice-Chairperson supported the further subamendment.
 119. The Government member of the United States recalled that employment generation was included in decent work. She was concerned about adding too many elements to the clause, which was not appropriate for a Preamble.
 120. The Government member of Côte d’Ivoire stated that cooperatives and the social economy were enterprises, therefore it was not necessary to mention them.
 121. The Government member of Senegal expressed support for the original amendment. He underscored that the text should remain succinct and that decent work covered employment generation.
 122. The Government member of the Russian Federation supported the further subamendment. He requested the secretariat to provide clarification as to whether decent work included the social economy.

-
123. The deputy representative of the Secretary-General confirmed that decent work encompassed employment generation, sustainable enterprises and the social economy.
 124. In light of the explanations provided, the Government member of Pakistan withdrew the subamendment.
 125. Returning to the previous subamendment proposed by the Government member of Cuba, the Worker Vice-Chairperson recalled that sustainable enterprises included cooperatives and the social economy, as established by the Promotion of Cooperatives Recommendation, 2002 (No. 193).
 126. The Employer Vice-Chairperson stressed that sustainable enterprises were a well-developed concept of the ILO; there was no need to add a specific reference to cooperatives or the social economy.
 127. The Government member of Sudan said that cooperatives and the social economy were governed by different regulations and therefore should not be mentioned in the text.
 128. Given the explanation provided by the secretariat, the Worker Vice-Chairperson withdrew the subamendment and expressed support for the initial amendment.
 129. The Government members of Canada, Egypt, Sudan and Swaziland supported the original amendment.
 130. The amendment was adopted.
 131. An amendment submitted by the Worker members to add “for all”, after “decent work” was withdrawn.
 132. Point 3(b) was adopted as amended.

Point 3(c)

133. The Government member of the United States introduced an amendment, seconded by the Government member of New Zealand, to replace “full, productive, freely chosen and decent employment” by “the Decent Work Agenda”. She explained that the amendment was linked to two subsequent amendments which proposed to move points 3(d)–(g) to Part II, Guiding principles, and introduce “employment generation” in the Preamble. The intention was to provide clarity to the Preamble and to reaffirm that the four pillars of decent work were important for promoting peace, preventing crises and building resilience, hence the proposal to move the points to Part II.
134. The Employer Vice-Chairperson supported the amendment.
135. The Worker Vice-Chairperson did not support the amendment as the original text was in line with the text of the Employment Policy Convention, 1964 (No. 122).
136. The Government member of India supported the amendment.
137. The Government member of Sudan proposed a subamendment, seconded by the Government member of the United States, to replace “Decent Work Agenda for promoting” with “Decent Work Agenda for maintaining and reinforcing” to provide clarity that if peace already existed, it was important that it be maintained and reinforced. The subamendment was further amended by the Government member of Sudan, at the suggestion of the Government member of the United States, to reintroduce “promoting” instead of “reinforcing”.

-
138. The Employer Vice-Chairperson and the Worker Vice-Chairperson did not support the subamendment proposed by the Government member of Sudan.
139. The Government member of Colombia supported the amendment.
140. The Employer Vice-Chairperson supported the original amendment, while the Worker Vice-Chairperson did not.
141. An indicative show of hands indicated support for the amendment and it was adopted.
142. The Government member of Cuba introduced an amendment, seconded by the Government member of the Russian Federation, to replace “crises” with “humanitarian emergencies”. He explained that the rationale behind the amendment was to make it clear that the revised Recommendation would be implemented only in specific emergencies. In support, the Government member of the Russian Federation said the term “crises” was too general and the revised Recommendation would need to be applied to real emergency situations of a humanitarian nature.
143. The Worker Vice-Chairperson and the Employer Vice-Chairperson did not support the amendment, a position also voiced by the Government members of Canada, Norway, the United States, and the Netherlands, speaking on behalf of the EU and its Member States.
144. The Government members of Argentina, Plurinational State of Bolivia, Brazil, Colombia, Côte d’Ivoire, Guatemala, India, Lebanon, Pakistan, Panama and Uruguay supported the amendment.
145. The Government member of the Russian Federation proposed a subamendment, seconded by the Government member of Lebanon, to replace “humanitarian emergencies” with “conflicts and disasters”.
146. The Government members of Côte d’Ivoire and India supported the subamendment.
147. The Government member of Cuba supported the subamendment as he felt it was in line with the general idea behind the original amendment he had proposed. He proposed a further subamendment to read “crises resulting from conflicts and disasters”.
148. The Government member of India supported the further subamendment proposed by the Government member of Cuba as he felt that “conflicts and disasters” created less ambiguity. It was necessary to properly define “crises” in the Preamble.
149. The Government member of Egypt did not support the further subamendment by the Government member of Cuba, however he did support the subamendment as proposed by the Government member of the Russian Federation.
150. The Employer Vice-Chairperson supported the further subamendment by the Government member of Cuba.
151. The deputy representative of the Secretary-General suggested a modification to the wording of the subamendment to change “resulting” to “arising” in order to maintain consistency with other points in the proposed Conclusions. The subamendment would read “crises arising from conflicts and disasters”.
152. The Government member of Cuba endorsed the suggested modification.

-
153. The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the subamendment.
 154. The Government members of Argentina, Plurinational State of Bolivia, Brazil, Canada, Chad, Chile, Colombia, Côte d'Ivoire, Ethiopia, Guatemala, Japan, New Zealand, Panama, Peru, Russian Federation, Senegal, United States, Uruguay, and the Government members of Angola, speaking on behalf of the Africa group, and the Netherlands, speaking on behalf of the EU and its Member States supported the subamendment.
 155. In view of the clear majority in favour, the further subamendment incorporating the suggestion made by the deputy representative of the Secretary-General was adopted.
 156. The Government member of the Russian Federation inquired as to whether the adopted subamendment would apply to the entire text of the proposed Conclusions.
 157. The Chairperson clarified that precise proposals had to be submitted for each change to the proposed Conclusions.
 158. Point 3(c) was adopted as amended.

Point 3(d)–(g)

159. The Government member of the United States, seconded by the Government member of New Zealand, introduced an amendment to move clauses (d)–(g) to after point 9(a). If the amendment were to be adopted, subsequent amendments would be discussed in a different order.
160. The Government member of the United States stressed that Part II, Guiding principles, was an important and integral part of the proposed Conclusions. As the Preamble had been amended to include “Decent Work Agenda”, the four pillars of the Decent Work Agenda should therefore be moved to Part II to highlight their importance. A subsequent amendment would clarify the employment pillar.
161. The Employer Vice-Chairperson did not support the amendment, stressing the importance of the Preamble.
162. The Worker Vice-Chairperson concurred with the Employer Vice-Chairperson, and did not support the amendment.
163. The Government member of the United States recalled that the four pillars of the Decent Work Agenda were not explicitly listed in Part II, which was an important Part of the proposed Conclusions as it influenced all the Parts that followed it.
164. The Government member of India supported the amendment.
165. The Government member of the Russian Federation said that he understood the reasoning behind the proposed amendment but did not support it as he felt that general principles, such as the need to ensure respect for human rights and the rule of law, needed to remain in the Preamble.
166. The Government member of the United States withdrew the amendment for the sake of simplifying the discussion.
167. In the absence of the Chairperson, the Employer Vice-Chairperson took the chair.

-
- 168.** In reply to a request for clarification from the Government member of the United States, the Legal Adviser explained that, in accordance with article 61(4) of the Standing Orders of the Conference, in the absence of the Chairperson the Vice-Chairpersons would preside alternately during the sitting.
- 169.** The Government member of the United States expressed her gratitude for the clarification, but pointed out that the Government members would have appreciated being consulted beforehand.
- 170.** Regarding the Committee Drafting Committee, the Legal Adviser explained that, pursuant to article 59 of the Standing Orders of the Conference, its primary role was to ensure the linguistic and legal consistency of the text of proposed Conclusions and the concordance between the English and French versions, which became the authentic texts of the future instrument. The Committee Drafting Committee was also mandated to verify that the proposed texts reflected the decisions of the Committee and to make changes of an editorial nature to align the texts with ILO terminology and reference style. In certain situations, a Committee Drafting Committee could be requested by the Committee to revise, propose or edit text, for consideration by the Committee. As to the composition, he explained that, while according to article 59(1) of the Standing Orders of the Conference, the Committee Drafting Committee consisted of one Government delegate, one Employers' delegate and one Workers' delegate together with the Reporter or Reporters of the Committee and the Legal Adviser, it was usual practice for there to be two representatives, conversant in both English and French, from each group. Although alignment of the Spanish text would not be verified, Spanish-speaking delegates were welcome to participate as observers.
- 171.** An amendment submitted by the Worker members was withdrawn. It had sought to replace "ensure ... at work" by "respect, promote and realize fundamental principles and rights at work, and to ensure respect for human rights, democracy and the rule of law".
- 172.** Point 3(d) was adopted.

New clause after point 3(d)

- 173.** The Worker Vice-Chairperson introduced an amendment to add a new clause after point 3(d) to read "that women are particularly at risk to be affected by crisis situations as a result of gender inequality and that women empowerment is therefore a key factor in promoting peace, preventing crises, enabling recovery and building resilience". The amendment referred to the ILO Action Plan for Gender Equality 2010–15, as well as to the work of the Committee on Gender Equality at the 98th Session of the Conference in 2009, and underlined the need to ensure women's rights, as women were strongly affected by crises.
- 174.** The Employer spokesperson supported the amendment.
- 175.** The Government member of Canada said that he appreciated the importance of gender equality and women's empowerment, and to strengthen the paragraph he was proposing a subamendment to replace "that women are particularly at risk to be affected by crisis situations as a result of gender inequality and that women empowerment is therefore a key factor" by "the need to recognize that crises impact women and men differently, and the critical importance of gender equality and the empowerment of women and girls".
- 176.** The Government member of the United States seconded the subamendment and the Employer spokesperson supported it.
- 177.** The Government member of Cuba pointed out that the term "crises" needed to be clarified as being those arising from conflict and disasters.

-
- 178.** The Worker Vice-Chairperson supported the subamendment, although he believed that it loosened the reference to women.
- 179.** Addressing the issue raised by the Government member of Cuba, the deputy representative of the Secretary-General explained that the qualification regarding crises as adopted in point 3(c) of the Preamble would apply to the whole of the proposed Conclusions and would therefore not need to be repeated at each mention.
- 180.** The Government member of Cuba referred to the intervention made by the Government member of the Russian Federation during the discussion on point 3(c), and recalled that Committee members had been asked to raise the point as each amendment was being considered.
- 181.** The deputy representative of the Secretary-General clarified that the definitions in Part I would apply to the rest of the text. However, each amendment that had been submitted had to be considered and the withdrawal of amendments was left to the discretion of the Committee members who had submitted them.
- 182.** The Government member of the Russian Federation endorsed the observation made by the Government member of Cuba. He drew attention to the fact that in some points of the proposed Conclusions the nature of crises was specified while in others the definition remained vague.
- 183.** The Legal Adviser explained that the purpose of the Preamble was to give the context for the proposed Conclusions, rather than definitions, which were placed within Part I, Purpose and scope.
- 184.** The Government member of the Russian Federation proposed revisiting adopted parts of the Preamble, and requested clarification as to whether that was possible.
- 185.** The Legal Adviser confirmed that until the Committee has concluded its work and adopted its report, it was sovereign to reconsider any part of the text that had already been discussed and modify it if it so wished; as for ensuring that any consequential amendments were introduced in the text, this could be entrusted to the Committee Drafting Committee which was responsible for finalizing the text of the proposed Conclusions.
- 186.** The deputy representative of the Secretary-General recalled that the text adopted by the present Committee would be submitted for comments prior to a second review during the 106th session of the Conference in 2017.
- 187.** While satisfied with the clarification given, the Government member of Cuba urged that where reference was made to “crises” in the proposed Conclusions, it needed to be clear that it was those arising from conflict and disasters.
- 188.** The Government member of Ethiopia drew attention to both the humanitarian and financial dimensions of crises, and requested clarification as to whether the intention was to cover both.
- 189.** The deputy representative of the Secretary-General confirmed that the purpose of the proposed instrument was to address both the economic and humanitarian impact of crises arising from conflict and disasters. She reiterated that the qualification regarding crises, as well as the definition of the terms “conflict”, “disaster” and “resilience”, were given in the Preamble and in Part I, respectively.

-
- 190.** The Government member of Ethiopia requested clarification as to whether humanitarian crises would be included in the definition and whether that aspect was part of the mandate of the ILO.
- 191.** The deputy representative of the Secretary-General clarified that as humanitarian crises affected work, business continuity, income generation and livelihoods, addressing those consequences fell within the ILO's mandate. There was consensus that development-oriented actions needed to start at the outset of a humanitarian emergency response. Although other agencies were at the forefront of humanitarian relief efforts, the ILO carried out major programmes focusing on employment and other aspects of the Decent Work Agenda in cooperation with other institutions involved in humanitarian response.
- 192.** The Government members of Ethiopia and Jordan cautioned that the focus should remain within the specialization and mandate of the ILO.
- 193.** The acting Chairperson referred back to the subamendment, and recalled that it was supported by both the Workers' group and Employers' group.
- 194.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the subamendment.
- 195.** The amendment to add a new clause after point 3(d) was adopted as subamended.
- 196.** The Worker Vice-Chairperson replaced the Employer Vice-Chairperson in the chair.

Point 3(e)

- 197.** The Government member of Cuba introduced an amendment, seconded by the Government member of Panama and supported by the Government member of the Plurinational State of Bolivia, to replace "to crisis situations" by "to humanitarian emergencies". In view of the discussion and consensus on the previous amendments, he proposed a subamendment to replace "crisis situations" by "crisis arising from conflicts and disasters".
- 198.** The subamendment was supported by the Employer Vice-Chairperson.
- 199.** The Worker spokesperson did not support the subamendment.
- 200.** The Government member of Algeria pointed out that the proposed insertion had already been made in point 3(c) and should not be repeated in point 3(e).
- 201.** The Government member of Egypt did not support the subamendment.
- 202.** The Government member of Ethiopia reiterated her point that the meaning of the term "crisis" should be addressed in Part I, Purpose and scope. She shared the view expressed by the Government member of Jordan concerning the importance for the scope of the proposed Conclusions to be kept within the ILO mandate.
- 203.** The Worker spokesperson agreed to the subamendment in the interest of time.
- 204.** The Government member of Colombia recalled that the Committee had earlier agreed that the crises being referred to in the proposed Conclusions were those arising from conflict and disasters.
- 205.** The Government member of the Russian Federation echoed that point and expressed support for the subamendment.

-
206. The amendment was adopted as subamended.
207. An amendment submitted by the Worker members which had sought to insert “and for building resilience” between “crisis situations” and “through” was withdrawn.
208. The Worker spokesperson proposed an amendment to replace “taking into account the role of” by “, in consultation with the most representative”. Its purpose was to emphasize in the Preamble the importance of social dialogue and tripartism, in line with the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).
209. The Employer Vice-Chairperson supported the amendment as did the Government members of Algeria, Angola, Cuba, Egypt, Indonesia, Russian Federation, Singapore, Sudan and Swaziland.
210. The amendment was adopted.
211. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, introduced an amendment to add “and other civil society organizations” at the end of point 3(e). He stated that reference should be made not only to the social partners but also to other local actors, such as civil society organizations, in the development of adequate responses.
212. The Employer Vice-Chairperson proposed a subamendment to delete “other” from the submitted text.
213. The Worker spokesperson proposed a further subamendment to replace “other” by “as appropriate,”.
214. The Employer Vice-Chairperson supported the subamendment.
215. The Worker spokesperson further proposed to move “as appropriate” to before “civil society organizations” to read “and workers’ organizations and, as appropriate, civil society organizations”.
216. The Employer Vice-Chairperson proposed removing the comma before “and” and supported the further subamendment by the Worker spokesperson.
217. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, also supported the further subamendment, as did the Government member of Senegal.
218. The Government member of the Russian Federation did not support the amendment as subamended by the Worker members.
219. The Government member of Cuba proposed a further subamendment, seconded by the Government member of Algeria, to add “relevant” before “civil society”.
220. The Government member of Chile endorsed the original amendment, confirming the need to include civil society organizations.
221. The Government member of India did not support the amendment and preferred the original text.
222. The Government member of Mali supported the further subamendment proposed by the Government member of Cuba.

-
223. The Employer Vice-Chairperson and the Worker spokesperson supported the further subamendment, as did the Government member of Egypt, and the Government member of the Netherlands, speaking on behalf of the EU and its Member States.
224. The Government member of the Russian Federation noted that the proposed subamendment was restrictive in its coverage and questioned whether or not that was the Committee's intention.
225. A further subamendment, proposed by the Government member of Sudan to add "if necessary" after "other civil society organizations", was not seconded.
226. The Government member of Mali agreed with the intervention made by the Government member of the Russian Federation that care needed to be taken with regard to the interpretation of words used; he supported the further subamendment proposed by the Government member of Cuba.
227. The amendment was adopted as subamended to read "and workers' organizations, and as appropriate, relevant civil society organizations".
228. Consequently, an amendment submitted by the EU Member States which had sought to add a new clause after point 3(e) was withdrawn.
229. Point 3(e) was adopted as amended.

Point 3(f)

230. The Government member of the United States, speaking also on behalf of the Government member of New Zealand, introduced an amendment to insert "employment generation and of" after "the importance of". She explained that it was important to introduce the concept of employment generation into the proposed Conclusions.
231. The Employer Vice-Chairperson supported the amendment.
232. The Worker spokesperson proposed a subamendment to add "decent" before "employment generation" to reference the Decent Work Agenda.
233. The Employer Vice-Chairperson responded to the proposal by proposing a further subamendment to insert "and productive" after "decent".
234. The Worker spokesperson withdrew the subamendment.
235. The Government member of Senegal supported the amendment as he felt it would be consistent with "creating an enabling environment" and "stimulating economic recovery". He introduced a further subamendment, seconded by the Government member of Algeria, to move "employment generation" to between "stimulate" and "economic recovery".
236. The Employer Vice-Chairperson and the Worker spokesperson supported the subamendment.
237. The Government members of Angola, Chad, Chile and Mali supported the subamendment.
238. A further subamendment proposed by the Government member of Egypt to add "jobs" after "creating" was not seconded.
239. The amendment was adopted as subamended.

-
240. An amendment submitted by the Employer members was withdrawn. It had sought to replace “or re-establishing” by “, re-establishing or enhancing”.
241. The Employer Vice-Chairperson introduced an amendment to insert “, in accordance with the conclusions concerning the promotion of sustainable enterprises (ILC, June 2007),” after “sustainable enterprises”. She explained that the amendment was necessary as employers attached paramount importance to those conclusions, and highlighted their relevance.
242. The Worker spokesperson supported the amendment.
243. The Government member of India said that she had no objection to the amendment but requested the secretariat to clarify whether or not cross-referencing between instruments was appropriate.
244. The deputy representative of the Secretary-General confirmed that it was established practice.
245. The Government member of Cuba proposed a subamendment, seconded by the Government member of the Russian Federation and supported by the Government members of the Plurinational State of Bolivia and Guatemala, to replace “in accordance with” by “taking into account” to provide more flexibility.
246. The Worker spokesperson and the Employer Vice-Chairperson also supported the subamendment.
247. The amendment was adopted as subamended.
248. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, introduced an amendment to insert “, and in particular small businesses,” after “sustainable enterprises”. The amendment was needed in order to emphasize the special needs of small businesses.
249. The Employer Vice-Chairperson supported the amendment.
250. The Worker spokesperson proposed a subamendment to replace “small businesses” with “small and medium-sized enterprises”.
251. The Employer Vice-Chairperson supported the subamendment.
252. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the subamendment.
253. The amendment was adopted as subamended.
254. The Chairperson took the chair.
255. The Worker Vice-Chairperson withdrew an amendment, which had sought to replace “to stimulate economic recovery and” by “, the social economy and cooperatives to stimulate social and economic recovery and sustainable”. He noted that he did not want to complicate the proceedings and that ensuing points would offer opportunities for similar amendments.
256. Point 3(f) was adopted as amended.

New clause after point 3(f)

- 257.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, withdrew an amendment to add a new clause after point 3(f) to read “the need to recognize that crisis situations impact women and men differently, and that the special situation of women should be taken into account”. The withdrawal was in light of an earlier discussion.

Point 3(g)

- 258.** The Worker Vice-Chairperson withdrew an amendment to insert “for all as a means of promoting peace, preventing crises, enabling recovery and building resilience” between “social protection” and “; and”.

- 259.** Point 3(g) was adopted.

New clause after point 3(g)

- 260.** The Worker Vice-Chairperson introduced an amendment to add a new clause after point 3(g) to read “the role of free and quality public services in economic recovery, development and reconstruction efforts; and”. Public services played a key role in responding to emergency situations, which required, among others, well-trained nurses and doctors. Such services should be available to all, regardless of purchasing power.

- 261.** The Employer Vice-Chairperson asked to hear the views of Government members.

- 262.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, proposed a subamendment to delete “free and”.

- 263.** The Worker Vice-Chairperson asserted that the amendment referred to post-crisis and post-disaster situations, and that access to free services was required. He suggested alternative wording such as “subsidized” and “free-of-charge”, and noted that his group was open to other suggestions from Government members.

- 264.** The Government member of Senegal proposed a subamendment to replace “free” by “accessible”, so that the phrase read “the role of accessible and quality public services ...”. The subamendment was seconded by the Government member of Cuba.

- 265.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the subamendment.

- 266.** The Government members of Canada, Colombia, Lesotho, Mali and the United States, and the Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the subamendment.

- 267.** The amendment was adopted as subamended.

Point 3(h)

- 268.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, introduced an amendment to replace “value of” by “need for”. He reasoned that the wording should be strengthened; good partnerships were needed to prevent gaps.

- 269.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.

-
270. The Government member of Swaziland supported the amendment.
271. The amendment was adopted.
272. The Worker Vice-Chairperson introduced an amendment to replace “cooperation” by “international cooperation including”. The amendment was intended to reference Part XII, International cooperation, of the proposed Conclusions.
273. The Employer Vice-Chairperson supported the amendment.
274. The Government members of Cuba and Pakistan supported the amendment.
275. The Government member of the United States did not support the amendment, as it changed the meaning entirely.
276. The Government member of Canada, and the Government member of the Netherlands, speaking on behalf of the EU and its Member States, did not support the amendment.
277. The Government member of Senegal inquired whether there was a legal implication to the Chairperson’s use of the gavel.
278. The Chairperson stated that she had not used the gavel.
279. The Government member of Cuba proposed a subamendment to replace the text of point 3(h) to read “the need for cooperation and partnerships among international organizations; ... the need for international cooperation to support national efforts;”. The Government member of Pakistan seconded the subamendment.
280. The Worker Vice-Chairperson and the Employer Vice-Chairperson reaffirmed their support for the original amendment.
281. The Government members of the Plurinational State of Bolivia and Guatemala supported the subamendment proposed by the Government member of Cuba.
282. The Worker Vice-Chairperson and the Employer Vice-Chairperson did not support the subamendment.
283. The Government member of Lesotho and the Government member of the Netherlands, speaking on behalf of the EU and its Member States, preferred the original amendment.
284. The Government member of Cuba withdrew the subamendment.
285. The Government member of Canada proposed a subamendment that read “the value of international cooperation, and the need for cooperation and partnerships among international organizations to ensure joint and coordinated efforts”. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, seconded the subamendment and the Government member of New Zealand supported it.
286. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the subamendment.
287. The Government member of Pakistan did not support the subamendment.
288. The Government member of the Russian Federation did not support the subamendment. He supported the original amendment submitted by the Worker members. He expressed doubt

regarding substantial difference between international cooperation and cooperation among international organizations and requested a clarification.

- 289.** The Government member of Cuba proposed a subamendment, seconded by the Government member of Brazil and supported by the Government member of Pakistan. It read “the need for international cooperation and partnerships among international organizations ...” and would provide equal emphasis to both international cooperation and partnerships among international organizations.
- 290.** In response to a query from the Government member of the Russian Federation, the deputy representative of the Secretary-General clarified that international cooperation was a broader concept than cooperation among international organizations. International cooperation could include cooperation among international organizations as well as cooperation among countries.
- 291.** The Government member of the Russian Federation observed that the subamendment proposed by the Government member of Cuba was consistent with the distinction pointed out by the deputy representative of the Secretary-General.
- 292.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the subamendment.
- 293.** The Government members of Colombia, India, Indonesia and Sudan supported the subamendment proposed by the Government member of Cuba.
- 294.** The amendment was adopted as subamended.
- 295.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, introduced an amendment to insert “regional and” after “partnerships among”; its aim was to recognize the role of regional organizations.
- 296.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 297.** The amendment was adopted.
- 298.** Point 3(h) was adopted as amended.
- 299.** The Preamble was adopted.

I. Purpose and scope

Title

- 300.** The title was adopted.

Point 4

- 301.** The Government member of Cuba withdrew an amendment to replace “crisis” with “humanitarian emergency” as the point had been reflected in previous amendments.
- 302.** Point 4 was adopted.

Point 5

Chapeau

- 303.** The chapeau was adopted.

Point 5(a)

- 304.** The Government member of Canada, speaking also on behalf of the Government member of New Zealand, introduced an amendment to delete point 5(a).
- 305.** An identical amendment was proposed by the Government member of the Russian Federation. He stated that there was much controversy surrounding the term “conflict” and it was difficult to accept, as it bore a significant political connotation. As it currently read, the clause could open the door to a plethora of legal issues. International armed conflicts fell under the purview of international humanitarian law, whereas disasters and “other situations of violence” fell primarily under the national legislation. He reminded the Committee that there was no internationally agreed definition of a conflict, and it was not appropriate to define one in this Committee.
- 306.** The deputy representative of the Secretary-General recalled that common articles 2 and 3 of the Geneva Conventions of 1949 referred to armed conflicts between two or more States and conflicts not of an international character. In the proposed Conclusions, “situations of violence” referred to concepts for which there was no definition.
- 307.** In a spirit of compromise, the Government member of Canada indicated that her delegation had submitted an amendment to insert “international and non-international armed conflicts” in point 6, which would be discussed in due course.
- 308.** The Worker Vice-Chairperson stressed that the role of the Committee was to discuss the consequences which arose from conflicts and disasters in the world of work. Following the precedent set by previous ILO instruments, it was clear that the definitions were warranted.
- 309.** The Employer Vice-Chairperson did not support the amendment.
- 310.** The Government members of Algeria, Angola, Australia, Côte d’Ivoire, Cuba, Egypt, Guatemala, India, Jordan, Kuwait, Lebanon, Mali, Pakistan and Senegal supported the amendment.
- 311.** The Government member of the United States supported the amendment. She asserted that the term “conflict” was not defined in other international instruments and that it would be inappropriate to do so in the present Committee. She pointed out that only some ILO instruments included definitions.
- 312.** The Worker Vice-Chairperson reiterated that it was important to have definitions, following the precedent set by previous ILO instruments.
- 313.** The Employer Vice-Chairperson indicated that the phrase “should be understood as including” did not preclude other definitions. She did not support the amendment.
- 314.** The Government member of Canada noted that Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, 1949, did not provide definitions. She reaffirmed that it was difficult for member States to accept a definition as part of an ILO instrument and that armed conflicts should be addressed under point 6 of Part I, Purpose and scope.

-
315. The Government members of the Plurinational State of Bolivia and the Russian Federation agreed with the point raised by the Government member of Canada and supported the amendment.
316. The deputy representative of the Secretary-General explained that Recommendation No. 71 covered inter-State armed conflicts only. The insertion of non-international conflicts in Part I, Purpose and scope, was based on the responses submitted by constituents to the ILO questionnaire contained in Report V(2).
317. The Government member of Jordan thanked the Government member of Canada for the clarification provided and the proposed amendment to be discussed under point 6. He called on the Employer Vice-Chairperson and Worker Vice-Chairperson to reconsider their positions.
318. The Employer Vice-Chairperson supported the amendment based on the explanation provided.
319. The Worker Vice-Chairperson did not support the amendment.
320. The amendment to delete point 5(a) was adopted.
321. As a consequence of the adoption of the amendment, subsequent amendments to point 5(a) fell.
322. Point 5(a) was deleted.

Point 5(b)

323. The Government member of the Russian Federation introduced an amendment, seconded by the Government member of Pakistan, to delete point 5(b). He noted that there were several definitions of the term “disaster” by other agencies such as the International Law Commission, International Federation of Red Cross and Red Crescent Societies and the UNISDR and that a definition in the proposed Conclusions was different from them and in fact unnecessary. He reminded the Committee that, at the 69th Session of the UN General Assembly, Resolution 69/284 had been adopted to form an intergovernmental expert working group on indicators and terminology relating to disaster risk reduction, as a follow-up to the Sendai Framework for Disaster Risk Reduction 2015–2030. That expert working group was preparing a definition, which could be included in the proposed Conclusions. He suggested that an insertion of that definition in the proposed instrument could be discussed after the abovementioned working group finished its work.
324. The Employer Vice-Chairperson and Worker Vice-Chairperson did not support the amendment.
325. The Government member of Cuba supported the amendment, noting that the explanation given by the Government member of the Russian Federation concerning the expert working group was compelling.
326. The Government members of Algeria, the Plurinational State of Bolivia, Egypt, Guatemala, India, Lebanon and Swaziland supported the amendment.
327. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, opposed the amendment.

-
328. The Government member of Cuba queried whether the Committee realized that they might prejudice the decision concerning a definition of “disaster” by the expert working group and that inclusion of point 5 (b) would send a negative message. He asked that mention be made in the proposed Conclusions that the matter would be reconsidered at the 106th Session of the Conference.
329. The Government members of the Plurinational State of Bolivia and the Russian Federation shared the view expressed by the Government member of Cuba.
330. The Government member of Angola, speaking on behalf of the Africa group, noted that, in his opening statement, he had expressed the hope that the Committee would take into account the work of other international agencies, and he therefore supported the amendment.
331. The Government member of the United States asked the secretariat whether there was a way to bracket the text of point 5(b) for consideration at the 106th Session of the Conference in 2017.
332. After consultations among the Officers of the Committee, the proposition was put forward to bracket the text in point 5(b). It would be revisited at the 106th Session of the Conference in 2017.
333. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the proposal.
334. The Government member of the Russian Federation supported the proposal. He inquired as to whether the proposal was to bracket only the amendment or the text of point 5(b).
335. The Chairperson confirmed that the proposal was to bracket the text of point 5(b).
336. The Government members of India, Mali, Senegal and Sudan supported the proposal to bracket the text of point 5(b).
337. The proposal to bracket the text of point 5(b) was adopted.
338. As a consequence, subsequent amendments to point 5(b) were not considered.

Point 5(c)

339. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, introduced an amendment to replace point 5(c) by “the term ‘resilience’ should be understood as the ability of a system, community or society exposed to hazards to resist, absorb, accommodate to and recover from the effects of a hazard in a timely and efficient manner, including through the preservation and restoration of its essential basic structures and functions”. The amendment would ensure that the term “resilience” was aligned with the definition in the Sendai Framework for Disaster Risk Reduction.
340. The Worker Vice-Chairperson felt that the word “anticipate” which was included in the original text of point 5(c) was important, and noted that it was not included in the amendment.
341. The Employer Vice-Chairperson agreed with the Worker Vice-Chairperson.
342. The Government member of the Russian Federation supported the amendment.

-
343. The Government member of the Plurinational State of Bolivia supported the amendment. She was not in favour of accepting a change to an internationally agreed-upon definition. She questioned the inclusion of the term “anticipate” as it was hard to anticipate crises such as earthquakes.
344. The Government member of Cuba agreed with the view expressed by the Government member of the Plurinational State of Bolivia. He proposed that the text of point 5(c) be “bracketed” as it was linked to the discussion on the term “disaster”.
345. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, stated that while the introduced amendment was the definition of the term “resilience” as defined in the Sendai Framework for Disaster and Risk Reduction, he would propose a subamendment to add “anticipate,” before “resist”.
346. The Government member of the Russian Federation recalled that the term “disaster” was not defined in the Sendai Framework for Disaster Risk Reduction while “resilience” was. He did not support the subamendment as he felt that only internationally agreed-upon definitions should be used.
347. The Government member of Pakistan sought clarification from the secretariat as to whether the term “resilience” was being discussed in the intergovernmental expert working group on indicators and terminology relating to disaster risk reduction as a follow-up to the Sendai Framework for Disaster Risk Reduction.
348. The deputy representative of the Secretary-General responded that the expert working group would discuss the terminology surrounding the issue of disasters. According to her understanding, the discussion on the term “resilience” would likely remain unchanged.
349. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the subamendment.
350. The Government member of the Plurinational State of Bolivia stated that “resilience” was referred to in the working documents of the expert working group.
351. The Government member of Canada supported the original amendment, and suggested that the Worker members could submit an amendment to include the word “anticipate” under point 34 of the proposed Conclusions in order to maintain the definition of “resilience” as defined in the Sendai Framework for Disaster Risk Reduction.
352. The Government member of the Netherlands, referring to the text of United Nations Plan of Action on Disaster Risk Reduction for Resilience, 2013, provided by the secretariat, found the word “anticipate” to be included. He proposed a subamendment to read: “Resilience is the ability of a system to reduce, prevent, anticipate, absorb and adapt or recover from the effects of a hazardous event in a timely and efficient manner, including through ensuring the preservation, restoration or improvement of its essential basic structures and functions.” Speaking on behalf of the EU and its Member States, he clarified that the amendment was based on the definition of “resilience” in the Sendai Framework for Disaster Risk Reduction adopted in 2015. However, they were willing to settle with the older UN agreed definition of 2013, proposed as a subamendment.
353. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the subamendment.
354. The Government member of the Russian Federation did not have any objection to the definition as contained in the proposed subamendment as it had been approved by the UN

in 2013; however, so had the definition of the Sendai Framework for Disaster Risk Reduction from 2015 and there would be a third definition by the UN open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction in December 2016. He queried whether the ILO was competent to decide which one of the three definitions was to be used. He proposed that this text be “bracketed” pending the results of the UN intergovernmental expert working group discussion.

355. The Government member of the Plurinational State of Bolivia supported the Government member of the Russian Federation and said that the ILO possessed expertise in employment and lacked expertise in the subject matter of this clause.
356. The Chairperson said that in the absence of any further comments or objections, she took it that the Committee wished to adopt the subamendment, subject to the possibility of revisiting it at the Conference in 2017, depending on the outcome of the discussion within the UN intergovernmental expert working group.
357. The Government member of the United States expressed concern with regard to the adoption of the subamendment; particularly since several Government members still wished to take the floor on the issue.
358. The Government member of the Russian Federation also expressed concern that the subamendment had been adopted, given that the Committee was aware that the definition was going to change.
359. The Chairperson clarified that the subamendment had been adopted but that the text would be revisited during the 2017 Conference discussion.
360. Point 5 was adopted with bracketed text.

Point 6

361. The Government member of Pakistan introduced an amendment, seconded by the Government member of Cuba, to delete “all” before “crisis situations”. Since the amendment had been submitted earlier, and in order to conform to the adopted text in the Preamble, he proposed a subamendment to replace “conflict and disaster” with “conflicts and “disasters”.
362. The Government member of the Russian Federation seconded the subamendment.
363. The Employer Vice-Chairperson and Worker Vice-Chairperson supported the subamendment.
364. The Government member of India supported the subamendment.
365. The Government member of Cuba did not support the subamendment, and proposed a further subamendment to insert “only” after “apply” to read “apply only to crisis situations”.
366. The Government member of Namibia supported the subamendment proposed by the Government member of Pakistan, but not the subamendment proposed by the Government member of Cuba.
367. The Employer Vice-Chairperson and Worker Vice-Chairperson did not support the subamendment proposed by the Government member of Cuba.
368. The Government member of Lebanon was concerned about the word “all”, and requested clarification, pending which he preferred to subamend the text.

-
369. The deputy representative of the Secretary-General responded that in her understanding, the second use of “all” was clear. The original amendment had sought to delete the first “all”.
370. The Government member of Lebanon, seconded by the Government member of Pakistan, proposed a further subamendment to delete the further three instances of the word “all” in point 6.
371. The Employer Vice-Chairperson and Worker Vice-Chairperson did not support the further subamendment.
372. The Government member of the Russian Federation supported the subamendment proposed by the Government member of Cuba to insert “only”, and was surprised at the lack of support from the social partners. He viewed the use of “all” as superfluous.
373. The Chairperson maintained that the majority had not supported the subamendment proposed by the Government member of Lebanon.
374. The Employer Vice-Chairperson and Worker Vice-Chairperson did not support the subamendment proposed by the Government member of Cuba.
375. The Government member of Cuba said that the point was crucial to the text and at the heart of the Committee’s work. Therefore, he did not agree with the proposal to remove the insertion of “only”. He requested clarification of the social partners’ intentions.
376. The Worker Vice-Chairperson considered “only” to be superfluous and there was no need to insert it.
377. The Employer Vice-Chairperson concurred that “only” was superfluous, particularly if “all” was not used.
378. The Government member of Namibia agreed with the Employer and Worker Vice-Chairpersons.
379. In response to a query by the Government member of the Russian Federation as to whether it was proposed to delete “only” and “all”, the deputy representative of the Secretary-General, at the request of the Chairperson, confirmed that the subamendment being discussed was to insert “only” and to remove “all”. She observed that there did not appear to be sufficient support.
380. The Government member of the Plurinational State of Bolivia stated that it should be taken into account that the ILO had a defined scope of action, and that broadening that scope was not helpful.
381. The Government member of Kuwait indicated that with a clear definition in the text, there was no need to insert “only”.
382. The Chairperson noted that the subamendment proposed by the Government member of Cuba did not enjoy majority support.
383. The Government member of Cuba said that he would prefer the discussion of the subamendment to be guided by the Chairperson, not by the secretariat. The Cuban delegation wished for it to be put on record that they considered that there was a risk of misinterpretation.

-
384. The Chairperson clarified that she had asked the secretariat to explain the situation to the Committee.
385. The Government member of Lebanon said that his delegation would also request more clarification, and that as it stood the statement was too broad therefore he could not support the decision.
386. The Chairperson reiterated that the subamendment proposed by the Government member of Cuba had not received majority support. Consequently, she directed the discussion back to the subamendment proposed by the Government member of Pakistan, for which there appeared to be majority support.
387. The Employer Vice-Chairperson and Worker Vice-Chairperson supported the subamendment by the Government member of Pakistan.
388. The amendment was adopted as subamended.
389. An amendment submitted by the Government member of Cuba to replace “crisis” with “humanitarian emergency” was not seconded and therefore fell.
390. The Government member of Canada, speaking also on behalf of the Government member of New Zealand, introduced an amendment to insert “, which includes international and non-international armed conflicts,” after “arising from conflict”. She pointed out that the amendment aimed to update the terminology in the text so that it was clear that conflict included both international and non-international armed conflicts, and was not restricted to a narrow definition of “war” as likely implied by the 1944 standard.
391. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
392. The Government member of the Plurinational State of Bolivia proposed a subamendment to delete “which includes”. It was seconded by the Government member of Brazil and supported by the Government members of Chile, Colombia, Cuba and Guatemala.
393. The Government member of the Russian Federation suggested changing “conflict and disaster” into “conflicts and disasters” to be consistent with the text adopted earlier.
394. The Chairperson recalled that the Committee Drafting Committee would address any changes needed for consistency.
395. The Government member of the Plurinational State of Bolivia confirmed that the Spanish version was as they had proposed.
396. The Employer Vice-Chairperson did not support the subamendment.
397. The Worker Vice-Chairperson supported the subamendment.
398. The Government members of Canada and the Russian Federation, and the Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the subamendment.
399. The subamendment proposed by the Government member of the Plurinational State of Bolivia was adopted.
400. The amendment was adopted as subamended.

-
401. An amendment submitted by the Government member of Pakistan which had sought to delete “all” before “workers and jobseekers” was withdrawn.
402. The Government member of Lebanon expressed reservations with respect to point 6.
403. Point 6 was adopted as amended.

