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International Labour Conference – 111th Session, Geneva, 2023

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### Plenary sitting: Reports of the Credentials Committee

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**Tuesday, 13 June 2023, 10.05 a.m.**

**President: Mr Awan,**

**Worker Vice-President of the Conference**

## **First report of the Credentials Committee: Presentation and noting**

### **The President**

It is my great pleasure to declare open the 12th plenary sitting of the 111th Session of the International Labour Conference.

I invite you all to turn your attention to the first report of the Credentials Committee, which is contained in [Record of Proceedings No. 2A\(Rev.1\)](#).

Please allow me quickly to recall that the members of the Credentials Committee are as follows: Ms Samuelsen (Norway), Chairperson; Mr Yllanes Martínez (Mexico), Employer Vice-Chairperson; and Mr Vogt (United States of America), Worker Vice-Chairperson.

I will now give the floor to Ms Samuelsen, who will present to us the Committee's first report.

### **Ms Samuelsen**

#### **Chairperson of the Credentials Committee**

I am honoured and pleased to present to the plenary of the 111th Session of the International Labour Conference the first report of the Credentials Committee. This report – which is published as Record of Proceedings No. 2A(Rev.1) – includes information on the composition of the Conference, as well as the Committee's conclusions on the question of the representation of Myanmar at this session of the Conference.

In connection with its mandate to examine the credentials of delegations to the Conference, the Credentials Committee traditionally comments on the overall composition of the Conference. In this regard, I would like to mention two points.

First, with 172 Member States having accredited a delegation, the overall participation level in the Conference remains slightly above its pre-pandemic and pre-Centenary levels. Indeed, after the record participation of 178 Member States at the Centenary Session, participation remained high in 2021 and 2022, probably thanks to the possibility to participate in full remotely. Nevertheless, the Credentials Committee notes that no online platform can provide participants with the same experience as in-person interaction and that direct personal contacts facilitate consensus-building. With respect to the 14 Members that were not represented at this session of the Conference, the Committee is concerned that, by not appointing a delegation, or by failing to accredit a fully tripartite delegation, the government deprives the employers or workers of the country, as the case may be, of their right to be represented in the highest policymaking body of the ILO and to participate actively in its work.

Second, following a steady increase in the participation of women in the Conference for over a decade, the proportion of women in delegations dropped last year. This year, it is stagnating at 36.6 per cent. Moreover, women continue to be unevenly distributed by function and group. The Committee has once again stressed the importance of reaching the minimum target of 30 per cent of women's participation in all groups and in all delegations, including in leadership positions within delegations, with the goal of gender parity. Let us hope that the upwards trend will be back next year.

Let me now turn to the question of the representation of Myanmar. Like last year, the Committee was faced with two sets of competing credentials: the military authorities that seized power in February 2021 on the one side, and the so-called National Unity Government on the other. As you are aware, the Credentials Committee's decision not to recognize either authority as the legitimate Government, taken in line with the position of the United Nations (UN) General Assembly, has had the effect that no invitations have been extended to Myanmar to attend any ILO meetings, including sessions of the Governing Body. The Committee noted that, in December 2022, the UN General Assembly decided again to defer a decision on the credentials of Myanmar. It further noted that several other entities have also deferred consideration of the question, including the Credentials Committee of the recent 76th World Health Assembly. In the light of those considerations, the Committee decided that no delegates from Myanmar would be accredited at the 111th Session of the Conference.

However, the Committee felt that, at the ILO, the matter could not end there. It noted with concern that the continued ambiguity of the question of the representation of Myanmar affects not only the representation of the Government of Myanmar at the Conference, but also precludes the participation of the employers and workers of Myanmar in the Conference and at other tripartite meetings. It therefore expressed, in careful language, that it may in the future need to address this situation. It stated: "In view of this situation, which is specific to the ILO because of its unique tripartite structure, the Committee believes that, in the continued absence of guidance from the United Nations General Assembly, it may in due course consider making a determination which would enable the tripartite constituents of Myanmar to resume active participation in the work of the Organization."

