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3D

International Labour Conference – 109th Session, 2021

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Plenary sitting: Reports on credentials

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Monday, 7 June 2021, 2.30 p.m.

President: Mr Zniber

Submission and noting of the first and second reports of the Credentials Committee

The President

I would like to draw your attention to the first two reports of the Credentials Committee, which the Committee adopted on Friday last week. The first report, which is contained in *Record of Proceedings No. 3A*, contains the usual statistical information about the Conference's composition. The second report, which is contained in *Record of Proceedings No. 3B*, relates to Myanmar.

Please allow me quickly to recall that the members of the Credentials Committee are as follows: Mr Juan Pablo Schaeffer (Chile), Chairperson; Mr Fernando Yllanes Martínez (Mexico), Employer Vice-Chairperson; and Ms Amanda Brown (United Kingdom of Great Britain and Northern Ireland), Worker Vice-Chairperson.

I would like to give the floor to the Chairperson of the Credentials Committee, Mr Schaeffer, so that he may present these reports to us.

Mr Schaeffer

Chairperson of the Credentials Committee

(Original Spanish)

It is my honour and a pleasure to present to the plenary of the 109th Session of the International Labour Conference the first two reports of the Credentials Committee.

As usual, the first report provides statistics on the composition of the Conference. So far, 176 Member States have been accredited to the Conference, which this year is meeting in a virtual format. These Member States are represented by some 3,850 delegates and advisers, as well as by 164 ministers attending the Conference. The overall proportion of women accredited to the tripartite delegations has continued to increase and now stands at 38.3 per cent. However, the proportion of women in leadership positions still needs to improve.

The second report, which I am also presenting to you today, contains the Committee's first decision on the competing credentials received for Myanmar. Receiving credentials from different authorities claiming to represent the legitimate government of a Member State is a very unusual situation, but one for which there are precedents.

The Committee has already met three times to examine this situation as a matter of urgency. It examined the credentials received from the State Administration Council, which has the support of the military authorities that took power in Myanmar on 1 February 2021. It also examined the credentials received from the National Unity Government, which represents the deposed civilian Government and the members of parliament that were elected in November 2020.

The Committee received and examined a number of communications, and also received the information it requested from the United Nations Office of Legal Affairs on this matter. It also studied in more detail the practice followed in the past in cases

concerning the submission of contradictory credentials. In examining the issue, the Commission relied on different types of considerations.

On the one hand, it took into account the discussion on Myanmar held by the Governing Body in March 2021 and the subsequent decision. It also took into account the long series of conclusions that were reached by the Credentials Committee between 1999 and 2011 on the nomination of tripartite delegations by Myanmar. It also took note of a recent UN Human Rights Council resolution on the situation of human rights in Myanmar.

On the other hand, the Committee took into account a consistent line of precedent indicating that, in matters concerning the representation of ILO Members, in particular in cases of conflicting credentials, the ILO should be guided by the position adopted by the UN General Assembly, under resolution 396(V) adopted by the General Assembly in 1950. The Committee was informed that the Credentials Committee of the General Assembly had not yet considered the question of Myanmar's credentials, which has also arisen at the United Nations.

As explained in the report, the Committee reached the conclusion that, while recalling the decision of the Governing Body this past March regarding the situation in Myanmar, the Committee, in view of the above-mentioned line of precedent, cannot presently proceed to accredit delegates for Myanmar. However, the Committee has decided that it remains seized of the matter and that it may reconvene, in particular, in the event that the Credentials Committee of the General Assembly makes a determination on the matter before the close of the current session of the Conference in December 2021.

The first two reports of the Credentials Committee are available on the [Conference web page](#).

The President

If there is no objection, may I take it that the Conference takes note of these reports?

(The Conference takes note of the first and second reports of the Credentials Committee.)

(The Conference continues its discussion of the Reports of the Chairpersons of the Governing Body and of the Director-General.)

Thursday, 17 June 2021, 4 p.m.