Point 7

404. The Government member of Norway, speaking also on behalf of the Government member of the United States, introduced an amendment to replace “fundamental rights” with “fundamental principles and rights at work”. She pointed out that point 7 did not include a reference to the fundamental principles and rights at work.
405. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
406. The Government member of Senegal and the Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.
407. The amendment was adopted.
408. The Government member of the United States, speaking also on behalf of the Government member of Japan, introduced an amendment to replace “those involved in crisis response, including volunteers, in particular in the immediate response.” by “workers affected by crisis situations, including volunteers and others involved in crisis response.” The intention was to broaden the coverage and to include a reference to safety and health that was needed to ensure that all workers were covered.
409. The Employer Vice-Chairperson did not support the amendment and found it problematic since it sought to include “volunteers” in the coverage.
410. The Worker Vice-Chairperson supported the amendment, pointing out that there would always be volunteers whenever a crisis situation arose.
411. The Government member of Colombia supported the amendment and emphasized the need to guarantee that fundamental rights were respected for groups of persons, such as doctors and interpreters, usually involved in crisis situations.
412. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, did not support the amendment because of the inclusion of “volunteers” but stated that he would return to the issue in a subsequent amendment.
413. The Government member of the United States requested clarification as to whether volunteers were considered to be workers.
414. The deputy representative of the Secretary-General explained that the purpose of the proposed Conclusions was to guarantee protection to both salaried employees and volunteers.
415. The Government member of Kuwait did not support the amendment.
416. The Government member of New Zealand supported the amendment in light of the important role played by volunteers in crisis situations.

-
417. The Government member of Senegal did not support the amendment and pointed out that in French there was a difference between “volontaires” and “bénévoles”.
418. The Government member of Ethiopia called on the secretariat to clarify whether the term “volunteers” had been used in other ILO documents.
419. In response, the Special Adviser explained that the Employment Injury Benefits Recommendation, 1964 (No. 121), prescribed in Paragraph 3(c)(ii) that Members should secure the provision of employment injury or analogous benefits also to members of volunteer bodies charged with combating natural disasters.
420. The Government member of Ethiopia questioned the secretariat as to whether any value was added by referring to volunteers.
421. The Special Adviser stated that it was important that basic protection be explicitly extended to volunteers.
422. The Government member of Pakistan agreed that volunteers responding to crises needed safety and health equipment.
423. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, proposed a subamendment to replace “volunteers” by “volunteer workers”.
424. The Employer Vice-Chairperson did not support the subamendment. She argued that in most jurisdictions volunteers were not considered to be workers, therefore legal provisions regarding working conditions could not be applied. As the employment relationship was not clear, responsibility for ensuring safe working conditions could not be determined. Recommendation No. 121 was sufficient to cover their safety and health.
425. The deputy representative of the Secretary-General indicated that many volunteers and volunteer agencies were intervening in relief operations. The purpose of their inclusion specifically under point 7 was to draw attention to their safety and health as well as their working conditions.
426. The Worker Vice-Chairperson supported the subamendment. He observed that the HIV and AIDS Recommendation, 2010 (No. 200), contained specific references to volunteers as well.
427. The Government member of the Russian Federation thanked the social partners for their explanation and suggested proceeding to a subsequent amendment, submitted by the EU Member States, which proposed another formulation to include volunteer workers.
428. The Government member of Ethiopia said that since most volunteers were not covered under an employment relationship and that considerations for their health and safety were already included in Recommendation No. 121, only additional relevant elements should be included in the proposed Conclusions.
429. The Government member of Kuwait introduced a further subamendment to include “working in disaster response” after “workers”. The subamendment was not seconded.
430. The Government member of Colombia pointed out that there might be legal consequences and impediments related to volunteers and proposed a further subamendment, seconded by the Government member of India, to add “, as appropriate.” at the end of the sentence.
431. The Government member of Chile stressed that it was essential that fundamental rights be applied to volunteers.

-
432. The Employer Vice-Chairperson and Worker Vice-Chairperson did not support the subamendment.
433. The subamendment was not adopted.
434. The Worker Vice-Chairperson proposed a further subamendment replacing “working” by “fair”.
435. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the subamendment.
436. The Employer Vice-Chairperson did not support the subamendment as the proposed text still referred to fundamental rights as applying to volunteers. She proposed a further subamendment that would revert to the initial text and replace “including volunteers, in particular in the immediate response.” by “in particular in the immediate response. Volunteers should be treated under fair conditions.”
437. The Worker Vice-Chairperson did not support the subamendment and questioned whether the Employers’ group had an issue with fundamental rights.
438. The Employer Vice-Chairperson responded that her group did not have an issue with fundamental rights as long as they were limited to workers affected by a crisis situation. Volunteers should work under fair conditions.
439. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the subamendment proposed by the Employer Vice-Chairperson.
440. The Government member of Chile reiterated that the issue under discussion was how to apply fundamental principles and rights at work to persons involved in relief operations. She was concerned that the proposed text would deny such rights to volunteers who should be covered by minimum standards regarding working conditions.
441. The Employer Vice-Chairperson stressed that “fair conditions” should read “working conditions”.
442. The Government member of the United States agreed with the Government member of Chile and asked what “fair conditions” would mean. She agreed that fundamental rights were human rights and should therefore be applied to all, including volunteers.
443. The Government member of India supported the subamendment. It provided the right perspective between the application of fundamental rights to workers and fair conditions to volunteers.
444. The subamendment was adopted.
445. The Worker Vice-Chairperson requested that, in the French version, “bénévole” continued to be used.
446. The Government member of Senegal countered that the French translation of “volunteer” as “bénévole” was not acceptable since the meaning was different in his national context.
447. The Chairperson confirmed that that would be put on record.
448. The amendment was adopted as subamended.

-
449. As a consequence of the adoption of the subamendment proposed by the Employer Vice-Chairperson, an amendment submitted by the Employer members fell.
450. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, withdrew two amendments in light of the adoption of the previous subamendment.
451. The Government member of Cuba withdrew an amendment in view of the earlier discussion.
452. Point 7 was adopted as amended.

Point 8

453. Point 8 was adopted.

New point after point 8

454. The Government member of the Russian Federation introduced an amendment, seconded by the Government member of Pakistan, and supported by the Government members of the Plurinational State of Bolivia, Cuba, Guatemala and Lebanon, to add a new point after point 8 to read “The provisions of the present instrument are without prejudice to applicable rules of international law, in particular those governing situations of conflict or disaster.” He mentioned that there was a risk of fragmentation of the legal frameworks between international humanitarian law and human rights law and stressed that it was important that international humanitarian principles were safeguarded. The accepted general doctrine had been that, in situations of armed conflict, humanitarian law served as *lex specialis* to human rights law, which had been confirmed in a number of decisions of the International Court of Justice. It was also stressed that the language proposed by the Government member of the Russian Federation was based on the text on the protection of persons in the event of disasters approved by the International Law Commission in the second reading.
455. The Worker Vice-Chairperson and the Employer Vice-Chairperson did not support the amendment.
456. The amendment was not adopted.
457. The Government member of Cuba requested that the Government member of the Russian Federation be allowed to speak on the rejected amendment.
458. The Government member of the Russian Federation expressed surprise that the amendment had been rejected without substantive debate and requested that his statements be put on record.
459. Point 8 was adopted.
460. Part I, Purpose and scope, was adopted.

II. Guiding principles

Title

461. The title was adopted.

Point 9**Chapeau**

- 462.** The chapeau was adopted.

Point 9(a)

- 463.** The Government of the Netherlands, speaking on behalf of the EU and its Member States, introduced an amendment to replace “central” by “vital” when referring to the role of full, productive and freely chosen and decent employment in promoting peace, preventing crises, enabling recovery and building reliance. It would strengthen the text on an important aspect.
- 464.** The Employer Vice-Chairperson and Worker Vice-Chairperson supported the amendment.
- 465.** The Government members of Chile, Indonesia, Namibia, Senegal and the United States supported the amendment.
- 466.** The amendment was adopted.

Point 9(b)

- 467.** The Government member of the United States, speaking also on behalf of the Government member of Japan, introduced an amendment to replace the clause by “measures to promote peace, prevent crises, enable recovery and build resilience should respect, promote and realize the fundamental principles and rights at work, protect other human rights and other relevant international labour standards, and take into account other international instruments to which reference is made in the Annex”.
- 468.** The Employer Vice-Chairperson and Worker Vice-Chairperson supported the amendment.
- 469.** The Government member of the Russian Federation, seconded by the Government member of Cuba and supported by the Government member of Lebanon, proposed a subamendment to delete “protect other human rights” as reference to human rights was contained in the Preamble and its placement in point 9(b) was superfluous.
- 470.** The Employer Vice-Chairperson and Worker Vice-Chairperson did not support the subamendment.
- 471.** The Government member of the United States did not support the subamendment.
- 472.** The Government member of Cuba proposed a further subamendment, seconded by the Government member of the Plurinational State of Bolivia and supported by the Government member of India, to replace “other” by “all” human rights.
- 473.** The Employer Vice-Chairperson did not support the subamendment.
- 474.** The Worker Vice-Chairperson supported the subamendment.
- 475.** The Government member of Pakistan supported the subamendment as proposed by the Government member of Cuba.
- 476.** The Government member of the United States clarified that the amendment had included “other” before “human rights” as she considered fundamental principles and rights at work to be human rights and did not wish to imply that they were not.

-
477. The Government member of Ethiopia supported the subamendment and suggested as a compromise that “all” could be placed before “other”.
478. The Government member of Namibia supported the original amendment as introduced by the Government member of the United States.
479. The Government member of Cuba agreed that fundamental principles and rights at work were human rights. He proposed subamending his subamendment further for the sentence to read “all human rights, including the fundamental principles and rights at work and other relevant international labour standards”.
480. The Government member of Chile seconded the subamendment. The idea behind the subamendment was to protect all human rights and to promote the fundamental principles and rights at work, while taking into account international labour standards and other international instruments.
481. The Employer Vice-Chairperson did not support the subamendment.
482. The Worker Vice-Chairperson sought the views of the Government member of the United States.
483. The Government member of the United States explained that the wording of the original amendment was formulated to include the words “respect, promote and realize” to be in line with the 1998 Declaration on Fundamental Principles and Rights at Work. She sought the secretariat’s guidance as to whether the wording was recognized UN parlance.
484. The deputy representative of the Secretary-General confirmed that the 1998 ILO Declaration on Fundamental Principles and Rights at Work used the terms “respect, promote and realize”.
485. The Government member of the United States stated that while she supported the spirit of the subamendment as proposed by the Government member of Cuba, she felt that the original amendment had greater clarity. She did not support the subamendment.
486. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the original amendment.
487. The Government member of Cuba highlighted that in UN instruments the recognized wording was “promote and protect” rather than “respect, promote and realize”.
488. Due to a lack of support, the Chairperson confirmed that the subamendment was not adopted.
489. The Government member of Cuba, seconded by the Government member of the Plurinational State of Bolivia, and supported by the Government members of Guatemala and the Russian Federation, introduced a further subamendment to delete “respect” and “realize” and insert “promote and protect all human rights” after “build resilience”.
490. The Employer Vice-Chairperson did not support the subamendment since she felt that it undermined the fundamental purpose that brought the Committee together.
491. The Worker Vice-Chairperson did not support the subamendment.
492. The Government member of the United States did not support the subamendment and highlighted that it was important to keep “respect” and “realize” so as to be in line with the 1998 Declaration on Fundamental Principles and Rights at Work.

-
493. The Government member of Cuba, seconded by the Government member of Pakistan and supported by the Government members of Angola, the Plurinational State of Bolivia, Brazil, Ethiopia and Guatemala, introduced a further subamendment to add “including the right to development” after “human rights”.
494. The Employer Vice-Chairperson and the Worker Vice-Chairperson did not support the subamendment.
495. The Government member of the Plurinational State of Bolivia sought clarification as to why the Employer and Worker Vice-Chairpersons did not support the subamendment, as she considered the right to development to be a fundamental human right.
496. The Employer Vice-Chairperson stated that the proposed subamendment was a digression from the real issue of decent employment in conflicts and disasters.
497. The Worker Vice-Chairperson concurred and recalled that development would be addressed later in the text.
498. The Government member of Chile highlighted that the additional text “including the right to development” was being proposed to be included in the original amended text that the Government member of the United States had submitted, and not included as part of the subamendment.
499. The Government member of India recalled that the Preamble already included references to development. He was surprised that the Employer and Worker Vice-Chairpersons were not supportive of the subamendment. He was concerned that a balance would be lost between the Preamble and the Guiding principles.
500. The Government member of Ethiopia recalled that the focus of the discussion was on disaster-related issues from an employment perspective. She cited different frameworks, such as the Sendai Framework for Disaster Risk Reduction 2015–2030, the 2030 Agenda for Sustainable Development, the Rio Declaration on Environment and Development, 1992, and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, all of which addressed the concept of development. By including the right to development in the proposed Conclusions, they would be more in line with other frameworks. She sought clarification from the secretariat.
501. The Government member of the Plurinational State of Bolivia stressed the importance of including “right to development”. It would correspond to the 2030 Agenda for Sustainable Development, the purpose of which was to strengthen universal peace and therefore was applicable to the transition from war to peace.
502. The Chairperson recalled that the subamendment was supported by the Government members of Angola, the Plurinational State of Bolivia, Brazil, Cuba, Ethiopia, Guatemala, India and Pakistan.
503. The Worker Vice-Chairperson and the Employer Vice-Chairperson did not support the subamendment.
504. The Government member of Namibia inquired whether there was a procedural limit to the number of subamendments that could be introduced.
505. The Chairperson explained the subamendment procedure and clarified that there was no limit to the number of subamendments that could be introduced, and that each amendment and subamendment had to be considered.

-
506. The Government member of the Plurinational State of Bolivia requested the views of both the Employer and Worker Vice-Chairpersons as the discussion on the subamendment had evolved.
507. The Chairperson explained that all statements would go on record.
508. Due to a lack of support, the subamendment proposed by the Government member of Cuba was not adopted.
509. The Government member of India requested clarification from the Employer Vice-Chairperson and Worker Vice-Chairperson as to why the reference to development had been adopted in the Preamble but not in point 9(b).
510. The Employer Vice-Chairperson reiterated that the proposed subamendment would have diluted the intention of Part II, Guiding principles, by introducing development-related rights.
511. The Worker Vice-Chairperson acknowledged that the right to development was important, but he did not support the subamendment as he did not agree with the deletion of “respect” and “realize”. The original amendment submitted by the Government member of the United States reflected the fundamental principles and rights at work.
512. The Government member of India observed that, at present, none of the fundamental principles were mentioned in the proposed Conclusions. It would be acceptable if the Worker and Employer Vice-Chairpersons included development later in the text.
513. The Government member of Chile requested that the subamendment under discussion be displayed. She recalled that the intention was to add “the right to development” to the original amendment submitted by the Government member of the United States.
514. The Chairperson clarified that the fate of each subamendment that was submitted had to be decided.
515. The Government member of the Plurinational State of Bolivia, seconded by the Government member of Cuba and supported by the Government members of Chile, Ethiopia, Guatemala, India and Pakistan, introduced a further subamendment to the original amendment text to add “including the right to development”, after “human rights”.
516. The Government member of India reconfirmed that the subamendment proposed by the Government member of the Plurinational State of Bolivia was to stay with the original amendment with the simple addition of “including the right to development”.
517. The Chairperson considered the subamendment to be approved and all previous subamendments proposed by the Government members of Cuba and the Russian Federation had not passed.
518. The Government member of the Plurinational State of Bolivia noted that many Government members seemed to support the subamendment and that what she had tried to do was to balance the wishes of the Worker and Employer Vice-Chairpersons and the Government member of the United States.
519. The Government member of Cuba said that he had not heard any opposition among Government members to the subamendment and invited them to respond.

-
520. The Government member of Ethiopia supported the subamendment and explained that the issue of disaster risk reduction was clearly linked to the issue of development.
521. The Government member of the United States did not support the subamendment as she felt that there was no consensus on the right to development in the Human Rights Council and did not see why it should be introduced in an ILO Recommendation.
522. The Employer Vice-Chairperson and the Worker Vice-Chairperson did not support the subamendment.
523. The Government member of Cuba wished to put on record that issues in respect of which consensus had not been reached were not to be included in the proposed Conclusions.
524. The Government member of the Plurinational State of Bolivia confirmed that the right to development was recognized by many international frameworks, including the 2030 Agenda for Sustainable Development and the Rio Declaration on Environment and Development. She expressed disappointment that this had not been acknowledged; she supported the previous statement made by the Government member of Cuba.
525. The Government member of India wished it to be put on record that although it was mentioned that there was no consensus on the right to development, there were several instruments on the right to development that did have consensus and that the statement by the Government member of the United States needed to be corrected. He reasoned that if the right to development could not be included, then other human rights had to be deleted; he proposed a further subamendment on the original amendment to delete “other human rights”.
526. The Employer Vice-Chairperson and Worker Vice-Chairperson did not support the subamendment proposed by the Government member of India.
527. The subamendment proposed by the Government member of India as well as previous subamendments proposed during the discussion on the point were not adopted.
528. The original amendment submitted by the Government member of the United States was adopted.
529. The Chairperson allowed the Government members to comment on the amendment as they had not had the opportunity to make statements during the previous sitting due to the cessation of interpretation services.
530. The Government member of Angola, speaking on behalf of the Africa group, sought clarification regarding the meaning of “other human rights” and expressed concern that the term “right to development” had been removed from the proposed Conclusions.
531. The Government member of the Russian Federation raised a procedural issue and suggested that, in future, members of the Committee requesting the floor after the fate of an amendment had been decided be given the right to speak. Consensus building was central to the success of the Committee’s work which should be guided by the principles of social dialogue. He recalled that discussions held during the ILO Governing Body in November 2015 and March 2016 on the 2030 Agenda for Sustainable Development had highlighted the notion of the right to development and the Committee would be sending the wrong message if it was deleted from the proposed Conclusions. He voiced concern that the reference to “other human rights” was unclear.
532. The Government member of Cuba supported the statements made by the two previous speakers. He referred to the Vienna Declaration and Programme of Action of 1993 and

recalled that all human rights were universal, indivisible, interdependent and interrelated, and that the international community should treat all human rights in a fair and equitable manner, on an equal footing and giving them all the same weight. The absence of a reference to the right to development would be a blatant omission.

533. The Government member of India agreed with the statements of the three Government members who had just spoken. He emphasized the cross-cutting nature of the proposed Conclusions and recalled that peace, the right to development and human rights were the three pillars of the UN system. The Committee's approach to addressing resilience could not be selective. He also sought clarification on procedure as he planned to propose additional amendments to the clause.
534. The Government member of China underscored that the right to development was the basis for all other rights. He reminded the Committee of the importance of refocusing the discussion on labour issues.
535. The Government member of Brazil supported the statements made by the Government members who had just spoken. He recalled that the right to development was an essential aspect of the international framework, and was closely related to the mandate of the ILO and the definition of "resilience".
536. The Government member of Pakistan voiced support for the statements made by all the Government members who had just spoken. Given that the proposed Conclusions were cross-cutting and not wholly within the direct mandate of the ILO, it was vital that the discussion progress by consensus under the guidance of the Chairperson.
537. The Chairperson noted that the Committee was conducting its business in strict compliance with all relevant ILO procedures and practices.
538. The Employer Vice-Chairperson noted the importance of a clear *modus operandi* based on consensus, and acknowledged the sensitivities around the issues raised by the Government members. She nevertheless considered the matter to be closed given that the proposed subamendment had not received majority support.
539. The Worker Vice-Chairperson affirmed that the Workers' group did not have reservations about the inclusion of a reference to the right to development, but did not believe that it belonged in point 9(b). In light of the discussion during the previous sitting, he suggested that the Committee could return to the issues later by including references in other sections of the text. He stated that the Workers' group were ready and open to hear different views, as this was the nature of tripartite dialogue.
540. The Chairperson addressed the queries raised regarding procedure and the concerns expressed about the slowness of progress. She reminded the Committee that it had to realize its objectives via the tripartite standard-setting process in the allotted time for discussion. It was the Chairperson's responsibility to ensure that all views were heard, and also the Chairperson's prerogative to advance discussions when a consensus was not reached. The Committee had now reviewed and agreed the Preamble, Part I, Purpose and scope, and found a provisional solution on the definitions; however, the main body of the proposed Conclusions was yet to be discussed. As the Committee's deadline was impending, she strongly urged delegates to hasten the Committee's work through constructive collaboration. She reiterated that she had the dual responsibility of respecting the spirit and tradition of tripartite dialogue, while also ensuring that the examination of the proposed Conclusions was completed on time. She noted that the Committee was supported by a highly competent secretariat, which could provide all necessary clarifications, if requested, on rules and the procedure for the standard-setting process.

-
541. The Government member of India noted that, as already discussed, there was a lack of clarity regarding the inclusion or omission of references to international instruments in the proposed Conclusions. She advocated the deletion of references in the Annex, as the list was incomplete and had not yet been discussed by the Committee.
542. The Government members of Jordan and Pakistan supported the suggestion put forward by the Government member of India.
543. As a result of the adoption of the amendment submitted by the Government member of the United States, two subsequent amendments fell.
544. The Government member of the Russian Federation introduced an amendment, seconded by the Government member of Pakistan, to add “, as appropriate” after “Annex”. He explained that the proposed amendment was intended to address two issues. First, he believed that of all the instruments listed in the Annex, only some were relevant to each particular situation. Second, general references should be avoided given that some governments were not party to a number of the instruments listed but may be seen as politically bound by them after adopting the future Recommendation.
545. The Worker Vice-Chairperson did not support the amendment as he did not consider that it added value to the text.
546. The Employer Vice-Chairperson shared the view expressed by the Worker Vice-Chairperson, and did not support the amendment.
547. The Government member of the Islamic Republic of Iran supported the amendment.
548. The deputy representative of the Secretary-General clarified that a concern similar to that raised by the Government member of the Russian Federation had been addressed the previous year during the drafting of the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204). She reiterated the opinion provided at the time by the representative of the Legal Adviser, who had explained that the Annex was an integral part of the proposed non-binding instrument and, as such, provided general guidance only. The Annex in itself could not therefore create any legal obligations for those States which were not parties to one or more of the Conventions listed therein.
549. The Government member of the Russian Federation understood that there were no legal obligations, but remained concerned about political implications. He appealed to both the Worker and Employer Vice-Chairpersons to reconsider the amendment.
550. The Government members of India, Jordan and Lebanon, and the Government member of Angola, speaking on behalf of the Africa group, supported the amendment.
551. In a spirit of tripartism and cooperation, the Employer Vice-Chairperson and Worker Vice-Chairperson supported the amendment.
552. The Government member of the United States pointed out that the comma in “, as appropriate” might create misunderstanding and urged the Office to ensure that “as appropriate” would only be applied to the listed references.
553. The deputy representative of the Secretary-General indicated that the matter would be referred to the Committee Drafting Committee.
554. The Chairperson noted the consensus and the amendment was adopted.

555. Point 9(b) was adopted as amended.

New clause after point 9(b)

556. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, introduced an amendment to add a new clause after point 9(b) to read “all measures taken for recovery and resilience should promote transparency and combat corruption;”. He explained that the element of tackling corruption was missing and it was important to include it.
557. The Employer Vice-Chairperson proposed a subamendment to replace “transparency” by “good governance” as the term “transparency” was too vague and could, for example, involve trade secrets.
558. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the subamendment.
559. The Worker Vice-Chairperson supported the amendment as subamended.
560. The Government member of the Russian Federation did not support the amendment as he did not consider it to be within the ILO’s mandate to address issues of corruption; that fell within the mandate of other UN agencies. He did not have an issue with the terms “transparency” or “good governance” but did not consider it appropriate to discuss in the present Committee the issue of corruption.
561. The Government members of the Plurinational State of Bolivia and China did not support the amendment as both considered that the ILO should focus on labour-related issues.
562. The deputy representative of the Secretary-General clarified that a reference to the issue of corruption was made in Paragraph 23 of Recommendation No. 204, which read “Members should reduce, where appropriate, the barriers to the transition to the formal economy and take measures to promote anti-corruption efforts and good governance.”
563. The amendment was adopted as subamended.
564. The new clause after clause 9(b) was adopted as subamended.

Point 9(c)

565. An amendment submitted by the Government member of Cuba was withdrawn in view of the ongoing discussion and clarification provided by the secretariat. It had sought to replace “crisis responses should take into account the nature of the crisis” by “humanitarian emergency responses should take into account the nature of the emergency”.
566. The Worker Vice-Chairperson introduced an amendment to replace “the capacity of governments” by “should build the capacity of governments, including regional and local government,”. He reasoned that both played equally important roles in post-crisis response.
567. The Employer Vice-Chairperson sought clarification from the secretariat as to whether the Office used the term “capacity building” or “capacity development”.
568. The deputy representative of the Secretary-General explained that “capacity building” was standard ILO terminology but “capacity development” would convey the same message. She noted that the proposed Conclusions referred to the remaining capacity of governments to react adequately after a disaster or conflict.

-
569. The Employer Vice-Chairperson supported the amendment.
570. The Government member of Pakistan proposed a subamendment, seconded by the Government member of the Plurinational State of Bolivia, to add “, with necessary international cooperation and assistance as required” after “effective responses”.
571. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the subamendment.
572. The Government members of Colombia, Jordan, Lebanon, Lesotho and Swaziland, and the Government member of Angola, speaking on behalf of the Africa group, supported the subamendment.
573. The Government member of India stated a preference for the original text.
574. The subamendment proposed by the Government member of Pakistan was adopted.
575. The amendment was adopted as subamended.
576. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, clarified that an amendment which had been distributed as relating to point 9(c) did in fact relate to point 9(e) and should therefore be discussed with point 9(e).
577. Point 9(c) was adopted as amended.

Point 9(d)

578. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, introduced an amendment to replace point 9(d) by “specific measures should be taken and attention should be paid to the needs and potential of women and to vulnerable groups in crisis situations, including young and elderly persons, children, minorities and indigenous and tribal peoples, persons with disabilities, internally displaced persons and refugees”. He reasoned that the position of women was different to that of other vulnerable groups, and that needed to be recognized. The focus should be on strengthening the position of women rather than focusing on their vulnerability.
579. The Employer Vice-Chairperson proposed a subamendment to include “and any other person that may be affected by the crisis” at the end of the point to ensure that no persons would be excluded if they were not listed.
580. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the subamendment.
581. The Worker Vice-Chairperson proposed a similar subamendment to modify the text to read “specific measures should be taken and attention should be paid to the needs of vulnerable groups and their vulnerability in crisis and post-crisis periods, including women, young and elderly persons, children, minorities and indigenous and tribal peoples, persons with disabilities, internally displaced persons, refugees, migrant workers and any other person that may be affected by the crisis”. He reasoned that special attention should be given in point 9(d) to vulnerable groups and that a reference to migrant workers needed to be included.
582. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, did not support the subamendment proposed by the Worker members. Women were not a minority group and should therefore be mentioned separately.

-
583. The Employer Vice-Chairperson requested clarification from the secretariat as to whether the term “post-crisis” had a defined time frame.
584. The deputy representative of the Secretary-General clarified that “crisis situations” could be used as it was in line with the text of the proposed Conclusions as amended.
585. The Employer Vice-Chairperson proposed a further subamendment to delete “in crisis and post-crisis periods” and replace it by “crisis situations” in light of the explanation given by the secretariat.
586. The Worker Vice-Chairperson supported the subamendment proposed by the Employer Vice-Chairperson.
587. The Government member of Cuba supported the subamendment proposed by the Worker Vice-Chairperson to include the reference to migrant workers. Its relevance was reflected in the Migration for Employment Convention (Revised), 1949 (No. 97), and Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990.
588. The Government member of Chile supported the subamendment proposed by the Worker Vice-Chairperson to include “migrant workers” in point 9(d). She also supported the amendment proposed by the Government member of the Netherlands, on behalf of the EU and its Member States, concerning the reference to women.
589. The Government member of Chile, seconded by the Government member of the Plurinational State of Bolivia, proposed a further subamendment for the text to read “specific measures should be taken and attention should be paid to the needs of vulnerable groups and their vulnerability in crisis situations, including women, young and elderly persons, children, minorities and indigenous and tribal peoples, persons with disabilities, internally displaced persons, refugees, migrant workers and any other person that may be affected by the crisis”.
590. The Government member of India proposed a further subamendment, seconded by the Government members of Ethiopia, Lebanon, Pakistan and the Russian Federation, to end point 9(d) after the words “crisis situations”. That would delete “including women, young and elderly persons, children, minorities and indigenous and tribal peoples, persons with disabilities, internally displaced persons, refugees, migrant workers and any other person that may be affected by the crisis”. Referring to an earlier statement made by the Employer Vice-Chairperson, she mentioned that listing specific groups would risk omitting some specific groups.
591. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, stated a preference for the subamendment proposed by the Government member of Chile as it strengthened the wording of the original amendment. He did not support the subamendment proposed by the Government member of India.
592. The Government member of Angola, speaking on behalf of the Africa group, supported the further subamendment proposed by the Government member of India. As he had stated earlier in the discussion, the term “refugees” was subject to ongoing discussion and, as such, it would be preferable to delete the term as it might evolve.
593. The Employer Vice-Chairperson did not support the subamendment proposed by the Government member of India. The subamendment her group had proposed earlier had ensured that no groups would be excluded. Listing examples of specific groups was important and it was necessary to keep the text in the proposed Conclusions.

-
594. The Worker Vice-Chairperson did not support the subamendment proposed by the Government member of India, and deemed that the previous subamendment should be maintained. It was necessary to keep some level of detail in the proposed Conclusions.
595. The Government member of Ethiopia supported the subamendment proposed by the Government member of India, and noted that there were many groups of people that were not listed in point 9(d). Groups of people, such as those indirectly affected by crises occurring in other countries, and those affected by climate change, could be excluded if the text was too detailed and contained the words “affected by the crisis”. Keeping the text broad would ensure that all groups of people were included.
596. The Government member of the Russian Federation supported the subamendment proposed by the Government member of India and endorsed the statement made by the Government member of Ethiopia. Complications would arise with the inclusion of the words “affected by crisis”. Keeping the list of vulnerable groups would result in a lengthy discussion on each term. Deleting the detailed list of vulnerable groups would ensure that the discussion could move forward. The reference to vulnerable groups would still be maintained with some positive ambiguity.
597. The Chairperson noted that the majority did not support the subamendment proposed by the Government member of India.
598. The Government member of Angola recalled that the Africa group had supported the subamendment and that the group included 54 countries.
599. The Government member of Ethiopia reiterated that some persons might not be covered by point 9(d) if the detailed list was maintained. The subamendment proposed by the Government member of India better addressed the vulnerability of a category of the population. She inquired whether the Employer Vice-Chairperson and Worker Vice-Chairperson might reconsider their position on that subamendment.
600. The Government member of Chile understood the concerns expressed by the Government member of India; however, she did not support the subamendment. The subamendment that had been proposed by the Government member of Chile did not exclude any vulnerable groups, but rather highlighted groups that required special attention, which was an important aim of the proposed Conclusions.
601. The Worker Vice-Chairperson shared the view expressed by the Government member of Chile and did not support the subamendment proposed by the Government member of India.
602. The Employer Vice-Chairperson did not support the subamendment proposed by the Government member of India. She recalled that the discussion should be guided by other ILO instruments which had been adopted. Many of those instruments included references to specific groups of people. Often ILO instruments also included the text “and any other person that may be affected”. By listing examples of vulnerable groups, the proposed Conclusions would assist member States by drawing their attention to those specific groups.
603. The Government member of Lebanon agreed with the views expressed by the Government members of Ethiopia and India. Certain terms included in the last sentence of the amended text could be contentious, and the Lebanese delegation had an issue with several of the terms. The term “vulnerable groups” which was included in the subamendment proposed by the Government of India covered the specific examples subsequently listed.

-
- 604.** The Government member of Ethiopia inquired as to whether there was standard ILO terminology for listing vulnerable groups and requested clarification from the secretariat in this regard.
- 605.** The Worker Vice-Chairperson reiterated that he did not support the subamendment of the Government member of India. The detailed listing of vulnerable groups was of special concern to the Workers' group and, without the list, that concern was not addressed. As the proposed Conclusions could become a Recommendation, it was necessary to include more detail and a list of vulnerable groups.
- 606.** The deputy representative of the Secretary-General explained that it was standard practice in ILO instruments to list groups. However, as such references were specific to the context and subject matter of an instrument, there was no standard list.
- 607.** The Government member of Ethiopia reaffirmed that listing specific groups of vulnerable people posed a problem as no harmonization of lists existed across international organizations. In her region, climate-induced displacement was common and there were many climate refugees. She would like to see that specific vulnerable group included in the list, but understood that it was not possible to draw up an exhaustive list of categories. The challenge was to determine which specific vulnerable groups to include. She restated that it would be preferable to use existing wording from an existing ILO instrument.
- 608.** As no majority support existed for the subamendment proposed by the Government member of India, it was not adopted.
- 609.** The Chairperson invited the Committee to resume consideration of the amendment as subamended by the Government member of Chile.
- 610.** The Government member of the Russian Federation said that his delegation wished to propose a further subamendment, to replace "young persons" by "youth" in line with recent terminology to be found in other ILO instruments, and decisions and documents of the UN, such as the "Policies and programmes involving youth" adopted by UN General Assembly Resolution 68/130, 2013. The term "minorities" should be extrapolated to specify which minorities were included; "national, ethnic, religious or linguistic minorities" would be in line with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by the UN General Assembly in 1992. The Russian Federation had not ratified the Indigenous and Tribal Peoples Convention, 1989 (No. 169), and therefore his delegation wished to delete the words "and tribal" after "indigenous", in line with the Declaration on the Rights of Indigenous Peoples, adopted by the UN General Assembly in 2007.
- 611.** The subamendment proposed by the Russian Federation was seconded by the Government member of Lebanon, and supported by the Government members of China, India, Pakistan and Panama.
- 612.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, did not support the proposed subamendment.
- 613.** The Worker Vice-Chairperson did not support the proposed subamendment.
- 614.** The Employer Vice-Chairperson deemed it unnecessary to expand on each group of vulnerable persons in the list and therefore did not support the proposed subamendment.

-
615. The Government member of Ethiopia requested that a list of categories of vulnerable persons, as included in ILO instruments, be presented by the secretariat for the purpose of redrafting the clause.
616. The deputy representative of the Secretary-General clarified that while it was standard practice to list vulnerable groups, the specific categories included in such lists varied depending on the subject matter of the instrument in question. “Youth” and “young persons” were terms that were used interchangeably. The ILO often used the terms “youth unemployment” and “employment of young persons”.
617. The Government member of Ethiopia clarified that what she was asking for was a clear example of the type of wording used in ILO instruments.
618. The Employer Vice-Chairperson gave the example of the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), which used the following wording: “including but not limited to women, young people, migrants, older people, indigenous and tribal peoples, persons living with HIV or affected by HIV or AIDS, persons with disabilities, domestic workers and subsistence farmers”.
619. The deputy representative of the Secretary-General provided a further example from the Human Resources Development Recommendation, 2004 (No. 195), which listed “youth, low-skilled people, people with disabilities, migrants, older workers, indigenous people, ethnic minority groups and the socially excluded”.
620. The Government member of Ethiopia thanked the secretariat for the explanation and proposed that a list be compiled using the relevant previously agreed terms.
621. The proposal was seconded by the Government member of Pakistan, and supported by the Government members of Algeria, Angola, Cuba, Jordan, Lebanon and the Russian Federation.
622. The Government member of the Russian Federation suggested that a decision should be taken only to use the term “youth”, rather than using “young people”, “young persons”, “young women and men” and “youth” interchangeably, which could lead to confusion. In the interest of clarity, he appealed to Committee members to accompany any future objections to subamendments with an explanation.
623. The Worker Vice-Chairperson suggested that a tripartite subcommittee on definitions be set up to work alongside the Committee.
624. The Chairperson said that since the Government member of Ethiopia would need to provide a proposal for wording to subamend the point, a tripartite subcommittee should be convened to seek a drafting solution that would meet the concerns of the social partners and Government members.
625. The Employer Vice-Chairperson supported the suggestion.
626. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, recalled that although special attention should be paid to the needs of women, he was open to broadening the list and, if specific terminology existed, it should be taken into account.
627. The Government member of Pakistan suggested that, in the interest of time and given that the amendment under discussion would be affected by subsequent amendments, the consideration of point 9(d) should be resumed later in the discussion.

-
- 628.** During the final sitting of the Committee, the discussion on point 9(d) resumed. The Chairperson reported that, concerning the tripartite subcommittee which had been entrusted to propose a revised text for the clause, her understanding was that no agreement had been reached. She sought the views of the Committee.
- 629.** The Employer Vice-Chairperson confirmed that there was no agreement on a revised text. Since point 9(d) contained policy measures relating to refugees and internally displaced persons which would be influenced by the forthcoming global discussions, she suggested bracketing it.
- 630.** The Worker Vice-Chairperson agreed, given that no consensus had been reached.
- 631.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the suggestion to bracket the text. He proposed, however, that the part to be bracketed start with “including”, in view of the agreement that had emerged in the Committee in support of an EU amendment related to specific vulnerable groups.
- 632.** The Government member of Cuba agreed with the proposal to bracket the entire clause.
- 633.** The Government member of Angola, speaking on behalf of the Africa group, supported the proposal made by the Employers’ group as it concerned the same contentious issues that had been bracketed under Part X later in the discussion.
- 634.** The Chairperson noted that there was majority support to bracket point 9(d) in its entirety.
- 635.** Point 9(d) was placed in brackets.
- 636.** As a consequence, other amendments to the clause fell.
- 637.** Point 9 was adopted as amended with point 9(d) bracketed.

Point 9(e)

- 638.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, introduced an amendment to insert “respect and” after “should”, considering that in order to “promote”, it was first necessary to “respect”.
- 639.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 640.** The Government member of Pakistan asked for clarification with respect to the gender dimension, or equality in treatment with respect to men and women, of the amendment.
- 641.** In response, the Government member of the Netherlands, speaking on behalf of the EU and its Member States, pointed out that she could not provide clarification as the text had been prepared by the Office; she therefore requested the secretariat for clarification on the issue.
- 642.** The deputy representative of the Secretary-General said that the amendment did not have any implications concerning the issue of gender equality.
- 643.** The Government members of Canada and Pakistan supported the amendment.
- 644.** The amendment was adopted.
- 645.** Point 9(e) was adopted as amended.

Point 9(f)

- 646.** An amendment submitted by the Government member of Cuba, to replace “crisis” with “humanitarian emergency”, was withdrawn in light of previous discussions.
- 647.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, introduced an amendment to insert “identify and monitor any negative and unintended consequences and” after “should” with the purpose of clarifying the “no harm” principle.
- 648.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 649.** The amendment was adopted.
- 650.** The Worker Vice-Chairperson introduced an amendment to add, at the end of the sentence, “and should facilitate a just transition towards an environmentally sustainable economy as a means for sustainable economic growth and social progress”. It would introduce the question of the environment and make the link with discussions on climate change and its relevance to environmental sustainability leading to a sustainable economy.
- 651.** The Employer Vice-Chairperson supported the amendment.
- 652.** The Government members of the Plurinational State of Bolivia, China, Cuba and Senegal supported the amendment.
- 653.** The Government member of China expressed hope for enhanced efficiency in the adoption of amendments.
- 654.** The amendment was adopted.
- 655.** Point 9(f) was adopted as amended.

Point 9(g)

- 656.** An amendment submitted by the Government member of Cuba was withdrawn in light of previous discussions. It had sought to replace “crises” by “humanitarian emergencies”.
- 657.** The Government member of the Russian Federation introduced an amendment, seconded by the Government member of Pakistan, to replace “on the basis of ethnicity, religion or other grounds” by “on the ground of race, colour, sex, language, religion or social origin”. The amendment was based on the text of Article 4 of the 1966 International Covenant on Civil and Political Rights, ratified by 168 States and therefore to a certain extent universal, specifying aspects that should be taken into account when referring to discrimination.
- 658.** The Employer Vice-Chairperson did not support the amendment since it would limit the coverage of people that the amendment was trying to protect. She reiterated that the problem of listing grounds created the possibility of exclusions, which was the main reason to have the phrase “other grounds”. The amendment should have included other grounds instead of excluding a number of persons affected by discrimination, prejudice and hatred.
- 659.** The Worker Vice-Chairperson, did not support the amendment for its restrictive character.
- 660.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, did not support the amendment.