With this, I invite you to take note of the first report of the Credentials Committee, which is contained in Record of Proceedings No. 2A(Rev.1) and is available on the website of the Conference.

## The President

Many thanks to Ms Samuelsen for this very important report. The Credentials Committee has unanimously adopted it, and the Conference is requested to take note of its content without discussion, in accordance with article 31(3) of the Standing Orders of the Conference.

If there is no objection, may I take it that the Conference takes note of the first report of the Credentials Committee?

**(The Conference takes note of the first report of the Credentials Committee.)**

I would like to take this opportunity to thank the Officers of the Committee for their excellent work. I hear that the atmosphere in the Committee was very positive and that the work was carried out in a spirit of fruitful collaboration.

**(The Conference continues its work in plenary.)**

Friday, 16 June 2023, 10.40 a.m.

President: Mr bin Samikh Al Marri

## Second report of the Credentials Committee: Presentation, noting and approval of the Committee's proposals

### The President

I am honoured to declare open this morning's sitting. We will begin with the second report of the Credentials Committee, which is contained in [Record of Proceedings No. 2B\(Rev.\)](#).

I now give the floor to Ms Samuelsen, the Chairperson of the Credentials Committee, who will present to us the Committee's second report.

### Ms Samuelsen

#### Chairperson of the Credentials Committee

I am honoured and pleased to present to the plenary of the 111th Session of the International Labour Conference the second report of the Credentials Committee. This report, published as Record of Proceedings No. 2B(Rev.), contains the conclusions on the cases lodged with the Committee. We received 20 objections, 1 of which was considered serious enough to warrant monitoring; 2 complaints; and 1 communication. In addition, the Committee examined 3 monitoring cases that were referred to it under decisions taken by the Conference at its last session.

The Committee held seven sittings and worked in an informal and collegial manner; this is all the more important as we are a small Committee of three people: one Government representative, one Employers' representative and one Workers' representative.

This is the first time that I have served as Chairperson of the Credentials Committee, and the experience has given me insight into the important role that the Committee plays in ensuring the genuine tripartite composition of the Conference. This is something that I value as a true believer in tripartism.

A credentials committee is a routine feature of the plenary assemblies of international organizations and of international conferences. Most of them only examine the formal validity of the credentials submitted by Member States. Occasionally, they are faced with cases in which the legitimacy of a government is questioned or where competing credentials are received from more than one entity claiming to represent a Member State. As I reported to you last Tuesday, our Credentials Committee has been dealing with such a situation in the case of Myanmar for the last three sessions of the Conference.

What makes the Credentials Committee of the International Labour Conference unique are other aspects of its mandate. The Committee is tasked to examine objections to credentials in two different situations. The first is where it is alleged that a delegate or adviser is not nominated in agreement with the most representative organizations of employers or workers. The second is where a government fails to nominate any Employers' or Workers' delegate, which results in an "incomplete delegation".

The first type of objection is the core mandate of the Credentials Committee, which it has exercised since 1919. The need for it is clear. To make sure that the Employers' and Workers' delegates of Member States truly represent, respectively, the employers and workers of their country, governments must appoint them in agreement with the most representative

employers' and workers' organizations in the country. This is what the ILO Constitution says, in its article 3(5). But what if they do not? The Committee examines the objection after having requested the government for its comments, and reaches its conclusions on them. Our Committee examined 11 objections of this type, 2 of which concerned Employers' delegates and 9 of which concerned Workers' delegates.

I would like to briefly highlight three cases: Belarus, India and Nicaragua.

In the case of Belarus, the question before the Committee was whether the representatives of the Federation of Trade Unions of Belarus (FPB), who make up the Workers' delegation of Belarus, could be considered genuine Workers' representatives. This was questioned in view of the recent findings of the competent ILO supervisory bodies, according to which the Government conducted a policy of destroying the independent trade union movement and of favouritism towards the FPB. The Committee took this opportunity to clarify its mandate as regards alleged violations of freedom of association. It recalled that it has no mandate to examine such questions in substance. However, there is nothing to stop the Committee from taking into account the findings of competent ILO supervisory bodies on questions of freedom of association when examining allegations of non-respect of article 3(5) of the ILO Constitution. The Committee concluded by expressing serious doubts that the nomination of the Workers' delegation of Belarus complied with the requirements of the ILO Constitution.