President: Mr Zniber

Submission and noting of the third report of the Credentials Committee and approval of the Committee's proposals

The President

We will now move on to the third report of the Credentials Committee, which was published yesterday as [Record of Proceedings No. 3C](#).

I will now give the floor to the Chairperson of the Credentials Committee, Mr Schaeffer, who will present the Committee's third report.

Mr Schaeffer
Chairperson of the Credentials Committee
(Original Spanish)

It is an honour and a pleasure to present to the plenary of the 109th Session of the International Labour Conference the third report of the Credentials Committee.

This third report contains the conclusions on the objections and communications received by the Committee, as well as the cases referred to it under decisions taken by the Conference at its last session. The Committee met virtually on five occasions and worked in a collegial manner.

The Credentials Committee, which I have had the honour to chair these last two weeks and which will remain constituted until the end of the Conference on 11 December 2021, is a discrete committee. It is composed of only three individuals: one Government delegate, one Employers' delegate and one Workers' delegate. A credentials committee is a regular feature of international conferences, but at the tripartite International Labour Conference, this Committee also has the role of guarantor of the genuine tripartite composition of the Conference. Among other things, the Committee is mandated to examine objections to credentials in two different situations: where it is alleged that a delegate or adviser has not been nominated in agreement with the most representative organizations of employers or workers, as the case may be, in the country concerned, as is required under article 3(5) of the ILO Constitution; and where it is alleged that there has been a failure to nominate an Employers' or Workers' delegate, which results in an incomplete delegation.

The Committee examined only six such objections this year – very few as compared to previous sessions – and that can likely be attributed to the virtual format of the current session of the Conference.

The Committee is also mandated to propose the monitoring of situations brought before it by way of an objection or complaint. When such a proposal is adopted by the Conference, the Government is obligated to provide a progress report to the Committee when submitting its credentials at the following session of the Conference. This year, the Committee examined the cases of three Members, which all concerned the nomination of their respective Workers' delegations. In all three cases, the Committee considered it necessary to propose to the Conference that it renew the monitoring measures.

The Committee noted that in spite of the virtual format of the current session of the Conference, participation remains comparable to preceding years, at 4,467 participants. Indeed, there are presently 181 Member States accredited – the highest number ever recorded. The Committee trusts that this high level of participation will be carried through the resumed part of the session that will take place from 25 November to 11 December 2021, when our work will continue. Moreover, it would be desirable for such participation levels to be carried forward to the next face-to-face session of the Conference in Geneva.

With respect to the participation of women at the Conference, the Committee noted that the overall proportion of women delegates and advisers stands at 38.3 per cent. As the Committee stated already in its first report, progress still needs to be made concerning the representation of women in leadership positions.

Finally, in closing, let me express my sincere appreciation to my fellow members and Vice-Presidents: Mr Fernando Yllanes Martínez from Mexico for the Employers and

Ms Amanda Brown from the United Kingdom for the Workers. We truly worked very well as a tripartite team on this task, and this report reflects our unanimous views.

I would also like to thank the members of the Secretariat for all of their hard work in support of our Committee.

I thank you for your attention and now I have the privilege to commend the report to you. I take this opportunity to wish you all a successful completion of your work and a safe and healthy recess of the Conference until November of this year.

The President

The Credentials Committee has unanimously adopted its report and requests the Conference to take note of its content and to approve the proposals put forward in paragraphs 14, 22 and 34 of *Record of Proceedings* No. 3C relating to Djibouti, Mauritania and the Bolivarian Republic of Venezuela, respectively.

In accordance with article 26 *bis*, paragraph 7, and article 26 *quater* of the Standing Orders of the Conference, the proposals shall be adopted without discussion.

If there is no objection, may I take it that the Conference takes note of the report and approves the three proposals?

(The Conference takes note of the third report of the Credentials Committee and approves the three proposals.)

I would like to take this opportunity to thank the members of the Committee for their work.

(The sitting adjourned at 4.05 p.m.)