-
- 661.** The Government member of Senegal stressed that it was not necessary to refer to texts other than the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which was extensive in its coverage and included cases such as social origin, race, colour and gender. He therefore suggested using the same wording.
- 662.** The Chairperson required clarification with respect to the position of the Government member of Senegal and whether or not he was in support of the amendment.
- 663.** The Government member of Senegal reiterated that the wording contained in Convention No. 111 should be used.
- 664.** The Government member of the Russian Federation supported the view of the Government member of Senegal.
- 665.** The Chairperson requested clarification as to whether or not a subamendment was being proposed.
- 666.** The Government member of Senegal, seconded by the Government member of the Russian Federation, and supported by the Government members of Algeria and Egypt, proposed a further subamendment to replace “on the ground of race, colour, sex, language, religion or social origin” by “on the basis of race, colour, sex, religion, political opinion, national extraction or social origin”.
- 667.** The Worker Vice-Chairperson supported the subamendment.
- 668.** The Employer Vice-Chairperson requested the secretariat to clarify whether there were any additional grounds of discrimination that were not covered since the adoption of Convention No. 111.
- 669.** The deputy representative of the Secretary-General clarified that the issue of sexual orientation was not covered by Convention No. 111.
- 670.** The Government member of Iran pointed out a linguistic matter in the French version.
- 671.** The Employer Vice-Chairperson proposed a subamendment to add “or any other grounds” after “social origin” to cover other issues not mentioned specifically in the text.
- 672.** The Government member of the Russian Federation did not support the subamendment proposed by the Employer Vice-Chairperson. He reasoned that the text from Convention No. 111 should be taken as it was, without modification.
- 673.** The Worker Vice-Chairperson supported the subamendment proposed by the Employer Vice-Chairperson.
- 674.** The Government members of Canada, Norway, Senegal and the United States, and the Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the further subamendment.
- 675.** The Government member of the Russian Federation requested the secretariat to put on record that the Russian delegation did not support the wording as they considered that it went beyond the mandate of the Committee. He preferred to revise the text in light of existing international instruments.
- 676.** The Chairperson took note of the request from the Government member of the Russian Federation.

-
- 677.** The subamendment was adopted as amended.
- 678.** An amendment, submitted by the Employer Vice-Chairperson, to insert “gender” after “on the basis of ethnicity, religion” was withdrawn as it was no longer relevant after the adoption of the previous amendment.
- 679.** Point 9(g) was adopted as amended.

Point 9(h)

- 680.** The Government member of Cuba introduced an amendment, seconded by the Government member of the Russian Federation and supported by the Government members of the Plurinational State of Bolivia, Brazil, Guatemala, Jordan, Lebanon and Pakistan. It proposed replacing point 9(h) with “responses to humanitarian emergencies must be provided in accordance with the principles of humanity, neutrality and impartiality, in full respect of the sovereignty, territorial integrity and national unity of States, with the consent of the affected country and, in principle, on the basis of an appeal by the affected country. It is the role of the affected State to initiate, organize, coordinate and implement humanitarian assistance within its territory”. He proposed subamending it to replace “humanitarian emergencies” with “crises” in line with what had been decided in earlier discussions. The rationale behind the subamendment was to take into account the principles of UN General Assembly Resolution 46/182 on Strengthening of the coordination of humanitarian emergency assistance of the United Nations, adopted in 1991. It would also be in line with the text used by humanitarian agencies such as the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies (IFRC).
- 681.** The Employer Vice-Chairperson requested the views of Government members on the amendment.
- 682.** The Worker Vice-Chairperson, although interested in hearing the views of Government members, did not support the amendment.
- 683.** The Government member of New Zealand requested the Government member of Cuba to clarify what the implications of the proposed amendment would be regarding non-international conflicts, such as civil wars.
- 684.** The Government member of Cuba explained that the principles referred to in the amendment were in line with the provisions of UN General Assembly Resolution 46/182. It governed the rules of engagement by the international community to support conflict- or disaster-affected countries. The provision of humanitarian support was contingent upon the explicit request of the State concerned after an assessment of the situation.
- 685.** The Government member of the Russian Federation supported the amendment. He stressed that the principles of humanity, neutrality and impartiality were the foundation of the International Red Cross and Red Crescent Movement, and congruent with the sovereignty of States in dealing with humanitarian crises.
- 686.** The Government member of the Plurinational State of Bolivia supported the amendment. The proposed Conclusions should be in line and harmonized with other international instruments.
- 687.** The Government member of Norway requested the secretariat to confirm whether the proposed amendment was in accordance with the said resolution.

-
- 688.** The Government member of Algeria found the Government member of Cuba's clarification to be sufficient and voiced support for the proposed amendment.
- 689.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, said that while he was not opposed to the references to humanitarian law, he had doubts about the inclusion of a reference in the proposed Conclusions to the UN General Assembly resolution 46/182 and its relevance to the mandate of the ILO. He requested an explanation from the secretariat as to what the implications would be of the amendment proposed by the Government member of Cuba.
- 690.** The Government member of Angola, speaking on behalf of the Africa group, supported the amendment.
- 691.** Upon request of the deputy representative of the Secretary-General, the Government member of Cuba confirmed that the proposed amendment was drawn from UN General Assembly Resolution 46/182. He added that the proposed reference was fully relevant to the work of the ILO.
- 692.** The Government member of Norway stated that this was an area in which they did not have the necessary expertise to take a decision. She requested the secretariat to confirm whether UN General Assembly resolution 46/182 which dated from 1991 was the most relevant and appropriate to use.
- 693.** The deputy representative of the Secretary-General responded that the secretariat would check and report back to the members of the Committee.
- 694.** The Government member of Algeria disagreed with the intervention made by the Government member of Norway questioning the relevance of the UN General Assembly resolution, with it having been adopted in 1991.
- 695.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, did not support the amendment. He believed that the exact text of the UN General Assembly resolution was not the most relevant for the proposed Conclusions and the mandate of the ILO. He favoured the original text of point 9(h).
- 696.** In reply to the Government member of Algeria, the Government member of Norway indicated that she was not questioning the validity of the UN General Assembly resolution and reiterated that expert advice was needed to take a decision.
- 697.** The deputy representative of the Secretary-General noted that UN General Assembly Resolution 68/103, adopted on 13 December 2013, had reaffirmed the principles of humanity, neutrality, impartiality and independence for the provision of humanitarian assistance.
- 698.** The Government member of Cuba pointed out that UN General Assembly Resolution 68/103, referred to by the deputy representative of the Secretary-General, repeated UN General Assembly Resolution 46/182, though reduced its scope.
- 699.** The Government member of the Russian Federation endorsed the view expressed by the Government member of Cuba and stressed that while UN General Assembly Resolution 68/103 only covered the provision of humanitarian assistance, UN General Assembly Resolution 46/182 remained broader.
- 700.** The Government member of the Plurinational State of Bolivia affirmed the relevance of territorial integrity.

-
701. The Employer Vice-Chairperson made a request that the Chairperson consult with the Worker group and the Employer group Vice-Chairpersons and the Government member of Cuba, who subsequently joined the Chairperson and Vice-Chairpersons.
702. The Government member of Cuba said that in an effort to seek compromise he wished to propose a further subamendment, to replace “humanitarian emergencies” by “crisis” and end the clause after “with the consent of the affected country”. The spirit of the subamendment was to refer only to general principles, which were at the heart of the Charter of the United Nations, and should therefore be acceptable to all parties.
703. The subamendment was seconded by the Government member of the Plurinational State of Bolivia and supported by the Government members of Algeria, Angola, Brazil, Chad, Egypt, Guatemala, Jordan, Lebanon, Lesotho, Pakistan, the Russian Federation and Sudan.
704. The Worker Vice-Chairperson did not support the proposed subamendment.
705. The Employer Vice-Chairperson said that the proposed subamendment would, if approved, remove important elements from the clause, such as the principles of sovereignty, international solidarity and shared responsibility. Her group therefore did not support the subamendment.
706. The Government member of Cuba explained that his proposal had not been intended to ignore the principles reflected in the original text. He therefore proposed a further subamendment, reverting back to the original text as proposed by the Office, with the addition of “in accordance with United Nations General Assembly Resolution 46/182 of 1991”.
707. The deputy representative of the Secretary-General, upon request by the Chairperson, said that since the proposed Conclusions might not reflect the exact wording of the UN General Assembly Resolution 46/182, including a reference thereto might not necessarily be appropriate.
708. The Government member of Cuba pointed out that the social partners and member States were responsible for drafting the future revised Recommendation and therefore they alone should comment on whether a proposed amendment was relevant.
709. The Government member of Ethiopia said that the understanding of what constituted international cooperation differed between the contexts of disaster risk reduction and conflicts. International cooperation in the context of conflicts was addressed in the Charter of the United Nations and the 1951 Convention relating to the Status of Refugees. International cooperation in the context of disaster risk reduction had been addressed in the Sendai Framework for Disaster Risk Reduction and the Rio Declaration on Environment and Development, 1992. The original text proposed by the Office referred to international cooperation in the conflict context, whereas the amendment proposed by the Government member of Cuba referred to disaster risk reduction. Those two concepts should either be addressed separately, or wording should be sought that took them both into account.
710. The Government member of the United States said that the amendment proposed by the Government member of Cuba to insert a reference to the UN General Assembly resolution was simply a repackaging of his earlier proposal, which had not been adopted. Her delegation could therefore not accept the proposed subamendment.
711. The Worker Vice-Chairperson agreed with the Government member of the United States and did not support the proposed subamendment.

-
712. The Government member of Cuba said that his proposal had been made in a spirit of compromise, with a view to reaffirming agreed and respected international principles.
713. The Employer Vice-Chairperson said that since the UN General Assembly resolution did not refer to international solidarity or shared responsibility and cooperation, her group did not support reference to it in point 9(h).
714. The Government member of India said that the original text as proposed by the Office was in fact restrictive, since it would limit crisis response to four principles: national ownership, international solidarity, shared responsibility and cooperation. Such a restrictive clause would limit the scope of the instrument. He supported the subamendment proposed by the Government member of Cuba to insert a reference to UN General Assembly Resolution 46/182. A further reference to the United Nations Conference on Sustainable Development (Rio+20) should also be made, to take the Government member of Ethiopia's concerns into account. It was not within the Committee's mandate to renegotiate the principles of international cooperation in humanitarian action and disaster management.
715. The Worker Vice-Chairperson, in light of the difficulties in reaching a consensus on the text, suggested putting the clause in brackets for discussion at the second meeting of the Committee at the 106th Session of the Conference in 2017.
716. The Employer Vice-Chairperson agreed that the discussion on the clause should be suspended and added that the Office should liaise with the UN and other specialist organizations to seek assistance in the drafting of a clause that could satisfy the concerns of all parties and take account of the relevant international instruments.
717. The Government member of Ethiopia proposed a further subamendment for the clause to read "responses to persons affected by conflict should be based on the principles of international solidarity, burden sharing and international cooperation; responses to disasters should be based on national ownership of States with an effective and meaningful cooperation". The subamendment was seconded by the Government member of Cuba and supported by the Government members of the Plurinational State of Bolivia and the Russian Federation, and the Government member of Angola, speaking on behalf of the Africa group. She requested that the secretariat confirm the rationale underlying her proposal.
718. The deputy representative of the Secretary-General said that "crisis responses" had broader scope than "response to persons".
719. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the suggestion to bracket the text and said that he did not support the subamendment proposed by the Government member of Ethiopia.
720. The Employer Vice-Chairperson and the Worker Vice-Chairperson agreed that they could not support the subamendment proposed by the Government member of Ethiopia and reiterated their request that the text be bracketed and discussion thereon suspended.
721. The Government member of the Islamic Republic of Iran proposed replacing "based on" by "consistent with".
722. The Government member of China, supported by the Government member of the United States, pointed out that the Committee comprised experts on labour, who should focus the Committee's discussion on the promotion of employment and decent work after crises. The discussion seemed to be moving beyond the Committee's remit. He agreed that the clause should be bracketed.

-
723. The Government member of India asked whether the text in brackets would include the amendment as subamended by the Government member of Cuba in order to give context to the discussion when it resumed the following year. He also wished to know what would become of the other proposed amendments to point 9(h).
724. The Legal Adviser explained that as no consensus had been reached in respect of the proposed amendments and subamendments to point 9(h), only the original Office text would be placed in brackets. On reopening the discussion on this issue at the next session of the Conference, any parties wishing to amend the relevant clause of the draft instrument would need to submit new amendments.
725. In light of the foregoing, the Committee agreed to suspend the discussion on point 9(h) until its next session in 2017.
726. Given the agreement to bracket the original text of point 9(h), subsequent amendments to point 9(h) were not considered.

Point 9(i)

727. An amendment submitted by the Government member of Cuba to replace “crisis” by “humanitarian emergency” was withdrawn.
728. The Government member of Brazil introduced an amendment to insert “promoting synergies and avoiding the duplication of efforts and mandates,” after “development assistance.” Its purpose was to underline the importance of avoiding overlaps in operational responses. The amendment was seconded by the Government member of India, and supported by the Government members of the Plurinational State of Bolivia, Cuba and Guatemala.
729. The Employer Vice-Chairperson proposed a subamendment to move “promoting synergies and avoiding the duplication of efforts and mandates” to the end of the sentence. That would avoid fragmentation while integrating the preceding elements of the sentence.
730. The Government member of Brazil supported the subamendment.
731. The Worker Vice-Chairperson supported the subamendment.
732. The Government member of Ethiopia asked the secretariat to clarify whether the purpose of point 9(i) was to reflect the ongoing discussions among international and relief agencies in relation to the linkages between development and humanitarian operations.
733. The deputy representative of the Secretary-General confirmed this understanding.
734. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the subamendment.
735. The Government member of India proposed a further subamendment, seconded by the Government member of Pakistan and supported by the Government member of Jordan, to insert “while” before “promoting”. He emphasized that references to humanitarian relief efforts in point 9(i) would have to be consistent with the terms used in bracketed point 9(h) when the discussion resumed the following year.
736. The Government member of Brazil supported the further subamendment submitted by the Government member of India, as did the Employer Vice-Chairperson and the Worker Vice Chairperson.

-
737. The Government member of Ethiopia asked whether the emphasis on relief and income generation was also a reflection of the current discussions on humanitarian and development operations.
738. The deputy representative of the Secretary-General replied that the proposed Conclusions concerned all aspects of decent work in crisis and disaster situations. References to employment and income generation opportunities in point 9(i) were effectively meant to reflect the coordination between relief and development agencies.
739. The Government member of Pakistan was concerned that the proposed Conclusions might result in the amalgamation of humanitarian and development aspects under the same instrument. As those issues were currently being debated in other international forums, it was important that point 9(i) did not prejudge the result of those discussions.
740. The Government member of Norway supported the subamendment proposed by the Employer Vice-Chairperson. She asserted that coordination under humanitarian and development operations was a well-established practice.
741. The Government member of Ethiopia inquired whether there had been any discussions among the UN and other relevant agencies regarding humanitarian and development operations. She noted that this issue had been discussed at the recent World Humanitarian Summit.
742. The Chairperson announced that broad consensus had been reached on the amendment.
743. The amendment was adopted as subamended.
744. The Worker Vice-Chairperson introduced an amendment to insert “full, productive, freely chosen and” after “the promotion of”. The proposal was related to earlier discussions and an amendment proposed by the Government member of Senegal that connected support for development with job creation and decent work. It was inspired by the Employment Policy Convention, 1964 (No. 122), and used wording from that Convention.
745. The Employer Vice-Chairperson supported the amendment.
746. The Government member of the United States proposed a subamendment to add “and decent work” after “employment”. The proposal was seconded by the Government member of New Zealand.
747. The Government member of China supported the amendment submitted by the Worker members.
748. The Worker Vice-Chairperson supported the subamendment proposed by the Government member of the United States.
749. The Employer Vice-Chairperson did not support the subamendment, noting that employment was part of decent work and observing that the sentence was now fragmented.
750. The Government member of the United States agreed that employment was part of decent work, and referred in this regard to the ILO Declaration on Social Justice for a Fair Globalization, 2008, which specified the four pillars of decent work.
751. The Government member of the Plurinational State of Bolivia supported the original amendment.

-
752. The Government member of India noted that the Committee had discussed the issue when covering point 9(a) and requested that the Committee review and use the text of point 9(a) for the sake of consistency.
753. The Government member of Cuba asserted that the terminology used in the first part of the point was not in line with that used in UN resolutions, an issue that had arisen in previous discussions on humanitarian relief. He advocated the use of the terms “humanitarian assistance” and “assistance for development”. He proposed an amendment, seconded by the Government member of the Russian Federation, to use those agreed terms in the first sentence.
754. The deputy representative of the Secretary-General explained that the proposal submitted by the Government member of Cuba constituted a new amendment, not a subamendment, and could not therefore be considered by the Committee.
755. The Government member of the Russian Federation stated that normal practice at the international level was to discuss a paragraph as a whole to ensure conceptual consistency.
756. The Legal Adviser explained that a subamendment was an amendment from the floor to an amendment which had been submitted in writing in accordance with the Standing Orders of the International Labour Conference, and that it had to relate to an amendment under consideration. Any proposed revision of a different part of the text would constitute a new amendment and should therefore be irreceivable.
757. The Chairperson read out article 63(6) of the Standing Orders of the International Labour Conference regarding the submission of amendments.
758. The Government member of the Russian Federation noted that over the past two days the Committee had discussed discrepancies in terminology between the current text and other relevant documents of international organizations. He questioned whether there was anything in the Standing Orders that referred to the procedure of bracketing text, and asserted that over the past two days the Committee had followed a flexible approach.
759. The Legal Adviser confirmed that while there was no mention of bracketing in the Standing Orders, it was an established practice.
760. The Government member of Cuba thanked the Legal Adviser. He asserted that the Committee’s work would make more sense if it were more flexible and pragmatic. He questioned whether the Office wanted a text that was not consistent with the relevant UN instruments.
761. The Employer Vice-Chairperson reconsidered and supported the subamendment proposed by the Government member of the United States.
762. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, noted that the secretariat’s explanations had been clear, and that the clause was not poorly drafted. He urged the Committee to move forward.
763. The Government member of Cuba stated that he had not intended to say that the clause was poorly written. However, there were discrepancies that were apparent to those with experience in human rights and other UN bodies which needed to be pointed out. He was trying to rectify defects in the text. The secretariat did not have the expertise, and representatives of the relevant organizations should be involved. The delegates took the discussions seriously, and he wondered whether the secretariat was also doing so.

-
764. The Government member of India pointed out that the Government member of Ethiopia had sought to address such issues in her proposals. The subamendment proposed by the Government member of Cuba likewise sought to clarify the text, and the Government member of Cuba had the right to talk about the first part of the point. It was better to address such issues now rather in the discussion the following year.
765. The deputy representative of the Secretary-General clarified that, after the first discussion, the Office would produce a “brown report” which would include a commentary on the proposed changes and that the point made by the Government member of Cuba would be properly reflected there. He further explained that the proposal made by the Government member of Cuba could not be accepted as a subamendment, because it did not relate to an amendment under consideration.
766. The Government member of India recalled that agreement had been reached in respect of wording in point 9(a) which should be consistent with wording in point 9(i); he asked for clarification.
767. The Government member of Pakistan questioned whether the subamendment proposed by the Government member of the United States was acceptable given the explanation given by the Legal Adviser.
768. The Legal Adviser clarified that the subamendment proposed by the Government member of the United States consisted of the deletion of one word from an amendment under discussion and replacing it with others words, whereas the text proposed by the Government member of Cuba was adding new wording to text which was not being considered for amendment.
769. The Government member of Pakistan thanked him for the clarification.
770. The amendment was adopted as subamended.
771. The Chairperson reminded the Committee that they had less than four days left to review all the amendments and encouraged constructive discussion.
772. The Government member of Ethiopia said she shared the Chairperson’s call for constructive engagement. She added that there was a need for much discussion with other UN agencies.
773. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, withdrew an amendment to delete at the end of the sentence “and income generation opportunities” as the terms did not correspond with the French text.
774. In response, the deputy representative of the Secretary-General advised that the Committee Drafting Committee would be entrusted with aligning the French text.
775. The Government member of Pakistan requested the secretariat to include in the brown report an explanation of how points in the proposed Conclusions could be operationalized.
776. Point 9(i) was adopted as amended.

III. Strategic approaches

Title

777. The title was adopted.

Point 10**Chapeau**

- 778. The Government member of the United States, speaking also on behalf of the Government members of Canada, Japan and New Zealand, introduced an amendment to replace “objectives of post-conflict and post-disaster” with “crisis” in the chapeau, for reasons of consistency throughout the text.
- 779. The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 780. The Government member of Pakistan supported the amendment.
- 781. The amendment was adopted.
- 782. As a result of the adoption of the previous amendment, an amendment submitted by the Worker members to replace the text of the chapeau fell.
- 783. The Worker Vice-Chairperson introduced an amendment to delete “as appropriate”.
- 784. The Employer Vice-Chairperson did not support this amendment.
- 785. The Government members of China, Russian Federation and Sudan, and the Government member of the Netherlands, speaking on behalf of the EU and its Member States, did not support the amendment.
- 786. The amendment was not adopted.
- 787. The chapeau was adopted as amended.

Point 10(a)

- 788. The Employer Vice-Chairperson introduced an amendment to replace “emergency employment and social protection measures” by “urgent measures to create temporary employment, and to provide social protection”; the Employers’ group did not understand the term “emergency employment”. She asked the secretariat to explain the use of the term.
- 789. The deputy representative of the Secretary-General explained that emergency employment referred to employment creation and provision of incomes and support of livelihoods in the immediate aftermath of crises. It was the first step towards sustainable employment, including the development of skills and entrepreneurship, productive assets and services, to provide longer-term sustainable development.
- 790. The Employer Vice-Chairperson reiterated that she proposed changing the words, because the term “emergency employment” was still not clear for the Employers’ group.
- 791. The Worker Vice-Chairperson said that the term “emergency employment” was appropriate because in an emergency situation there was a need for jobs and social protection.
- 792. The Special Adviser explained that the term “emergency employment” featured in the United Nations Policy for post-conflict employment creation, income generation and reintegration.

-
- 793.** The Employer Vice-Chairperson proposed a subamendment to remove the word “emergency” and keep the rest of the text as it was, namely to use the word “employment” on its own.
- 794.** The Worker Vice-President supported the subamendment.
- 795.** The Government members of Namibia and the United States, and the Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the subamendment.
- 796.** The Government member of the Russian Federation said that it was a complex technical issue and member States relied on the expert view of the secretariat to ensure that it reflected the essence of the intended meaning.
- 797.** The deputy representative of the Secretary-General further clarified that the use of the word “emergency” meant that, from day one, jobs, income and stable livelihoods would be created and there would be support for development, as per the United Nations Policy for post-conflict employment creation, income generation and reintegration of 2009.
- 798.** The amendment was adopted as subamended.
- 799.** Point 10(a) was adopted as amended.

Point 10(b)

- 800.** The Government member of the United States, speaking also on behalf of the Government member of Japan, proposed an amendment to insert “and decent work” after “employment” in order to highlight the decent work concept and ensure more consistency within the text.
- 801.** The Worker Vice-Chairperson supported the amendment.
- 802.** An Employer spokesperson proposed a subamendment to insert the word “productive” before “employment”.
- 803.** The Government member of the United States supported the subamendment.
- 804.** The Worker Vice-Chairperson supported the subamendment.
- 805.** The Government member of the Russian Federation inquired as to whether the insertion of the word “productive” could be considered to be a subamendment. He supported the amendment to insert “and decent work”, but proposed using a comma before “decent work” instead of “and”, to be consistent with punctuation practice in lists, as seen elsewhere in the text.
- 806.** The Government member of Cuba agreed with the comments made by the Government member of the Russian Federation and indicated that the proposal to add “productive” before “employment” should not be considered as a subamendment as it did not pertain to the proposed amendment. Lack of consistency in the Committee’s proceedings would cast doubt on the final results of its work.
- 807.** The Legal Adviser confirmed that the proposal to add “productive” before “employment” was indeed not admissible as a subamendment.

-
- 808.** The Government member of Cuba voiced his concern about the conduct of the Committee's proceedings and recalled that the government members' views deserved to be duly taken into account.
- 809.** The Employer Vice-Chairperson asked for calm and recalled that the Committee was working towards a common goal that would serve the interests of all parties. The Chairperson and the secretariat should be treated with respect. She withdrew the subamendment proposed by the Employers' group, and expressed support for the amendment as originally submitted by the Government members of Japan and the United States.
- 810.** The Government member of Chile said that whenever employment was mentioned, it was necessary also to mention the importance of decent working conditions. She therefore supported the amendment.
- 811.** The Government members of Angola, New Zealand and Pakistan also supported the amendment.
- 812.** The amendment was adopted.
- 813.** Point 10(b) was adopted as amended.

Point 10(c)

- 814.** The Government member of the United States withdrew an amendment to delete the words "social protection" from point 10(c).
- 815.** The Worker Vice-Chairperson introduced an amendment to insert "sustainable development, just transition" after "social protection".
- 816.** The Employer Vice-Chairperson proposed a subamendment for the text to read, "sustainable enterprises and development, just transition".
- 817.** The Worker Vice-Chairperson proposed a further subamendment for the text to read "sustainable development, creation of sustainable enterprises, just transition".
- 818.** The Employer Vice-Chairperson supported the subamendment proposed by the Worker Vice-Chairperson, as did the Government members of Chile, Islamic Republic of Iran, Pakistan and the Russian Federation.
- 819.** The amendment was adopted as subamended.
- 820.** The Worker Vice-Chairperson introduced an amendment to add ", access to public services" after "social protection" in point 10(c).
- 821.** The Employer Vice-Chairperson supported the amendment.
- 822.** The Government members of Chile and Cuba supported the amendment; in a period of crisis, in particular after a disaster, access to public services was crucial.
- 823.** The Government member of the United States said that while she agreed with the amendment in principle, point 10(c) was becoming unwieldy. Access to public services could be addressed in a separate clause.
- 824.** The amendment was adopted.

825. Point 10(c) was adopted as amended.

Point 10(d)

826. Point 10(d) was adopted.

827. Point 10 was adopted as amended.

828. The Chairperson reminded Committee members that they had so far only discussed 81 of the 369 amendments submitted, and urged them to advance at a faster pace. She also reminded them to use respectful and parliamentary language. Moreover, points already made did not need to be repeated as they were already on record.

Point 11

Chapeau

829. The Government member of the United States, speaking also on behalf of the Government member of Australia, introduced an amendment to add “, where appropriate” after “include”, to provide flexibility. The phrase “measures to be taken in the immediate aftermath of a conflict or disaster” might not apply in every instance, as a crisis was not always the result of a disaster or conflict.

830. The Worker Vice-Chairperson said that the amendment was unnecessary and he did not support it.

831. The Employer Vice-Chairperson supported the amendment.

832. The Government member of the Russian Federation, seconded by the Government member of India, agreed with the proposal, but proposed a subamendment to change “where” to “as” for consistency.

833. The Government member of the United States supported the subamendment and asked the Workers’ group to clarify their objection to the proposal.

834. The Government member of India supported both the amendment and subamendment, and recalled that point 11 was about action to be taken in the immediate aftermath, and therefore could not be a “one size fits all”. As the sentence started with “should provide”, there was a need for flexibility as it could not be applied to every situation.

835. The Government members of Australia, Canada, Ethiopia and New Zealand, and the Government members of Angola, speaking on behalf of the Africa group, and the Netherlands, speaking on behalf of the EU and its Member States, supported the subamendment.

836. In response to the Government member of the United States, the Worker Vice-Chairperson clarified that, given that the discussion was about a Recommendation, the issue in question should not be addressed in point 11. He requested clarification from the secretariat on the impact of the proposed change.

837. The deputy representative of the Secretary-General responded that adding the phrase would not have any impact on the combination of measures taken during conflicts or disasters either in a local or an international context.

838. The Employer Vice-Chairperson supported the subamendment.

839. Acknowledging the majority, the Worker Vice-Chairperson retracted his earlier objection but requested that his group's reservations be noted.

840. The amendment was adopted as subamended.

841. The chapeau was adopted as amended.

Point 11(a)

842. The Worker Vice-Chairperson introduced an amendment to insert "social protection," after "including". The purpose was to highlight the importance of social protection for workers affected by crises and disasters.

843. The Employer Vice-Chairperson supported the amendment.

844. The Government members of Brazil, Canada, Colombia, India, New Zealand, Switzerland and Turkey, and the Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.

845. The Government member of Angola, speaking on behalf of the Africa group, asked the Worker Vice-Chairperson what was meant by "social protection in the immediate aftermath of a conflict or disaster", given that point 11 was about emergency assistance.

846. The Government member of Ethiopia requested the secretariat to clarify whether making reference to social protection in measures to be taken as part of emergency assistance was pertinent, as social protection was already included in post-conflict and post-disaster response under point 10.

847. Responding to the Government member of Angola, the Worker Vice-Chairperson stated that it was perfectly relevant for social protection to be included in emergency measures as it covered issues such as income stability and health services.

848. The deputy representative of the Secretary-General provided examples of social protection measures commonly implemented in the immediate aftermath of conflicts or disasters, such as cash transfers, stabilization of income or the establishment of new income sources for disadvantaged persons and access to health services. Responding to the Government member of Ethiopia, she explained that the term "social protection" encompassed a range of measures in emergency responses and was therefore appropriate.

849. The Government member of Chile voiced her support for the amendment. It was extremely important that social protection measures be included in the immediate response mechanisms following a conflict and critical after a disaster.

850. The Government member of China underlined that social protection measures implemented immediately after a conflict or disaster played an important role in recovery, as had been demonstrated in his country. He conceded, however, that social protection was a broad concept, and understood the view expressed by the Africa group. A clearer definition of social protection in emergency situations might be needed in the proposed Conclusions.

851. The amendment was adopted.

852. An amendment submitted by the Government members of Canada and the United States to replace "employment" by "decent work" was withdrawn.

853. Point 11(a) was adopted as amended.

Point 11(b)

- 854.** The Government member of India, speaking also on behalf of the Government member of Pakistan, introduced an amendment to delete point 11(b). The content of Part III, Strategic approaches, should be consistent with Part I, Purpose and scope. Given that the ILO was not the principal agency for humanitarian relief, point 11(b) should be deleted.
- 855.** The Employer Vice-Chairperson did not support the amendment. The proposed Conclusions should provide guidance for emergency assistance as they sought to address the consequences of crises and natural disasters. Point 11(b) provided sufficient flexibility in the application of measures in that it contained “to the extent possible”.
- 856.** The Worker Vice-Chairperson did not support the amendment. Point 11(b) focused on emergency assistance, which was relevant to the proposed Conclusions.
- 857.** The Government member of Angola, speaking on behalf of the Africa group, supported the amendment. Emergency assistance was guided by humanitarian law and the principles set out in UN General Assembly resolution 46/182. The ILO was not the forum to discuss such principles.
- 858.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, did not support the amendment. He affirmed the importance of point 11(b).
- 859.** The Government member of New Zealand agreed with the views of the Employer Vice-Chairperson and the Government member of the Netherlands, speaking on behalf of the EU and its Member States. He did not support the amendment.
- 860.** The Government member of India reiterated that the ILO was not responsible for emergency assistance. Given that Part III was about strategic approaches and not the scope of the instrument, point 11(b) was not relevant to that Part.
- 861.** The Government member of Ethiopia asked the secretariat whether the clause reflected emergency assistance and relief as enshrined in UN General Assembly resolution 46/182 and whether the ILO was the appropriate forum to discuss humanitarian assistance.
- 862.** The Government member of the Russian Federation supported the amendment. The subject fell outside the ILO’s mandate. Given that point 11(b) had been drafted without consultations with other international organizations, he did not support the inclusion of the clause in the proposed Conclusions as it could be contradictory to previous agreements.
- 863.** The Government member of Colombia did not support the amendment. The proposed Conclusions focused on the provision of employment and decent work in the response to natural disasters and conflicts, which should be included as part of emergency assistance.
- 864.** In response to the Government member of Ethiopia, the deputy representative of the Secretary-General explained that the ILO was called upon to provide support during emergency assistance as part of cooperation frameworks that the ILO had with various humanitarian relief agencies. The ILO focused on its mandate regarding employment and decent work as part of early recovery measures. This approach was consistent with the United Nations Policy for Post-Conflict Employment Creation, Income Generation and Reintegration, 2009, which was referenced in the Annex to the proposed Conclusions and had been explained in Reports V(1) and (2).
- 865.** The Government member of Chile did not support the amendment. She agreed with the comments made by the Government member of Colombia.

-
- 866.** The Government member of Algeria referred to the statement made on behalf of the Africa group. While not opposed to humanitarian assistance, she did not consider it to be within the ILO's mandate. Part III focused on humanitarian assistance and made no reference to jobs or decent work, which was why the UN General Assembly resolution 46/182 had been referred to by the Government member of India.
- 867.** The Government member of Ethiopia posed the question of whether the text meant to address humanitarian assistance or development assistance. If it was humanitarian assistance, her country could not support its inclusion.
- 868.** The Government member of India recalled that although the deputy representative of the Secretary-General referred to the United Nations Policy for Post-Conflict Employment Creation, Income Generation and Reintegration, as being mentioned in the Annex, the Annex had not yet been discussed in the Committee. He was not opposed to emergency assistance, but Part III was meant to focus on strategic approaches. He shared the same reservations as the Africa group regarding extending the ILO's mandate to include humanitarian assistance. He requested that the Committee further define humanitarian assistance.
- 869.** The Government member of the Russian Federation noted that while the ILO played a role in humanitarian assistance, point 11(b) went beyond the ILO's mandate. The proposed instrument under discussion should focus on employment and decent work, and the text in question was outside the framework of labour issues. He queried whether the Committee was qualified to discuss humanitarian assistance, and expressed support for the comments made by the Government member of India. He also queried why, if references to humanitarian assistance had been deleted in Part II, the same should not be done in Part III.
- 870.** The Government member of the United States did not support the amendment, and asserted that it was not helpful to continue questioning the mandate of the ILO. The ILO did have a role to play in crisis situations, with respect to employment and decent work.
- 871.** The Government member of Senegal agreed with the statement made on behalf of the Africa group, and considered that the text of point 11(b) departed from the ILO's mandate. He asked for clarification regarding the issue of the right to development, on which there had been no consensus. He believed that the text did not directly relate to the world of work; in his country, for example, labour administration did not deal with the complexities of emergency assistance.
- 872.** The Government member of the Plurinational State of Bolivia, in an effort to achieve consensus, proposed a subamendment to replace the text in point 11(b) with "emergency assistance related to employment provided, to the extent possible, by public authorities, supported by the international community, upon request by States, and engaging civil society and community-based organizations".
- 873.** The Government member of Ethiopia reiterated her question as to whether emergency assistance referred to humanitarian assistance or development assistance, and queried whether the text might belong better in point 10.
- 874.** The deputy representative of the Secretary-General clarified that the chapeau of point 11 made reference to "conflict and disaster". The framework discussed included three phases: emergency response, recovery and reconstruction for sustainable development. Response in the emergency phase included, among others, job creation, income generation and social protection measures.

-
- 875.** In response to the comments made by the Government member of the United States, the Government member of the Russian Federation said that while he was not questioning the ILO's mandate or the importance of its role, he considered that the text in point 11 went far beyond the ILO's mandate.
- 876.** The Employer Vice-Chairperson did not support the subamendment proposed by the Government member of the Plurinational State of Bolivia.
- 877.** The Chairperson pointed out that the suggested subamendment needed seconding.
- 878.** The Government member of the United States posed a procedural question as to whether an amendment that consisted of a proposal to delete a clause could be subamended, and pointed out that when she had referred to comments made about the ILO's mandate, she was not referring specifically to the comments by the Government member of the Russian Federation, but instead referring to other comments made by a number of Government members.
- 879.** The Government member of Ethiopia requested further clarification regarding her question about the ILO's role in humanitarian assistance and development assistance. The focus of the text was not the provision of shelter, food or water, but rather the promotion of employment. She queried the intention of the text, which should emphasize development assistance, and wondered if the ILO had certain humanitarian roles of which she was not aware.
- 880.** The deputy representative of the Secretary-General stated that the ILO's role was at the crossroads of humanitarian assistance and development assistance, and began in the emergency phase. For example, in the aftermath of the Haiti earthquake in 2010, job creation and public works schemes had been put in place linking debris removal and shelter creation which had provided income generation through the coordination of emergency assistance, recovery and development phases. Another example had been the ILO's involvement in emergency response efforts following Typhoon Haiyan in the Philippines in 2013.
- 881.** The Government member of Ethiopia proposed a further subamendment to replace "emergency assistance" with "emergency development assistance in support of humanitarian assistance".
- 882.** The Employer Vice-Chairperson stressed that the Committee needed first to address the procedural question of whether a proposed deletion could be subamended.
- 883.** The Legal Adviser explained that the amendment under consideration consisted of the proposal to delete the entire clause and that the Committee therefore needed to make a determination in this regard. Other amendments and subamendments could be considered only if the clause was maintained.
- 884.** The Government member of the Plurinational State of Bolivia said that each State had the right to propose a subamendment in whatever form it might take, and should not have their ability to reach consensus taken away.
- 885.** The Government member of Cuba supported the view expressed by the Government member of the Plurinational State of Bolivia. He supported the subamendment she had proposed.
- 886.** The Government member of the United States requested the Legal Adviser to indicate whether the subamendment was acceptable.

-
- 887.** The Legal Adviser explained that what had been tabled and was under discussion was a proposal to delete point 11(b). Whereas a subamendment to that proposal was, in principle, not admissible. The Chairperson had the prerogative of deciding whether to proceed with the discussion on the basis of an alternative text which in her view could help move forward.
- 888.** The Government member of the Plurinational State of Bolivia reiterated the subamendment she was proposing.
- 889.** The Government member of Cuba expressed support for the proposal of the Government member of the Plurinational State of Bolivia and regretted the strict nature of the proceedings. He stated that amendments needed to be drafted in a manner that maintained flexibility.
- 890.** The Chairperson said that she would accept the subamendment proposed by the Government member of the Plurinational State of Bolivia, provided that it was seconded.
- 891.** The Government member of Cuba seconded the subamendment and the Government members of India and the Russian Federation supported the proposal.
- 892.** The Employer Vice-Chairperson reiterated their lack of support for the subamendment.
- 893.** The Worker Vice-Chairperson pointed out that the Committee should first make a decision as to whether point 11(b) was to be deleted from the proposed Conclusions. The discussion on a possible modification of the text could be initiated only if the Committee did not delete point 11(b). For the sake of clarity, he reiterated that he did not support the subamendment being proposed by the Government member of the Plurinational State of Bolivia.
- 894.** The Government member of the Plurinational State of Bolivia invited the social partners to explain the motivation behind their respective positions.
- 895.** The Worker Vice-Chairperson explained that there was no contradiction between immediate response and emergency assistance. Humanitarian assistance was within the ILO's mandate when it was related to employment issues. Emergency assistance went hand in hand with humanitarian assistance.
- 896.** The Government member of Chad said that the Committee had to decide whether point 11(b) should be deleted from the proposed Conclusions.
- 897.** The Employer Vice-Chairperson clarified her position. The proposed subamendment seemed to state that emergency assistance was purely related to employment. However, the deputy representative of the Secretary-General had explained that emergency assistance was not only about employment and had provided examples of the ILO's active involvement in disaster relief. She reiterated that, in a spirit of collaborative dialogue, the original text of point 11(b) should be maintained.
- 898.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, proposed a further subamendment to delete "emergency" from the original text of point 11(b), as the discussion on the subamended text had been opened. The deletion of "emergency" would ensure that "assistance" applied to all employment aspects of emergencies.
- 899.** The Employer Vice-Chairperson supported the subamendment in the interest of moving forward.
- 900.** The Worker Vice-Chairperson supported the subamendment.