Regarding the case of India, I would mention one aspect of the objection. It appears from the submissions that the Government has been placing restrictions on the participation of Employers' and Workers' representatives in the Conference since 2018, in that individual representatives may participate in a maximum of five sessions in their lifetime and in no more than three consecutive sessions. According to the Government, the aim of this measure is to give international exposure in tripartite forums to a greater number of representatives and to achieve gender balance in delegations. The Committee found, however, that this amounted to interference with the independence of decision-making within employers' and workers' organizations. Governments must accept the choice of the most representative organizations regarding the persons they nominate.

The Committee is also mandated to propose monitoring of situations when it examines an objection or complaint. When such a proposal is adopted by the Conference, the government must provide a report to the Committee when it submits credentials the following year. This year, the Committee examined the cases of three Members, which concerned the nomination of their respective Workers' delegations. In all three cases, the Committee considered it necessary to propose to the Conference the renewal of the monitoring measures. It also added a new monitoring case: Nicaragua.

In the case of Nicaragua, the Employers' group submitted that the Government failed to consult with the High Council of Private Enterprise (COSEP), which is regarded as the most representative employers' organization. Moreover, the Employers' group stated that the Government had now cancelled the legal personality of COSEP and that of 18 other employers' organizations, which made it impossible for these organizations to be taken into account as representative employers' organizations. Considering the Government's lack of response to these serious allegations – which was not the first time it had failed to respond – the Committee decided to propose to the Conference that this case be monitored and to request the Government to submit a report containing relevant information to the Committee at the next session of the Conference.

Apart from objections, the Committee also examines complaints alleging that a government has not paid the travel and subsistence expenses of a delegate or an adviser to attend the Conference. The government is obliged to cover those expenses under article 13(2)(a) of the ILO Constitution. As per the Standing Orders of the Conference, the Credentials Committee can only consider complaints if the Member has not paid the expenses of a titular delegate, or if there is a serious and manifest imbalance between the advisers paid for in the three parts of the delegation.

The Committee determines what “serious and manifest imbalance” is and what it is not. The application of this criterion by the Committee in the past gives certain indications. For example, it follows from the basic “two Government, one Employer and one Worker” composition of Conference delegations that imbalance can start only where the Government has more than double the number of advisers than there are Employers’ or Workers’ advisers whose costs are covered. But where does “serious and manifest imbalance” begin?

In a case that the Committee examined this year, concerning the delegation of the Bolivarian Republic of Venezuela, the Government had five advisers, but was covering the expenses of no Employers’ or Workers’ advisers at all. The Committee considered that this amounted to “serious and manifest imbalance”.

This concludes the cases that I wished to bring to your particular attention. It remains for me to thank my fellow members and the Vice-Presidents of the Committee: Mr Fernando Yllanes Martínez, from Mexico, for the Employers; and Mr Jeffrey Vogt, from the United States, 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 Office and translators for all their efforts during the Committee’s work.

With this, I invite the Conference to take note of the second report of the Credentials Committee, which is contained in Record of Proceedings No. 2B(Rev.) and is available on the website of the Conference, and to approve the Committee’s proposals set out in paragraphs 12, 19, 29 and 103.

## 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 12, 19, 29 and 103 of Record of Proceedings No. 2B(Rev.), relating to Djibouti, Mauritania, the Bolivarian Republic of Venezuela and Nicaragua.

In accordance with article 31(3) 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 second report of the Credentials Committee and approves the four proposals?

**(The Conference takes note of the second report of the Credentials Committee and approves the four proposals.)**

I would like to take this opportunity to thank the Officers of the Committee for their excellent work. I hear that the atmosphere in the Committee was very positive and that work was carried out in a spirit of fruitful cooperation.

**(The Conference continued its work in plenary.)**