-
- 901.** The Government member of Ethiopia supported the subamendment. She proposed a further subamendment, seconded by the Government member of Angola and supported by the Government member of Algeria, to include “development” before “assistance” as “development assistance” was in line with the ILO’s mandate.
- 902.** The Employer Vice-Chairperson stated that, in a spirit of compromise, she had supported the subamendment proposed by the Government member of the Netherlands on behalf of the EU and its Member States. She did not support the further subamendment proposed by the Government member of Ethiopia.
- 903.** The Worker Vice-Chairperson supported the statement made by the Employer Vice-Chairperson, and did not support the further subamendment proposed by the Government member of Ethiopia.
- 904.** The Government member of Ethiopia stated that she opposed the term “emergency” in the original text of point 11(b). She had proposed including “development” as the ILO’s role in the context of development was recognized. She proposed however a further subamendment, seconded by the Government member of Angola, to reinsert “emergency” before “assistance”.
- 905.** The Employer Vice-Chairperson appealed to the Government member of Ethiopia to reconsider the subamendment proposed by the Government member of the Netherlands, on behalf of the EU and its Member States, in the interest of making progress. She recalled that there had been previous discussions and challenges regarding the term “emergency assistance” and that by deleting “emergency”, the term “assistance” would apply to all situations. She reiterated her lack of support for the subamendment.
- 906.** The Worker Vice-Chairperson agreed with the statement made by the Employer Vice-Chairperson and also reiterated his lack of support.
- 907.** The Government member of Cuba stated that the debate was moving away from the central principles included in point 11. Point 11(b) was closely related to point 9(h), and as point 9(h) had been bracketed, he proposed bracketing point 11(b) until such time as conclusions on point 9(h) had been reached.
- 908.** The Government member of Chile questioned why subamendments were still being discussed when the original amendment was a proposal to delete the entire text of point 11(b). She supported the original text of point 11(b), as the ILO should not be denied the right to operate in emergency situations and the proposed Conclusions needed to reflect that. The ILO should continue doing what it was doing and build on its existing mandate. If the subamendment proposed by the Government member of the Plurinational State of Bolivia was not adopted, then the original text of point 11(b) should be maintained.
- 909.** The Government member of Canada highlighted the importance of maintaining the sense of the text, and supported the further subamendment proposed by the Government member of the Netherlands, on behalf of the EU and its Member States.
- 910.** The further subamendments proposed by the Government member of Ethiopia were not adopted.
- 911.** The subamendment proposed by the Government member of the Netherlands, on behalf of the EU and its Member States, was adopted, in view of the broad support for it.
- 912.** The Chairperson requested Government members to be more concise in future statements, in the interest of time.

-
- 913.** The Government member of Angola, speaking on behalf of the Africa group, expressed reservations on the conclusion of the discussion on point 9(h).
- 914.** The Government member of India stated his regret that his proposed amendment to delete the text of point 11(b) had not been adopted.
- 915.** The Government member of Cuba expressed reservations on the text of point 11(b) as it did not reference the principles of independence, sovereignty and territorial integrity of States, nor other principles, such as requests for, and acceptance of, assistance by affected States in the event of crises caused by conflicts and disasters.
- 916.** An amendment submitted by the Worker members to replace “authorities” by “services” was withdrawn.
- 917.** An amendment submitted by the Government members of Japan and the United States to replace “, supported ... engaging” by “and supported by the international community where appropriate, and with the engagement of” was also withdrawn.
- 918.** The Worker Vice-Chairperson introduced an amendment to insert “social partners as well as, where appropriate, the relevant” after “engaging”.
- 919.** The Employer Vice-Chairperson supported the amendment.
- 920.** The Government members of Cuba and India supported the amendment.
- 921.** The Government members of Barbados, Canada, Kuwait, Niger and the Russian Federation supported the amendment.
- 922.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, recalled previous discussions by the EU and its Member States on the role of the social partners in emergency assistance. As the word “emergency” had been deleted from point 11(b), he supported the amendment.
- 923.** The amendment was adopted.
- 924.** The Government member of Pakistan introduced an amendment, seconded by the Government member of the Russian Federation and supported by the Government members of Brazil and India, to add “in conformity with General Assembly Resolution 46/182” at the end of point 11(b). In light of earlier discussions, he proposed a subamendment, seconded by the same Government members, to replace “conformity” with “accordance”.
- 925.** The Employer Vice-Chairperson did not support the amendment. Referring to earlier discussions, she did not favour the introduction of a reference to a UN General Assembly resolution in an ILO instrument. It would lead to the same stalemate which had resulted in the bracketing of point 9(h).
- 926.** The Worker Vice-Chairperson did not support the amendment as it had not been subject to a tripartite discussion and was not part of the ILO’s mandate.
- 927.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, requested the secretariat to clarify what the implications of introducing such a reference would be.
- 928.** The deputy representative of the Secretary-General explained that it was up to the Committee to decide which instruments should be referenced in the proposed Conclusions. The

alternative would be for the Office to examine the aspects of the resolution applying to the proposed instrument and reflect those implications in the brown report.

- 929.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, indicated that he appreciated that additional information would be provided in the brown report as it was difficult to foresee the consequences. He could not make a decision to include the reference at the present time.
- 930.** The Government member of the United States agreed with the opinion voiced by the Worker Vice-Chairperson and the Employer Vice-Chairperson and did not support the amendment.
- 931.** The Government member of Pakistan acknowledged that the social partners did not wish for a reference to a UN General Assembly resolution to be included in the proposed Conclusions. By similar logic, a tripartite instrument should not impact an important inter-governmental instrument. He therefore proposed a further subamendment to add a new sentence at the end of the original text: “Nothing contained in this instrument shall either prejudice the functioning of the system of the humanitarian assistance arising out of General Assembly Resolution 46/182 or justify any future role the ILO envisages for itself in the inter-agency standing committee or any other such mechanisms.” The amendment was seconded by the Government member of the Russian Federation.
- 932.** The Employer Vice-Chairperson and the Worker Vice-Chairperson did not support the further subamendment.
- 933.** The Government member of Canada did not support the further subamendment. While he appreciated the concerns of the Government member of Pakistan, he supported the views of the Employer Vice-Chairperson and the Worker Vice-Chairperson.
- 934.** The Government member of Cuba recalled that humanitarian interventions were contingent upon an explicit request from a State; he asked that his position be clearly reflected in the report of the Committee.
- 935.** The Government member of the Russian Federation did not support the arguments put forward by the Worker Vice-Chairperson to the effect that only international instruments adopted on a tripartite basis should be included in ILO instruments. The Universal Declaration of Human Rights, 1948 referred to in the Preamble of the proposed Conclusions, according to the Workers’ amendment, had not been adopted in a tripartite setting. He reiterated that the ILO’s mandate should be respected, however the Committee could not be selective in the international instruments to be included in the proposed Conclusions.
- 936.** The Government member of Angola, speaking on behalf of the Africa group, proposed bracketing the whole point as had been done for point 9(h) for the same reasons.
- 937.** The Chairperson asked for an indicative show of hands regarding the subamendment introduced by the Government member of Pakistan.
- 938.** The Government member of Angola reminded the Chairperson that he was speaking on behalf of the 54 countries of the Africa group, which needed to be taken into account during an indicative show of hands.
- 939.** The Government member of Pakistan reiterated that the main rationale for the proposal was to try to reach a compromise.
- 940.** The Government member of the Plurinational State of Bolivia asked how the indicative show of hands should be interpreted, as Committee members had raised their nameplates but it

was not known how many countries had been in favour of the amendment and how many against.

941. The Chairperson explained that there had been a clear division between those in favour and those against the subamendment. Moreover, considering the tripartite system and the fact that both the Employer members and the Worker members had been against, the further subamendment was not adopted.

942. The amendment was not adopted.

943. Point 11(b) was adopted as amended.

Point 11(c)

944. The Government member of the Netherlands, speaking on behalf of the EU and its member States, introduced an amendment to delete point 11(c) in view of its placement in the proposed Conclusions. The chapeau of point 11 was about “the measures to be taken in the immediate aftermath of a conflict or disaster”, and the gender issue mentioned in point 11(c) would make more sense in a broader context such as under coherent and comprehensive strategies presented in point 12 of Part III, Strategic approaches. He indicated that he had submitted an amendment to insert a new clause in point 12(f) to address the issue.

945. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.

946. The amendment was adopted.

947. Consequently, the consideration of two amendments was postponed until an amendment to add a new clause after point 12(f) had been discussed.

Point 11(d)

948. An amendment submitted by the Worker members to replace “safe and decent” with “the provision of occupational safety and health and decent working” was withdrawn.

949. The Government member of the United States, speaking also on behalf of the Government member of Japan, introduced an amendment to replace “conditions for workers engaged in rescue and rehabilitation activities, including” by “working conditions for all, including those engaged in rescue and rehabilitation activities and”. Its intent was to expand the definition, while retaining the reference to rescue and rehabilitation.

950. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.

951. The Government member of Ethiopia asked the secretariat to clarify whether the clause also referred to volunteers.

952. The deputy representative of the Secretary-General recalled that the issue of volunteers was addressed under point 7.

953. The Employer Vice-Chairperson asked the co-sponsors of the amendment to clarify what was meant by “and for all”.

954. The Government member of the United States explained that it meant “all workers”. She proposed a subamendment to replace it by “and for all workers”.

-
- 955.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the subamendment.
- 956.** The Government member of Netherlands, speaking on behalf of the EU and its Member States, supported the subamendment.
- 957.** The Government member of Cuba said he supported the amendment. He also supported the request by the Government member of Ethiopia with regard to clarification from the secretariat on sensitive issues.
- 958.** In reply to the Government member of Ethiopia, the deputy representative of the Secretary-General explained that the paragraph as subamended did not apply to volunteer workers. What applied to volunteers was what had been adopted in point 7.
- 959.** The Worker Vice-Chairperson wished to request all Committee members to be responsible and show solidarity so as not to have to answer the same questions again. He supported the subamendment.
- 960.** The amendment was adopted as subamended.
- 961.** Two amendments submitted by the Worker members were withdrawn. One had sought to insert “the post-crisis and post-disaster activities, including” after “engaged in” and the other to replace “, including” by “and”.
- 962.** Point 11(d) was adopted as amended.

Point 11(e)

- 963.** The Worker Vice-Chairperson introduced an amendment to replace “and other civil society organizations, whenever necessary” by “as well as, whenever necessary, the relevant civil society organizations”. The intention was to recognize the role played by civil society and to highlight competent organizations.
- 964.** The Employer Vice-Chairperson supported the amendment.
- 965.** The Government member of Angola, speaking on behalf of the Africa group, raised a question about the ILO’s mandate to re-establish government institutions as stated in the clause.
- 966.** The Government members of Chile, India and the Russian Federation supported the amendment.
- 967.** The amendment was adopted.
- 968.** An amendment submitted by the EU and its Member States to delete “, whenever necessary” was withdrawn.
- 969.** Point 11(e) was adopted as amended.
- 970.** Point 11 was adopted as amended.

Point 12

Chapeau

- 971.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, introduced an amendment to insert “a phased approach, and” between “adopt” and “coherent” in the chapeau. The aim of the amendment was to underline that different phases of crises and post-disaster situations gave rise to different needs.
- 972.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 973.** The Government member of Japan, and the Government member of Angola, speaking on behalf of the Africa group, supported the amendment.
- 974.** The amendment was adopted.
- 975.** An amendment submitted by the Government member of Cuba to replace “crises” by “humanitarian emergencies” was withdrawn.
- 976.** The chapeau of point 12 was adopted as amended.

Point 12(a)

- 977.** The Worker Vice-Chairperson introduced an amendment to add “employment impact” at the beginning of the clause. The amendment was needed because the text involved strategies, and employment impact related to national employment policies and public-private investment was important and required reference.
- 978.** The Employer Vice-Chairperson supported the amendment.
- 979.** The Government members of India, New Zealand and Norway supported the amendment.
- 980.** The amendment was adopted.
- 981.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, introduced an amendment to move “all” from before “national” to before “women and men”, as national recovery programmes should be universally inclusive.
- 982.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 983.** The amendment was adopted.
- 984.** The Worker Vice-Chairperson introduced an amendment to replace “maximize the creation of decent employment opportunities” by “facilitate the rapid attainment of full, productive, freely chosen and decent employment”. The amendment was needed as it was essential to use correct terminology and include the concept of full employment as endorsed by the ILO.
- 985.** The Employer Vice-Chairperson supported the amendment.
- 986.** The amendment was adopted.
- 987.** An amendment submitted by the Government members of Japan and the United States to replace “employment” by “work” was withdrawn.

-
- 988.** The Government member of Brazil, speaking also on behalf of the Government member of Cuba, introduced an amendment to insert “, in particular for young persons and persons with disabilities” after “the creation of decent employment opportunities for women and men”. The amendment was self-explanatory as these groups should be covered by the proposed instrument.
- 989.** The Employer Vice-Chairperson and Worker Vice-Chairperson supported the amendment.
- 990.** The Government members of Argentina, the Plurinational State of Bolivia and Chile, and the Government member of Angola, speaking on behalf of the Africa group, supported the amendment.
- 991.** The amendment was adopted.
- 992.** Point 12(a) was adopted as amended.

New clause after point 12(a)

- 993.** The Worker Vice-Chairperson introduced an amendment to add a new clause after clause 12(a) to read “special measures allowing a just transition towards an environmentally sustainable economy as a means for sustainable economic and social progress”. It was important to include economic and development issues and make reference to the sustainable economy and the green economy.
- 994.** The Employer Vice-Chairperson proposed a subamendment to replace “allowing” by “facilitating” and “for” by “of”, and to insert “growth” after “economic”.
- 995.** The Worker Vice-Chairperson explained that the wording of the amendment was the same formulation as that used in point 9(f).
- 996.** The Government member of the United States supported the substance, and proposed a subamendment, seconded by the Government member of New Zealand, to delete “special” before “measures” at the beginning of the clause.
- 997.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the subamendment.
- 998.** The Government member of Sudan noted that subamendments to the amendment were not receivable under the applicable procedures.
- 999.** The Chairperson assured that the amendment in question was receivable.
- 1000.** The subamendment was adopted.
- 1001.** The amendment was adopted as subamended.
- 1002.** A new clause after point 12(a) was adopted.

Point 12(b)

- 1003.** An amendment submitted by the Employer members to delete “-intensive” after “employment” was withdrawn.
- 1004.** The Worker Vice-Chairperson introduced an amendment to insert “sustainable” after “initiatives,” to emphasize sustainable enterprise development.

-
- 1005.** The Employer Vice-Chairperson supported the amendment.
- 1006.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.
- 1007.** The Government member of Angola, speaking on behalf of the Africa group, supported the amendment.
- 1008.** The Government member of Kuwait, speaking on behalf of the GCC countries, supported the amendment.
- 1009.** The amendment was adopted.
- 1010.** Point 12(b) was adopted as amended.

New clause after point 12(b)

- 1011.** The Worker Vice-Chairperson introduced an amendment to add a new clause after point 12(b) to read “providing guidance and support to employers and businesses to take effective measures to identify, prevent, mitigate and account for how they address the risks of adverse impacts on human and labour rights in their operations or in products, services or operations in crisis-affected countries to which they may be directly linked”. The amendment intended to ensure that business activity was not negatively impacted in countries affected by crises.
- 1012.** The Employer Vice-Chairperson did not support the amendment as it fell into the domain of the discussion taking place in the Committee on Decent Work in Global Supply Chains.
- 1013.** The Government member of Cuba supported the amendment.
- 1014.** The Government member of Angola, speaking on behalf of the Africa group, proposed a subamendment to delete “to which they may be directly linked” after “countries”.
- 1015.** The Worker Vice-Chairperson supported the subamendment.
- 1016.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, did not support the amendment and shared the view expressed by the Employer Vice-Chairperson that the content lay in the domain of the Committee on Decent Work in Global Supply Chains.
- 1017.** The Government members of India and the Russian Federation supported the amendment as subamended by the Government member of Angola on behalf of the Africa group.
- 1018.** The Worker Vice-Chairperson indicated that the proposed wording was in line with the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203), the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, and other international instruments.
- 1019.** The Employer Vice-Chairperson considered that the issue would be better dealt with under Part V, Employment generation.
- 1020.** The Government member of Chile supported the amendment as subamended by the Government member of Angola on behalf of the Africa group.
- 1021.** The Worker Vice-Chairperson affirmed that the amendment was in the appropriate part of the proposed Conclusions.

-
- 1022.** The Chairperson recalled that the Government member of the Netherlands, speaking on behalf of the EU and its Member States, and the Employers' group opposed the amendment, while the Workers' group, the Government members of Chile and the Russian Federation, and the Government member of Angola, speaking on behalf of the Africa group, supported the amendment.
- 1023.** The Government member of Cuba suggested a revision of the text proposed by the Worker members, with the aim of reaching a consensus among the members of the Committee. He suggested deleting "take effective measures to" after "businesses to", "and account for how they address" after "mitigate", "in their operations or in products, services or operations in crisis-affected countries" after "rights" and adding ", taking into account the guiding principles on business and human rights of the United Nations" after "rights".
- 1024.** The Government member of Ethiopia preferred to maintain the original amendment submitted by the Worker members, as subamended by the Government member of Angola on behalf of the Africa group.
- 1025.** The Chairperson requested an indicative show of hands on the original amendment submitted by the Worker members and subamended by the Government member of Angola on behalf of the Africa group.
- 1026.** The Employer Vice-Chairperson intervened to propose a further subamendment before considering votes. She proposed adding at the beginning of the sentence "upon request and recognizing the primary duty of States to protect human rights," and replacing "providing" with "provide".
- 1027.** The Government member of the United States, in the interest of consistency with earlier discussions, proposed deleting "and labour" between "human" and "rights" and adding "including fundamental principles and rights at work" before "in their operations". The subamendment was seconded by the Government member of New Zealand and supported by the Government members of Norway and Switzerland.
- 1028.** The Government member of Ethiopia asked whether the new clause addressed issues related to human rights instead of risk reduction and building resilience.
- 1029.** The Chairperson assured the Government member of Ethiopia that the point she had made would be reflected in the brown report.
- 1030.** The Government member of the Russian Federation did not support the further subamendment by the Employers' group. He reiterated that the text addressed issues outside the competence of the ILO and fell into the domain of other bodies.
- 1031.** The Worker Vice-Chairperson did not support the subamendment proposed by the Government member of the United States.
- 1032.** The Employer Vice-Chairperson asked whether the Worker Vice-Chairperson would support a further subamendment if the text "upon request and" were removed. The Guiding principles referred to the duties of States.
- 1033.** The Government member of Cuba did not support this subamendment.
- 1034.** The Government member of Algeria, referring to the subamendment proposed by the Government member of Angola on behalf of the Africa group, inquired as to whether a country submitting a subamendment on behalf of a group of countries was counted as one

country or as the number of countries that were included in the group. She supported the subamendment proposed by the Africa group.

- 1035.** The Chairperson confirmed that every country in the group was counted. She noted that the subamendment procedure was being followed.
- 1036.** The Government member of China supported the position of the Government members of Cuba and the Russian Federation.
- 1037.** The Worker Vice-Chairperson did not support the subamendment proposed by the Employer members. He supported the subamendment proposed by the Government member of Angola on behalf of the Africa group.
- 1038.** Due to a lack of support, the subamendment as proposed by the Employer members was not adopted.
- 1039.** An indicative show of hands indicated support for the subamendment proposed by the Government member of Angola on behalf of the Africa group.
- 1040.** The amendment was adopted as subamended.
- 1041.** The new clause after Point 12(b) was adopted as amended.
- 1042.** The Government member of Cuba noted that there was a difference in the language used in the clause that had been adopted.

Point 12(c)

- 1043.** The Government member of the United States, speaking also on behalf of the Government member of New Zealand, introduced an amendment to insert “and protect the fundamental worker rights” after “protection”, as fundamental worker rights should be mentioned explicitly.
- 1044.** The Employer Vice-Chairperson proposed a subamendment, to replace “worker rights” by “principles and rights at work”.
- 1045.** The Worker Vice-Chairperson supported the amendment, as subamended.
- 1046.** The amendment, as subamended by the Employers’ group, was supported by the Government members of Australia, Canada, New Zealand, Norway and the United States, and the Government member of the Netherlands, speaking on behalf of the EU and its Member States.
- 1047.** The amendment was adopted as subamended.
- 1048.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, introduced an amendment to replace “in a way that encourages” by “and encourage”, to shorten the text and enhance the clarity of the clause.
- 1049.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the proposed amendment.
- 1050.** The Government members of Kuwait, New Zealand and Norway supported the amendment.
- 1051.** The amendment was adopted.

-
- 1052.** The Chairperson explained that, owing to their similarity, the two amendments would be considered in tandem.
- 1053.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, introduced an amendment to add “in line with Recommendation No. 204”, as the clause was directly related to that Recommendation.
- 1054.** The Worker Vice-Chairperson underscored the importance of a reference to the informal economy and agreed that a reference to Recommendation No. 204 was necessary. He supported the EU amendment and withdrew an amendment to add the words “consistent with Recommendation No. 204”.
- 1055.** The Employer Vice-Chairperson proposed a subamendment to replace “in line with” by “taking into account”.
- 1056.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the subamendment.
- 1057.** The Worker Vice-Chairperson supported the proposed subamendment.
- 1058.** The amendment was adopted as subamended.
- 1059.** Point 12(c) was adopted as amended.

Point 12(d)

- 1060.** The Worker Vice-Chairperson introduced an amendment to insert “, including regional and local structures” after “governments”; it was particularly important to build capacity at all levels, not just at the national level.
- 1061.** The Employer Vice-Chairperson proposed a subamendment to replace “structures” by “governments”.
- 1062.** The Worker Vice-Chairperson said that the proposed amendment reflected the wording in point 9(c).
- 1063.** The Employer Vice-Chairperson said that point 9(c) referred to “other institutions”, not to “local structures”.
- 1064.** The Worker Vice-Chairperson supported the subamendment proposed by the Employers’ group.
- 1065.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, agreed that the term “structures” was ambiguous and suggested replacing “governments” by “authorities”.
- 1066.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the further subamendment.
- 1067.** The Government member of Norway supported the subamendment.
- 1068.** The Government member of Ethiopia did not support the further subamendment. She noted that local administration structures differed from country to country. Her Government would prefer “governments” to “structures” or “authorities”.

1069. The amendment was adopted as subamended.

1070. An amendment submitted by the Government member of Cuba to replace “crisis” by “humanitarian emergency” was withdrawn.

1071. Point 12(d) was adopted as amended.

Point 12(e)

1072. An amendment submitted by the Worker Vice-Chairperson to add, at the beginning of the clause, “full consultation with and” was withdrawn.

1073. The Worker Vice-Chairperson introduced an amendment to replace “, and of other civil society organizations, as appropriate, in planning, implementing and monitoring measures for recovery and resilience” by “in planning, implementing and monitoring measures for recovery and resilience, and taking into account, as appropriate, the views of the relevant civil society organizations”. While it was important to note that social partners were not civil society organizations, it was important to include civil society in discussions with the social partners.

1074. The Employer Vice-Chairperson supported the amendment.

1075. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.

1076. The amendment was adopted.

1077. As a consequence an amendment submitted by the Employer members to delete “of other” fell.

1078. Point 12(e) was adopted as amended.

Point 12(f)

1079. Point 12(f) was adopted.

New clause after point 12(f)

1080. The Worker Vice-Chairperson introduced an amendment to add a new clause after point 12(f). It read “measures for socio-economic reintegration of persons who have taken an active part in hostilities”. Following a conflict, it was crucial for the purposes of social cohesion and sustainable peace that those who had taken part in the conflict should be reintegrated into the labour market.

1081. The Employer Vice-Chairperson agreed with the spirit of the amendment but was concerned about how it would be implemented in practice. She therefore asked to hear the perspectives of the Government members.

1082. The Government member of the Russian Federation expressed serious concern with regard to the proposed additional clause, which only addressed conflicts. More worryingly, the proposed clause did not take into account international humanitarian law that provided for the possibility of criminal prosecution of persons that had taken active part in hostilities. It was unclear what type of armed groups this amendment was intended to cover as it could include, for instance, insurgents and terrorist groups. The Committee was not mandated to consider the labour market integration of perpetrators of crimes under international and

national law. His delegation was therefore fundamentally opposed to the proposed amendment.

- 1083.** The Government member of Angola, speaking on behalf of the Africa group, proposed a subamendment to replace “taken an active part in hostilities” by “been affected by crisis”.
- 1084.** The Worker Vice-Chairperson did not support the proposed subamendment. Job creation was a fundamental aspect of efforts to build social cohesion after a crisis.
- 1085.** The Employer Vice-Chairperson said that the subamendment proposed by the Africa group was similar in meaning to point 10(b), therefore her group did not support it.
- 1086.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, shared the concerns of, and supported the questions raised by, the Government member of the Russian Federation with regard to the proposed amendment, and supported the views of the Employers’ group with regard to the proposed subamendment. The spirit of the amendment was already addressed in other clauses – on special integration measures and training for young people, and reintegration into civilian life – which appeared in subsequent points.
- 1087.** The Government member of Norway, recognizing the importance of the spirit of the proposed amendment, suggested that some more time be given to drafting the new clause. There was a need to provide alternative livelihoods for those who had been actively involved in war as a fundamental means of achieving sustainable peace. Failing to acknowledge this when revising the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71) would be a missed opportunity.
- 1088.** The Government member of Ethiopia said that the scope of the proposed Conclusions was not just about soldiers returning from war. Point 10(b) addressed post-conflict situations. The new clause proposed by the Workers’ group and subamended by the Africa group would be broader in scope, covering the socio-economic reintegration of all persons affected by crisis. She therefore supported the proposed amendment as subamended by the Government member of Angola on behalf of the Africa group.
- 1089.** The Government member of Algeria supported the subamendment as proposed by the Government member of Angola on behalf of the Africa group.
- 1090.** The Government member of the Russian Federation reiterated his serious concern with regard to the proposed amendment and quoted the guidance on what was an active/direct participation in armed conflict, issued by the ICRC. Adopting a provision on their socio-economic integration, without making due reference to other options for their treatment, could have serious legal consequences and contradict the international humanitarian law.
- 1091.** The Government member of Pakistan, agreed with the Government member of the Russian Federation and said that an appropriate distinction should be made between socio-economic reintegration and the possible criminality of participation in hostilities.
- 1092.** The Employer Vice-Chairperson, in an effort to seek compromise, proposed a subamendment to add “as appropriate” at the end of the clause proposed in the amendment submitted by the Worker members.
- 1093.** The Worker Vice-Chairperson did not support that subamendment.

-
- 1094.** The Government member of Algeria said that the Employers' group's subamendment did not meet her delegation's concerns. She supported the subamendment as proposed by the Government member of Angola, who spoke on behalf of the Africa group.
- 1095.** The Government member of Norway, seconded by the Government member of New Zealand, proposed deleting "an active" and expressed support for the Employers' group's suggestion to add the words "as appropriate".
- 1096.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the subamendment proposed by the Government member of Norway.
- 1097.** The Government member of the Russian Federation cautioned that the addition of "as appropriate" after "taken an active part in hostilities" could be construed to mean that there were situations in which the participation in hostilities was appropriate. The issue at hand was a particularly complex matter of international humanitarian law and was therefore not within the remit of the ILO. The subamendment proposed by the Government member of Angola on behalf of the Africa group would be the most suitable solution.
- 1098.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, said that point 14(c), which was not the subject of any proposed amendments, used the words "formerly associated with armed forces and groups", which constituted neutral terminology and had not been subject to any objection. He proposed using that wording to replace "who have taken an active part in hostilities". In so doing, the words "as appropriate" at the end of the clause would not be necessary.
- 1099.** The Government member of India said that he appreciated the efforts to find consensus, but the subamendment proposed by the Government member of the Netherlands, on behalf of the EU and its Member States, did not address the legal concerns raised by the Government member of the Russian Federation. He cautioned that the Committee was moving beyond its remit.
- 1100.** The Government member of Angola, speaking on behalf of the Africa group, proposed a further subamendment to add the words "taking into account applicable international law" at the end of the new clause.
- 1101.** The Government member of Norway and the Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the Africa group's proposed subamendment.
- 1102.** The Government member of India pointed out that the scope of the proposed Conclusions also covered non-international armed conflict, and he therefore wished to propose a further subamendment to insert "and national" after "international".
- 1103.** The proposed subamendment was seconded by the Government member of the Russian Federation and supported by the Government members of Algeria, Angola, Ethiopia, Guatemala and Lesotho.
- 1104.** The Government member of the Russian Federation proposed inserting "the applicable rules of" before "international and national law".
- 1105.** The Government member of India seconded the proposed subamendment.
- 1106.** The Government member of Sudan said that the proposed amendment by the Workers' group was proving particularly contentious and should be withdrawn.

-
- 1107.** The Chairperson appealed to all Committee members to be concise in their interventions in view of the number of amendments still to be considered. It was important to focus on the substance and avoid repetition. She confirmed that all the points raised by Committee members would be reflected in the report and reaffirmed that the Committee would still have the opportunity for further discussion during the 106th Session of the Conference in June 2017.
- 1108.** The Worker Vice-Chairperson did not support the subamendment proposed by the Government member of the Russian Federation and expressed his preference for the original text.
- 1109.** The Employer Vice-Chairperson did not support the wording proposed by the Government member of the Russian Federation and proposed a further subamendment, to add “who have been affected by the crisis” after “groups,” and delete “taking into account applicable rules of international and national laws”.
- 1110.** The Government member of the Russian Federation, seconded by the Government member of Pakistan, proposed a further subamendment to delete “and groups”.
- 1111.** The Employer Vice-Chairperson supported the subamendment proposed by the Government member of the Russian Federation.
- 1112.** The Worker Vice-Chairperson pointed out that social reintegration measures needed to be provided in post-conflict situations for persons who had been engaged in armed forces or groups who had taken part in hostilities; the text should not be too general.
- 1113.** The Government member of Angola, speaking on behalf of the Africa group, recalled that his group had proposed the addition of “taking into account applicable rules of international and national laws”. He expressed disappointment at seeing references to international and national laws deleted. He agreed, however, to the subamendment proposed by the Government member of the Russian Federation to delete “and groups”.
- 1114.** The Chairperson recalled that the earlier subamendment proposed by the Government member of Angola had been subamended several times. She asked the Government member of Angola whether he wished to propose a new subamendment.
- 1115.** The Government member of Angola, seconded by the Government member of the Russian Federation, proposed a further subamendment to include “taking into account applicable rules of international and national laws”.
- 1116.** The Employer Vice-Chairperson did not support the subamendment proposed by the Government member of Angola and reaffirmed that she had included “as appropriate” in order not to single out any group.
- 1117.** The Worker Vice-Chairperson stressed the need to mention “armed forces” to address the problem of their social reintegration, and did not support the subamendment proposed by the Government member of Angola.
- 1118.** The Government member of the Russian Federation requested that the phrase “taking into account applicable rules of international and national laws” be included and that the text “and groups” be deleted to await deliberations the following year.
- 1119.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, queried why the reference to national and international laws, which had been accepted earlier, was now deleted from the text. He did not support the subamendment proposed by

the Government member of the Russian Federation to delete “and groups” and pointed out that groups were already mentioned in other parts of the text, for instance in point 14(c).

- 1120.** The Government member of Colombia shared the view of the Government member of the Netherlands, speaking on behalf of the EU and its Member States. He emphasized the need to address the problem of social reintegration and stated that “and groups” should not be deleted.
- 1121.** The Government member of Norway agreed with the view of the Government member of Colombia and stressed the importance of including the social reintegration dimension in the revision of Recommendation No. 71.
- 1122.** The Chairperson advised that the further subamendment proposed by the Government member of the Russian Federation, and seconded by the Government member of Pakistan, had not received support from the Workers’ group, the Employers’ group or the Government members of Colombia and Norway. It was therefore not adopted and she returned to the subamendment proposed by the Employer members to insert “, who have been affected by the crisis” after “groups”.
- 1123.** The Worker Vice-Chairperson expressed his support for the subamendment.
- 1124.** The Government member of Algeria requested an explanation as to why the subamendment adding reference to “international and national law” was no longer under discussion, while “affected by crisis” was accepted. She also asked for further clarification from those who did not support the inclusion of “international and national law”.
- 1125.** The Chairperson explained that the subamendment proposed by the Government member of Angola had not enjoyed support from the Employers’ group and Workers’ group. The subamendment proposed by the Government member of the Russian Federation was not accepted since it had not been supported by the Workers’ group and the Government members of Colombia and Norway.
- 1126.** The Employer Vice-Chairperson said that, although the Committee had been asked not to repeat explanations, he again wished to explain that the replacement by “as appropriate” would cover for such eventualities.
- 1127.** The Government member of Ethiopia asked whether “, as appropriate” would take into account “international and national law”.
- 1128.** The deputy representative of the Secretary-General clarified that the insertion of “, as appropriate,” as subamended by the Employer Vice-Chairperson, could cover the meaning of “taking into account applicable rules of international and national law” and this aspect could be further elaborated in the brown report.
- 1129.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, noted that he would have preferred the subamendment proposed by the Government member of Angola on behalf of the Africa group; he could, however, support the subamendment given the explanation by the secretariat.
- 1130.** The amendment was adopted as subamended.

New clause after point 12(f)

- 1131.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, introduced an amendment to insert a new clause after point 12(f) which read “a

coordinated gender perspective to be implemented in all design, implementation, monitoring and evaluation”, subamending it to insert “and inclusive needs assessment with a clear” after “coordinated”.

- 1132. The Employer Vice-Chairperson supported the amendment and subamendment.
- 1133. The Government members of Brazil, Colombia, Norway, Sudan and the United States, and the Government member of Angola, speaking on behalf of the Africa group, supported the amendment and subamendment.
- 1134. The Worker Vice-Chairperson supported the amendment and subamendment.
- 1135. The amendment was adopted as subamended.
- 1136. Point 12 was adopted as amended.
- 1137. Part III, Strategic approaches, was adopted as amended.

Part IV. Rights, equality and non-discrimination

Title

- 1138. The Government member of the United States, speaking also on behalf of the Government member of New Zealand, introduced an amendment to the title of Part IV, to replace the comma after “Rights” by “to”. The proposed amendment sought to reduce confusion as there was a risk of misunderstanding the terms “non-discrimination” and “equality” as not being rights.
- 1139. The Employer Vice-Chairperson supported the amendment.
- 1140. The Worker Vice-Chairperson stated that Part IV addressed rights which should reflect the prohibition of child labour and forced labour. He preferred to retain the original text.
- 1141. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, concurred with the statement of the Worker Vice-Chairperson that a broader meaning was preferable; he did not support the amendment.
- 1142. The Government members of India, Indonesia and Pakistan did not support the amendment.
- 1143. The amendment was not adopted

Point 13

Chapeau

- 1144. The Government member of the Russian Federation introduced an amendment, seconded by the Government member of Cuba, to replace the chapeau by “With regard to discrimination associated with or exacerbated by crisis situations, the proposed instrument should provide that States are encouraged to:”. She explained that the proposal was a slight linguistic redrafting intended to keep it within the scope of the ILO’s mandate.
- 1145. The Employer Vice-Chairperson did not support the amendment.

-
- 1146.** The Worker Vice-Chairperson did not support the amendment as it absolved States of liability.
- 1147.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, did not support the amendment as it weakened the wording from “should” to “encouraged” and altered the meaning of the original text.
- 1148.** The amendment was not adopted.
- 1149.** The Worker Vice-Chairperson introduced an amendment to replace “responding to discrimination associated with or exacerbated by crisis situations” by “taking measures for promoting peace, preventing crises, enabling recovery and building resilience”. The intention was to underline that, in situations of crisis and post-crisis, in the absence of rule of law, there was a risk of the occurrence of fundamental and civil rights violations, including child labour and forced labour. The amendment was intended to cover and protect all rights, not just discrimination.
- 1150.** The Employer Vice-Chairperson did not support the amendment as the new text excluded discrimination, which needed to be in the chapeau.
- 1151.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, did not support the amendment and agreed with the position of the Employer Vice-Chairperson.
- 1152.** The Government member of the Russian Federation did not support the amendment, as she believed that the ILO’s mandate did not cover all of those issues.
- 1153.** The Government member of the United States proposed a subamendment, seconded by the Government member of New Zealand and supported by the Government member of Norway, to insert the phrase “and when taking measures for promoting peace, preventing crises, enabling recovery and building resilience” after “crisis situations”.
- 1154.** The subamendment was supported by the Employer Vice-Chairperson and the Worker Vice-Chairperson.
- 1155.** The Government members of Canada, Colombia and Switzerland, and the Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the subamendment proposed by the Government member of the United States.
- 1156.** The Government member of the Russian Federation did not support the subamendment.
- 1157.** The amendment was adopted as subamended.
- 1158.** An amendment submitted by the Government member of Cuba to replace “crisis” by “humanitarian emergency” was withdrawn in light of earlier discussions.
- 1159.** The chapeau of point 13 was adopted as amended.

Point 13(a)

- 1160.** Two amendments were withdrawn. The first, submitted by the Employer members, had sought to delete “, taking into account the Equal Remuneration Convention (No. 100) and Recommendation (No. 90), 1951 and the Discrimination (Employment and Occupation) Convention (No. 111), and Recommendation (No. 111), 1958”. The second, submitted by

the Government members of Canada and the United States, had sought to replace the same text by “taking into account the relevant instruments in the Annex”.

- 1161.** The Government member of the Russian Federation introduced an amendment, seconded by the Government member of Cuba, to add “, as appropriate” after “1958”. The intention was to accommodate all States that were not party to the ILO instruments mentioned in point 13(a).
- 1162.** The Worker Vice-Chairperson recalled that the ILO Conventions and Recommendations mentioned in point 13(a) were related to the ILO Declaration on Fundamental Principles and Rights at Work, 1998, which all ILO member States had adopted. Those instruments were providing guidance to be consistently followed by all member States. He therefore did not support the amendment.
- 1163.** The Employer Vice-Chairperson agreed with the Worker Vice-Chairperson and did not support the amendment.
- 1164.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States did not support the amendment and noted that all EU Member States had ratified the Conventions mentioned in the clause which were highly relevant to the purpose of that section.
- 1165.** The amendment was not adopted.
- 1166.** Point 13(a) was adopted.

New clause after point 13(a)

- 1167.** An amendment submitted by the Worker members was withdrawn. It had sought to add a new clause after point 13(a) to read “ensure that women are fully consulted and participate directly and on an equal basis in the decision-making process, taking into account UN Resolution 1325, 2000”.

Point 13(b)

- 1168.** The Government member of the Russian Federation introduced an amendment, seconded by the Government member of Cuba, to add “and children” after “women”. The purpose was to highlight the existence of households which were also headed by children.
- 1169.** The Employer Vice-Chairperson supported the amendment on the understanding that this amendment reflected child-headed households.
- 1170.** The Worker Vice-Chairperson observed that the French text needed to be edited to say “par” children and on that understanding supported the amendment.
- 1171.** The Government member of Chile voiced support for this addition given the importance of paying special attention to child-headed households; she was concerned, however, that that may imply child labour.
- 1172.** The Government member of Norway, noting that child-headed households were a reality, proposed a subamendment, seconded by the Government member of New Zealand, to replace “and children” by “or children”. She also asked that the question raised by the Government member of Chile be addressed.

-
- 1173.** The deputy representative of the Secretary-General confirmed that in situations of crisis, many households are headed by children.
- 1174.** The Government member of the Russian Federation said that it was a fact that many families were supported exclusively by children; that should be reflected in the text.
- 1175.** The Employer Vice-Chairperson supported the subamendment.
- 1176.** The subamendment proposed by the Government member of Norway was adopted.
- 1177.** Point 13(b) was adopted as amended.

Point 13(c)

- 1178.** Two amendments were withdrawn. The first, submitted by the Worker members, had sought to replace point 13(c) by “take measures to ensure that women who have entered the labour force during the crisis or have assumed expanded responsibilities are not later forced out”. The second, submitted by the Government member of Cuba, had sought to replace “the crisis” by “humanitarian emergencies”.
- 1179.** Point 13(c) was adopted.

Point 13(d)

- 1180.** An amendment, submitted by the Government member of the Russian Federation to delete point 13(d), was not seconded and therefore fell. Point 13(d) read “prevent and punish rape and sexual exploitation and harassment”.
- 1181.** The Worker Vice-Chairperson introduced an amendment to add “gender-based violence, including” after “punish”. He recalled that protection against gender-based violence was within the mandate of the ILO. It was important to ensure protection against all forms of gender-based violence, including “physical, sexual, psychological and economic” violence, as defined in the Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210, 2011).
- 1182.** The Employer Vice-Chairperson supported the amendment.
- 1183.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.
- 1184.** The Government member of Canada proposed a subamendment, seconded by the Government member of New Zealand, to add “sexual and” before the words “gender-based”.
- 1185.** The Employer Vice-Chairperson did not support the subamendment and deemed it redundant as the definition of gender-based violence already included sexual violence.
- 1186.** The Government member of Canada withdrew the subamendment in the interest of moving forward with the discussion.
- 1187.** The Government member of the Russian Federation explained that point 13(d) was too general and it was for that reason they had submitted an amendment to delete it. She proposed a further subamendment, seconded by the Government member of India, to add “in the workplace” at the end of the sentence as she felt that situations outside the workplace were beyond the scope of the ILO’s mandate.

-
- 1188.** The Employer Vice-Chairperson did not support the subamendment. During times of crisis, violence was pervasive. As it had already been discussed at length, it did not make sense to limit point 13(d) to the workplace, given that the context of the proposed instrument went beyond the workplace.
- 1189.** The Government member of Sudan supported the subamendment proposed by the Government member of the Russian Federation. The ILO's mandate focused on the workplace and it was the mandate of other institutions to ensure protection in other circumstances.
- 1190.** The Worker Vice-Chairperson reconfirmed that the scope of the proposed Conclusions went beyond the workplace; he did not support the subamendment.
- 1191.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, agreed with the statements made by the Employer Vice-Chairperson and the Worker Vice-Chairperson and did not support the subamendment.
- 1192.** The subamendment proposed by the Government member of the Russian Federation was not adopted.
- 1193.** The amendment submitted by the Worker members was adopted.
- 1194.** Point 13(d) was adopted as amended.

Point 13(e)

- 1195.** The Government member of the Russian Federation introduced an amendment, seconded by the Government member of Cuba, to insert "persons belonging to national or ethnic, religious and linguistic" after "for". UN General Assembly Resolution 47/135, Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 1992, referred to four categories of minorities. She suggested including those categories in point 13(e) in order to be consistent with existing international instruments.
- 1196.** The Worker Vice-Chairperson did not support the amendment, as Convention No. 111 and Recommendation No. 111 included many more categories of minorities, including those relating to race, colour, sex, religion, political opinion, national extraction or social origin.
- 1197.** The Employer Vice-Chairperson did not support the amendment as there were other categories that had not been included in the amendment.
- 1198.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, agreed with the statement by the Worker Vice-Chairperson and did not support the amendment.
- 1199.** The Government member of Pakistan said that the discussion was closely related to point 9(d) and, in the interest of time, suggested that point 13(e) be discussed with point 9(d).
- 1200.** The Government member of the Russian Federation requested clarification from the secretariat as to whether the wording in Convention No. 111 and Recommendation No. 111 was "on the grounds of" or "in reference" to different minority groups.
- 1201.** The deputy representative of the Secretary-General clarified that the reference in those two ILO instruments was discrimination "on the basis of" and was not a definition of minorities.
- 1202.** The amendment was not adopted.

-
- 1203.** An amendment submitted by the Government member of the Russian Federation to delete “and tribal” was not seconded and therefore fell.
- 1204.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, introduced an amendment to insert “refugees, those internally displaced,” between “peoples” and “and other”. Although he understood that it might be relevant to other points which had not yet been decided, he proposed that mention of those groups be included in addition to minorities, indigenous and tribal peoples.
- 1205.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 1206.** The Government member of Angola, speaking on behalf of the Africa group, supported the statement made by the Government member of the Netherlands, speaking on behalf of the EU and its Member States.
- 1207.** The Government member of Pakistan did not support the inclusion of the term “refugees” in the text as refugees were not nationals of the receiving country and should be treated differently. In the case of post-conflict, “socio-economic development” was not appropriate.
- 1208.** The Government member of Ethiopia supported the statement made by the Government member of Pakistan and proposed a further subamendment, seconded by the Government member of Angola and supported by the Government members of Algeria and Cuba, to add “returnees” to the list of populations concerned and “in accordance with member States’ international obligations and national law” at the end of the clause.
- 1209.** The Government member of Cuba proposed a subamendment, seconded by the Government member of the Russian Federation, to include “migrants” in the list of populations.
- 1210.** The Chairperson clarified that the further subamendment proposed by the Government member of Cuba could not be received until the subamendment proposed by the Government member of Ethiopia had been discussed.
- 1211.** The Government member of the United States supported the subamendment proposed by the Government member of the Netherlands, speaking on behalf of the EU and its Member States, and stated that she considered returnees as part of refugees.
- 1212.** The Employer Vice-Chairperson supported the inclusion of “returnees” in the text, but not the inclusion of “in accordance with member States’ international obligations and national law” at the end of the clause.
- 1213.** The Worker Vice-Chairperson did not support the subamendment proposed by the Government member of Ethiopia.
- 1214.** The Government member of Ethiopia stated, in clarification, that some governments might not be a signatory to Convention No. 111 and therefore would have no international obligations to fulfil. She proposed a further subamendment, seconded by the Government member of Algeria, to include “migrants irrespective of their status” as one of the populations concerned.
- 1215.** The Employer Vice-Chairperson and the Worker Vice-Chairperson did not support the further subamendment proposed by the Government member of Ethiopia.
- 1216.** The Government member of the United States questioned whether in procedural terms the subamendment to add “in accordance with international obligations” was receivable.

-
- 1217.** The Government member of the Netherlands noted that there was some confusion as to the population groups to be included and suggested that the term “, those internally displaced,” be placed in brackets for consideration in 2017.
- 1218.** The Government member of Jordan suggested that the term “refugees”, as presented by the Government member of Pakistan, should also be placed in brackets.
- 1219.** The Government member of the Russian Federation suggested placing “migrants, refugees, internally displaced and returnees” in brackets.
- 1220.** The Chairperson ruled that the subamendment by the Government member of Ethiopia to add “irrespective of their status” was not adopted, and that the bracketing of the phrase “migrants, refugees, those internally displaced, returnees” was accepted.
- 1221.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, disagreed with the inclusion of the term “migrants” in the bracketed text and cautioned that the inclusion would cause the discussion to be reopened.
- 1222.** The Worker Vice-Chairperson stressed that the terms “refugees” and “migrants” had different meanings and agreed only to bracket the words “migrant workers, refugees”.
- 1223.** The Employer Vice-Chairperson agreed with the view of the Worker Vice-Chairperson.
- 1224.** The Government member of India supported bracketing “refugees, those internally displaced” and all of point 13(e) with a view to revisiting it later, depending on the decision on point 9(d).
- 1225.** The Government member of Cuba supported both the proposal of the Workers’ group and the proposal of the Government member of India for the text “migrants, refugees, those internally displaced” to be revisited later in the discussion.
- 1226.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, agreed to revisit point 13(e) in its entirety later.
- 1227.** The Worker Vice-Chairperson and the Employer Vice-Chairperson clarified that they agreed to revisit the text “migrants, refugees, those internally displaced” but that there was no need to defer discussion on the entire clause.
- 1228.** The Government members of Senegal and the United States, and the Government member of the Netherlands, on behalf of the EU and its Member States, agreed to revisit the text “migrants, refugees, those internally displaced” but not the entire clause.
- 1229.** The Government member of the Russian Federation recommended placing all of point 13(e) in brackets to be revisited later after discussing point 9(d).
- 1230.** The Government member of India requested to defer the discussion of point 13(e) until after point 9(d) on minorities and tribal people had been discussed. He requested that it be put on record that he had reservations if point 13(e) was not bracketed in its entirety.
- 1231.** The Chairperson noted the reservation expressed by the Government member of India and confirmed that only the text “migrants, refugees, those internally displaced” would be placed in brackets to be revisited after point 9(d) had been discussed.
- 1232.** Three amendments were withdrawn. One, submitted by the Government member of the United States, had sought to delete “particularly”; and two identical amendments, one

submitted by the Employer members and one by the Government member of the United States, had sought to delete “taking into account the Discrimination (Employment and Occupation) Convention (No. 111) and Recommendation (No. 111), 1958, as well as other relevant international labour standards and other international instruments listed in the Annex;”.

- 1233.** The Government member of the Russian Federation introduced an amendment, seconded by the Government member of Cuba, to insert “, as appropriate,” after “into account”. She explained that the reason for the amendment was that there was no decision yet on point 9(d), and expressed a reservation regarding the referencing of all the instruments in the Annex.
- 1234.** The Government member of India supported the amendment since the Annex had not yet been discussed.
- 1235.** The deputy representative of the Secretary-General clarified that the instruments listed in the Annex were not applicable to Members that had not ratified them; they were listed only to indicate guidance in specific policy areas.
- 1236.** The Worker Vice-Chairperson did not support the amendment. He noted that this clarification had been provided discussed several times already and that it was not necessary to add this language.
- 1237.** The Employer Vice-Chairperson stated that as it did not make much difference to the overall text, he would support the amendment.
- 1238.** The Government member of the United States did not support the amendment as the wording of point 13(e) was drawn from the fundamental Conventions of the ILO and should be supported by all member States.
- 1239.** The Government member of Singapore supported the amendment.
- 1240.** The Government member of Norway did not support amendment.
- 1241.** The Employer Vice-Chairperson withdrew her support for the amendment.
- 1242.** The amendment was not adopted.
- 1243.** An amendment submitted by the Worker members to insert “Indigenous and Tribal Peoples Convention (No. 169), 1989,” after “(No. 111), 1958,” was withdrawn.
- 1244.** Point 13(e) was adopted as amended, with the text “migrants, refugees, those internally displaced, returnees” bracketed.

Point 13(f)

- 1245.** An amendment submitted by the Employer members to delete point 13(f) was withdrawn.
- 1246.** An amendment submitted by the Government member of the Russian Federation to insert “the abovementioned” before “minorities” was not seconded and therefore fell.
- 1247.** The Government member of the Russian Federation submitted an amendment, seconded by the Government member of Cuba, to insert “concerned” after “minorities”. She explained that it was intended to bring the text as close as possible to existing international law.

-
- 1248.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 1249.** The Government member of China supported the amendment.
- 1250.** The Government member of the United States called for an explanation of the term “minorities”.
- 1251.** The Government member of the Russian Federation pointed out that international law recognized four categories of minorities.
- 1252.** The Government member of Colombia expressed concern about the Spanish translation of the term “concerned”. The term “interesadas” did not reflect the meaning in the English text, as it did not necessarily identify population groups directly affected by crisis and related recovery and stability measures. To address his concerns, “interesadas” in the Spanish text was replaced with “concernidas”.
- 1253.** The Government member of Saudi Arabia, speaking on behalf of the GCC countries, supported the amendment.
- 1254.** The amendment was adopted.
- 1255.** An amendment submitted by the Government member of the Russian Federation to delete “and tribal” was not seconded and therefore fell.
- 1256.** The Government member of the Russian Federation introduced an amendment, seconded by the Government member of Colombia, to delete the word “fully”.
- 1257.** The Government member of Colombia, who had submitted an identical amendment, said that “fully” qualified the extent of consultation.
- 1258.** The Employer Vice-Chairperson and Worker Vice-Chairperson supported the amendment.
- 1259.** The Government member of Brazil supported the amendment.
- 1260.** The amendment was adopted.
- 1261.** The Government member of the Russian Federation introduced an amendment, seconded by the Government member of Cuba, to insert “through their own representative institutions” after “consulted”. The wording was taken from the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.
- 1262.** The Worker Vice-Chairperson did not support the amendment and noted that workers’ organizations had a mandate to represent all workers and the amendment restricted access to consultation.
- 1263.** The Employer Vice-Chairperson proposed a subamendment to insert “where they exist” after “institutions”.
- 1264.** The Government member of the Russian Federation supported the subamendment.
- 1265.** The Government member of Norway asked the secretariat to define the meaning of “representative institutions” where they concerned minorities.

-
- 1266.** The deputy representative of the Secretary-General said that Convention No. 169 made reference to “representative institutions” in relation to indigenous and tribal peoples, and it did not apply to minorities as they were not defined in any ILO instruments.
- 1267.** The Worker Vice-Chairperson proposed a further subamendment to insert “in particular workers’ and employers’ organizations, where they exist” after “representative institutions”.
- 1268.** The Employer Vice-Chairperson did not support the subamendment proposed by the Worker Vice-Chairperson as she understood “representative institutions” as being those that represented indigenous and tribal peoples.
- 1269.** The Government member of the Russian Federation supported the subamendment proposed by the Worker Vice-Chairperson.
- 1270.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the subamendment proposed by the Employer Vice-Chairperson and did not support the subamendment proposed by the Worker Vice-Chairperson.
- 1271.** The Worker Vice-Chairperson withdrew his subamendment and supported the Employer members’ subamendment.
- 1272.** The Government member of Norway asked the secretariat for clarification on whether there were any provisions indicating that minorities were represented by institutions.
- 1273.** The deputy representative of the Secretary-General said that there was no such provision in the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.
- 1274.** The Employer Vice-Chairperson said that the wording could be found in Article 6 of ILO Convention No. 169.
- 1275.** The deputy representative of the Secretary-General explained that, while Convention No. 169 contained the wording with respect to indigenous and tribal peoples, the UN Declaration referred to by the Government member of the Russian Federation made no mention of “their own representative institutions”, with respect to minorities.
- 1276.** The Government member of the Russian Federation said that, although the UN Declaration did not contain the exact wording, the resolution established the right of minorities to consultation and to organize.
- 1277.** The Government member of Norway introduced a subamendment, seconded by the Government member of New Zealand, to insert a comma after “minorities concerned”, in order to reflect how the proposed instrument applied to minorities.
- 1278.** The Employer Vice-Chairperson supported the subamendment.
- 1279.** The Government member of the Russian Federation supported the subamendment.
- 1280.** The Worker Vice-Chairperson supported the subamendment and proposed a further subamendment to include “in particular” after “consulted”.
- 1281.** The Employer Vice-Chairperson said that the wording was aligned with Convention No. 169 and that he supported the Worker members’ subamendment.

-
1282. The Government member of the Russian Federation supported the amendment, as did the Government member of the Netherlands, speaking on behalf of the EU and its Member States.
1283. The Government member of the United States introduced a subamendment, seconded by the Government member of Norway, to move the comma.
1284. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the subamendment.
1285. The amendment was adopted as subamended.
1286. Three amendments submitted by the Government member of the Russian Federation fell. The first had sought to delete “directly”; the second to replace “process” by “in matters that would affect their rights”; and the third to delete “in particular if their territories and environment are affected by crises and related recovery and stability measures”.
1287. The Government member of Colombia introduced an amendment to delete “and environment”. As harm to the environment could be outside of the territory of an indigenous and tribal peoples, it was important to ensure that consultations were required only when damage occurred within indigenous and tribal peoples’ territories. The amendment was seconded by the Government member of Chile and supported by the Government member of the Russian Federation.
1288. The Worker Vice-Chairperson did not support the amendment, as any risk to the environment needed to be included in the topics requiring consultations with indigenous and tribal peoples.
1289. The Government member of the Russian Federation supported the amendment and the statement made by the Government member of Colombia.
1290. The Employer Vice-Chairperson supported the amendment.
1291. The Government member of the Russian Federation sought clarification from the secretariat as to what was meant by “their territories” in reference to minorities.
1292. The deputy representative of the Secretary-General recalled that the ILO instruments did not include a definition of minorities. Based on the text of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), territories could be interpreted in this clause to mean “where ethnic minorities for example were living”.
1293. The Government member of the Russian Federation emphasized that not all minorities lived in a compact territory, therefore the text should be amended to make point 13(f) clearer. She proposed a subamendment to change the text of point 13(f) to “ensure the direct participation of indigenous and tribal peoples in the decision-making process, in particular if their territories were affected by crises and related recovery and stability measures, and that minorities concerned, and indigenous and tribal peoples are consulted in particular through their own representative institutions where they exist”. The subamendment was seconded by the Government member of India.
1294. The Chairperson informed the Government member of the Russian Federation that the subamendment was not receivable as it was not related to the amendment introduced by the Government member of Colombia.

-
- 1295.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, proposed a subamendment to insert “in particular if the territories and environment of indigenous and tribal peoples” after “process”. That would ensure that reference to territories and the environment was only in respect to indigenous and tribal peoples.
- 1296.** The Employer Vice-Chairperson supported the subamendment, and proposed a further subamendment to add, after “stability measures”, “although the outcome of such consultations is not binding”.
- 1297.** The Chairperson ruled that the subamendment as proposed by the Employer Vice-Chairperson was not receivable.
- 1298.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the subamendment proposed by the Government member of the Netherlands on behalf of the EU and its Member States.
- 1299.** The Government member of Colombia also supported the subamendment proposed by the Government member of the Netherlands on behalf of the EU and its Member States.
- 1300.** The Government member of India proposed a subamendment to delete “minorities concerned and”. He suggested that should the subamendment not be supported, he would propose another subamendment to insert an asterisk next to the word “minorities” with a footnote stating “as defined in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities”.
- 1301.** The Chairperson considered that the subamendment was not receivable as it was not related to the amendment under discussion, and was therefore considered a new amendment.
- 1302.** The Government member of India stated that the subamendment was simply amending another proposed subamendment, and therefore should be allowed.
- 1303.** The Chairperson recalled that the addition of “concerned” after “minorities” had already been considered and adopted in an amendment submitted by the Government member of the Russian Federation. The current discussion was on the amendment to delete “and environment” and therefore the proposed subamendment by the Government member of India was not receivable.
- 1304.** The Government member of the Russian Federation proposed a further subamendment, seconded by the Government member of Cuba, to add “in particular if territories inhabited by indigenous and tribal peoples and their environment are affected” after “process”.
- 1305.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the further subamendment proposed by the Government member of the Russian Federation.
- 1306.** The Government member of Colombia did not support the subamendment proposed by the Government member of the Russian Federation. Indigenous territories could be larger than those areas inhabited by indigenous peoples, as they could be comprised of, for instance, ancestral grounds. The subamendment could reduce protections.
- 1307.** The Government member of Chile did not support the subamendment and noted that indigenous peoples could also have forested territories that were not inhabited.
- 1308.** The Government member of the Russian Federation asserted that the retention of “in particular” underscored the importance of protection of, and consultations with, indigenous peoples.

-
- 1309.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the statements but proposed a further subamendment to insert “or owned” after “inhabited”.
- 1310.** The Government member of the Russian Federation did not support this further subamendment.
- 1311.** The Worker Vice-Chairperson supported the subamendment.
- 1312.** The Employer Vice-Chairperson asked for clarification as to whether the consultation had binding outcomes on governments.
- 1313.** The deputy representative of the Secretary-General explained two points with respect to the Indigenous and Tribal Peoples Convention, 1989 (No. 169). First, the term “territories” was defined as territories that were “inhabited or used”. Second, consultations were mandatory, but the outcomes were not binding.
- 1314.** The Government member of the Russian Federation thanked the secretariat for the explanation and proposed a further subamendment to replace “owned by “used”, as it was desirable to use the wording of the Convention.
- 1315.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the further subamendment.
- 1316.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the subamendment.
- 1317.** The amendment was adopted as subamended.
- 1318.** An amendment submitted by the Government member of Cuba to replace “crises” by “humanitarian emergencies” was withdrawn.
- 1319.** Point 13(f) was adopted as amended.

Point 13(g)

- 1320.** An amendment submitted by the Employer members to delete“, taking into account the relevant international labour standards and other international instruments listed in the Annex” was withdrawn.
- 1321.** An amendment submitted by the Worker members was withdrawn. It had sought to insert “the Vocational Rehabilitation and Employment Convention (No. 159), and Recommendation No. 168, as well as the UN Convention on the Rights of Persons with Disabilities,” after “taking into account”.
- 1322.** Point 13(g) was adopted.

Point 13(h)

- 1323.** An amendment submitted by the Government member of the Russian Federation to delete the clause was not seconded and therefore fell.
- 1324.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, introduced an amendment to replace “who are in the territory” by “legally staying on

the territory of a host country”. The amendment was needed to narrow the focus on migrants and their families, and bring the clause in line with EU legislation.

- 1325.** The Employer Vice-Chairperson proposed a subamendment to add “in consultation with employers’ and workers’ organizations” which was rejected by the Chairperson as it constituted a new amendment.
- 1326.** The Worker Vice-Chairperson stated that he could not support the amendment as the text addressed rights, and the proposed change was too limiting.
- 1327.** The Government members of Australia and Switzerland supported the amendment.
- 1328.** The Government member of Angola, speaking on behalf of the Africa group, did not support the amendment. Legal status of persons should not be used in crises and post-disaster situations in such a manner.
- 1329.** The Government member of Chile did not support the amendment and stated that ILO instruments gave equal status to migrant workers in crises because they required more protection.
- 1330.** The Government members of New Zealand, Singapore, Thailand and the United States supported the amendment.
- 1331.** The Employer Vice-Chairperson supported the amendment.
- 1332.** The Worker Vice-Chairperson proposed a subamendment to delete “legally” so the text would simply refer to migrants staying in host countries.
- 1333.** The Government member of Norway queried if the wording indicated that such distinctions would be made in crisis situations.
- 1334.** The Chairperson replied in the affirmative.
- 1335.** The Government member of Ethiopia supported the view put forward by the Government member of Norway and asserted that countries should support migrants in crises and post-disaster situations.
- 1336.** The Government member of India agreed with the Government members of Ethiopia and Norway that discrimination had no place in crisis situations. He supported the subamendment proposed by the Worker Vice-Chairperson.
- 1337.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, explained that the list in the Annex contained fundamental treaties on human rights applicable to all workers and migrants. He proposed a further subamendment to replace “legally” by “lawfully”.
- 1338.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the further subamendment.
- 1339.** The Government members of Australia, Chile and Switzerland supported the subamendment.
- 1340.** The Government member of Angola, speaking on behalf of the Africa group, requested an explanation of the difference in meaning between “lawfully” and “legally”.

-
- 1341.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, explained that the two terms were only slightly different, but that “lawfully” had a stronger connection to existing laws. He noted that the term “lawfully” had helped change the position of the Worker members.
- 1342.** The amendment was adopted as subamended.
- 1343.** An amendment submitted by the Government member of Cuba to replace “crisis” by “humanitarian emergency” was withdrawn.
- 1344.** An amendment submitted by the Government member of the United States was withdrawn. It had sought to replace “are treated on a basis of equality with national populations, taking into account the relevant international labour standards and other international instruments listed in the Annex” by “are not subject to discrimination in crisis response”.
- 1345.** An amendment submitted by the Employer members to delete “, taking into account the relevant international labour standards and other international instruments listed in the Annex” was withdrawn.
- 1346.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, introduced an amendment to insert “the relevant national provisions, as well as” after “taking into account”. It referred to previous matters discussed and agreed in the Committee to better reflect national provisions in the text.
- 1347.** The Employer Vice-Chairperson supported the amendment.
- 1348.** The Worker Vice-Chairperson supported the amendment and proposed a subamendment to add at the end “and to ensure that the fundamental rights of all migrants are respected.”
- 1349.** The Chairperson indicated that it was considered to be a new amendment and was therefore not receivable.
- 1350.** The Government member of Ethiopia noted that national provisions should also be taken into account in other parts of the document for the sake of consistency.
- 1351.** The Government member of India seconded the views expressed by the Government member of Ethiopia. He highlighted inconsistencies in the document with respect to references to national provisions which were only considered in a selective manner. He also expressed reservations concerning the reference to annexes and to minorities and refugees in point 13(e).
- 1352.** The Government members of Singapore and the United States supported the amendment.
- 1353.** The Worker Vice-Chairperson supported the amendment
- 1354.** The amendment was adopted.
- 1355.** The Worker Vice-Chairperson introduced an amendment to insert “ILO Convention No. 97 (Migration for Employment) and Convention No. 143 (Migrant Workers), as well as the UN Convention on the Protection of the Rights of All Migrants and Members of their Families,” after “taking into account”. He proposed a subamendment to add “and to ensure that their fundamental rights are respected” at the end of the sentence.
- 1356.** The Chairperson deemed the proposed subamendment to be a new amendment and as such was not receivable.

1357. The Worker Vice-Chairperson withdrew the Worker members' original amendment.

1358. Point 13(h) was adopted as amended.

1359. Point 13 was adopted with bracketed text in point 13(e).

Point 14

Chapeau

1360. The chapeau was adopted.

Point 14(a)

1361. Three amendments were withdrawn. The first, submitted by the Government member of Colombia, had sought to insert "urgent and" after "all"; the second, submitted by the Government member of Cuba to replace "crisis" by "humanitarian emergency"; and the third, submitted by the Employer members to delete ", taking into account the Minimum Age Convention (No. 138) and Recommendation (No. 146), 1973, and the Worst Forms of Child Labour Convention (No. 182) and Recommendation (No. 190), 1999".

1362. The Government member of the Russian Federation introduced an amendment, seconded by the Government member of India, to insert ", as appropriate" after ", 1999". As previously stated, not all member States were party to the Conventions mentioned in the clause and the Annex.

1363. The Worker Vice-Chairperson did not support the amendment and noted that the said Conventions were two of the most important ILO Conventions.

1364. The Employer Vice-Chairperson echoed that view.

1365. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, did not support the amendment, noting that these were fundamental Conventions.

1366. The amendment was not adopted.

1367. Point 14(a) was adopted.

Point 14(b)

1368. The Government member of Canada, also speaking on behalf of the Government members of Norway and the United States, introduced an amendment to insert "the worst forms of child labour, including" between "eliminate" and "child trafficking". Child trafficking was among the worst forms of child labour.

1369. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.

1370. The Government members of Angola, Chile, the Democratic Republic of the Congo, Ethiopia, Indonesia, Senegal and Turkey, and the Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.

1371. The amendment was adopted.

1372. Point 14(b) was adopted as amended.

Point 14(c)

- 1373.** The Government member of Brazil introduced an amendment, seconded by the Government member of Chile, to replace “special” by “social”. Given that the chapeau of point 14 made reference to child labour arising from conflicts or disasters, it was important that the terminology be consistent with the Spanish translation of the text. He also suggested deleting the reference to “training programmes” as that implied that children were working. He pointed out that he had submitted an amendment to that effect.
- 1374.** The Worker Vice-Chairperson stated that “special” was broader than “social” and included vocational training and education. He did not support the amendment.
- 1375.** The Employer Vice-Chairperson did not support the amendment, agreeing with the points made by the Worker Vice-Chairperson. “Special” allowed member States to develop a broader range of reintegration measures for young people which were not limited to social aspects.
- 1376.** The Government member of Ethiopia requested the secretariat, in the interest of consistency, to remind the Committee of wording that had been used in a previous clause which mentioned social reintegration.
- 1377.** The Chairperson said that the matter would be referred to the Committee Drafting Committee.
- 1378.** The Government member of Brazil proposed a subamendment, seconded by the Government member of Colombia, to add “programmes of social” after “special”, to match the Spanish version.
- 1379.** The Employer Vice-Chairperson and the Worker Vice-Chairperson did not support the subamendment as it limited the text.
- 1380.** The Chairperson assured the Government member of Brazil that the Committee Drafting Committee would ensure the consistency of the text with the Spanish version and suggested that he might wish to withdraw the subamendment.
- 1381.** The Government member of Brazil withdrew the subamendment.
- 1382.** The Government member of Brazil, introduced an amendment, seconded by the Government member of Colombia, to delete “and training”.
- 1383.** The Employer Vice-Chairperson and the Worker Vice-Chairperson did not support the amendment. Both considered training to be important.
- 1384.** The Government member of Brazil requested the secretariat to provide clarification as to whether children should go through professional vocational programmes.
- 1385.** The deputy representative of the Secretary-General clarified that the text was about training programmes in general and not about professional vocational programmes.
- 1386.** The Government member of Norway and the Government member of the Netherlands, speaking on behalf of the EU and its Member States, did not support the amendment.
- 1387.** The Government member of Chile explained that there was a problem with the Spanish translation of the text, which in English would read “professional readaptation”.

-
- 1388.** The deputy representative of the Secretary-General clarified that the Spanish version of the text would be “formación” and not “readaptación profesional”.
- 1389.** The Government member of Jordan requested the secretariat to clarify the age brackets of children and young persons.
- 1390.** The deputy representative of the Secretary-General clarified that children were usually considered to be up to the age of 15 and young persons, by statistical definitions, in the age bracket 15–24.
- 1391.** The Government member of Cuba noted that that contradicted the Convention on the Rights of the Child, which established that every human being was a child up to the age of 18 years.
- 1392.** The deputy representative of the Secretary-General advised the Committee that the ILO had its own instruments on the topic, but it was not relevant for the clause under discussion.
- 1393.** The Government member of the Russian Federation mentioned that Convention No. 138 did not change the rights of children who were under the age of 18 as provided by the UN Convention on the Rights of the Child. Among members of the G8, there was no agreement on the upper age limit of young persons and the lower limit was considered to be 18 years. She explained that there was no provision for children to receive training and therefore proposed a subamendment, seconded by the Government member of Cuba, to replace “training” with “vocational education”.
- 1394.** The Government members of Brazil and Ethiopia supported the subamendment proposed by the Government member of the Russian Federation.
- 1395.** The deputy representative of the Secretary-General explained that the term “training” was generic enough to include vocational training and would be applicable to young persons and to those over 15 years of age. The rationale behind the clause was to cover children who started as child soldiers in times of conflict and became young persons by the time the conflict ended and “training” would apply to both.
- 1396.** The Worker Vice-Chairperson explained that child soldiers needed to be reintegrated into society. Training was a broader concept that enabled measures to be taken against child labour. Therefore, he did not support the subamendment.
- 1397.** The Employer Vice-Chairperson preferred “training” as it was broader in meaning and therefore she could not support the subamendment.
- 1398.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, did not support the subamendment.
- 1399.** The amendment was not adopted.
- 1400.** An amendment submitted by the Government member of Brazil to delete “and young persons” was withdrawn.
- 1401.** The Government member of the Russian Federation introduced an amendment, seconded by the Government member of Norway, to replace “young persons” with “youth”. She explained that the term “youth” was a more frequently used term in international texts.
- 1402.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.

1403. The Government members of Angola, speaking on behalf of the Africa group, and the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.

1404. In reply to a request from the Government member of Chile for the Spanish text to be checked for consistency with the English version, the Chairperson confirmed that the matter would be referred to the Committee Drafting Committee.

1405. The amendment was adopted.

1406. Point 14(c) was adopted as amended.

Point 14(d)

1407. Point 14(d) was adopted.

1408. Point 14 was adopted as amended.

Point 15

1409. Three amendments were withdrawn. The first, submitted by the Government member of the Netherlands on behalf of the EU and its Member States, had sought to insert “and for the purpose of sexual exploitation” between “compulsory labour” and “, taking into account”. The second, submitted by the Employer members, had sought to delete “, taking into account the Forced Labour Convention, 1930 (No. 29) and its Protocol of 2014, the Abolition of Forced Labour Convention, 1957 (No. 105), and the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)”. The third, submitted by the Government members of the EU Member States, had sought to add “and the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 2000” at the end of the clause.

1410. The Government member of the Russian Federation, introduced an amendment, seconded by the Government member of Sudan, to add after at the end of the point “, as appropriate”; not all member States were party to all instruments.

1411. The Worker Vice-Chairperson and the Employer Vice-Chairperson did not support the amendment.

1412. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, did not support the amendment as the instruments referred to were among those concerning the fundamental principles and rights at work.

1413. The amendment was not adopted.

1414. Point 15 was adopted.

New point after point 15

1415. The Worker Vice-Chairperson introduced an amendment to add a new point after point 15 to include a reference to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), as it was important to include them.

-
1416. The Employer Vice-Chairperson did not support the amendment, noting that the Conventions concerned were referred to elsewhere in the text, particularly in point 27 of Part IX, Social dialogue.
1417. The Government member of Jordan did not support the amendment as it would weaken the text.
1418. The Government members of India and the Russian Federation did not support the amendment.
1419. The amendment was withdrawn.
1420. Part IV was adopted.

Part V. Employment generation

Title

1421. The title was adopted.

Point 16

1422. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, introduced an amendment to qualify a “comprehensive employment strategy” by including word “sustainable” between “comprehensive” and “employment”.
1423. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
1424. The Government members of Canada and Switzerland, and the Government member of Angola, speaking on behalf of the Africa group, supported the amendment.
1425. The amendment was adopted.
1426. Two amendments were withdrawn. One, submitted by the Government members of India and Pakistan, had sought to replace “full, productive, freely chosen and decent employment” by “employment and decent work”. The other, submitted by the Employer members, had sought to delete “taking into account the Employment Policy Convention, 1964 (No. 122), and guidance provided in relevant resolutions of the International Labour Conference”.
1427. Point 16 was adopted as amended.

Point 17

Chapeau

1428. The Worker Vice-Chairperson introduced an amendment to insert “, in consultation with the most representative workers’ and employers’ organizations,” after “Members should”, to include the notion of consultation by member States.
1429. The Employer Vice-Chairperson supported the amendment.

-
- 1430.** The Government members of Chile, Indonesia and Singapore, and the Government members of Angola, speaking on behalf of the Africa group, and the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.
- 1431.** The amendment was adopted.
- 1432.** The Worker Vice-Chairperson introduced an amendment to replace “promote” by “adopt measures for ensuring decent”.
- 1433.** The Employer Vice-Chairperson supported the amendment.
- 1434.** The Government member of Senegal supported the amendment.
- 1435.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, proposed a subamendment to include “inclusive” to qualify the types of measures that might be proposed.
- 1436.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the subamendment.
- 1437.** The Government members of New Zealand and Senegal supported the subamendment.
- 1438.** The amendment was adopted as subamended.
- 1439.** As a result of the adoption of the previous amendment, an amendment submitted by the EU and its Member States to insert “inclusive” after “promote” fell.
- 1440.** The Worker Vice-Chairperson introduced an amendment to delete “, as appropriate”.
- 1441.** The Employer Vice-Chairperson supported the amendment.
- 1442.** The Government members of Jordan and the Russian Federation did not support the amendment.
- 1443.** The Government member of Pakistan did not support the amendment. He insisted that “as appropriate” was necessary to ensure regard for different national circumstances and noted that the expression had been inserted in other clauses.
- 1444.** The Government members of Cuba and the United States, and the Government member of the Netherlands, speaking on behalf of the EU and its Member States, shared the view of the Government member of Pakistan and did not support the amendment.
- 1445.** The Worker Vice-Chairperson, in a spirit of collaboration, withdrew the amendment.
- 1446.** The chapeau of point 17 was adopted as amended.

Point 17(a)

- 1447.** The Employer Vice-Chairperson said that he had submitted an amendment to delete “-intensive” from point 17(a) but was withdrawing the amendment, on the understanding that employment-intensive investment programmes should not replace ordinary industry operations.
- 1448.** Point 17(a) was adopted.

Point 17(b)

1449. Point 17(b) was adopted.

Point 17(c)

1450. The Worker Vice-Chairperson submitted an amendment to insert “sustainable” after “support”. He pointed out that “sustainable enterprises” had been referred to in other parts of the proposed conclusions.

1451. The Employer Vice-Chairperson supported the amendment.

1452. The Government members of Angola, speaking on behalf of the Africa group, and the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.

1453. The amendment was adopted.

1454. An amendment submitted by the Worker members to delete “to ensure business continuity” was withdrawn.

1455. Point 17(c) was adopted as amended.

Point 17(d)

1456. The Worker Vice-Chairperson submitted an amendment to insert “in order to protect and improve the quality and level of employment,” after “enterprises,” in the first line. He explained that the amendment was intended to protect the quality and the level of employment.

1457. The Employer Vice-Chairperson did not support the amendment because of its redundancy. The idea of protecting the quality and level of employment was already included in the reference to “sustainable enterprises”.

1458. The Government members of India and the United States did not support the amendment.

1459. The Government member of Chile called upon the Worker Vice-Chairperson to explain the reason why the reference to “sustainable enterprises” did not sufficiently include the idea of protecting the level and quality of employment.

1460. The Worker Vice-Chairperson explained that, in times of crises, sustainable enterprises might not be sufficient to guarantee an adequate quantity and quality of employment.

1461. The amendment was not adopted.

1462. Point 17(d) was adopted.

New clause after point 17(d)

1463. The Worker Vice-Chairperson introduced an amendment to add a new clause after point 17(d) to read “creation of green jobs and enabling a just transition to the green economy”.

1464. The Employer Vice-Chairperson said that she had difficulty in accepting the reference to “green jobs” in the situations envisaged. It was challenging enough to provide green jobs in normal circumstances, let alone in the aftermath of a conflict or disaster. It was not the time

to qualify such jobs when jobs were needed. She therefore proposed a subamendment to delete “green” before “jobs”.

- 1465.** The Worker Vice-Chairperson supported the subamendment.
- 1466.** The Government member of India, and the Government members of Angola, speaking on behalf of the Africa group, and the Netherlands, speaking on behalf of the EU and its Member States, supported the subamendment.
- 1467.** In response to a query from the Government member of Jordan, the Chairperson confirmed that “green” was taken out of “green jobs”, but not the “green economy”.
- 1468.** The Government member of Pakistan said that the chapeau already referred to the creation of jobs and, to avoid repetition, proposed a further subamendment, seconded by the Government member of Jordan, to begin the clause with the word “enabling”.
- 1469.** The Worker Vice-Chairperson said that he did not support the subamendment proposed by the Government member of Pakistan.
- 1470.** The Employer Vice-Chairperson said that she did not support the subamendment since the clause would no longer make sense.
- 1471.** The Government member of the Plurinational State of Bolivia expressed concern at the use of the term “green economy”, given that other economic models had been recognized by the United Nations Conference on Sustainable Development (Rio+20). She proposed two options for a subamendment, seconded by the Government member of Cuba, to either replace “green” with “more sustainable”, or to add a reference to the economic models recognized by Rio+20.
- 1472.** The Government member of Cuba said that while he supported both subamendment options proposed by the Government member of the Plurinational State of Bolivia, it should be noted that the wording of the Rio+20 outcome document had been endorsed by all governments and social partners.
- 1473.** The Government member of Brazil supported the subamendment proposed by the Government member of the Plurinational State of Bolivia, which read “enabling a just transition to a more sustainable economy”.
- 1474.** The Worker Vice-Chairperson supported the subamendment proposed by the Employer Vice-Chairperson to delete the word “green” and did not support the subamendment proposed by the Government member of the Plurinational State of Bolivia.
- 1475.** The Employer Vice-Chairperson, in the interest of time, supported the first option of the subamendment to replace “green” by “more sustainable”.
- 1476.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, proposed a further subamendment to remove “more” before “sustainable”.
- 1477.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the further subamendment proposed by the Government member of the Netherlands.
- 1478.** The Government members of Colombia and the Russian Federation supported the further subamendment proposed by the Government member of the Netherlands.
- 1479.** The amendment was adopted as subamended.

1480. The new point after point 17(d) was adopted as amended.

Point 17(e)

1481. Point 17(e) was adopted.

Point 17(f)

1482. The Worker Vice-Chairperson introduced an amendment to add “in line with ILO Recommendation No. 204, 2015” after “formal economy”.

1483. The Employer Vice-Chairperson supported the amendment.

1484. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.

1485. The Government member of the Plurinational State of Bolivia proposed a subamendment, seconded by the Government member of Cuba and supported by the Government member of Brazil, to replace “in line with” with “taking into account”, for the sake of consistency.

1486. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the subamendment.

1487. The Government members of Chile, Indonesia and Senegal supported the subamendment.

1488. The Government member of the United States supported the amendment, noting however that it introduced some repetition from point 11, which had already been adopted.

1489. Point 17(f) was adopted as amended.

Point 17(g)

1490. The Worker Vice-Chairperson introduced an amendment to add “in addition to support given to the public sector, promote, in consultation with workers’ and employers’ organizations,” at the beginning of the clause. Consultation should be an essential part of mechanisms for transition from crisis situations. The Labour Relations (Public Service) Convention, 1978 (No. 151), highlighted the importance of public services and the substantial role they could play in the aftermath of crises. The availability of good quality public services was essential in establishing the basis of a fair society. Accordingly, employment in such areas needed to be of high quality and provide decent conditions of work.

1491. The Employer Vice-Chairperson supported the amendment but proposed a subamendment to insert “most representative” before “workers’ and employers’ organizations”.

1492. The Worker Vice-Chairperson supported the subamendment.

1493. The Government member of the United States said that she did not object to the spirit of the amendment but considered that the contents had already been captured in Part III and might be redundant.

1494. The Worker Vice-Chairperson emphasized that consultation with workers’ and employers’ organizations was always essential.

1495. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the subamendment proposed by the Employer members.

1496. The Government member of Chile supported the subamendment. She did not consider it to be redundant since it focused on capacity building in the public services.

1497. Point 17(g) was adopted as amended.

Point 17(h)

1498. The Worker Vice-Chairperson introduced an amendment to replace “encouraging” by “creating incentives for” as it was a better mechanism for reaching objectives.

1499. The Employer Vice-Chairperson supported the amendment.

1500. The Government member of Senegal also supported the amendment.

1501. The Government member of the Plurinational State of Bolivia noted that in the Spanish text there was a difference between the meaning of “iniciativas” and “incentivos”. The term “iniciativas”, as included in the original text, was felt to be broader and more encompassing. A clarification on the interpretation of “incentivos” was sought from the secretariat.

1502. The amendment was adopted.

1503. The Worker Vice-Chairperson introduced an amendment to insert “decent” after “to create” in order to strengthen the concept of decent work in the proposed Conclusions.

1504. The Employer Vice-Chairperson supported the amendment.

1505. The Government member of Senegal, and the Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.

1506. The amendment was adopted.

1507. As a result of the adoption of the previous amendment, an amendment, submitted by the Government members of Canada and the United States, was withdrawn. It had sought to insert “and decent work” after “employment”.

1508. The Worker Vice-Chairperson introduced an amendment to replace “implement responsible workplace practices” by “to undertake human rights due diligence to ensure the respect for human and labour rights”. As the term “responsible workplace practices” was not defined in an international instrument, the term “due diligence” with respect to human rights was preferred as it was the terminology used in the Protocol of 2014 to the Forced Labour Convention, 1930.

1509. The Employer Vice-Chairperson supported the amendment.

1510. The Government members of Angola, speaking on behalf of the Africa group, and the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.

1511. The Government member of the Plurinational State of Bolivia supported the amendment. She noted that an answer had not been provided to the question she had raised in the discussion of an earlier amendment.

1512. The amendment was adopted.

1513. Two amendments were withdrawn. One, submitted by the Employer members had sought to delete “, taking into account the Tripartite Declaration of Principles concerning

Multinational Enterprises and Social Policy”; and the other, submitted by the Worker members, had sought to add “and UN Guiding Principles of Business and Human Rights” after “Social Policy”.

1514. Point 17(h) was adopted as amended.

New clauses after point 17(h)

1515. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, introduced an amendment to add a new clause after point 17(h) to read “taking measures to counter clientelism and corruption”. The issues of clientelism and corruption were very important and relevant, especially in crisis and post-crisis situations.

1516. The Worker Vice-Chairperson had no issue with combating clientelism and corruption, although he sought the Employer members’ views on the amendment.

1517. The Employer Vice-Chairperson strongly supported the amendment in its entirety.

1518. The Government member of Senegal also supported the amendment.

1519. The amendment was adopted.

1520. The new clause after point 17(h) was adopted.

1521. The Government member of Norway, speaking also on behalf of the Government members of Switzerland and the United States, introduced an amendment to add a new clause after point 17(h) to read “measures to facilitate the re-employment of demobilized members of the armed forces and other ex-combatants”. In light of the discussions on point 12(f), she proposed a subamendment to change the text to “measures to facilitate the re-employment of persons formerly associated with armed forces and groups”.

1522. The subamendment was seconded by the Government member of New Zealand and supported by the Government member of Colombia, and the Government member of the Netherlands, speaking on behalf of the EU and its Member States.

1523. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the subamendment.

1524. The Government member of the Russian Federation proposed a further subamendment to delete “and groups”. The subamendment was not seconded.

1525. The amendment was adopted as subamended.

1526. The new clause after point 17(h) was adopted.

1527. Point 17 was adopted as amended.

Point 18

1528. The Government member of Cuba introduced an amendment, seconded by Government member of the Plurinational State of Bolivia and supported by the Government member of Ethiopia, to replace “disadvantaged and marginalized groups and those who have been made particularly vulnerable by the crisis” by “disadvantaged and marginalized persons, made more vulnerable by humanitarian emergencies”. In light of the earlier discussion, he proposed a subamendment, seconded by the Government member of Ethiopia and supported

by the Government members of Brazil, Colombia and Senegal, to change the words “humanitarian emergencies” to “crises”. The majority of the text of the proposed Conclusions referred to marginalized and disadvantaged groups, rather than individuals. There was concern that there was not enough emphasis on individuals in the text of the proposed Conclusions, and therefore the proposed subamendment sought to place more of the focus on the individual rather than on the groups.

- 1529.** The Worker Vice-Chairperson recalled that effective labour market policies needed to cover marginalized populations and groups. The subamended text was considered restrictive, and therefore he did not support it.
- 1530.** The Employer Vice-Chairperson preferred the original text and did not support the subamendment.
- 1531.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, did not support the amendment, and agreed with the views put forward by the Worker Vice-Chairperson and the Employer Vice-Chairperson.
- 1532.** The Government member of Angola, speaking on behalf of the Africa group, supported the amendment.
- 1533.** The Government member of Cuba asked why the social partners did not support the amendment, which was drawn from UN human rights terminology. There, the term “persons” was more widely accepted. There was no need to generalize by using the term “group”.
- 1534.** The Government member of the Russian Federation concurred with the intervention made by the Government member of Cuba. Whether people and persons were marginalized or not depended on circumstances and not on their belonging to a group.
- 1535.** The Government member of Ethiopia also agreed with the view expressed by the Government member of Cuba. She pointed out that migrant groups, for instance, were not necessarily marginalized or disadvantaged.
- 1536.** The amendment was not adopted.
- 1537.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, introduced an amendment to add “, including refugees and internally displaced persons” at the end of the point.
- 1538.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 1539.** The Government member of Ethiopia acknowledged that the Committee seemed to encounter difficulties when discussing humanitarian issues. Refugees and internally displaced persons were not necessarily marginalized, nor were minorities or indigenous peoples. She requested clarification as to whether the intent was to say that refugees and internally displaced persons were disadvantaged. As a delegate from a host country, she had a different understanding.
- 1540.** The deputy representative of the Secretary-General clarified that the original text read “disadvantaged and marginalized groups and those who have been made particularly vulnerable by the crisis”. She added that the reference was to refugees and internally displaced persons as those who had been made vulnerable by the crisis, for example after conflict.

-
1541. The Government member of Ethiopia asserted that refugees and internally displaced persons were not marginalized, but rather affected by crises. She proposed a subamendment to delete “refugees and internally displaced persons”.
1542. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, wished to underline the explanations made by the secretariat. The groups mentioned in the text could be particularly vulnerable to a crisis.
1543. The Government member of the Russian Federation maintained that a list of those affected by the crisis could be lengthy and could include numerous other groups, including women and children. She preferred the general formulation in the original text.
1544. The Government member of Jordan supported the statement by the Government member of Ethiopia and asked whether refugees were not under the mandate of the United Nations High Commissioner for Refugees (UNHCR). Distinctions should be made between the responsibilities of the host country and those of the UNHCR.
1545. The Government member of Angola, speaking on behalf of Africa group, supported the subamendment proposed by the Government member of Ethiopia. However, he wished to propose a subamendment to insert “migrants” before “, refugees and internally displaced persons”.
1546. The Government member of Ethiopia, wished to propose a further subamendment, seconded by the Government member of Cuba and supported by the Government members of China, Lesotho, and Angola, speaking on behalf of the Africa group, and enumerated a long list that comprised, among others, returnees, women, children, persons with disabilities, indigenous peoples, minorities and climate-induced refugees.
1547. The Government member of Cuba proposed a subamendment to add “peasants” to the list.
1548. The Government member of China said that it was not necessary to list particular groups. He expressed a preference for the previous subamendment proposed by the Government member of Ethiopia to delete “refugees and internally displaced persons”.
1549. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, recalled that the Worker Vice-Chairperson and the Employer Vice-Chairperson had supported the original amendment that he had introduced. He noted that migrants were not always fleeing their countries, whereas refugees and internally displaced persons usually were, and that migrants were not always affected by crises.
1550. The Employer Vice-Chairperson did not support the long list that had been proposed and preferred the original amendment.
1551. The Worker Vice-Chairperson also supported the original amendment.
1552. The Government member of Ethiopia agreed that a list would add redundancy, but questioned whether it made sense to keep only two categories. If the focus of the proposed instrument was only refugees and internally displaced persons, perhaps its title should be changed. There was a need to recognize all the other vulnerable categories. She requested clarity from the secretariat as to whether other categories should not be included in the list of marginalized people.
1553. The Government member of Singapore agreed with the statements made by the Government member of China, the Employer Vice-Chairperson and the Worker Vice-Chairperson, stating that there was no need for a long list of groups.

-
1554. The Government member of the Russian Federation did not support the original amendment introduced by the Government member of the Netherlands, speaking on behalf of the EU and its Member States.
1555. The Government member of Angola, speaking on behalf of Africa group, requested an answer to the questions raised by the Government member of Ethiopia. He wished to express a reservation on the amendment as proposed by EU and its Member States, whether adopted or not.
1556. The deputy representative of the Secretary-General maintained that there was no need for the secretariat to comment on the amendment introduced by the Government member of the Netherlands, speaking on behalf of the EU and its Member States.
1557. The Government member of Ethiopia repeated her question as to whether the term “marginalized” covered many groups.
1558. The Chairperson recalled that the Committee should direct its attention to discussing the amendment to point 18.
1559. The Government member of Ethiopia reiterated her request for clarification, saying that the secretariat was competent to answer. Member States needed to understand the document in order to be able to take informed decisions, and procedure did not prevent the secretariat from responding.
1560. The Government member of Cuba pointed out that there were only two categories in the text, whereas there should be many. Therefore, he did not support the amendment. He stressed that he did not feel responsible for either the paragraph or the document.
1561. The Chairperson noted that there was no support for the subamendment proposed by the Government member of Ethiopia and the further subamendment proposed by the Government member of Cuba.
1562. The Government member of Ethiopia reiterated that she expected a response from the secretariat to her question.
1563. The deputy representative of the Secretary-General underscored that any points for clarification would be attended to but that it was not the role of the secretariat to comment on the appropriateness of an amendment introduced by a group.
1564. Referring to the question raised by the Government member of Ethiopia, the Chairperson requested that one Government member should not monopolize the discussion.
1565. The Government member of Cuba pointed out that although the secretariat did not wish to comment on the proposal by the EU and its Member States, it must respond to the question asked by the Government member of Ethiopia.
1566. The Chairperson, to maintain a sense of collaboration, again requested the secretariat to respond.
1567. The deputy representative of the Secretary-General explained that disadvantaged and marginalized groups could be understood to be included in the list proposed in the subamendment of the Government member of Ethiopia.
1568. The Government member of Senegal reminded the Committee about the non-binding nature of the Recommendation and called upon the Worker Vice-Chairperson and the Employer

Vice-Chairperson to reconsider their position as they had not provided substantiated arguments on certain points. He asked the secretariat to clarify whether it considered migrant workers to be part of disadvantaged groups and made vulnerable by crises. He proposed a subamendment, seconded by the Government member of Angola and supported by the Government member of Ethiopia, to delete “disadvantaged and marginalized groups and”.

- 1569.** The Chairperson notified the Government member of Senegal that as what he was proposing was a new amendment, it was not receivable.
- 1570.** The Government member of Senegal asked the secretariat to clarify the difference between a new amendment and a subamendment.
- 1571.** The Legal Adviser explained that a subamendment was defined as an amendment introduced from the floor to an amendment that had been submitted in accordance with the usual process for the submission of amendments and which was under discussion. Any proposed change to the text outside of the scope of an existing amendment was considered a new amendment. In the present case, a subamendment could be considered receivable only if it were related to the amendment introduced by the Government member of the Netherlands on behalf of the EU and its Member States.
- 1572.** The Chairperson recalled that a new amendment should have been submitted within the time limit allocated for that purpose, which had now expired. She confirmed that the subamendment proposed by the Government member of Senegal was not receivable.
- 1573.** The Government member of Senegal argued that new amendments had been considered as subamendments on particular points discussed during previous days.
- 1574.** The Chairperson stated that the established procedure had been applied, with several new amendments proposed by the Employer Vice-Chairperson and the Worker Vice-Chairperson rejected as not receivable.
- 1575.** The Government member of China, seconded by the Government member of Australia and supported by the Government member of Angola, speaking on behalf of the Africa group, indicated their preference for the original Office text.
- 1576.** Both the Employer Vice-Chairperson and the Worker Vice-Chairperson maintained their position and supported the text as amended by the Government member of the Netherlands, on behalf of the EU and its Member States.
- 1577.** The Government member of Ethiopia suggested referring to the broader definition of “forced migration” contained in the Key Migration Terms of the International Organization for Migration (IOM). She suggested replacing “including refugees and internally placed displaced persons” by “including forced migration”. The Government member of Angola, speaking on behalf of the Africa group, agreed.
- 1578.** The Government member of the United States aligned herself with the position of the Employer Vice-Chairperson, the Worker Vice-Chairperson and the Government member of the Netherlands, speaking on behalf of the EU and its Member States.
- 1579.** The Government member of Singapore seconded the views of the Government members of Australia and China to focus on the original text.
- 1580.** The Government member of Pakistan, appealed to the social partners to reconsider their position. Adopting the proposed amendment would prejudice some of the issues bracketed

under points 9(d) and 13(e). In order to be consistent with previous negotiations and discussions, he proposed that point 18 also be placed in brackets.

- 1581.** The Government member of India supported the opinion of the Government member of Pakistan. If there was no majority support for bracketing the text, she would favour keeping the original wording.
- 1582.** The Chairperson said that with support by both the Employer Vice-Chairperson and the Worker Vice-Chairperson there was a clear majority for the amendment introduced by the Government member of the Netherlands, on behalf of the EU and its Member States.
- 1583.** The Government member of India expressed concern that adopting the amendment would prejudice decisions which were related to the two previously bracketed clauses.
- 1584.** The Chairperson stated that since the Employer Vice-Chairperson and the Worker Vice-Chairperson had not moved from their position, she needed to make a ruling on the matter.
- 1585.** The Government member of Senegal supported placing “including refugees and internally displaced persons” in brackets.
- 1586.** In view of the clear majority support, the Chairperson announced that the amendment introduced by the Government member of the Netherlands, on behalf of the EU and its Member States, was adopted.
- 1587.** In view of subsequent points which would contain similar references to refugees and internally displaced persons, the Government member of the Russian Federation requested that her reservation be put on record.
- 1588.** The Government member of Pakistan requested that his reservation to point 18 be put on record.
- 1589.** The Government member of Angola, speaking on behalf of the Africa group, requested the same, adding that his reservation would apply to all issues regarding the inclusion of the two aforementioned groups.
- 1590.** The Government member of Jordan requested that his reservation on the point be registered.
- 1591.** The Government member of China said that in disaster and conflict situations, women and children should also be given more attention.
- 1592.** The Government member of Senegal asked that his delegation’s reservation be put on record. He requested that the record of the proceedings of the Committee reflect the manner in which the amendment had been adopted.
- 1593.** The Government member of Ethiopia expressed surprise that the proposed Conclusions only focused on refugees and internally displaced persons, neglecting other vulnerable groups such as women and children. She asked that her reservation on the point be put on record and called upon the Committee to ensure that the instrument focus on a broader category of vulnerable and marginalized groups.
- 1594.** The Government member of India and the Government member of Saudi Arabia, speaking on behalf of the GCC countries and Yemen, asked for their reservation on the point to be put on record.
- 1595.** Point 18 was adopted as amended.

Point 19**Chapeau**

- 1596.** An amendment submitted by the Government member of Cuba to replace “crisis situations” by “humanitarian emergencies” was withdrawn.
- 1597.** The Government member of the Russian Federation introduced an amendment, seconded by the Government member of China, to replace “young women and men” by “youth”, in the interest of consistency.
- 1598.** The Employer spokesperson did not support the amendment.
- 1599.** The Worker Vice-Chairperson did not support the amendment as the original text reflected the principle of equality between men and women.
- 1600.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, did not support the amendment.
- 1601.** The Government member of the Russian Federation requested the Employer Vice-Chairperson to provide an explanation for not supporting the amendment and the secretariat to clarify the purpose of the point.
- 1602.** The Government member of Norway stated that it was good that the chapeau specifically mentioned women and men. She aligned herself with the statement made by the Worker Vice-Chairperson and did not support the amendment.
- 1603.** The deputy representative of the Secretary-General clarified that “youth”, “young persons” and “young people” were used interchangeably and conveyed the same cover, however the mention of “young women and men” was meant to emphasize the issue of gender equality and the need to focus on young women’s disadvantages in the labour market and crisis situations.
- 1604.** The Employer spokesperson explained that the amendment made the text less clear.
- 1605.** The Worker Vice-Chairperson agreed with the explanation provided by the secretariat and considered that the original text should be maintained as it was necessary to reflect the special situation of women in crisis.
- 1606.** The amendment was not adopted.
- 1607.** The Government member of the United States, speaking also on behalf of the Government members of Canada and Norway, introduced an amendment to insert “and decent work” after “employment” in order to be consistent with the rest of the text.
- 1608.** The Worker Vice-Chairperson and the Employer spokesperson supported the amendment.
- 1609.** The Government member of Senegal, and the Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.
- 1610.** The amendment was adopted.
- 1611.** The chapeau of point 19 was adopted as amended.

Point 19(a)

- 1612.** The Government member of the Russian Federation introduced an amendment, seconded by the Government member of the Plurinational State of Bolivia, to replace “young persons” with “youth” in order to bring consistency to the overall text.
- 1613.** The Employer spokesperson supported the amendment.
- 1614.** The Worker Vice-Chairperson supported the amendment and noted that there was no linguistic change to the French text.
- 1615.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.
- 1616.** The Government member of Chile supported the amendment and noted that the change should also be made in the Spanish text.
- 1617.** The amendment was adopted.
- 1618.** Point 19(a) was adopted as amended.

Point 19(b)

- 1619.** The Government member of the Russian Federation introduced an amendment to delete point 19(b). As it was not seconded, the proposed amendment fell.
- 1620.** The Government member of Colombia introduced an amendment, seconded by the Government member of the Plurinational State of Bolivia, to delete “to address anti-social behaviour and violence”. He explained that those issues were not appropriate since they qualified ex-combatants as displaying anti-social behaviour, leading to stigmatization.
- 1621.** The Worker Vice-Chairperson and the Employer spokesperson did not support the amendment.
- 1622.** The Government member of Senegal, and the Government member of the Netherlands, speaking on behalf of the EU and its Member States, did not support the amendment.
- 1623.** The Government member of the Russian Federation requested the secretariat to explain the purpose of the clause. The proposed wording did not go well with the chapeau and gave the impression that the intention was to address disarmament issues. She did not support the clause and expressed her reservation on it.
- 1624.** The deputy representative of the Secretary-General clarified that the term disarmament, demobilization and reintegration (DDR) was internationally agreed standard terminology. In addition to income generation opportunities, psychosocial counselling was also needed and that was not a new concept since many DDR programmes included youth-specific programmes.
- 1625.** The amendment was not adopted.
- 1626.** The Government member of the Russian Federation asked to have his reservation on point 19(b) put on record.
- 1627.** Point 19(b) was adopted.

1628. Point 19 was adopted as amended.

1629. Part V was adopted as amended.

Part VI. Education, vocational training and guidance

Title

1630. The title was adopted.

Point 20

Chapeau

1631. The Worker Vice-Chairperson introduced an amendment, to insert “, on the basis of the principle of equal opportunity between women and men, boys and girls,” after “should” in order to emphasize access to education, which was also focused on in Report V(1) produced by the Office.

1632. The Employer Vice-Chairperson requested clarification from the secretariat as to whether the use of “boys and girls” was standard ILO terminology.

1633. The deputy representative of the Secretary-General clarified that while this was not frequently used standard terminology, it had indeed been used in the past.

1634. The Worker Vice-Chairperson explained that the expression was being used to emphasize the particular needs of girls in accessing training and education compared to boys.

1635. The Employer Vice-Chairperson supported the amendment.

1636. The Government members of Brazil, Canada, Chile, New Zealand, Norway, Senegal and Switzerland, and the Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.

1637. The amendment was adopted.

1638. An amendment submitted by the Government member of Cuba to replace “crisis situations” by “humanitarian responses” was withdrawn.

1639. The chapeau was adopted as amended.

Point 20(a)

1640. An amendment submitted by the Worker members to insert “all” after “and that” was withdrawn.

1641. The Government member of Australia, speaking also on behalf of the Government member of the United States, introduced an amendment to replace “quality public education” with “compulsory primary education”. She referred to Article 13 of the International Covenant on Economic, Social and Cultural Rights, 1966, stating that “Primary education shall be compulsory and available free to all.” The amendment would bring the text in line with that Covenant.

-
- 1642.** The Worker Vice-Chairperson did not support the amendment.
- 1643.** The Employer Vice-Chairperson supported the amendment.
- 1644.** The Government members of China, New Zealand and the Russian Federation supported the amendment.
- 1645.** The Government member of Chile proposed a subamendment, seconded by the Government member of the Plurinational State of Bolivia, which combined the original text with that proposed by the amendment to read “quality public education and compulsory primary education”.
- 1646.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 1647.** The Government member of the Russian Federation referred the Committee to Article 28 of the Convention on the Rights of the Child, 1989, stating that “Make primary education compulsory and available free to all.” She pointed out that the Convention enjoyed almost universal ratification and referred to free and public education. She requested clarification on the definition of “quality” in “quality education”.
- 1648.** The Worker Vice-Chairperson asked for clarification on the term “quality public education” and whether it referred not only to primary education but also to secondary and higher education.
- 1649.** The Government member of the Russian Federation thanked the Worker Vice-Chairperson for raising the issue, noting that Article 28 of the Convention of the Rights of the Child also referred to measures to support access to secondary and higher education.
- 1650.** The deputy representative of the Secretary-General clarified that the term “quality education” was drawn from Paragraph 5 of the Human Resources Development Recommendation, 2004 (No. 195), which stated that Members should “assume the primary responsibility for investing in quality education and pre-employment training”. There was thus a precedent for including the term “quality education”.
- 1651.** The amendment was adopted as subamended.
- 1652.** The Government member of the Russian Federation requested that his reservation on the amendment and on the term “quality of education” be put on record.
- 1653.** An amendment submitted by the Government member of the Russian Federation to delete “quality” fell.
- 1654.** An amendment submitted by the Government member of Cuba to replace “crisis” by “humanitarian emergency” was withdrawn.
- 1655.** Point 20(a) was adopted as amended.

Point 20(b)

- 1656.** An amendment submitted by the Worker members to insert “all” after “ensure that” was withdrawn.
- 1657.** The Government member of Pakistan introduced an amendment, seconded by the Government member of Jordan, to delete “who are refugees or”. He stated that he was not

against the provision of education to refugees but many refugees were in refugee camps supervised by the UNHCR and therefore it was not always the primary responsibility of governments to provide such education. It might represent an additional burden on governments in an era of declining international solidarity and where burden sharing were much needed.

- 1658.** The Worker Vice-Chairperson did not support the amendment as refugee children should have access to public and free education. He asked why the Committee had approved a similar reference in point 20(a).
- 1659.** The Employer Vice-Chairperson did not support the amendment because free and public education should be available to children of refugees and internally displaced persons.
- 1660.** The Government member of Ethiopia, referring to Article 22 of the Convention relating to the Status of Refugees, 1951, asked whether the Office text was in conformity with its provisions concerning public education.
- 1661.** The deputy representative of the Secretary-General confirmed that Article 22 of the 1951 Convention referred to offering refugees elementary education.
- 1662.** The Government member of Ethiopia requested further clarification with respect to the second element of obligation under Article 22 of the Convention relating to the Status of Refugees, 1951.
- 1663.** The deputy representative of the Secretary-General confirmed that the second element in Article 22 of the Convention introduced the concept of comparability of treatment accorded to refugees with other “aliens”.
- 1664.** The Government member of Ethiopia considered that the Office text would then be inconsistent with Article 22, and supported the amendment as proposed by the Government member of Pakistan.
- 1665.** The deputy representative of the Secretary-General reiterated that the current text did not include any other notion of comparability with “aliens” or other nationals.
- 1666.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, did not support the amendment, although he acknowledged that there could be a problem with free quality public education. He would prefer to see the phrase “who are refugees” included.
- 1667.** The Government member of Ethiopia asked whether the issue might be further discussed when considering a subsequent amendment submitted by the Government of the Russian Federation.
- 1668.** The Government member of India supported the amendment and concurred with the Government member of Ethiopia, since she felt that the paragraph was vague and inconsistent.
- 1669.** The Government member of Norway did not support the amendment since she would be against deleting the words “who are refugees”, especially given that many members of the Committee had acknowledged that refugees should be given free education.
- 1670.** The Employer Vice-Chairperson did not support the amendment and agreed to keep the words “who are refugees”. He suggested looking at the subsequent amendment along with Article 28 of the Convention of the Rights of the Child.

-
- 1671.** The Worker Vice-Chairperson did not support the amendment and concurred with the comments made by the Employer Vice-Chairperson.
- 1672.** The Government member of Pakistan inquired as to whether the social partners would be willing to include “migrants” in the clause.
- 1673.** The Worker Vice-Chairperson said that they would have to assess its inclusion at the right moment.
- 1674.** The Employer Vice-Chairperson reiterated that they did not support the amendment by the Government member of Pakistan.
- 1675.** The amendment was not adopted.
- 1676.** The Chairperson congratulated the Committee on the progress made and recalled that there were still many amendments to discuss. She called for continued cooperation and invited the Committee members to focus on the substance of the issues and to be precise and concise in any interventions.
- 1677.** The Government member of the United States acknowledged the good progress made so far and called for the time schedule to be respected.
- 1678.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, endorsed the request made by the Government member of the United States.
- 1679.** The Government member of the Russian Federation submitted an amendment, seconded by the Government member of Angola and supported by the Government member of Ethiopia, to replace “or who are internally displaced are provided with free quality public education” by “are accorded the same treatment as accorded to nationals with respect to elementary education”. She explained that point 20(b) related to the issue of refugees and that the only appropriate legal framework addressing that issue was the UN Convention relating to the Status of Refugees, 1951. The amendment was intended to align the wording of point 20(b) with Article 22 of that Convention. She believed that the reference to “internally displaced” persons should be deleted from the text because internally displaced persons did not have refugee status.
- 1680.** The Worker Vice-Chairperson did not support the amendment. He believed it was restrictive as it did not take into account the right to education of children of internally displaced persons. In addition, the amendment mentioned only primary education, while the proposed Conclusions referred to quality of education at all levels, not just primary.
- 1681.** The Employer Vice-Chairperson did not support the amendment and shared the view of the Worker Vice-Chairperson.
- 1682.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, endorsed the view of the Worker Vice-Chairperson and did not support the amendment.
- 1683.** The Government member of Angola, speaking on behalf of the Africa group, supported the amendment.
- 1684.** The Chairperson declared that, as it had not received majority support, the amendment was not adopted.

-
- 1685.** The Government member of the Russian Federation reiterated her position and recalled that States party to the UN Convention on the Rights of the Child were under the obligation to provide free primary education, whereas there existed no obligation to provide free education at a higher level. She requested that her reservation on the point be put on record in the brown report for the following year's discussion. She stated that, by not supporting the amendment, the EU and its Member States were not consistent with Article 22 of the Convention relating to the Status of Refugees.
- 1686.** In response to the clarification requested by the Government member of the Russian Federation, the deputy representative of the Secretary-General confirmed that the reference to States' obligations under international Conventions provided by the Government member of the Russian Federation was correct.
- 1687.** The Government member of Ethiopia recognized the need to ensure that the children of refugees had the same rights to education as the children of nationals and that internally displaced children had access to free education. However, she proposed that the issue of the education of refugees and internally displaced children be addressed separately.
- 1688.** The Government member of Angola, speaking on behalf of the Africa group, asked for confirmation of the final decision of the Committee on the amendment. He reasoned that the proposal made by the Government member of Ethiopia met the interest of both the Workers' group and the Employers' group.
- 1689.** The Government member of Ethiopia insisted that the issue deserved more attention.
- 1690.** The Chairperson assured the Government member of Ethiopia that her suggestion and reservation would be noted in the brown report.
- 1691.** The Government member of Ethiopia requested that all groups be treated equally in the Committee discussion.
- 1692.** The Chairperson recalled the previous ruling that the amendment was not adopted.
- 1693.** The Government member of Australia, speaking also on behalf of the Government member of the United States, introduced an amendment to replace "quality public education" by "and compulsory primary education", noting that the wording was not consistent with Article 13 of the International Covenant on Economic, Social and Cultural Rights and Article 28 of the Convention on the Rights of the Child.
- 1694.** The Worker Vice-Chairperson observed that the Committee had already had a similar discussion on access to quality public education and had come to the compromise of including both "quality public education" and "compulsory primary education". He therefore proposed a subamendment to that end.
- 1695.** The Employer Vice-Chairperson supported the subamendment.
- 1696.** The Government member of Ethiopia proposed a further subamendment, seconded by the Government member of the Russian Federation and supported by the Government members of Algeria, Cuba, Jordan, Pakistan and Sudan, to insert the wording "in accordance with States' international obligations and national laws" to indicate that States had an obligation to provide free primary education to their nationals and free public education to internally displaced persons.
- 1697.** The Worker Vice-Chairperson said that he did not see the benefit of referring to States' international and national obligations and therefore did not support the subamendment.

-
- 1698.** The Employer Vice-Chairperson did not support the subamendment. The aim was to ensure that refugees and internally displaced persons received quality education and acquired the skills to enable them to enter the labour market. The subamendment seemed to undermine that aim.
- 1699.** The Government member of Jordan said that he was surprised by the arguments put forward by the social partners, and indicated that governments could not act outside national and international law.
- 1700.** The Government member of Cuba called on the social partners to reconsider their position, and observed that refugees in host countries had to conform with the laws of those countries in all domains, including education. The subamendment would therefore be reflecting the reality on the ground.
- 1701.** The Government member of Ethiopia requested that the record reflect that, while her country provided higher education for refugees, it was dependent on national capacity and the only obligations of member States were those set out in the Convention relating to the Status of Refugees. She asked the secretariat to provide clarification as to the legal basis for introducing elements that went beyond the obligations established in international Conventions.
- 1702.** The Worker Vice-Chairperson said that, given that the proponents of the subamendment indicated that it reflected reality on the ground, he did not understand their insistence on its inclusion. The text proposed by the social partners had the intention of providing free public education without introducing any restriction.
- 1703.** The Employer Vice-Chairperson maintained her stance; the subamendment introduced limitations and did not meet the purpose of providing quality education and free public education. She suggested that the Committee register the Government members' positions and move on with the discussion.
- 1704.** The Government member of Chile did not support the subamendment proposed by the Government member of Ethiopia and supported the position of the Workers' group.
- 1705.** The Government member of Ethiopia, in recognition of the social partners' position, proposed a further subamendment to read "ensure that children who are refugees are provided with free quality elementary education and internally displaced persons are provided with compulsory primary education" and delete the reference to laws. It was seconded by the Government member of Angola and supported by the Government members of Algeria and the Russian Federation. She stated that it would bring the text into conformity with Article 22 of the Convention related to the Status of Refugees, while using the wording preferred by the social partners.
- 1706.** The Worker Vice-Chairperson noted that the original text did not distinguish between refugees and internally displaced persons and he therefore did not support the further subamendment.
- 1707.** The Employer Vice-Chairperson asked the secretariat to provide guidance on the Office text versus the proposal made by the Government member of Ethiopia.
- 1708.** The deputy representative of the Secretary-General explained that the Committee was considering adopting a Recommendation, which provided guidance to constituents, and not a Convention. Therefore, the text would not change the international obligations of member States. The Office's view was that there was no rationale for separating internally displaced persons and refugees in terms of access to quality education and compulsory primary

education. The objective was to ensure that such persons had access to education at different levels that would eventually support their integration into labour markets. She proposed that the secretariat take note of the issues raised and clarify them in the brown report which would be considered by the Conference in 2017.

- 1709.** The Employer Vice-Chairperson, in light of the explanation provided by the secretariat, did not support the further subamendment proposed by the Government member of Ethiopia.
- 1710.** The Government member of Jordan thanked the secretariat for the explanation and stated that, although there was no legal obligation for member States to comply with the provisions of a Recommendation, there were moral obligations. The Recommendation might one day be proposed as a Convention and the Committee should take into account national regulations.
- 1711.** The Employer Vice-Chairperson noted that in light of the ensuing discussions she proposed that point 20(b) be placed in brackets to allow the Office to recast the text. The existing wording could be misleading, for instance “ensure” connoted a compulsory nature. She expressed hope that by the following year the Conference would have before it a text that was acceptable to all.
- 1712.** The Worker Vice-Chairperson supported the proposal made by the Employer Vice-Chairperson.
- 1713.** The deputy representative of the Secretary-General proposed to the Committee that the Office would come up with wording in the brown report that clearly expressed States’ obligations with respect to providing refugees and internally displaced persons with compulsory primary education, while emphasizing the desirability to promote their access to higher levels of education to the extent possible or feasible.
- 1714.** The Government member of Angola stated that, having listened to the social partners, he could support the bracketing of the text. He noted that it would have implications for future discussions.
- 1715.** Point 20(b) was bracketed.

Point 20(c)

- 1716.** An amendment submitted by the Government member of the Russian Federation to replace “young persons” by “youth” was not seconded and therefore fell.
- 1717.** Point 20(c) was adopted.

New clause after point 20(c)

- 1718.** An amendment submitted by the Government member of Brazil was withdrawn. It had sought to add a new clause after point 20(c) to read “provide special reintegration, education and professional training for young persons formerly associated with armed forces”.
- 1719.** Point 20 was adopted as amended, with point 20(b) as bracketed text.

Point 21

Chapeau

- 1720.** An amendment submitted by the Government member of Cuba to replace “crisis situations” by “humanitarian emergencies” was withdrawn in light of the previous discussions.
- 1721.** The Government member of the United States, speaking also on behalf of the Government members of Australia and Canada, introduced an amendment to add “, where appropriate,” after “Members should”. She noted that the wording was in line with other parts of the text and that the intention was to give member States flexibility; for example, in federal States there were no national educational or training institutions and federal governments could not dictate curricula.
- 1722.** The Employer spokesperson and Worker Vice-Chairperson supported the amendment.
- 1723.** The Government members of Switzerland and Turkey, and the Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.
- 1724.** The amendment was adopted.
- 1725.** The chapeau of point 21 was adopted as amended.

Point 21(a)

- 1726.** The Government member of Brazil introduced an amendment, seconded by the Government member of Chile and supported by the Government member of the United States, to insert “or adapt” after “formulate”. The intention was to recognize that member States could adapt programmes when national programmes already existed.
- 1727.** The Worker Vice-Chairperson and the Employer spokesperson supported the amendment.
- 1728.** The Government members of Canada, Indonesia and Jordan, and the Government members of Angola, speaking on behalf of the Africa group, Colombia, speaking also on behalf of the Government member of Chile, Kuwait, speaking on behalf of the GCC countries, and the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.
- 1729.** The amendment was adopted.
- 1730.** An amendment submitted by the Worker Vice-Chairperson to insert “, taking into account the Human Resources Development Recommendation No. 195,” after “formulate” was withdrawn.
- 1731.** The Government member of Canada introduced an amendment to insert “education,” between “national” and “training”. This was consistent with national training programmes. The intention of the amendment was to include the term “education” for consistency of language and to allow for the inclusion of all parties involved in education and training.
- 1732.** The Worker Vice-Chairperson and the Employer spokesperson supported the amendment.
- 1733.** The Government member of Jordan, and the Government members of Chile, speaking also on behalf of the Government member of Colombia, and Kuwait, speaking on behalf of the GCC countries, supported the amendment.
- 1734.** The amendment was adopted.

-
1735. An amendment submitted by the Government member of Brazil to move “in consultation with employers’ and workers’ organizations,” to the beginning of the clause was withdrawn.
1736. The Government member of Canada, speaking also on behalf of the Government members of Norway and the United States, introduced an amendment to insert “education and training institutions, and” between “consultation with” and “employers”. The amendment sought to underline the importance of consulting training and education institutions.
1737. The Worker Vice-Chairperson pointed out that consultation with education and training institutions was implicit in the phrase “engaging fully all public and private stakeholders” but he supported the amendment.
1738. The Employer spokesperson supported the amendment.
1739. The Government members of New Zealand and Sudan supported the amendment.
1740. The amendment was adopted.
1741. Point 21(a) was adopted as amended.

Point 21(b)

1742. The chapeau of point 21(b) and sub-clause (i) were adopted.

Sub-clause (ii)

1743. The Government member of Cuba introduced an amendment, seconded by the Government member of Algeria and supported by the Government members of Brazil, Chile, Ethiopia, New Zealand, Norway and the Russian Federation, and the Government member of Angola, speaking on behalf of the Africa group, to insert “reduction” after “risk”. The intention was to bring the text in line with the Sendai Framework for Disaster Risk Reduction.
1744. The Worker Vice-Chairperson and Employer Vice-Chairperson said that the amendment restricted the scope of the text and they did not support it.
1745. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, proposed a subamendment to insert “and risk reduction” after “disaster risk”.
1746. For the sake of clarity, the Employer Vice-Chairperson introduced a further subamendment to insert “reduction,” between “education,” and “awareness” in the original text.
1747. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, stated that the subamendment proposed by the Employer Vice-Chairperson did not improve the text and did not support it.
1748. The Government member of Cuba said that he had aimed to introduce a simple amendment but the subamended text had become overly complicated. He suggested to the Employers’ group that they should take a closer look at the Sendai Framework for Disaster Risk Reduction.
1749. The Worker Vice-Chairperson supported the further subamendment proposed by the Employer Vice-Chairperson.
1750. The Government member of Sudan also supported the further subamendment.

1751. The subamendment was adopted.

1752. Point 21(b)(ii) was adopted as amended.

Point 21(c)

1753. An amendment submitted by the Worker members to add “, on the basis of the principle of equal opportunity and treatment” at the end of the clause, after “and training”, was withdrawn.

1754. Point 21(c) was adopted.

Point 21(d)

1755. Point 21(d) was adopted.

Point 21(e)

1756. An amendment submitted by the Government member of the United States to delete “special” between “give” and “attention” was withdrawn.

1757. The Government member of the United States introduced an amendment, seconded by the Government member of New Zealand, to insert “, including” before “in rural areas”. The intention was to expand the coverage of training and economic empowerment in the response to a crisis situation while maintaining specific emphasis on rural areas and the informal economy.

1758. The amendment was supported by the Worker Vice-Chairperson and the Employer Vice-Chairperson.

1759. The amendment was supported by the Government members of Canada and Mali.

1760. The amendment was adopted.

1761. Point 21(e) was adopted as amended.

1762. Point 21 was adopted as amended.

Point 22

1763. The Worker Vice-Chairperson introduced an amendment to insert “and girls” after “women”. As previously discussed, it was critical to stress that girls should have access to education.

1764. The amendment was supported by the Employer Vice-Chairperson.

1765. The Government members of New Zealand and Turkey, and the Government members of Angola, speaking on behalf of the Africa group, and the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.

1766. The amendment was adopted.

1767. The Worker Vice-Chairperson introduced an amendment to insert “, on the basis of equal opportunity and treatment,” after “have access”.

-
- 1768.** The amendment was supported by the Employer Vice-Chairperson.
- 1769.** The Government members of Angola, Brazil, Chile, Colombia, Democratic Republic of the Congo, Indonesia, Mali, New Zealand, Norway and Turkey, and the Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.
- 1770.** The amendment was adopted.
- 1771.** An amendment submitted by the Worker members to insert “in response to crisis situations” after “developed” was withdrawn.
- 1772.** Point 22 was adopted as amended.
- 1773.** Part VI was adopted as amended.

Part VII. Social protection

Title

- 1774.** The title was adopted.

Point 23

Chapeau

- 1775.** Two amendments were withdrawn. One, submitted by the Government member of Cuba, had sought to insert “caused by conflicts and disasters” after “situations”, and the other, submitted by the Employers’ group, had sought to replace “as quickly as possible” by “as necessary and as reasonably possible”.
- 1776.** The chapeau of point 23 was adopted.

Point 23(a)

- 1777.** The Employer Vice-Chairperson introduced an amendment to insert “seek to” before “ensure” in order to soften the wording. She considered that it was not always possible for member States to provide a basic income.
- 1778.** The Worker Vice-Chairperson supported the amendment.
- 1779.** The Government members of Jamaica and the United States, and the Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.
- 1780.** The amendment was adopted.
- 1781.** The Worker Vice-Chairperson introduced an amendment to insert “security” after “income” to be consistent with the concept of income security outlined in Recommendation No. 204.
- 1782.** The Employer Vice-Chairperson supported the amendment.

1783. The Government members of Norway and the United States, and the Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.

1784. The amendment was adopted.

1785. Two amendments were withdrawn. One, submitted by the Employer members had sought to delete “disadvantaged and marginalized”, and the other, submitted by the Government member of Cuba, had sought to replace “the crisis” by “crises caused by conflicts and disasters”.

1786. Point 23(a) was adopted as amended.

Point 23(b)

1787. Point 23(b) was adopted.

Point 23(c)

1788. The Worker Vice-Chairperson introduced an amendment to replace “basic” by “public”.

1789. The Employer Vice-Chairperson supported the amendment.

1790. The Government member of Angola, speaking on behalf of the Africa group, supported the amendment.

1791. The Government member of Brazil supported the amendment.

1792. The Government member of the United States requested clarification from the Workers’ group on what was meant by public care. She pointed out that the proposed text in English did not convey the same message as in French and requested the secretariat to provide the text from the Social Protection Floors Recommendation, 2012 (No. 202).

1793. The Worker Vice-Chairperson explained that “public” health was broader and more inclusive compared to the original text.

1794. The deputy representative of the Secretary-General stated that the text in Recommendation No. 202 referred to “essential health care”.

1795. The Government member of the United States proposed a subamendment, seconded by the Government member of New Zealand and supported by the Government members of Canada, Chile and Colombia, and the Government member of the Netherlands, speaking on behalf of the EU and its Member States, to replace “basic” by “essential health care and basic social”, in order to bring the text in line with the text in Recommendation No. 202. She proposed a further subamendment to add “access to” in front of “essential”.

1796. The Employer Vice-Chairperson supported the subamendment.

1797. The Government member of Indonesia pointed out a redundancy in the text as “basic” and “essential” conveyed the same meaning.

1798. The Employer Vice-Chairperson requested the secretariat to provide the exact wording from Recommendation No. 202.

-
- 1799.** The deputy representative of the Secretary-General confirmed that the text in Recommendation No. 202 was “access to essential health care”.
- 1800.** The Chairperson clarified that the issue was to choose between “public health care” and “essential health care”. She asked if the subamended text “provide access to public health care and essential social services” was acceptable.
- 1801.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the subamendment.
- 1802.** The Government member of the United States supported the subamendment but pointed out that Recommendation No. 202 did not refer to basic social services.
- 1803.** The subamendment was adopted.
- 1804.** Point 23(c) was adopted as subamended.
- 1805.** Point 23(c) was adopted as amended.

New clause after point 23(c)

- 1806.** The Government member of Saudi Arabia, speaking on behalf of the GCC countries and Yemen, introduced an amendment to add a new clause after point 23(c) to read “encourage and call on private enterprises to provide social protection and health-care services to their workers, given available resources and capabilities”. She said that social protection, in particular health-care services, should be strengthened. While governments should primarily provide for social protection and health-care services, employers should also be involved if they had the resources available. All parties needed to be involved in providing social protection in times of crisis.
- 1807.** The Worker Vice-Chairperson stated that it was the responsibility of the State to provide social protection, and the responsibility could not be passed on to the private sector. It was possible that public services could be complemented by the private sector but they could not substitute public services. He did not support the amendment.
- 1808.** The Employer Vice-Chairperson stated that it was not the duty of employers to provide social protection or health-care services. The role of employers was employment creation. If resources were diverted to social protection and health care, those resources could not be put toward the generation of employment. She did not support the amendment.
- 1809.** The Government member of Egypt supported the amendment.
- 1810.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, did not support the amendment. It was an important role of States to provide social protection and not that of private enterprises.
- 1811.** The Government member of Pakistan proposed a subamendment, seconded by the Government member of the Russian Federation and supported by the Government members of Algeria, Jordan and Sudan, to replace “and call on” by “encourage” and “to provide” by “to contribute towards” in order to highlight that it was not an obligation of private enterprises to provide social protection as qualified in the phrase “given available resources and capabilities”.
- 1812.** The Employer Vice-Chairperson did not support the subamendment. The responsibility of the State to provide social protection and health care was important, whether private or not.

-
- 1813.** The Worker Vice-Chairperson did not support the subamendment.
- 1814.** The Government member of Pakistan recalled that the context of the discussion was limited to crisis situations. In such situations, the State could not always properly respond to the people's needs.
- 1815.** The Government member of China supported the amendment, and stressed that in crisis situations the greatest effort was needed to protect the rights of workers.
- 1816.** The Government member of the United States supported the subamendment. She questioned the grammatical accuracy of the wording of the subamendment but understood that it would be addressed by the Committee Drafting Committee.
- 1817.** The Government member of Sudan stated that in conflict and crisis situations it was necessary to mobilize all parts of society. The private sector could contribute to social protection and health-care services. The amendment would be particularly useful for vulnerable countries.
- 1818.** The Government member of the Russian Federation recognized that it was the responsibility of States to provide social protection and health-care services. Although a contribution from the private sector would be important in times of crisis, in order to highlight the primary responsibility of the State, she proposed a subamendment, seconded by the Government member of Colombia and supported by the Government member of New Zealand, to add "in addition to social protection and health-care services already provided by the State, before "to contribute towards".
- 1819.** The Employer Vice-Chairperson did not support the subamendment. In times of war and crisis, businesses would also be affected and would not be in a position to contribute. She recalled that it had already been established in the text of the proposed Conclusions that the role of employers in times of crisis was to create employment.
- 1820.** The Worker Vice-Chairperson did not support the subamendment.
- 1821.** The Government member of Jordan recalled that in view of the large amount of financing involved in crisis response, private enterprises could also benefit financially and contribute to social protection. The last phrase of the amendment "given available resources and capabilities" made it clear that it would not be an obligation.
- 1822.** Due to a lack of support, the subamendments as proposed by the Government member of Pakistan and the Russian Federation were not adopted.
- 1823.** The amendment was not adopted.
- 1824.** Point 23 was adopted as amended.

Point 24

- 1825.** Two amendments were withdrawn. The first, submitted by the Government member of Cuba, had sought to insert "caused by conflicts and disasters" after "crises"; and the second, submitted by the Employer members, had sought to delete " , taking into account the relevant international labour standards".
- 1826.** The Worker Vice-Chairperson introduced an amendment to insert "the Social Security Convention No. 102, the Social Protection Floors Recommendation No. 202 and other" after

“taking into account”. It would add an explicit reference to the instruments in the proposed Conclusions.

1827. The Employer Vice-Chairperson supported the amendment.

1828. The Government member of Sudan stated that the amendment was redundant as the last line of the point already contained a reference to labour standards, and he also questioned what “and other” was referring to. He therefore he did not support the amendment.

1829. The Government members of New Zealand, Norway and Senegal, and the Government member of Chile, speaking on behalf of the Government members of Brazil and Colombia, and the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.

1830. The amendment was adopted.

1831. As a consequence, an amendment submitted by the EU and its Member States fell. It had sought to add “, including the Social protection Floors Recommendation, 2012 (No. 202)”.

1832. Point 24 was adopted as amended.

1833. Part VII was adopted as amended.

VIII. Labour law, labour administration and labour market information

Title

1834. The title was adopted.

Point 25

Chapeau

1835. An amendment submitted by the Government member of Cuba to insert “caused by conflicts and disasters” after “situations” was withdrawn.

1836. The Worker Vice-Chairperson introduced an amendment to insert “, in consultation with the most representative workers’ and employers’ organizations,” after “crisis situations”. The intention of the amendment was to bring the text in line with the principle of consultation of workers’ and employers’ organizations.

1837. The Employer Vice-Chairperson supported the amendment.

1838. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.

1839. The Government member of Kuwait, speaking on behalf of the GCC countries, supported the amendment.

1840. The amendment was adopted.

1841. An amendment submitted by the Employer members to add “, if necessary” after “should” at the end of the chapeau was withdrawn.

1842. The chapeau was adopted as amended.

Point 25(a)

1843. An amendment submitted by the Employer members to delete “, if necessary,” in point 25(a) was withdrawn.

1844. The Government member of the Russian Federation, introduced an amendment, seconded by the Government member of Cuba, to move “, if necessary,” to the end of the clause. In the current position, “if necessary” would mean that all States should review their legislation, even if it was unnecessary. The amendment was intended to apply “if necessary” to the whole sentence.

1845. The Worker Vice-Chairperson countered that revision should be part and parcel of labour law even in times of crisis. He did not support the amendment, but remained open to suggestions.

1846. The Employer Vice-Chairperson supported the amendment.

1847. The Government member of Colombia did not support the amendment and stressed that the revision of labour legislation was an obligation for all States.

1848. The Worker Vice-Chairperson reconsidered his position and supported the amendment.

1849. The amendment was adopted.

1850. The Employer Vice-Chairperson introduced an amendment to replace “re-establish or reinforce” by “or re-establish”. She noted that reinforcing labour legislation in times of crisis could compromise job creation, a key factor in building resilience.

1851. The Worker Vice-Chairperson did not support the amendment and stressed that reinforcing labour legislation was important and necessary in times of crisis.

1852. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, did not support the amendment; “reinforce” should be kept as in the original text.

1853. The Government member of Colombia, speaking on behalf of the Government members of Brazil and Chile, reiterated that the reinforcement of labour legislation was necessary in crisis situations.

1854. The Employer Vice-Chairperson withdrew the amendment.

1855. The Government member of the United States suggested that the Committee Drafting Committee look carefully at the wording in point 25(a). She proposed “strengthen” rather than “reinforce”.

1856. The Government member of the Russian Federation concurred with the view of the Government member of the United States and queried the meaning of “reinforce”.

1857. The Worker Vice-Chairperson introduced an amendment to add at the end of the clause “, consistent with the 1998 ILO Declaration on Fundamental Principles and Rights at Work

and applicable international labour standards” to ensure that new legislation would be in line with international labour standards.

1858. The Employer Vice-Chairperson supported the amendment.

1859. The amendment was adopted.

1860. The Government member of the United States noted that “if necessary” should be inserted after “legislation” since it was the “review” that was in question. This was supported by the Government member of Norway.

1861. The Government member of the Russian Federation concurred with the Government member of the United States.

1862. The subamendment was adopted.

1863. The Government member of Japan, speaking also on behalf of the Government members of China and Singapore, submitted an amendment to add at the end of the clause “, and make exceptions to the rules as needed”. In situations of crisis, timely and prompt interventions, changes of rules and interpretations of regulations were needed, which might require that exceptions be made. As an example, he highlighted that in the aftermath of the 2011 earthquake and tsunami, the Government of Japan had exceptionally simplified employment and employment insurance procedures.

1864. The Worker Vice-Chairperson and the Employer Vice-Chairperson did not support the amendment.

1865. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, did not support the amendment and noted that it was redundant given that “if necessary” was already in the clause.

1866. The Government member of the Republic of Korea supported the amendment.

1867. The amendment was not adopted.

1868. Point 25(a) was adopted as amended.

New clause after point 25(a)

1869. The Employer Vice-Chairperson introduced an amendment to add a new clause between (a) and (b) to read “ensure, in consultation with the most representative employers’ and workers’ organizations, that labour laws support the generation of employment opportunities;”. She emphasized that, in times of crisis, labour laws should support the generation of employment opportunities.

1870. The Worker Vice-Chairperson agreed with the Employer Vice-Chairperson, and proposed a subamendment to add “decent” between “generation of” and “employment”.

1871. The Employer Vice-Chairperson further proposed a subamendment to add “and productive” after “decent”, to read “decent and productive employment opportunities”.

1872. The Government member of Sudan questioned the feasibility of creating decent employment in times of crisis and catastrophes.

-
- 1873.** The Government member of the United States proposed a further subamendment, seconded by the Government member of New Zealand, to delete “, in consultation with the most representative employers’ and workers’ organizations,” to avoid repetition, given that the consultation of employers’ and workers’ organizations was already included in the chapeau of point 25.
- 1874.** The Employer Vice-Chairperson supported the subamendment proposed by the Government member of the United States.
- 1875.** The Worker Vice-Chairperson did not support the subamendment.
- 1876.** The Government member of Jordan supported the subamendment and called upon the Employer Vice-Chairperson to clarify the meaning of “representative employers’ and workers’ organizations”.
- 1877.** The Employer Vice-Chairperson pointed out that the Employer members had supported the amendment to delete “, in consultation with the most representative employers’ and workers’ organizations,” and invited the secretariat to provide further clarification.
- 1878.** The deputy representative of the Secretary-General explained that “most representative workers’ and employers’ organizations” was an accepted term frequently used in ILO instruments and that a process had been established for identifying such organizations.
- 1879.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the subamendment proposed by the Government member of the United States and proposed a further subamendment to add “also” before “support the generation”. Labour laws primarily protected workers’ rights but should also support employment generation.
- 1880.** The Employer Vice-Chairperson supported the subamendment.
- 1881.** The Worker Vice-Chairperson said that “consultation with the most representative employers’ and workers’ organizations” should be retained.
- 1882.** The Government member of Jordan suggested deleting “most representative”.
- 1883.** The Chairperson confirmed that the majority had agreed with the text “ensure that labour laws also support the generation of decent and productive employment opportunities”.
- 1884.** The subamendment by the Government member of the Netherlands, speaking on behalf of the EU and its Member States, was adopted.
- 1885.** The new clause after point 25(a) was adopted.

Point 25(b)

- 1886.** An amendment submitted by the Employer members to delete “, re-establish or reinforce, as necessary” was withdrawn.
- 1887.** The Worker Vice-Chairperson introduced an amendment to insert “taking into account the Labour Inspection Convention No. 81,” after “labour inspection”.
- 1888.** The Employer spokesperson supported the amendment.
- 1889.** The Government members of New Zealand and Senegal supported the amendment.

-
- 1890.** The amendment was adopted.
- 1891.** The Government member of the Russian Federation introduced an amendment, seconded by the Government member of Cuba, to delete “, as well as other institutions competent for the administration of justice”. Its aim was to avoid ambiguity since it was not clear which institutions were being referred to, given that some legal systems were made up of a well-established list of institutions.
- 1892.** The Worker Vice-Chairperson did not support the amendment.
- 1893.** The Employer Vice-Chairperson did not support the amendment and added that judiciaries were not always comprised of a well-established list of institutions. It was therefore important to stress the competence of the relevant institutions.
- 1894.** The Government member of the United States proposed a subamendment, seconded by the Government member of New Zealand, to move the proposed text to be deleted “as well as other institutions competent for the administration of justice,” to before “taking into account”.
- 1895.** The Employer spokesperson and the Worker Vice-Chairperson supported the subamendment.
- 1896.** The Government member of Colombia did not support the deletion of “as other institutions”.
- 1897.** The Government member of the Russian Federation asked the secretariat to clarify whether the Committee was not overstepping its mandate by indicating that governments “should” establish such institutions.
- 1898.** The deputy representative of the Secretary-General explained that not all countries had labour courts and that, in such cases, labour matters were dealt with by the ministry of justice. The original wording catered for such situations, which were particularly prevalent in small countries.
- 1899.** The Government member of Sudan asked whether the point referred to national or international institutions.
- 1900.** The Government member of the Russian Federation observed that the original wording presumed the total absence of a national administration of justice, whereas all countries had some form of justice system.
- 1901.** An expert from the secretariat said that there was no specific terminology to differentiate between ordinary and specialized labour courts. The term “labour jurisdiction” was generic and referred to all institutions dealing with labour issues or labour disputes.
- 1902.** The Government member of the Russian Federation said that the beginning of the sentence should be changed since there was no need to “establish” judiciaries. Even if a country had no specialized labour court system, labour matters could be dealt with by the ordinary courts.
- 1903.** The Government member of Colombia indicated that the words “as necessary” meant that the establishment of such bodies was only called for where they did not already exist, resolving the problem raised by the Government member of the Russian Federation.
- 1904.** An expert from the secretariat suggested the wording “as well as other institutions competent for labour jurisdiction” or alternatively “competent for labour disputes”.

-
- 1905.** The Government member of the Russian Federation said that she could not give a final confirmation of her delegation's position, but considered that the suggestions by the secretariat pointed in the right direction.
- 1906.** The Employer spokesperson said that one of the secretariat's suggestions narrowed the scope down to labour disputes, thereby ignoring other elements of labour administration.
- 1907.** The deputy representative of the Secretary-General pointed out that the wording "the system of labour administration" at the beginning of the point had not been changed and therefore also covered other areas of labour administration.
- 1908.** An expert from the secretariat proposed alternative wording to replace the text deleted by the submitted amendment to read "as well as other institutions competent for the administration of labour jurisdictions, taking into account the Labour Inspection Convention No. 81".
- 1909.** The Worker Vice-Chairperson supported the wording proposed.
- 1910.** The Employer spokesperson said that, while the text was not elegant, it could suffice.
- 1911.** In response to the Government member of Sudan's query as to whether a reference should be made to "national labour jurisdictions" to exclude international jurisdictions, the Chairperson confirmed that the text related to national institutions.
- 1912.** A further subamendment proposed by the Government member of Sudan to include "national" was not seconded and thus fell.
- 1913.** The Government member of Canada asked where the term "labour jurisdictions" originated from as he was unfamiliar with the term.
- 1914.** The deputy representative of the Secretary-General stated that the suggested text was to respond to the concerns expressed by the Government member of the Russian Federation and that the Office would raise the issue in the brown report.
- 1915.** The Government member of Norway stated that the term "labour jurisdictions" was not clear and asked whether "labour law" was not a more appropriate formulation. She also noted that "labour jurisdictions" were not institutions.
- 1916.** The deputy representative of the Secretary-General responded that the term could not be substituted by "labour law" and indeed was referring to institutions.
- 1917.** The Government member of the Russian Federation confirmed that it was clear that the concept was that of "institutions competent with labour jurisdiction".
- 1918.** The amendment was adopted as amended.
- 1919.** Point 25(b) was adopted as amended.

Point 25(c)

- 1920.** The Government member of the Russian Federation introduced an amendment, seconded by the Government member of Cuba, to add the words ", if necessary," after "restore", as it might not be necessary to establish or restore such systems where they were already in place and operational.

-
- 1921.** The Employer Vice-Chairperson supported the amendment.
- 1922.** The Worker Vice-Chairperson did not support the amendment and stated that labour market information systems were very important in times of crisis; the amendment weakened the text.
- 1923.** The Government members of India, New Zealand, Pakistan, Senegal and Turkey, and the Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.
- 1924.** The Worker Vice-Chairperson supported the amendment.
- 1925.** The amendment was adopted.
- 1926.** The Employer Vice-Chairperson introduced an amendment to replace “or restore” by “, restore or enhance”; she stressed the need to “enhance” systems where they existed but were not efficient.
- 1927.** The Worker Vice-Chairperson supported the amendment.
- 1928.** The Government members of Canada, New Zealand and Senegal, and the Government members of Chile, speaking also on behalf of the Government members of Brazil and Colombia, and the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.
- 1929.** The amendment was adopted.
- 1930.** An amendment submitted by the Government member of Cuba to replace “the crisis” by “crises caused by conflicts and disasters” was withdrawn.
- 1931.** Point 25(c) was adopted as amended.

Point 25(d)

- 1932.** The Government member of Senegal, speaking on behalf of the Africa group, introduced an amendment to replace the text of point 25(d) by “establish or restore and strengthen public employment services, ensure the regulation of private employment agencies and promote a synergy between all labour market actors to enable local populations to get the most out of employment opportunities generated by investments related to the promotion of peace and recovery”. The amendment would strengthen the text concerning employment services, particularly by referring to private employment agencies and the role of other labour market actors.
- 1933.** The Worker Vice-Chairperson remarked that there was no mention of emergency public employment services and therefore he did not support the amendment.
- 1934.** The Government member of Senegal explained that he was open to any proposals the Committee might wish to recommend.
- 1935.** The Employer Vice-Chairperson noted that each clause in point 25 addressed a particular topic, in the present case emergency employment services. She therefore preferred to keep paragraphs separate, as proposed in the original text.
- 1936.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, also preferred the original text.

-
- 1937.** The Government member of Senegal proposed a subamendment, seconded by the Government member of Chad and supported by the Government member of Mali, to insert “including emergency employment services” after “employment services”.
- 1938.** The Worker Vice-Chairperson proposed a further subamendment, seconded by the Government member of Senegal, to replace “if necessary” with “including”.
- 1939.** The Government member of Senegal stated that the meanings of “strengthen” and “improve” were the same, and in the context of a conflict or emergency strengthening was essential.
- 1940.** The Employer Vice-Chairperson supported the subamendment proposed by the Worker Vice-Chairperson.
- 1941.** The amendment was adopted as subamended.
- 1942.** As a consequence, an amendment submitted by the Employer members to insert “enhance” before “establish” fell.
- 1943.** Two amendments were withdrawn. The first, submitted by the Government member of the Russian Federation had sought to insert “if necessary,” after “restore”; and the second, submitted by the Worker members had sought to add “, taking into account the Employment Service Convention No. 88 and Recommendation No. 83”.
- 1944.** Point 25(d) was adopted as amended.

Point 25(e)

- 1945.** The Government member of Senegal, speaking on behalf of the Africa group, introduced an amendment to delete the entire point given that point 25(d), which had just been adopted, took into account everything in point 25(e).
- 1946.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 1947.** The amendment was adopted.
- 1948.** As a result, an amendment submitted by the Employer members to delete “or when needed” after “exist” in the first line fell.

Point 25(f)

- 1949.** The Government member of Angola, speaking on behalf of the Africa group, introduced an amendment to delete the entire text of point 25(f), given that point 25(d), which had just been adopted, took into account everything in point 25(f).
- 1950.** The Worker Vice-Chairperson did not support the amendment.
- 1951.** The Employer Vice-Chairperson supported the amendment and noted that the Africa group had wished to combine points 25(d), 25(e) and 25(f).
- 1952.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, agreed with the view of the Employer Vice-Chairperson and also supported the amendment.
- 1953.** The Worker Vice-Chairperson changed his position and supported the amendment.

1954. The amendment was adopted.

1955. As a result, three amendments fell. The first, submitted by the Government member of the Russian Federation, had sought to replace “ensure” by “encourage”. The second, submitted by the Employer members, had sought to replace “and the regulation of private employment agencies” by “taking into account international standards”. The third amendment, submitted by the Worker members, had sought to add at the end of the clause “, taking into account the Private Employment Agencies Convention No. 181 and Recommendation No. 188”.

1956. Point 25 was adopted as amended.

1957. Part VIII was adopted.

Part IX. Social dialogue

Title

1958. The title was adopted.

Point 26

Chapeau

1959. An amendment submitted by the Government member of Cuba to insert “caused by conflicts and disasters” after “situations” was withdrawn.

1960. In a spirit of collaboration, an amendment submitted by the Worker members to add at the end of the chapeau “, in compliance with 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)” was withdrawn.

1961. The chapeau of point 26 was adopted.

Point 26(a)

1962. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, introduced an amendment to replace point 26(a) by “promote reconciliation, social and economic stability, recovery and resilience through social dialogue”. He stressed that promotion was important, and the goals could not be ensured.

1963. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.

1964. The Government members of Indonesia, New Zealand and the United States, and the Government member of Angola, speaking on behalf of the Africa group, supported the amendment.

1965. The amendment was adopted.

1966. As a result, an amendment submitted by the Government members of Australia, Canada and the United States to replace “ensure that” by “promote” and to delete “are promoted” fell.

-
- 1967.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, introduced an amendment to add at the end of the clause “, and support women’s influence and meaningful participation in social dialogue”.
- 1968.** The Employer Vice-Chairperson and the Worker Vice Chairperson supported the amendment.
- 1969.** The Government members of New Zealand and Switzerland, and the Government member of Angola, speaking on behalf of the Africa group, supported the amendment.
- 1970.** The amendment was adopted.
- 1971.** The Worker Vice-Chairperson introduced an amendment to add at the end, “, taking into account the Tripartite Consultation Convention No. 144”. Reference to the Convention was needed to underline the importance of social dialogue.
- 1972.** The Employer Vice-Chairperson supported the amendment.
- 1973.** The Government members of Canada and Indonesia, and the Government member of Angola, speaking on behalf of the Africa group, supported the amendment.
- 1974.** The amendment was adopted.
- 1975.** Point 26(a) was adopted as amended.

Point 26(b)

- 1976.** Point 26(b) was adopted.

Point 26(c)

- 1977.** An amendment submitted by the Government member of the Russian Federation to delete point 26(c) was not seconded and therefore fell.
- 1978.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, introduced an amendment to insert “, in addition,” between “encourage” and “close”; he explained that it added clarity to the text.
- 1979.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 1980.** The Government member of Senegal, and the Government member of Colombia, speaking also on behalf of the Government members of Brazil and Chile, supported the amendment.
- 1981.** The amendment was adopted.
- 1982.** An amendment submitted by the Worker members to delete “close” was withdrawn.
- 1983.** The Employer Vice-Chairperson introduced an amendment to delete “other”, as it was superfluous and had been deleted elsewhere.
- 1984.** The Worker Vice-Chairperson supported the amendment.
- 1985.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.

-
- 1986.** The Government member of the Russian Federation requested clarification from the secretariat regarding between whom the cooperation would take place.
- 1987.** The deputy representative of the Secretary-General clarified that the term “Members” had been used in the chapeau, which in the context of the ILO meant member States of the Organization.
- 1988.** The Government member of the Russian Federation requested further clarification as the nature of the cooperation between parties was still unclear to her.
- 1989.** The amendment was adopted.
- 1990.** The Government member of the United States echoed that the clause was not clear, but was not sure how to introduce a subamendment since the amendment had already been adopted.
- 1991.** The Chairperson informed the Committee that the amendment had already been adopted, but that the Committee Drafting Committee could reconsider the wording of the clause.
- 1992.** An amendment submitted by the Worker members to replace “other” by “, as appropriate, the relevant” fell.
- 1993.** The Government member of Cuba expressed a wish for his reservation to be registered on point 26(c) in that it had not included the relevant term when addressing relevant civil society organizations and the Committee would need to work on that basis the following year.
- 1994.** Point 26(c) was adopted as amended.
- 1995.** Point 26 was adopted as amended.

Point 27

Chapeau

- 1996.** Two amendments were withdrawn. One had been submitted by the Government member of Cuba to replace “crisis response” by “response to crises caused by conflicts and disasters”; and the other by the Employer members to delete “, taking into account 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)” after “response.”
- 1997.** The chapeau of point 27 was adopted.

Point 27(a)

- 1998.** The Worker Vice-Chairperson introduced an amendment to insert “sustainable” after “assisting” in order to be consistent with earlier discussions.
- 1999.** The Employer Vice-Chairperson supported the amendment.
- 2000.** The Government member of Angola, speaking on behalf of the Africa group, and the Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.
- 2001.** The amendment was adopted.

-
- 2002.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, introduced an amendment to add “and facilitate access to finance” at the end of the clause. The addition was considered important and relevant in the context.
- 2003.** The Employer Vice-Chairperson supported the amendment.
- 2004.** The Worker Vice-Chairperson considered that the issue of access to finance might be more appropriately addressed in another section than in the one on social dialogue; he did not support the addition.
- 2005.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, explained that it was governments’ role to assist enterprises and facilitate their access to finance.
- 2006.** The Worker Vice-Chairperson agreed to the amendment in order to accelerate the work of the Committee.
- 2007.** The Government member of Angola, speaking on behalf of the Africa group, supported the amendment.
- 2008.** The amendment was adopted.
- 2009.** Point 27(a) was adopted as amended.

Point 27(b)

- 2010.** An amendment submitted by the Government member of Cuba to insert “caused by conflicts and disasters” after “crises” was withdrawn.
- 2011.** Point 27(b) was adopted.

Point 27(c)

- 2012.** The Worker Vice-Chairperson introduced an amendment to add “of social dialogue” at the end of the clause in order also to refer to other forms of social dialogue.
- 2013.** The Employer Vice-Chairperson supported the amendment.
- 2014.** The Government member of Indonesia, and the Government members of Angola, speaking on behalf of the Africa group, Chile, speaking also on behalf of the Government members of Brazil and Colombia, and the Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.
- 2015.** The amendment was adopted.
- 2016.** Point 27(c) was adopted as amended.
- 2017.** Point 27 was adopted as amended.

Part X. Refugees, internally displaced persons, and returnees

- 2018.** The Government member of Ethiopia, speaking on behalf of the Africa group, introduced an amendment to delete “Refugees,” in the title of Part X. She stressed that half of the top

ten refugee-hosting countries in the world were located in Africa, which continued to host the largest number of refugees compared to other parts of the world. The capacity of African countries to receive and host refugees was overstretched. She recalled that, unlike other parts of the world, refugee status in Africa was granted and facilitated on the basis of the Convention Relating to the Status of Refugees and the Organization of African Unity (OAU) Convention governing the specific aspects of refugee problems in Africa, 1974. Countries of asylum in Africa had demonstrated their commitment to the international protection system and had made substantial contribution to refugee protection. The international community had a responsibility to ensure that the burden be shared in a more balanced and equitable way in order to safeguard the rights of refugees. That was the purpose of the forthcoming UN General Assembly high-level meeting to address the large movements of refugees and migrants scheduled for 19 September 2016 in which access to the labour market and employment would be only one of the many aspects of a broader response package. Regional Refugee Response plans remained largely unfunded which was a reflection of the continuous limited international solidarity. She drew attention to the serious funding gap which continued to be a major challenge for African countries and gave examples of the seriousness of those gaps: a 93 per cent funding gap for the Central African Republic, 92 per cent for South Sudan, 90 per cent for Chad and 88 per cent for Ethiopia. Such funding gaps indicated the limited international solidarity and burden sharing to support countries hosting large number of refugees in Africa. In that context, she proposed that Part X be placed in brackets, and reaffirmed her commitment to work under the existing international instruments. She called upon the Committee to consider the issue in its broader perspective and not to focus only on the labour market integration of refugees, to which she was not opposed.

- 2019.** The Worker Vice-Chairperson said that he had listened with interest to the statement made by the Africa group, noting that more than 80 per cent of refugees came from middle-income and developing countries. He underlined however that the proposed instrument was about decent work responses in conflict situations and therefore the targeted groups could not be limited to internally displaced persons and had to include refugees. He therefore did not agree to the amendment.
- 2020.** For the benefit of the Committee, the Employer Vice-Chairperson asked the secretariat to explain the justification behind the inclusion of “refugees” in the proposed Conclusions.
- 2021.** The deputy representative of the Secretary-General reiterated the explanation that she had provided on the first day of the work of the Committee. First, the term “refugee” referred to the provisions contained in the Convention Relating to the Status of Refugees, 1951. Second, Report V(2) reflected the discussions of the November 2015 session of the Governing Body which had clearly called on the Office to consider the issue of refugees as part of the revision of Recommendation No. 71. That had been reaffirmed in the reply of the Director-General to the members of the Governing Body. The provisions presented an inclusive and balanced synthesis of discussions on the Governing Body. Report V(2) was issued before the subsequent Governing Body discussion in March 2016. Third, the March 2016 session of the Governing Body had resulted in the decision to hold a tripartite technical meeting on the issue of refugees in July 2016. Fourth, she recalled that refugees were a direct and important consequence of conflicts and natural disasters and needed therefore to be mentioned in the proposed Conclusions.
- 2022.** The Employer Vice-Chairperson thanked the secretariat for its reply and acknowledged that the information had been provided earlier. Given that there were no specific ILO instrument dealing with forcibly displaced persons, she believed that it was the responsibility of the ILO to provide guidance on refugees and labour market issues. She therefore did not support the amendment.

-
- 2023.** With reference to earlier discussions, the Government member of Jordan reaffirmed that “the most representative workers and employers organizations” was not the standard terminology used and the standard terminology was “in consultation with employers’ and workers’ organizations”. He associated himself with the statement made by the Africa group and wished it to be put on record that, during both the November 2015 session of the Governing Body and the March 2016 session, member States had been told that those discussions would not result in a decision. The purpose of the technical meeting scheduled for July was precisely to define an ILO policy on refugees. He expressed concern about serious consequences that might result if the Committee pre-empted the result of tripartite meetings, whereas ILO policy was still unclear.
- 2024.** The Government member of Lebanon aligned himself with the intervention made by the Government member of Jordan. It was an issue which had been reiterated on many occasions and needed to be discussed in light of the conclusions of the ILO tripartite meeting of experts to be held in July.
- 2025.** The Government member of Ethiopia reiterated that guidance for the ILO on labour market inclusion of refugees should be drawn from the outcome of the UN General Assembly high-level meeting to address the large movement of refugees and migrants on 19 September 2016; it was not possible to discuss that issue at the present stage.
- 2026.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, recognized the concerns expressed by the speakers supporting the amendment but the issue of refugees was important for the ILO and therefore he did not support the amendment. By including “refugees”, the Office was responding to the questionnaire answered by the member States, 78 out of 82 of which wished for special attention to be paid to the issue of refugees.
- 2027.** The Government member of India supported the statements made by the Government members of Jordan and Lebanon, and the Government member of Ethiopia, speaking on behalf of the Africa group. He questioned the logic of having a special section on refugees when there were no separate sections on other population groups such as migrants, children and women, and indigenous and tribal people. He considered that the Office had been providing leading questions in its first report and, although a good number of responses was received, he did not consider the response of the 78 member States wishing special attention to be paid to refugees as representative of the general opinion of the 186 member States of the ILO. He also found the terminology used problematic as the March 2016 session of the Governing Body had decided not to focus on the integration of refugees but on their access to the labour markets. He proposed that all of Part X be bracketed and revisited in 2017.
- 2028.** The Government member of Pakistan associated itself with the statements made by the Government members of Ethiopia, India and Jordan and spoke of his country’s experience as a major refugee-hosting country. He wished to wait for the results of the tripartite meeting of experts scheduled for July 2016 before reaching any conclusion on the issue.
- 2029.** The Government member of the Russian Federation supported the statements made by the Government members of India and Pakistan, and the Government member of Ethiopia on behalf of the Africa group. She found Part X to be inconsistent with other Parts of the proposed Conclusions, which looked comprehensively at the issues faced during transitioning into peace, in that it focused on three vulnerable groups. She questioned why other vulnerable groups like migrants, children and women and indigenous and tribal peoples were not being focused on. She furthermore elaborated upon the point that discussions were ongoing, and there was time to await their outcome. She supported the proposal made by the Government member of India to bracket the entire Part as there was no rush and it could be revisited in 2017.

-
- 2030.** The Government member of Canada, acknowledging the efforts of refugee-hosting countries, was open to the idea of bracketing Part X but wished to keep “refugees” in the title. She explained that the three vulnerable groups mentioned in the title were different to the other vulnerable groups because conflicts and disasters were key drivers of displacement therefore refugees, internally displaced persons and returnees were created by conflicts and disasters, which was not the case for other vulnerable groups.
- 2031.** The Government member of Brazil, also speaking on behalf of the Government members of Chile and Colombia, understood the concerns raised by those who supported the amendment, although he did not support it. He explained that the issue of refugees was important, as highlighted in the Brazil Declaration and Action Plan of 2014 on “A Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean”.
- 2032.** The Government member of China explained that the situation of refugees was very specific to hosting countries, especially in Africa. Refugees were not the only vulnerable group concerned by employment and the need for decent work. He preferred to wait for the outcome of the tripartite meeting of experts scheduled for July 2016 before reaching any conclusions on the issue.
- 2033.** The Government member of Cuba supported the proposal to bracket all of Part X and return to the discussion in 2017, which would enable the present Committee to complete its work on time.
- 2034.** The Government member of Jordan mentioned that the text of the proposed Conclusions was based on the November 2015 Governing Body discussion and did not take into account the March 2016 Governing Body discussion, which did not refer to the issue of integration of refugees but to their access to labour markets. He wished to wait for the ILO policy on the issue, which was expected to come out of the tripartite meeting of experts scheduled for July 2016.
- 2035.** The Government member of India said that he wished to wait for the outcome of the tripartite meeting of experts scheduled for July 2016. He explained that different principles applied to refugees as they were from outside the country compared to internally displaced persons, who were from within the country.
- 2036.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, said that the discussion showed the importance of the issue of refugees. He added that it was important to keep “refugees” in the title and he was open to bracketing all of Part X.
- 2037.** The Government member of Ethiopia, speaking on behalf of the Africa group, pointed out that the other vulnerable categories mentioned by the Government member of the Russian Federation were also important; she requested the Office to look into the issue and include them. She agreed with bracketing all of Part X and revisiting it in 2017. She preferred to wait for the outcome of the meeting scheduled for 19 September 2016, where UN member States would discuss the issue of refugees and migrants. She proposed that the representative of the UNHCR present in the room could be invited to further elaborate on that meeting.
- 2038.** The Government member of the United States proposed keeping “refugees” in the title of Part X on the understanding that the content of Part X would be bracketed and revisited the following year. “Refugees” and “returnees” should be dealt with in a different section to “internally displaced persons”. She asked the secretariat to prepare an alternative text based on the discussions that would be held later that year, in particular with input from the UNHCR.

-
- 2039.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, strongly supported the proposal by the Government member of the United States as it provided a good way forward.
- 2040.** The Government member of Ethiopia, speaking on behalf of the Africa group, said that she agreed with the ideas behind the proposed solution. The financing difficulties that had been raised in previous discussions stemmed from uncertainty as to the shape that the future agreements might take. The future discussion would address a number of issues and establish the commitment capacity of partners. She therefore supported bracketing the whole of Part X.
- 2041.** The Worker Vice-Chairperson proposed bracketing the entirety of Part X, including its title, provided that the Committee's discussion be fully reflected in the brown report, which should also include the text of the report of the Tripartite Technical Meeting on the Access of Refugees and other Forcibly Displaced Persons to the Labour Market to be held in July 2016. Accordingly, all the amendments related to the bracketed Part X would fall. He recalled that the subject of refugees was part of the Committee's mandate to safeguard the rights of workers everywhere, whatever their status.
- 2042.** The Employer Vice-Chairperson said that she supported bracketing Part X on the understanding that the related amendments would fall and could be resubmitted, if necessary. She asked for confirmation that the Committee would also note the fate of Part X in its report and she sought confirmation from the secretariat that it understood the expectations of the Workers' group and Employers' group.
- 2043.** The Government member of the United States clarified that her initial proposal had been to keep the title and to bracket the content, but that she could support the proposal by the social partners to bracket the entire text in the interest of consensus.
- 2044.** The Government member of Ethiopia, speaking on behalf of the Africa group, said that she was in agreement with the proposal made by the Worker members and Employer members.
- 2045.** The Government member of Cuba said that it was his country's understanding that the following year the text of the proposed Conclusions would be open to negotiation in its entirety and that as such it could be amended. In that respect, he asked the Office and the Chairperson of the Committee for confirmation.
- 2046.** The deputy representative of the Secretary-General indicated that, following the discussion in the Committee, the Office would issue two reports: a brown report and a blue report. The brown report would be issued two months after the first discussion and would contain the proposed Recommendation, which would be the text of the instrument as it came out of the first discussion and it would also reproduce the bracketed text. It would also contain a proposal that took into account the discussion of the Committee as well as the outcome of the tripartite technical meeting to be held in July 2016. It would propose a way forward, without altering the text of the proposed Conclusions, and it would call for comments from constituents. Those comments would feed into the blue report, which would provide the background paper for the discussion at the 2017 session of the Conference. She confirmed that the entire text of the proposed Recommendation would be open for a new set of amendments. She recalled that eight international organizations had made statements during the Committee's discussion supporting the revision of Recommendation No. 71 and consultations would continue shortly after the first discussion with UNHCR and OCHA to reflect joint areas of mutual interest. The outcome of those discussions would also be reflected in the Office's commentary in the brown report.

-
- 2047.** The Government member of Jordan supported the bracketing of Part X. He however drew the secretariat's attention to the fact that the decision by the Governing Body to replace the word "integration" by "access of refugees to the labour market" had not been applied in a number of points in the proposed Conclusions. He therefore requested the secretariat to ensure that there was no conflict with the decision of the Governing Body.
- 2048.** The deputy representative of the Secretary-General explained that the proposed Conclusions were based on the discussion of the Governing Body at its November 2015 session and that, since the terminological change had not been decided until March 2016, it had not been reflected.
- 2049.** The Government member of Chile, speaking on behalf of the Government members of the Plurinational State of Bolivia, Brazil and Colombia, supported the proposal by the Worker members and Employer members. She stated however that they had been prepared to enter into discussions on the subject of refugees, as there was agreement among Latin American countries about the need to protect the rights of refugees, and considered that the Committee's discussion would have provided a good opportunity to make progress in that regard.
- 2050.** The Government member of Canada supported the proposal to bracket Part X but considered that the subject of refugees should thereafter be addressed in a stand-alone section.
- 2051.** The Government member of Pakistan asked for confirmation that a text would be produced in parallel to the proposed Recommendation, based on the Committee's discussion.
- 2052.** The deputy representative of the Secretary-General confirmed that the brown report would contain the Office commentary, which would propose a way forward based on the Committee's discussion, and that the comments from constituents would be used to draw up the now draft text in the blue report, which would provide the basis for the Committee's discussion at the 106th Session of the Conference in 2017.
- 2053.** The Government member of Netherlands, speaking on behalf of the EU and its Member States, agreed with putting Part X in brackets and postponing the discussion until the following year. He reiterated that the refugee issue deserved a full section in the final Recommendation.
- 2054.** Part X was bracketed in its entirety.

Part XI. Prevention, mitigation and preparedness

Title

- 2055.** The title of Part XI was adopted.

Point 34

Chapeau

- 2056.** The Worker Vice-Chairperson introduced an amendment to insert "in ways that support economic and social development and decent work" after "crises". He stressed the role of prevention measures not only to guarantee peace, but also to support economic and social development and decent work.

2057. The Employer Vice-Chairperson supported the amendment.

2058. The Government members of India and Jordan, and the Government members of Angola, speaking on behalf of the Africa group, and the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.

2059. The amendment was adopted.

2060. The chapeau was adopted as amended.

Point 34(a)

2061. The Worker Vice-Chairperson introduced an amendment to insert “environmental,” after “economic,”. He explained that the reference to “environment” was intended to reiterate the intention of the Workers’ group to support the transition to green and sustainable development.

2062. The Employer Vice-Chairperson supported the amendment.

2063. The Government members of Canada, Jordan, New Zealand and Norway, the Government member of Chile, speaking also on behalf of the Government members of the Plurinational State of Bolivia and Brazil, and the Government members of Angola, speaking on behalf of the Africa group, and the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.

2064. The amendment was adopted.

2065. Point 34(a) was adopted as amended.

Point 34(b)

2066. Point 34(b) was adopted.

Point 34(c)

2067. Point 34(c) was adopted.

Point 34(d)

2068. The Worker Vice-Chairperson introduced an amendment to insert “of adverse impacts on fundamental principles and rights at work” after “mitigation”.

2069. The Employer Vice-Chairperson proposed a subamendment to delete “on fundamental principles and rights at work” after “impacts and add “taking into account the ILO Declaration of Fundamental Principles and Rights at Work,”.

2070. The Government member of the United States agreed to the reference to the 1998 Declaration of Fundamental Principles and Rights at Work. However, she did not support the amendment, believing that impact mitigation and business continuity management deserved an entire Part.

2071. The Worker Vice-Chairperson supported the subamendment proposed by the Employer Vice-Chairperson.

-
2072. The Government members of Angola, speaking on behalf of the Africa group, and the Netherlands, speaking on behalf of the EU and its Member States, supported the subamendment.
2073. The amendment as subamended was adopted.
2074. An amendment submitted by the Worker members was withdrawn. It had sought to replace “business continuity management” by “support and guidance to employers to undertake human rights due diligence”.
2075. The Worker Vice-Chairperson introduced an amendment to replace “institutions” by “sectors”. The reference to public and private sectors was broader in scope and more inclusive than the reference to public and private institutions.
2076. The Employer Vice-Chairperson supported the amendment.
2077. The Government member of Chile, and the Government member of Angola, speaking on behalf of the Africa group, supported the amendment.
2078. The amendment was adopted.
2079. Point 34(d) was adopted as amended.
2080. Point 34 was adopted as amended.
2081. Part XI was adopted as amended.

Part XII. International cooperation

2082. The title was adopted.

Point 35

2083. An amendment submitted by the Worker members to insert “to assist one another,” after “crises,” was withdrawn.
2084. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, introduced an amendment to add a sentence to read “Members should make full use of existing arrangements and established institutions and mechanisms.” As such arrangements and institutions already existed, it was important to ensure that Members made use of them.
2085. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
2086. The Government member of Angola, speaking on behalf of the Africa group, supported the amendment.
2087. The Government member of Cuba proposed a subamendment to add “and revitalize” after “full use of”. The subamendment was seconded by the Government member of Pakistan and supported by the Government members of Brazil and Chile.

-
- 2088.** The Employer Vice-Chairperson recalled that the amendment proposed by the EU and its Member States had sought to ensure that Members made use of existing arrangements; the purpose was not to revitalize them. She inquired as to whether the words “to revitalize” could be placed elsewhere in the sentence, and surmised that it was the decision of the Committee Drafting Committee to determine the precise placement of “to revitalize” in the sentence.
- 2089.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the subamendment.
- 2090.** The Government member of the United States proposed a further subamendment to change the text from “and revitalize them” to “and strengthen them, as appropriate”. The word “strengthen” was more suitable than “revitalize” in the context, and “as appropriate” was necessary, as the arrangements, institutions and mechanisms referred to in the sentence did not always need to be strengthened. The subamendment was seconded by the Government member of Canada and supported by the Government member of Norway.
- 2091.** The Government member of Angola, speaking on behalf of the Africa group, supported the subamendment proposed by the Government member of Cuba. “As appropriate” could be added after “revitalize” in the subamendment proposed by the Government member of Cuba.
- 2092.** The Government member of Chile stated that “revitalize” was more appropriate than “strengthen”. She supported the subamendment as proposed by the Government member of Cuba.
- 2093.** The Government member of Cuba proposed a further subamendment to combine his previous subamendment with the subamendment proposed by the Government member of the United States, to change the text to “and strengthen and revitalize, as appropriate” at the end of the sentence. The Government member of Brazil seconded the subamendment.
- 2094.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the subamendment as proposed by the Government member of the United States.
- 2095.** The Worker Vice-Chairperson and the Employer Vice-Chairperson preferred the word “strengthened” and therefore supported the subamendment proposed by the Government member of the United States.
- 2096.** The amendment was adopted as subamended.
- 2097.** Point 35 was adopted as amended.
- 2098.** The Government member of Cuba lamented the fact that the subamendment he had proposed including “revitalize” when referring to established institutions and mechanisms had not been adopted. He stressed that there was much need for them to be revitalized and thanked the Government member of Brazil for supporting his proposal.

Point 36

- 2099.** The Employer Vice-Chairperson introduced an amendment to replace “and decent work” by “, decent work and sustainable enterprises”, and noted that “sustainable enterprises” was widely used in ILO texts.
- 2100.** The Worker Vice-Chairperson supported the amendment.

2101. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment

2102. The amendment was adopted.

2103. Point 36 was adopted as amended.

Point 37

2104. Point 37 was adopted.

Point 38

2105. The Employer Vice-Chairperson introduced an amendment to insert “, capacity development of local constituencies” after “integration”, and noted that the ILO had a leading role in capacity building of local communities which should be reflected in the agreed text.

2106. The Worker Vice-Chairperson supported the amendment.

2107. The Government member of Jordan, and the Government members of Angola, speaking on behalf of the Africa group, and the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.

2108. The amendment was adopted.

2109. Point 38 was adopted as amended.

Point 39

2110. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, introduced an amendment to insert “use established institutions to” after “Members should”. He noted that the text should also refer to using such institutions in the systematic exchange of information.

2111. The Worker Vice-Chairperson had no objections, but questioned whether such institutions existed.

2112. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, noted that such institutions indeed existed.

2113. The Government member of Pakistan said that he could not support the amendment as it appeared to preclude the possibility that future institutions might be established to support the systematic exchange of information.

2114. The Employer Vice-Chairperson proposed a subamendment to qualify the amendment to “use established institutions, where they exist”.

2115. The Worker Vice-Chairperson supported the subamendment.

2116. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the subamendment.

-
- 2117.** The Government members of the Plurinational State of Bolivia and Brazil did not support the subamendment.
- 2118.** The Government member of Canada stated that she was perplexed by the subamendment because established institutions necessarily existed, so she did not support the subamendment.
- 2119.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, proposed a subamendment to insert: “also use established institutions where they exist”.
- 2120.** The Government member of the Russian Federation stated that she preferred the Office text.
- 2121.** The Government member of Cuba said that he shared the view of the Government member of the Russian Federation, and did not support the amendment or subamendments; he preferred the original text.
- 2122.** The Government member of Ethiopia concurred with the Government member of the Russian Federation. Her country received international cooperation relating to refugees and internally displaced persons and it did not always come through institutions. She raised the example of a Global Compact to be initiated in September, and queried whether it would be excluded. She preferred the wording of the original text.
- 2123.** The Government member of Chile also expressed a preference for the original wording. The use of “established” was appropriate, but there could also be a need for new institutions. She proposed a subamendment to move “, also using existing institutions” to the end of the sentence. The subamendment was not seconded.
- 2124.** The Government member of Angola, speaking on behalf of the Africa group, proposed returning to the original text.
- 2125.** The Government member of Jordan stated that he found the original text to be the most practical. He proposed a further subamendment, to replace “established” by “relevant”.
- 2126.** The Worker Vice-Chairperson expressed the view that “relevant institutions” might create consensus. He supported the subamendment.
- 2127.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the subamendment.
- 2128.** The Worker Vice-Chairperson supported the subamendment.
- 2129.** The Government member of Brazil said that the Committee was revisiting the same problem, and the use of “relevant” also limited the scope to only existing institutions. He therefore could not support the subamendment.
- 2130.** The Government member of Cuba wished to echo the statement of the Government member of Brazil. He proposed a subamendment to insert “established or future” before “institutions”, as that would cover both existing and new institutions.
- 2131.** The subamendment by the Government member of Cuba was seconded by the Government member of the Plurinational State of Bolivia and supported by the Government member of Brazil.

-
2132. The Employer Vice-Chairperson did not support the subamendment, as she did not understand the meaning of “future institutions”.
2133. The Worker Vice-Chairperson supported the subamendment.
2134. The Government member of Ethiopia expressed the view that “institutions” was not inclusive, as frameworks and mechanisms were also possible.
2135. The Government member of Indonesia voiced a preference for the term “existing institutions”.
2136. The Government member of the Russian Federation stated that not all international cooperation involved institutions, but could take place through frameworks. Noting a certain constructive ambiguity in the wording, she appealed to the EU and its Member States to withdraw the amendment.
2137. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, withdrew the amendment.
2138. The Government member of the United States, speaking also on behalf of the Government members of Australia and New Zealand, introduced an amendment to insert “and mitigating” after “preventing”. It would align the text with similar wording adopted earlier.
2139. The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
2140. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.
2141. The Government member of the Russian Federation stated that one could mitigate only the impacts of crises, and asked for a request to be made to have the Committee Drafting Committee examine the text.
2142. The amendment was adopted.
2143. Two amendments submitted by the Worker members were withdrawn. One had sought to add “through promotion of decent work and full, productive, freely chosen and decent employment” at the end of the point, and the other “through the Decent Work Agenda” also at the end of the point.
2144. Point 39 was adopted as amended.

Point 40

2145. The Government member of New Zealand, speaking also on behalf of the Government members of Australia, Japan, Switzerland and the United States, introduced an amendment to insert “, as appropriate,” after “provide”. The intention was to introduce flexibility, as the original text was general, and all crises and their responses were not the same.
2146. The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
2147. The Government member of Jordan supported the amendment.

-
- 2148.** The amendment was adopted.
- 2149.** The Government member of New Zealand, speaking also on behalf of the Government members of Australia, Republic of Korea, Switzerland and the United States, introduced an amendment to delete “all”. The purpose was to underline that all crises were not the same.
- 2150.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 2151.** The Government member of Jordan supported the amendment.
- 2152.** The amendment was adopted.
- 2153.** The Government member of Cuba introduced an amendment, seconded by the Government member of Pakistan and supported by the Government member of Angola, to replace “relief” by “assistance”. The intention was to align the terminology with the various UN resolutions dealing with conflict and disaster responses.
- 2154.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 2155.** The Government members of New Zealand and the Russian Federation, and the Government members of the Netherlands, speaking on behalf of the EU and its Member States, and Angola, speaking on behalf of the Africa group, supported the amendment.
- 2156.** The amendment was adopted.
- 2157.** The Worker Vice-Chairperson introduced an amendment to insert “full, productive, freely chosen and decent” after “generation of”. The issue had been previously discussed and it was important to be consistent with the terminology used in the Employment Policy Convention, 1964 (No. 122).
- 2158.** The Employer Vice-Chairperson supported the amendment.
- 2159.** The Government member of New Zealand, and the Government members of Angola, speaking on behalf of the Africa group, and the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment.
- 2160.** The Government member of the Russian Federation questioned whether it was appropriate to have the word “decent” used twice, both before “employment” and “work”.
- 2161.** The Worker Vice-Chairperson confirmed that the emphasis was also to be put on decent employment.
- 2162.** The Government member of Brazil expressed the same doubt as the Government member of the Russian Federation. Using the term decent for both “employment” and “work” might create some confusion, the concept of “decent employment” being less clear.
- 2163.** The Chairperson referred the matter to the Committee Drafting Committee.
- 2164.** The Government member of the United States noted that the proposed text should not necessarily be referred to the Committee Drafting Committee as the wording “decent work”, “decent employment”, “full, productive, freely chosen and decent employment” had been used inconsistently throughout the proposed Conclusions which might lead to different

interpretations. She was also more comfortable with the original text of point 40 which was aligned with the terms used in the 2030 Agenda for Sustainable Development.

2165. The amendment was adopted.

2166. Point 40 was adopted as amended.

Point 41

2167. The Employer Vice-Chairperson introduced an amendment to add at the end of the point “The Annex is not intended to extend new obligations to member States and is intended only as a reference.” It was meant to express that the Annex was only intended as a reference and had no binding force.

2168. Upon the request of the Chairperson, the deputy representative of the Secretary-General explained that as the proposed instrument was going to take the form of a Recommendation, it would not be binding. She recalled the Legal Adviser’s opinion expressed during the discussion of Recommendation No. 204 concerning the transition from the informal to the formal economy, which explicitly mentioned that Conventions which were listed in the Annex did not create obligations for member States who had not ratified them.

2169. The Government member of the Russian Federation supported the amendment submitted by the Employer members. She proposed a subamendment to read “The Annex is not intended to extend existing obligations or imposing new obligations to member States and is intended only as a reference.”

2170. The Employer Vice-Chairperson supported the subamendment.

2171. The Worker Vice-Chairperson did not support the amendment and the subamendment. Such a provision was not normal practice given that a Recommendation was not binding. He argued that the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), did not include such a provision.

2172. The Government member of Cuba supported the amendment submitted by the Employers’ group and the subamendment proposed by the Government member of the Russian Federation.

2173. The Government member of Brazil said that the negotiation on the amendment was a reflection of its usefulness and there might be value in adding it to the text.

2174. The Government member of Norway questioned why using “extend existing obligations” was not deemed appropriate. In her view, that did not make sense, as States must be expected to fulfil existing obligations.

2175. The Government member of the Russian Federation said that Recommendations were sometimes perceived as soft laws. Since the Committee hoped for a Recommendation that would be followed and implemented, such a provision could reinforce the guiding and non-binding nature of the instrument. She proposed a subamendment to change the beginning of the amendment to “The Annex is not intended to impose new obligations ...”

2176. In order to suggest possible text, the deputy representative of the Secretary-General quoted Paragraph 19(1) of the Occupational Safety and Health Recommendation, 1981 (No. 164): “In the development and application of the policy referred to in Article 4 of the Convention and without prejudice to their obligations under Conventions they have ratified, Members

should refer to the international labour Conventions and Recommendations listed in the Appendix.”

- 2177.** The Government member of the Russian Federation stated that out of the two subamendments they had proposed, they favoured the last one. She thanked the secretariat for the proposed text but felt it was not appropriate as it referred to obligations member States had under other Conventions.
- 2178.** The Employer Vice-Chairperson clarified that what they meant by “extend” was coverage. She stressed that the Recommendation would be used by various audiences and it was therefore important to explain the purpose and role of the Annex. She agreed to the further subamendment proposed by the Government member of the Russian Federation.
- 2179.** The Worker Vice-Chairperson reiterated that he did not support the amendment and subamendments.
- 2180.** The Government member of India supported the subamendment proposed by the Government member of the Russian Federation but reserved his position on the first part of point 41, questioning the criteria applied for revising the Annex. He requested the secretariat to record his position on including only those documents in the Annex that were negotiated by the member States during the International Labour Conference or other UN meetings. ILO policy documents that had not been negotiated by the member States were not to be included in the Annex.
- 2181.** The Government member of the United States proposed a subamendment, seconded by the Government member of the Netherlands, speaking on behalf of the EU and its Member States and supported by the Government member of New Zealand, for the last sentence of point 41 to read “The Annex is intended only as a reference.”
- 2182.** The Government member of the Russian Federation did not support that subamendment.
- 2183.** The Government member of Jordan supported the statement made by the Government member of India.
- 2184.** The Government member of Singapore agreed that the Annex should only serve as a reference and supported both the proposals from the Employers’ group and the Government member of the United States.
- 2185.** The Employer Vice-Chairperson supported the subamendment proposed by the Government member of the United States.
- 2186.** The Worker Vice-Chairperson did not see the usefulness of the subamendment and did not support it.
- 2187.** The Government member of India supported the subamendment proposed by the Government member of the Russian Federation.
- 2188.** The Government member of the Russian Federation wished for her reservation to be noted on point 41 if the subamendment was adopted.
- 2189.** The Worker Vice-Chairperson did not support the subamendment.
- 2190.** Upon the request of the Chairperson, the deputy representative of the Secretary-General explained that the opinion of the Legal Adviser was that the list of instruments in the Annex had no implication on the status of the listed instruments for non-ratifying member States.

-
- 2191.** The Government member of the Russian Federation stated that she would have felt comfortable in adopting the subamendment if there were no references to the Annex in the text of the proposed Conclusions. However, there were several sections calling on member States to take action based on the instruments listed in the Annex.
- 2192.** The Government member of Brazil attached importance to the instrument even if it was not binding, and supported the subamendment proposed by the Government member of the Russian Federation.
- 2193.** The Government member of India noted the opinion provided by the Legal Adviser but could not understand why it could not be mentioned explicitly in the text of the instrument.
- 2194.** The Chairperson took note of the majority in support of the subamendment proposed by the Government member of the United States
- 2195.** The subamendment was adopted.
- 2196.** Point 41 was adopted as amended.
- 2197.** Part XII was adopted as amended.
- 2198.** The Government members of Brazil, Cuba, India, Pakistan and the Russian Federation expressed their strong reservations on the adoption of the whole of point 41.

Annex to the proposed instrument

- 2199.** The Worker Vice-Chairperson introduced an amendment to add, under the heading “Other instruments”, the following instruments:

- Labour Administration Convention, 1978 (No. 150);
- Occupational Health Services Convention, 1985 (No. 161);
- Labour Relations (Public Service) Convention, 1978 (No. 151); and the
- HIV and AIDS Recommendation, 2010 (No. 200).

The Workers’ group considered that those standards were relevant to the entire text of the proposed Conclusions.

- 2200.** The Employer Vice-Chairperson supported the amendment.
- 2201.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment. However, he requested clarification from the secretariat whether the Annex should mainly contain ILO instruments and UN General Assembly resolutions.
- 2202.** The deputy representative of the Secretary-General pointed out that the decision as to what to include in the Annex rested fully with the Committee. Recommendation No. 204, which could serve as a precedent, had included ILO instruments and UN resolutions as well as other instruments. She also noted that some instruments had no annexes.
- 2203.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, thanked the secretariat for the explanation, which would inform the discussion on further amendments proposed to the Annex.

2204. The amendment was adopted.

2205. The Worker Vice-Chairperson introduced an amendment to add a heading “Resolutions of the International Labour Conference” and, under that heading, add the following:

- Conclusions of the general discussion on sustainable enterprises, 2007;
- 2012 resolution on the youth employment crisis;
- 2013 resolution concerning the recurrent discussion on social dialogue; and the
- 2014 resolution concerning the second recurrent discussion on employment.

He considered that the resolutions would provide more information and guidance.

2206. The Employer Vice-Chairperson supported the amendment.

2207. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, maintained that it would be better mainly to include Conventions and Recommendations. He did not support the amendment.

2208. The Government member of the Russian Federation concurred with the position of the Government member of the Netherlands, speaking on behalf of the EU and its Member States. He considered that the Annex should contain Conventions and Recommendations.

2209. The Government member of Canada, stating that she had no particular objection to the amendment, expressed concern about how the Annex related to the document as a whole, given the references to the Annex within the text. In her understanding, “international instruments” referred to binding instruments, for instance the UN Convention on the Rights of the Child and the Convention relating to the Status of Refugees. She wished to have her concern noted in the brown report, as it was not clear that the references to the Annex in the text also encompassed resolutions and conclusions.

2210. The Government member of the United States said that she did not disagree with the amendment or with the importance of resolutions and conclusions, and expressed support for the position of the Government member of the Netherlands, speaking on behalf of the EU and its Member States; the Committee should restrict the Annex to Conventions and Recommendations.

2211. The Employer Vice-Chairperson said that the Employers’ group had been examining Recommendation No. 204, the most recently adopted ILO instrument, and had noted that it included resolutions and conclusions. She questioned why the Committee should not follow the same path.

2212. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, asserted that while his group was not opposed to including resolutions and conclusions, he considered that the Committee should focus on the inclusion of Conventions and Recommendations.

2213. In light of the discussions, the Worker Vice-Chairperson withdrew the amendment.

2214. The Employer Vice-Chairperson submitted an amendment to add a “Resolutions and conclusions” section and include “Conclusions concerning the promotion of sustainable enterprises, ILC, June 2007”. She noted that several parts of the proposed Conclusions referred to the role of sustainable enterprises in building resilience and promoting employment. The Conclusions concerning the promotion of sustainable enterprises, ILC, June 2007, was the only reference document for sustainable enterprises.

-
2215. The Worker Vice-Chairperson supported the amendment.
2216. The Government member of Netherlands, speaking on behalf of the EU and its Member States, acknowledged the view expressed by the Employer Vice-Chairperson. However, he did not support the amendment.
2217. The Legal Adviser pointed out that the term “conclusions” in the proposed heading could be redundant, as conclusions of general discussions were always annexed to a Conference resolution. The term “resolutions” would therefore suffice in the heading proposed by the amendment.
2218. The Government member of the United States did not support the amendment, for the same reasons expressed in the discussion on the previous amendment.
2219. The Employer Vice-Chairperson insisted on adding the document in the Annex, noting that it was the only reference document for sustainable enterprises.
2220. The Government member of the United States invited the Employer Vice-Chairperson to reconsider her position.
2221. The Employer Vice-Chairperson reaffirmed her position.
2222. The Government member of Canada said that she shared the views of the Government member of the United States, and the Government member of the Netherlands, speaking on behalf of the EU and its Member States.
2223. The Government member of the Russian Federation noted that there were many references in the proposed Conclusions, such as to crises, disasters and conflicts, for which no references had been provided in the Annex. He invited the Committee to adopt a more harmonized approach.
2224. The Employer Vice-Chairperson called upon the Chairperson to take a decision.
2225. In view of the support of the Workers’ group and noting the lack of support of some Government members, the amendment was adopted.
2226. The Worker Vice-Chairperson submitted an amendment to add “2009 Global Jobs Pact” under the appropriate heading. He pointed out that the 2009 Global Jobs Pact stressed the role of employment in the transition from crisis to recovery and provided good guidance.
2227. The Employer Vice-Chairperson did not support the amendment, noting that the 2009 Global Jobs Pact referred only to financial and economic crises, which were not the topic of the present discussion.
2228. The Government member of the Russian Federation agreed with the Employer Vice-Chairperson and recalled that the issue had already been discussed by the Committee during the debate on the Preamble.
2229. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, said that he followed the same logic and did not support the amendment.
2230. The Government member of the United States did not support the amendment, noting that the Committee should refer only to disasters and conflicts and not to other types of crises, for which the ILO already had different instruments that addressed economic and financial crises.

-
- 2231.** The amendment was not adopted.
- 2232.** The Government member of the United States, speaking also on behalf of the Government member of New Zealand, introduced an amendment to add, at the end of the Annex, under “United Nations documents” the following instruments:
- Guiding Principles on Internal Displacement;
 - Convention against Transnational Organized Crime;
 - Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and the
 - Protocol against the Smuggling of Migrants by Land, Sea and Air.
- 2233.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 2234.** The Government member of the Russian Federation said that he had no objection to listing other UN documents in the Annex. However, he noted that the Convention against Transnational Organized Crime was not related to the topic under discussion.
- 2235.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, supported the amendment and had no objection to listing in the Annex UN documents which were binding for member States.
- 2236.** The amendment was adopted.
- 2237.** The Worker Vice-Chairperson submitted an amendment to add “UN Guiding Principles on Business and Human Rights” under the heading “United Nations documents”. He noted that points 12 and 17 of the proposed Conclusions stated that enterprises had to be guided in applying diligence on human rights. He believed that the UN Guiding Principles on Business and Human Rights was a good reference to help enterprises to be more sustainable and more respectful of human rights.
- 2238.** The Employer Vice-Chairperson, noting that the UN Guiding Principles on Business and Human Rights imposed obligations on member States, wished to hear the views of Government members.
- 2239.** The Government member of Canada pointed out that the UN Guiding Principles on Business and Human Rights did not create any obligations on member States. She supported the amendment.
- 2240.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, believed that the UN document was extremely relevant; he supported the amendment.
- 2241.** The Employer Vice-Chairperson supported the amendment.
- 2242.** The Government member of Angola, speaking on behalf of the Africa group, supported the amendment.
- 2243.** The amendment was adopted.
- 2244.** The Government member of Canada, speaking also on behalf of the Government members of New Zealand and the United States, introduced an amendment to add the following instruments:

-
- UN Convention on the Rights of Persons with Disabilities;
 - UN Convention on the Elimination of All Forms of Discrimination against Women; and the
 - Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

These were fundamental and core human rights instruments which were extremely relevant to the issues at stake in the proposed Conclusions.

- 2245.** The amendment was supported by the Worker Vice-Chairperson and the Employer Vice-Chairperson.
- 2246.** The Government member of Switzerland, and the Government members of the Netherlands, speaking on behalf of the EU and its Member States, and Angola, speaking on behalf of the Africa group, supported the amendment.
- 2247.** The amendment was adopted.
- 2248.** The Government member of Canada noted that the last heading of the Annex should read “United Nations instruments and documents”. It was important that the weight and importance of Conventions, as opposed to documents, be properly reflected.
- 2249.** The Chairperson indicated that the matter would be referred to the Committee Drafting Committee.
- 2250.** The Annex was adopted as amended.
- 2251.** As there were no further amendments, the proposed Conclusions were adopted as amended, subject to any changes made by the Committee Drafting Committee.

Resolution

- 2252.** The Chairperson reminded Committee members that the resolution was a short technical text to give effect to the decisions of the Committee. It aimed to move towards the discussion on a proposed Recommendation during the 2017 session of the Conference, based on the proposed Conclusions which would be adopted.
- 2253.** The Government member of Cuba wondered whether the last sentence of the proposed resolution was not anticipating the results of the discussion which would be held the following year. He believed it would be better to delete the last sentence from the resolution should no consensus be found during the second discussion.
- 2254.** In response to the question from the Government member of Cuba, the Legal Adviser indicated that the proposed resolution reproduced standard wording and sought to place an item on “Employment and decent work for peace and resilience” on the agenda of the 2017 session of the Conference. The reference to the possible adoption of a Recommendation reflected the decision of the Governing Body and did not prejudice the form of the instrument which would be eventually adopted.
- 2255.** The Government member of Cuba referred to the beginning of the third paragraph of the resolution “Having in particular approved as general conclusions”, he felt it was important for the resolution to reflect that not all parts of the Conclusions had been adopted and some points had been bracketed and were therefore pending.

-
2256. The Legal Adviser responded that the Committee was sovereign in deciding whether it wished to modify the text of the resolution. In accordance with the first sentence, the Conference would first adopt the report of the Committee, which contained a full account of the Committee's discussions and decision on the bracketed text, in particular the request that the bracketed sections be reproduced in the brown report.
2257. The Government member of the Russian Federation reiterated that the second paragraph did not mention that a substantial number of issues had not been agreed upon. He expressed the wish that the point be reflected in the text of the resolution.
2258. The Government member of Jordan proposed an amendment to replace "Having in particular approved as general conclusions, with a view to" by "and following the consultations".
2259. The Legal Adviser explained that the reference to the approval of the Conclusions by the Conference was a key point in enabling the Conference to decide to place the item on its agenda for the following year. He reiterated that the approved Conclusions would contain both the agreed and the bracketed text.
2260. The Government member of the Russian Federation said that it was not possible to ask the Conference to approve a text which had not been approved by the Committee. He suggested departing from standard wording in that case.
2261. The Chairperson, recalling her status of Government member, stressed that the purpose of the resolution was to present the Conclusions to the Conference with a clear acknowledgement that some parts had been bracketed.
2262. The Government member of the United States recalled that the Committee which had discussed Recommendation No. 204 had used the same standard wording, even though part of the Conclusions of the first year's discussion had been bracketed.
2263. In response to a request by the Chairperson, the deputy representative of the Secretary-General confirmed the information provided by the Government member of the United States; bracketing part of the Conclusions during the first discussion of a standard-setting item did not constitute an unprecedented case.
2264. The Government member of Cuba argued that the present situation was different as important UN documents had been ignored in the text. His delegation, which had not been able to be fully involved in the discussion on Recommendation No. 204, had made a point of rectifying inaccuracies whenever possible. He proposed adding a footnote in the text concerning the clauses of the Conclusions which were still pending and would be discussed the following year.
2265. The Legal Adviser suggested text, to address the concerns raised by the Government members of Cuba and the Russian Federation, to read "decides that the draft instrument to serve as the basis of the second discussion shall draw upon both the approved conclusions and text with respect to which the Committee has decided to defer discussion, subject to comments made by Members in preparing the second discussion".
2266. The Government member of Cuba preferred that a briefer statement to that effect be included as a footnote in the resolution.
2267. The Government member of the Netherlands, speaking on behalf of the EU and its Member States, considered that it was not necessary to add new text but he could support its inclusion.

-
2268. The Government member of the Russian Federation supported the suggested text but proposed an amendment, seconded by the Government member of Jordan, to delete the second paragraph beginning “Having in particular approved ...”
2269. The Government member of the United States supported the text suggested by the secretariat.
2270. The Employer Vice-Chairperson supported the text suggested by the secretariat, in particular in light of precedent and the explanations provided by the Legal Adviser.
2271. The Worker Vice-Chairperson also supported the text suggested by the secretariat.
2272. The Legal Adviser explained that the second paragraph was standard wording because the Conference needed to endorse the Committee’s decision concerning the general conclusions and the proposal for a draft Recommendation to be discussed at the following General Conference. The views of member States would be solicited via the brown report and reflected in the blue report.
2273. Having listened to the different views and the explanation provided by the secretariat, the Government members of Canada, Jordan and Norway, and the Government member the Netherlands, speaking on behalf of the EU and its Member States, expressed support for the original text.
2274. The resolution was adopted unamended.

Closing statements

2275. In their closing statements, all speakers expressed particular gratitude to the Chairperson for her leadership and to the representative and deputy representative of the Secretary-General and the Legal Adviser for their guidance and efforts to answer the Committee’s questions. They also thanked the secretariat, the Government members, the Worker Vice-Chairperson, the Employer Vice-Chairperson, and the interpreters for their excellent work. They expressed appreciation for the consensus-building efforts, through social dialogue, which had characterized the Committee’s discussion on a complex and politically sensitive issue.
2276. The Employer Vice-Chairperson said that the Committee had dealt with a complex issue, namely the convergence between humanitarian assistance and development, to consider how the ILO could use employment and decent work to respond to crisis situations to promote peace, recovery, reconciliation and resilience. In that regard, the private sector had a key role to play in creating employment. An environment conducive to the growth of micro-, small and medium-sized enterprises was essential. Several challenges remained, in particular the position on the situation of refugees, internally displaced persons and returnees. The forthcoming Tripartite Technical Meeting of Experts on the Access of Refugees and other Forcibly Displaced Persons to the Labour Market would provide welcome guidance on that issue.
2277. The Worker Vice-Chairperson acknowledged the Committee’s conclusions as a good basis for continued discussion. His group maintained the position underscored in the ILO Constitution that sustainable peace could only be achieved through social justice. Some 30 per cent of the world’s population lived in situations of crisis or disaster; workers and their families urgently needed access to decent work. The ILO Constitution also enshrined the principle that all workers deserved protection, including internally displaced persons, refugees, migrants and other vulnerable groups.

-
- 2278.** The Government member of Angola, speaking on behalf of the Africa group, reaffirmed the group's commitment to international standards relating to the status of refugees and noted that unemployment was high in African countries that hosted large numbers of refugees. The UN General Assembly High-level meeting on refugees and migrants to be held in September 2016 would assist in finding solutions to the issue of refugees' access to the labour market. The Africa group expressed its reservation on the inclusion of refugees in the Conclusions and draft resolution. The scope of Part X of the text should be expanded to address the situation of vulnerable groups.
- 2279.** The Government member of the Netherlands, speaking on behalf of the EU and its Member States, also representing the Government members of Albania, Republic of Moldova, Norway, Serbia, Switzerland, the former Yugoslav Republic of Macedonia and Ukraine, commended the Committee's efforts to broaden the scope of Recommendation No. 71 and noted the considerable work that remained to be done, in particular to reach agreement on several important definitions and concepts. With regard to the concerns raised about the inclusion of refugees and internally displaced persons in the draft Recommendation, the Office should conduct further consultations before the next meeting of the Committee, and liaise with all relevant UN agencies and other stakeholders.
- 2280.** The Government member of Jordan emphasized the importance of taking into account the views of countries most affected by the burden of large refugee populations in order to properly address the issue of refugees' access to the labour market, otherwise the Recommendation adopted in 2017 would not be implementable.
- 2281.** The Government member of Cuba appreciated the efforts made by all parties to reach a compromise, yet expressed concern that more attention needed to be paid to the opinions of governments, since they would be responsible for the eventual implementation of the Recommendation. His Government's responses to the questionnaire – on the basis of which the proposed Conclusions had been drafted – did not seem to have been taken into account. Regarding the section on refugees, particular attention should be paid to the needs of host countries bearing the greatest refugee burden. Consideration should also be given to migrants, who were affected by conflicts and natural disasters. The draft Recommendation should be guided by the principles of sovereignty, independence and the territorial integrity of States, as well as their requests for and acceptance of assistance in situations of conflict and disaster, as enshrined in the Charter of the United Nations and other important documents, such as UN General Assembly Resolution 46/182.
- 2282.** The Government member of the Russian Federation acknowledged that the Committee's work had centred on multifarious and politically sensitive issues and the outcome document was unfortunately not fully in line with the work done by other bodies in the UN system. While some agreement had been reached, much remained to be done and he urged the Office to conduct its interim work in close cooperation with the social partners, member States and other stakeholders, in particular those within the UN system.
- 2283.** The Government member of Sudan underscored the importance of the spirit of compromise in which the Committee's work had been conducted, which needed to continue in order to ensure that the Recommendation, to be adopted at the next session of the Conference, would serve the interests of all populations.
- 2284.** The Government member of the Plurinational State of Bolivia expressed support for the work of the ILO and said that the worst disasters in the world were caused by human decisions, in particular expansionist policies and the exploitation of natural resources, which should be replaced by respect of the right to self-determination and the principle of state sovereignty. The Committee's work remained to be completed with regard to refugees, women and youth.

-
- 2285.** The Government member of Colombia, speaking also on behalf of the Government members of Brazil, Chile and Guatemala, expressed satisfaction with the outcome of the Committee's work. The Recommendation to be drafted on the basis of the Committee's Conclusions should contain a reference to the situation of refugees and stateless persons. Due account should be taken of the outcomes of international discussions on migratory flows and refugee protection when drafting the Recommendation.
- 2286.** The Government member of Indonesia conveyed her concern regarding the social cost borne by States owing to prolonged conflicts and crisis situations. The ILO's response to such crises should be integrated into the work of other UN agencies. In preparing the draft Recommendation, the Office should endeavour to work closely with the tripartite constituents and focus on employment generation as a means of maintaining peace. Her Government was committed to driving forward the Decent Work Agenda.
- 2287.** The Government member of the United States noted that despite the Committee's significant achievements, much remained to be done, in particular to rectify the divergence of opinions on the issue of refugees. The removal of the section on refugees in the Recommendation would constitute a disservice to a large population made vulnerable by the impact or aftermath of crises, who were often not given the means to contribute actively to society through participation in the formal economy. The particular challenges faced by countries hosting large numbers of refugees should be taken into account. The Office should work closely with the social partners, governments and relevant UN partners to seek a solution to that issue.
- 2288.** The Government member of India drew attention to the sensitive nature of the Committee's discussion and called for efforts to maintain coherence and consistency with the work of other UN organizations.
- 2289.** The representative of the Secretary-General expressed his gratitude to all those who had contributed to the success of the Committee's work and emphasized the ILO's commitment to fulfilling its mandate in a mutually reinforcing manner with other international organizations. The Conference was tasked by the Governing Body to discuss the revision of Recommendation No. 71 in full recognition that the topics at hand were well within the ILO mandate, in synergy and coherence with the broader context of normative and policy discussions. In undertaking this revision, the ILO focused on the employment and labour market dimensions of crisis response, on the constitutional and foundational principles of the ILO, and on the role of social justice in promoting lasting peace. The reports that had been presented were fully aligned with the replies received to the questionnaire. The first discussion of the standard-setting process had met its objective of moving towards a broader consensus, with agreement to enlarge the scope of the Recommendation from inter-state armed conflict to include disaster response and to address resilience and preparedness in addition to recovery and reconstruction. The discussion had shown a lot of common ground, but also raised important issues where more work was needed to build a broader basis for consensus. The concerns raised and comments made by the Committee had been duly noted. The Office would do its utmost to clarify the issues raised and ensure that they were adequately taken into account in the forthcoming work on the draft Recommendation.
- 2290.** The deputy representative of the Secretary-General outlined the practical timeline for the work to come and encouraged all Members to engage actively in consultations. Pursuant to article 39 of the Standing Orders of the Conference, the Office would issue two reports: a brown report and a blue report. The brown report would be issued within two months of the conclusion of the current session of the Conference and would contain the draft Recommendation, in the form of the instrument that had emerged from the Committee's first discussion, including the bracketed text. It would also contain an Office commentary proposing ways forward with respect to Part X on refugees, taking account of the outcome

of the Tripartite Technical Meeting on the Access of Refugees and other Forcibly Displaced Persons to the Labour Market, and of discussions with other stakeholders in the UN system, in particular the UNHCR and OCHA. Members would be called upon to comment on the brown report within three months of its issuance and she encouraged them to do so in a detailed and comprehensive manner. She requested a consolidated response from governments as there were some discrepancies in the responses provided to the white report and positions expressed in the Committee. Members' comments on the brown report would be used to formulate the blue report, which comprised two parts, one of which would contain a compilation of those comments and the other the draft text of the proposed Recommendation concerning employment and decent work for peace and resilience for consideration at the 106th Session of the Conference in 2017. The blue report (Parts 1 and 2) would be available three months before the beginning of the session of the Conference.

- 2291.** Closing the session, the Chairperson thanked the Officers of the Committee for their support and collaboration, as well as all participating Government members. Despite divergences in opinion, the full power of the ILO's tripartite approach had been brought to bear in the Committee's deliberations. The Conclusions, as adopted by the Committee, would constitute a strong basis for the preparation of the draft Recommendation, for consideration by the Conference at its next session in 2017.

Geneva, 9 June 2016

(Signed) F. Kodra
Chairperson

L. Sephomolo
Employer Vice-Chairperson

M. Guiro
Worker Vice-Chairperson

N. Montague
Reporter

CONTENTS

	<i>Page</i>
<i>Reports of the Committee on Employment and Decent Work for the Transition to Peace: Summary of proceedings</i>	
Introduction.....	2
Opening statements	4
General discussion guided by the sections of the proposed Conclusions contained in Report V(2).....	12
Consideration of the proposed Conclusions contained in Report V(2).....	15
Closing statements	170

.....
: This document is printed in limited numbers to minimize the environmental impact of the ILO's activities and
: contribute to climate neutrality. Delegates and observers are kindly requested to bring their copies to meetings
: and to avoid asking for additional ones. All ILC documents are available on the Internet at www.ilo.org.
: