



**Sixth item on the agenda:  
Strengthening the ILO's capacity to  
assist its Members' efforts to reach its  
objectives in the context of globalization**

**Report of the Committee on  
Strengthening the ILO's Capacity**

1. At its first sitting on 28 May 2008, the International Labour Conference constituted the Committee on Strengthening the ILO's Capacity. The Committee held its first meeting on 28 May 2008. The Committee was originally composed of 191 members (95 Government members, 33 Employer members and 63 Worker members). To achieve equality of voting strength, each Government member entitled to vote was allotted 693 votes, each Employer member 1,995 votes and each Worker member 1,045 votes. The composition of the Committee was modified five times during the session and the number of votes allocated to each member was adjusted accordingly.<sup>1</sup>

2. The Committee elected its Officers as follows:

*Chairperson:* Mr J.-J. Elmiger (Government member, Switzerland) at its first sitting

*Vice-Chairpersons:* Mr E. Julien (Employer member, France) and Mr E. Patel (Worker member, South Africa) at its first sitting

*Reporter:* Mr S. Paixão Pardo (Government member, Brazil) at its first sitting

<sup>1</sup> The modifications were as follows:

- (a) 30 May: 199 members (102 Government members with 1,040 votes each, 32 Employer members with 3,315 votes each and 65 Worker members with 1,632 votes each);
- (b) 3 June: 211 members (108 Government members with 391 votes each, 34 Employer members with 1,242 votes each and 69 Worker members with 612 votes each);
- (c) 4 June: 171 members (111 Government members with 442 votes each, 34 Employer members with 1,443 votes each and 26 Worker members with 1,887 votes each);
- (d) 6 June: 170 members (110 Government members with 221 votes each, 34 Employer members with 715 votes each and 26 Worker members with 935 votes each);
- (e) 9 June: 168 members (111 Government members with 782 votes each, 34 Employer members with 2,553 votes each and 23 Worker members with 3,774 votes each).

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3. At its first sitting, the Committee appointed a Drafting Group to draw up a draft authoritative Text based on views expressed during the plenary discussions, for consideration by the Committee. At the Committee's third sitting, the Drafting Group was also mandated to draw up a draft resolution and draft title for the authoritative Text. The Drafting Group was composed as follows:

*Government members from:* Argentina, Austria, Brazil, China, France, Japan, Kenya, Namibia, the Netherlands, New Zealand, Senegal, Slovenia, South Africa, St. Kitts and Nevis, United States

*Employer members:* Mr O. Carvajal Bustamante (Mexico), Ms J. Coke-Lloyd (Jamaica), Ms P Gauthier (Canada), Ms R. Goldberg (United States), Mr E. Julien (France), Mr P. Obath (Kenya), Ms E. Rivera Cabello (Spain), Mr C. Syder (United Kingdom)

*Worker members:* Ms D. Gagnon (Canada), Mr G. Jiang (China), Ms H. Kelly (New Zealand), Ms M. Menéndez Ruiz (Argentina), Ms J. Neal (United Kingdom), Mr M. Norddahl (Iceland), Mr E. Patel (South Africa), Mr M. Leemans (Belgium) and, as an alternate, Mr J.-M. Joubier (France). Members of the Workers' Bureau: Mr N. Adyanthaya (India), Mr M. Azouz (Syrian Arab Republic), Ms C. Del Rio (Italy), Ms N. Goulart (Brazil), Ms T. Sundnes (Norway), Ms K. Pape (Germany), Mr T. Wojcik (Poland), Mr H. Taha (Egypt), Mr N. Kabore (Burkina Faso), Ms G. Larios Rivas (Mexico), Mr S. Nakajima (Japan) and Mr R. Trotman (Barbados).

4. At its fifth sitting, the Committee appointed a legal Drafting Committee, presided by the Legal Adviser. The Employers' group nominated Mr Julien, assisted by Mr Wilton. The Workers' group nominated Mr Patel, assisted by Ms Biondi. The Governments nominated the Government members of Argentina (Americas), the Netherlands (Europe), Namibia (Africa) and New Zealand (Asia and the Pacific).
5. The Committee held eight sittings.
6. The Committee had before it Report VI, entitled *Strengthening the ILO's capacity: Continuation of the discussion and possible consideration of an authoritative document*, prepared by the Office on the sixth item on the agenda.

## Opening remarks

7. The Chairperson thanked the Committee for the trust that it had placed in him and hoped his work would be to their satisfaction. He noted the importance of the spirit of cooperation in the Committee's work. The Committee had much work before it and there needed to be democratic discussion. The Committee should focus as quickly as possible on the draft authoritative document.
8. The Special Adviser to the Committee gave a brief review of the discussions held in relation to the requirements of, and measures envisaged in, the resolution and conclusions adopted at the end of the discussion in 2007. The 2007 Conference had mandated the Governing Body and the Director-General, each within their respective fields of competence, with two tasks: to take measures to allow the International Labour Conference to continue the discussion and possibly consider the adoption of an authoritative document; and to take the necessary measures to implement a programme of work to meet Members'

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needs. With regard to the draft authoritative Text, following the Governing Body's decision in November 2007 to include the issue of strengthening the ILO's capacity in the agenda of the present Conference (see document GB.300/2/1, paragraph 8), putting together a draft had become the priority objective of the consultations – resulting in the draft text before the Committee.

9. The Special Adviser had three comments on the draft text. First, the draft was not an ideal text, but simply a reflection of various inputs, while striving to maintain the overall consistency of the message.
10. Second, based on the inputs received, the text was structured around the following three main ideas:
  - the ILO's objectives, approach and means of action were more relevant than ever in a context of globalization, characterized by rapid change and deepening inequalities;
  - experience had shown that the realization of these objectives required voluntary action on the part of member States, assisted by the ILO and on the basis of tripartite dialogue; and this voluntary action was key in conferring them with legitimacy in the context of globalization. From this standpoint, the first aim of the authoritative Text was to reiterate solemnly the determination of Members to pursue each and every one of the constitutional objectives grouped around the four strategic objectives;
  - greater determination was not enough. Being effective presupposed taking account of the growing interdependency of the various strategic objectives, which went hand in hand with the growing interdependency of economies. These realities required a new approach, not only from the Organization but from its Members and tripartite constituents. The aim of the Text was not only to acknowledge the need for this new approach, but also to draw specific consequences from it.
11. Third, the text not only contained a message to the outside world concerning the significance and relevance of the objectives in the context of globalization. It also established a precise framework for its implementation within the ILO.
12. With regard to the implementation of a programme of work, in accordance with the mandate conferred upon it by the Conference in 2007, the Governing Body approved a programme of work at its November 2007 session, on the basis of an oral report submitted by the Office. This programme covered the various aspects of the mandate granted by the Conference. The ensuing discussions covered the questions of cyclical reports, horizontal governance, and external governance.
13. With regard to cyclical reports, there was considerable support for this mechanism, although some doubts remained about its practicality. Two issues remained to be resolved. The first concerned the length of the cycle. There was both a need for a short cycle which would allow for examination of the various aspects of social protection at fairly close intervals; at the same time, some quarters believed that social dialogue should be separately examined on its own, which would, however, imply extending the reporting cycle. Without entering into details which were a matter for the Governing Body, the Office believed that there were solutions that could reconcile those two standpoints.
14. The second issue was the legal and practical implications of the reports, in particular the burden that such a mechanism might place on the member States. In point of fact, the system was designed to meet the need to rationalize existing practices specific to the ILO. Nonetheless, one manner in which those concerns could be addressed would be to include, in the minutes of the discussion, the conditions upon which the text was agreed. This

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would constitute a written record that, inter alia: (i) the modalities should be the outcome of as wide a consensus as possible; (ii) the legal and practical obligations ensuing from the procedures in force would on no account be more cumbersome; (iii) and that nothing in the text would undermine the status of the 1998 Declaration on Fundamental Principles and Rights at Work and its Follow-up (hereafter “the 1998 Declaration”), it being understood that the modalities for implementation could only be adjusted within the framework of an item specifically included in the agenda of the International Labour Conference. That being said, it must be realized that the introduction of the system would not be without trial and error and would call for a transitional stage. Finally, it was assumed that the first cyclical report would be submitted in 2010 and would be on employment.

- 15.** Regarding horizontal governance, the Special Adviser noted that this matter concerned the question of how the ILO might promote an integrated approach towards the strategic objectives by improving the empirical knowledge of ways in which these objectives interacted in practice, and by encouraging its Members to adopt such an approach – either individually or between themselves. The Office had prepared a document during the intersessional discussions to dispel certain misgivings that had arisen during the 2007 Conference with respect to possible “peer reviews”, showing that no Members could be forced into a system of “peer review” without their full consent, in the same way that they could not be subjected to a “country analysis” without a previous tripartite agreement.
- 16.** Regarding external governance, the draft authoritative Text provided a framework to look into strengthened partnerships with international organizations or private entities which had not existed when the ILO was first set up. As regards public international organizations competent in closely related areas, the Text should make clear that the strengthened partnership envisaged consisted of encouraging these organizations to play an increased role in discussions concerning them. In the case of other entities, the problem was to ensure that the strengthening of partnerships did not undermine the strengthening of partnerships with the institutional actors of tripartism.
- 17.** In conclusion, the Special Adviser noted that, although progress had been made, the work was not over. This situation had been envisaged by the Conference which had refrained from stating anywhere that the programme of work should be completed this year. The adoption of the Text would imply both a commitment to the outcome, as well as the necessary guarantees that this outcome fulfilled expectations.
- 18.** The draft authoritative Text expressed a common will and determination to cover all the aspects of governance raised last year. The outcome would be subjected to scrutiny, as the Conference would be called on to verify that the follow-up to the Text had covered all these aspects. The Text also established a framework and very specific protections to ensure that the outcome took into account the expectations and concerns expressed on all the dimensions of governance. Consensus had been the essence of all previous stages and would remain of essence in the weeks to come if the draft authoritative Text was to be adopted.
- 19.** The Worker Vice-Chairperson focused his opening words on the importance of the challenge being faced by the Committee, which was to see how the ILO could achieve its objective of Decent Work in the context of globalization and assist its Members in attaining this goal. This challenge required the Committee to rise to the moment and craft an authoritative document that would provide guidance to its Members and to its secretariat. He suggested that the courage shown in the drafting of the Constitution in 1919 and the Declaration of Philadelphia in 1944 provided inspiration to be bold in the face of the present challenge of globalization.

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20. The Workers' group considered that the success of the Committee could be measured in terms of process and of substance. In terms of process, the test of success for the Committee in fulfilling its mandate would be the adoption of an authoritative Text that spoke to both the constituents and staff of the ILO as well as to a broader audience, and the building of a broad consensus of employers, workers and governments from both North and South. In terms of substance, the test of success would be judged by whether the Text was meaningful in its vision and ambition, and in its follow-up mechanisms. The Workers' group considered that a number of criteria needed to be present for this to be the case.
  21. First, the authoritative Text would need to recognize that the Declaration of Philadelphia was more relevant today than ever. This Text would be an opportunity for the ILO to have an implementation plan for the Declaration of Philadelphia and to fully realize its constitutional mandate.
  22. Second, the Text should acknowledge the complexity and challenges of globalization, recognizing its positive and negative outcomes and identifying some of the gaps in the social architecture of globalization. This would allow the ILO to develop this social dimension of globalization based fully on its Constitution. In doing so, the ILO should concentrate on its core focus, namely Decent Work.
  23. The third element necessary for a successful text was the integration of governance standards based on tripartism, employment policies and labour inspection. These standards would build on the 1998 Declaration.
  24. The fourth criterion was for the document to set out in substance what was meant by Decent Work, expanding upon the proposed explanation of the four strategic objectives and emphasizing that the coherent package of objectives should be promoted as one. The strategic objective of employment should extend to what societies had as their objectives, not only individuals and enterprises. The objective of social protection could be defined more clearly, drawing on the ILO Constitution and its Declaration of Philadelphia annex, particularly with regard to the discussion on building a social floor in respect of social security and the importance of workers having an equitable share in the fruits of their labour. The objective of social dialogue should be linked to its impact on Decent Work. The objective of standards should emphasize the importance of freedom of association and collective bargaining.
  25. Fifth, the Text should recognize Decent Work as a global goal. The Text should identify the alliances and coordination by key United Nations agencies to achieve this goal, incorporating language from texts such as the Global Employment Agenda (GEA), and clarifying that tripartism should be the defining approach and contribution of the ILO.
  26. Sixth, the document should spell out the role of the ILO's constituents, but also the role of multinational enterprises, international employer bodies, global sectoral unions and international trade unions.
  27. Seventh, the Text should define the expected capacity levels of the International Labour Office, in terms of operational performance, research, analysis, policy advice and advocacy, to achieve its objectives.
  28. Eighth, the Workers' group considered that the Text should address organizational reforms, in particular the idea of cyclical reviews by the Conference, as well as country studies and voluntary peer reviews. However, the more detailed modalities should be referred to the Governing Body.

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29. Ninth, the Text should reaffirm the centrality of the employment relationship in protecting workers, including in the informal economy, and also the role of collective bargaining in addressing poverty, inequality and unemployment.
  30. The Worker Vice-Chairperson went on to explain that there had been fruitful dialogue between the Workers' group and the Employers' group and that as a result they were able to propose a joint text for the Committee to discuss. While based on the Office text, some of the paragraphs had been rearranged and consolidated. This text could be submitted for consideration by the Government members as well as by their own groups. This was a variation of usual Committee procedure, but it could expedite the work of the Committee and help forge a richer consensus.
  31. The Employer Vice-Chairperson recalled the Committee's report and *Provisional Record* No. 23 of the previous year and the progress made during formal and informal discussions held over the intervening year. The "red and green lines" had been set out by the Employers' group and these parameters had not changed.
  32. The authoritative Text should not be without consideration of the physical and governance capacity of the ILO to assist its member States. This linkage had been kept, but further discussion on this issue could be expected. The annex to the previous year's Committee report had included elements for discussion, which had happened but not without difficulty. It had not been easy to discuss an authoritative Text without a draft or even to define the point of the discussion. Since the Committee now had a draft text, it would be easier to look at the "what" and the "why". However, the Committee should move on from stating problems and should find solutions. He called on the Committee to be inclusive and open, and to preserve consensus. The Employers' group was looking for a workable initiative that all could own.
  33. While not wishing to explain again the Employers' group's red and green lines, the Employer Vice-Chairperson laid out the group's vision of the strengthening the ILO's capacity (SILC) process. The authoritative Text should recognize global diversity and help member States develop while recognizing national realities. The draft text appeared to show that to a large degree this position had been taken into account. However, there was also a need to remain true to what had already been agreed by the Organization, in particular to Decent Work. The need for the Text was no longer under discussion: that had been decided by the Governing Body. The focus should therefore be on the content of this text and on offering solutions that would shape the Text and create something that all would want. The proposed joint text from the Employers' and Workers' groups was a result of two intersessional meetings since February 2008 and was being presented as a proposal and should be taken as such. The motivations for the changes to the text were twofold: simplification and clarification. He reminded the Committee that the groups had not yet seen this amended text and also needed to read and discuss it.
  34. The Government member of Slovenia spoke on behalf of the Governments of the Member States of the European Union (EU) (Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom). She indicated that the Governments of the EU candidate countries, namely Croatia, The former Yugoslav Republic of Macedonia, and Turkey, those of the potential EU candidate countries of the Stabilisation and Association Process (SAP), namely Albania, Bosnia and Herzegovina, Montenegro and Serbia, as well as those of Armenia, Georgia, the Republic of Moldova and Ukraine, aligned themselves with her statement.

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35. She highlighted that promoting Decent Work, the social dimension of globalization and EU cooperation with stronger multilateral organizations were all parts of the EU Declaration on Globalisation of 14 December 2007 adopted by the European Council. The international community at large equally endorsed the promotion of Decent Work, which was increasingly present in the activities of many other international organizations. This illustrated the relevance and timeliness of the Committee's discussion, which should underline the leading role of the ILO while giving clear guidance. The EU considered that the Decent Work Agenda should be implemented on a more strategic and policy level, not only at the level of technical cooperation.
36. The speaker reminded the Committee of the two major aspects of its work: the need to strengthen the mandate of the ILO to enable it to better respond to changes arising from the globalization process; and the need to further strengthen the governance, knowledge base, efficiency and credibility of the ILO. She expressed the EU's support for a Declaration with a strong political message and which represented a promotional framework that took account of globalization. Such a Declaration should thus consolidate Decent Work in national and/or regional policy strategies and in the mandate of the ILO itself; confirm the ILO's place as a centre of expertise of the Decent Work Agenda within the multilateral system; clarify and define the responsibilities of the ILO's constituents and secretariat. A programme of work was necessary if the political declaration was to have operational effect. Therefore, the modalities of implementation should be included in a resolution to be adopted along with a Declaration, although some of these modalities would fall under the authority of the Governing Body. She underlined the EU's strong support for governance and capacity issues, and asked that the Committee give clear guidance to the Office and to the Governing Body on this. The process should not increase reporting obligations for governments nor weaken the ILO's existing supervisory mechanisms. Before commenting on the proposed joint text by the Employers' and Workers' groups, the EU Government members would need time to meet and discuss the proposal.
37. The Government member of Peru, speaking on behalf of the Government members of the Group of Latin American and Caribbean States (GRULAC) (Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay, Bolivarian Republic of Venezuela), underlined the importance of the issues addressed in Report VI. The main objective of this process was to find a universal compromise to promote Decent Work and each of its four objectives. Strengthening the ILO's institutional capacity should therefore contribute to fully implementing Decent Work and meeting the needs of all member States.
38. GRULAC was in favour of a Declaration, which would not be legally binding and whereby member States would express political commitment. Some follow-up could be put in place by the Conference, similar to the 1998 Declaration. In general, GRULAC agreed with the content of the preamble and principles of the proposed Text, although some further clarifications were needed with respect to the proposed methods of implementation. For example, the text suggested that the ILO should "guide, coordinate and assist" the efforts of member States, while GRULAC considered that the ILO should only support these efforts. Regarding cyclical reviews, GRULAC wished to learn more about their modalities before adopting such a mechanism. Any duplication with other existing mechanisms should be avoided. GRULAC was not in favour of additional reporting obligations for member States and wondered whether any additional workload could be offset by merely simpler surveys. To conclude, GRULAC was ready to work on the preamble and Part I of the proposed text, while further clarification was needed on Part II and a possible annex.

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39. The Government member of Norway, speaking on behalf of the Government members of the Nordic group (Denmark, Finland, Iceland, Norway, Sweden), supported the EU statement. The Nordic group had a strong desire to strengthen the capacity of the ILO and the current exercise was important to better respond to the needs of the ILO constituents; improve synergies and coherence between the four strategic objectives of the Decent Work Agenda, at all levels, including the Office; and strengthen the mandate of the ILO in cooperation with other international organizations.
  40. With regard to the authoritative Text, the Nordic group would prefer it to be a Declaration which would include a strong political declaration and a framework for implementation. The text, however, was rather long and would benefit from shortening. In some paragraphs, the language would need to be revised in order to clarify what was expected of the ILO and its member States.
  41. Regarding the implementation of the possible Declaration, the Nordic group fully supported the idea that Members should have a key role in order to give concrete effect to the commitments of the Decent Work Agenda. However, the Nordic group was not fully convinced that the procedures as suggested in the annex to the text would exclude increased reporting responsibilities for Members. The ILO needed also to make better use of available information from countries and provide coherent and useful analysis as a basis for appropriate action by both the ILO and its member States. The responsibilities of the Office should be clearly emphasized.
  42. The Government member of Guatemala supported the statement by GRULAC. She underlined Guatemala's commitment at the national level to the process of strengthening the ILO. She pointed out that there appeared to be confusion between the cyclical reports described in Section II, subsection B, of the possible annex to the authoritative document, and the cyclical reviews described in Appendix III of Report VI. Analysis and evaluation could take place via regional and subregional offices with a direct understanding of country situations and in consultation with the member States concerned. The Office also had other sources of information on country situations which could be used. During previous consultations, Guatemala had suggested that alternative proposals to the cyclical reviews be examined, yet this remained to be done. Any follow-up mechanism should be dealt with in an annex to the document. Flexibility in the follow-up would be essential.
  43. The Government member of the United States stated that his Government strongly supported the ILO's four strategic objectives. The United States would like to be able to support such a Text; however, the current proposal was far too long and detailed to be dealt with in the time available. A short, simple, clear alternative that emphasized the importance of Decent Work and the ILO's responsibilities for promoting it, without imposing or implying obligations on member States, would be essential if the 2008 Conference were to succeed in adopting a Text. He proposed to concentrate efforts on considering a draft authoritative Text and leave it to the Governing Body to consider possible modalities for follow-up. A number of points needed adequate attention: the issue of strengthening the capacity of the ILO instead of a focus on member States; no redefinition of the ILO's four strategic objectives already adopted by the ILO on other occasions; no duplication and/or undermining of the ILO's existing supervisory machinery; no significantly increased reporting burdens on member States; no limits on member States' ability to establish their own Decent Work priorities at the national level; and no suggestion that ILO technical assistance to countries should be conditional on those countries having integrated Decent Work strategies.
  44. The United States could support the establishment of a Drafting Group, with a sufficient number of government representatives, to produce an initial revised draft. However, it was essential that all governments had the opportunity to be full participants in the



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consideration of the text, meaning that the amendment process must be very clear. Otherwise the status and integrity of the process, as well as any text resulting from it, would be called into question. He found it curious that the Employers' and Workers' groups knew about the amendment process and that the governments had only learned about it belatedly. The United States and other governments had considered the Office text and spent time developing amendments on this basis. They could not agree to the Employers' and Workers' groups' request unless any new proposal from governments would be given the same consideration.

45. The Government member of Cuba noted with concern certain proposals made, especially since existing reporting mechanisms already did not exclude possibilities for identifying tendencies and the needs of Members. Decent Work Country Programmes (DWCPs) already played this role, which should not only involve developing countries. The Text should not take the form of a Declaration nor necessarily have a follow-up mechanism, as did the 1998 Declaration. Existing reporting mechanisms could be used to respond to fulfil needs under the strategic objectives without creating new mechanisms which would create a large burden for governments. Strengthening the ILO's capacity would not necessarily mean creating new mechanisms if the existing ones served international cooperation and technical assistance.
46. The Government member of the Republic of Korea welcomed the efforts of the Office to strengthen the ILO in assisting its member States to address the challenges of globalization. The Decent Work Agenda had gained wide recognition as a global goal and an authoritative document could reaffirm the ILO's strong commitment to delivering it. Although consultations had been carried out since the 2007 discussion, full consensus on a draft text had not yet been achieved. The possible Declaration should therefore remain a broad framework, which would be filled in through in-depth, comprehensive and transparent discussions among constituents, possibly in the Governing Body. He requested the Office to provide further detailed information on the specific measures set out in the proposed annex, especially the peer review and evaluation procedures. Finally, the text of the Declaration should clearly state that the strengthening of the internal governance of the ILO was a step without which the strengthening of horizontal, vertical and external governance would not yield results.
47. The Government member of Mexico supported the statement made by GRULAC and noted that the task of the present Committee was to strengthen the mandate of the ILO, adapting it to present times. It would be important not to give imbalanced competencies to any organs of the Organization. The reference to the International Labour Charter in the preamble of the draft Text created confusion as it invoked provisions of the Constitution that had been amended since. Cyclical reports should not duplicate ILO reports, including programme implementation reports, which already provided an overview of action under the four strategic objectives. Cyclical reports should also not replicate the work of other reporting mechanisms such as the follow-up to the 1998 Declaration and article 19 of the ILO Constitution. Partnership with other actors should reflect the core value of tripartism.
48. The Government member of Argentina supported the GRULAC statement and, on behalf of his country, highlighted the importance both for the ILO and its member States of obtaining consensus on a Text based on the Decent Work concept. The Decent Work concept was already part of the United Nations system and such a Text would enable the ILO to play an even greater role in the context of the Millennium Development Goals (MDGs), and in ensuring greater coherence between economic and social policies and the development of the multilateral system. It seemed appropriate for such a document to take the form of a Declaration. The debate should in particular clarify concerns raised on Part II of the proposed text on implementation methods.

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49. The Government member of Canada said that her Government supported the Decent Work Agenda, the organization of ILO work around its four strategic objectives and DWCPs as the main vehicle for delivering ILO technical assistance. Great strides had been made in recognizing the global importance of the Decent Work Agenda and its contribution to poverty reduction and sustainable and social development. Decent Work as a global goal was now widely endorsed across the United Nations system, by the Inter-American Conference of Ministers of Labour and by the G8 Ministers of Labour and Employment. It was appropriate and timely for ILO constituents to consider how the Organization's governance and institutional practices could be strengthened to effectively promote its strategic objectives and better respond to the needs of its Members.
50. Canada supported the adoption of a non-binding Text that promoted and enhanced an integrated implementation of the ILO's strategic goals and that explicitly recognized Decent Work as one of the Organization's key constitutional objectives. The Text should be short, focused and written in a manner that was easily understandable by those outside the international labour community. It should highlight the ILO's unique tripartite structure, its importance in the international response to globalization and the operational partnerships the Organization would pursue to promote ILO objectives. Follow-up should focus on evaluating the concrete impacts of the ILO's efforts to assist its Members.
51. The speaker expressed her concern that the document placed before the Committee for consideration was too complex and lengthy to achieve global understanding and endorsement. It did not adequately focus on the key issue of strengthening the ILO's capacity. The means by which governance and institutional practices would be strengthened needed to be more clearly addressed in the text. With respect to the Conference evaluation in the proposed follow-up, it was unclear how this procedure would support a more strategic choice of International Labour Conference agenda items or how the proposed cyclical reviews would be integrated with the ILO's current supervisory mechanisms. Canada was also concerned that the proposal would lead to increased reporting burdens for member States and for the Office. The Organization could not afford to devote resources to the duplication or overlap of existing processes.
52. With respect to the proposal of the Workers' group, governments had prepared amendments based on the text in the Office report, which they had had for some time now. They were not inclined to agree to abandon that text in favour of one that was being made available the following morning. They would need to know exactly how the amendment process would proceed.
53. The Government member of Australia considered that the discussion provided a timely and important opportunity to reflect on how the Organization could better focus its activities to promote the Decent Work Agenda as being central to the attainment of economic and social development. At the same time, ways should be considered to enhance its effectiveness and efficiency to assist its Members' efforts in making Decent Work a reality. The adoption of an authoritative document, such as a Declaration, provided a useful means for the ILO to highlight the significance of Decent Work within the multilateral system and to better integrate Decent Work goals into national policy and development frameworks.
54. However, the structure and content of the authoritative document were threshold issues of the Committee. ILO Declarations, by their nature, were timeless, aspirational documents with considerable moral authority. The authoritative document should be equally aspirational, principles-based and focused on clear objectives. It needed to be free of any detailed implementation procedures and processes, in order to remain flexible and relevant over time. Given the rapid pace of globalization, such an approach was particularly important. Therefore, the implementation guidelines and related details contained in the

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proposed draft text needed to be moved to a separate document, so that they did not detract from the proposed Declaration's enduring objectives. The mechanisms and methods for implementation needed to be flexible so that, in the future, there would be no need to amend the Declaration itself.

- 55.** Since the Committee was meant not only to codify the Decent Work Agenda, but was also asked to reflect on improving the Office's internal structures, governance arrangements and service delivery capacity, a separate and accompanying workplan needed to be developed as a matter of priority. It should identify ways of giving effect to the principles of the proposed Declaration as well as address concerns related to the organizational capacities articulated in 2007. This plan should include reference to some form of objectives-based review process and should, at a minimum, include specific guidance to the Office to ensure that adequate competencies, knowledge base and effective governance structures were in place. Given that a functional field structure was essential to the Office's capacity in assisting member States' efforts, the workplan should also comprise the completion of the field structure review and appropriate follow-up. To this end, the important role of the Governing Body in determining precise implementation modalities needed to be considered by the Committee; an appropriate workplan needed to include possible mechanisms of implementation and refer its findings to the Programme, Financial and Administrative Committee of the Governing Body for consideration in the context of the Programme and Budget proposals for 2010–11 and the Strategic Policy Framework for 2010–15. The outcome of the Committee's work should not substitute or duplicate the well-established supervisory machinery and should not provide a basis for complaints against individual member States.
- 56.** In conclusion, the speaker emphasized that member States should not be burdened with additional reporting. The follow-up to the proposed Declaration should be promotional and place Decent Work at the centre of the ILO's work. Any authoritative document could only draw its authority from a strong common will and consensus. It was, therefore, of the utmost importance that the Committee sought to identify and resolve any concerns constituents might have in relation to its Text and follow-up mechanisms.
- 57.** The Government member of Switzerland favoured a short general discussion followed rapidly by a discussion of the points of substance. The problems were well known, and solutions had to be sought. Switzerland had always supported the SILC process so that the ILO could strengthen both its internal and external governance capacities. The results of SILC would also give the ILO a better standpoint as concerned United Nations reform and technical cooperation in the field. He favoured a drafting committee that would treat amendments rapidly based on tripartism and democratic procedures. The Conference would have to give a clear signal in adopting an authoritative document, i.e. a solemn political declaration setting out the principles, with a follow-up mechanism. But it would be the Governing Body's role to operationalize this and decide on the modalities. To ensure this operational follow-up, his delegation also urged that the Conference adopt a resolution setting out a work programme.
- 58.** The Government member of China pointed out the importance of the Committee's deliberations, as this would shape the future of the Office, especially within the context of globalization. He noted that the Office text had indeed taken into account the conclusions of the informal consultations, but felt the need to raise some points. First, when formalizing and consolidating the status of Decent Work, consideration should be given to strengthening the capacity of the ILO to help constituents realize Decent Work, in particular in the areas of employment promotion and poverty alleviation. Second, while still endeavouring to achieve the goals of Decent Work, respect for the diversity of member States should be taken into account as each country had their own approach to achieving Decent Work. Third, the document should be promotional and fact-finding, and

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it should not burden member States with increased reporting. With this in mind, existing reporting mechanisms currently in place such as articles 19 and 22 of the Constitution, as well as the 1998 Declaration, should be taken into account. The Office needed to work with other regional and international organizations, as the ILO could not excel in all issues. The final form of the document should be a Declaration. Regarding the proposed text from the Employers' and Workers' groups, the speaker said that Governments should have sufficient time to study the new text before moving ahead.

- 59.** The Government member of Japan welcomed the timing of the SILC discussion, as it was a good opportunity to strengthen the Decent Work Agenda. While his Government supported strengthening horizontal governance, it was important that cyclical reviews did not duplicate or increase the workload.
- 60.** The Chairperson presented the plan of work for the Committee. He also confirmed to the Committee that a joint proposal from the social partners was expected to be tabled.
- 61.** The Government member of the Czech Republic requested information on the formation of the Drafting Groups.
- 62.** The Government member of the United States asked whether the governments could follow the same procedure as the social partners in the submission of their amendments, that is, to submit a whole new draft text as an amendment.
- 63.** The Government member of the Netherlands, speaking on behalf of the Government members of the Committee of industrialized market economy countries (IMEC) (Australia, Austria, Belgium, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Poland, Portugal, Slovakia, Slovenia, San Marino, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States), stated that the IMEC group required clarification on procedure, especially for tabling amendments. He also requested that the mandate of the Drafting Group be specified. He explained that comments from all constituents, not just from the Employer and Worker members, should be taken into account in the spirit of democracy. He also expected from the secretariat a detailed plan of work for each day.
- 64.** The Chairperson proposed a working group structure of 12 Government members and six each from the social partners, with the possibility of adding substitute members, in order to ensure full participation from Governments. He explained that it would, however, be up to Governments to coordinate among themselves so that information from the Drafting Group was exchanged adequately. In response to the question from the Government member of the United States, he agreed that Governments could adopt the same method used by the social partners.
- 65.** The Government member of Spain voiced his support for a dynamic process; but, if this was to be the case, it had to be flexible.
- 66.** The Government member of South Africa requested clarification on whether amendments from Governments members would have to be made on the original Office text, or on the text proposed by the social partners.
- 67.** The representative of the Secretary-General explained to the Committee that anything that would be proposed, including the proposal from the social partners, would be an amendment to the Office text.

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68. The Worker Vice-Chairperson explained that the social partners' proposal was a suggestion to improve the efficiency of the Committee's work. If the normal amendment procedure was followed, the joint submission from the social partners would be tabled only in the Committee plenary the following day, giving little time for Government members to react to the social partners' suggestions before the amendment procedure closed. As the joint proposal involved reorganization of text of the Office draft, he suggested that Government members amend the proposed text.
  69. The Employer Vice-Chairperson concurred with the Worker Vice-Chairperson. He explained that the joint text proposed by the social partners aimed to clarify certain aspects of the Office text, as well to simplify the process. He said that the changes made concerned only the repositioning of certain paragraphs, as well as specific language added to certain points.
  70. The Chairperson pointed out that the text submitted jointly during the sitting by the Employers' and Workers' groups was new, and that neither he nor the Office had seen it, so he could not ask the Committee to take a decision at this time. He considered its submission useful, since the text represented the views of the two groups. Following the distribution of the text the following morning, the general debate would continue later the same day.
  71. At the second sitting, the Chairperson explained that two new documents submitted by the Employers' and Workers' groups and by the United States, respectively, had been given to the Committee out of a desire for more transparency and clarity. Despite having different titles, the documents were similar in nature, as they demonstrated the outcomes favoured by their respective sponsors. They had been submitted to inform the Committee of the positions held by the respective sponsors and might, therefore, help the Committee in better focusing its discussions.
  72. The Chairperson asked Committee members, when submitting inputs/amendments, to keep in mind that these needed to be based on the "draft authoritative Text for the consideration of the Conference" contained in Report VI. They should be presented using the specific forms provided for this purpose by the secretariat. Committee members could present either separate amendments or an amended version of the draft authoritative Text. These amendments would be discussed and consolidated by the Drafting Group and the resulting draft text would then be submitted to the Committee for consideration. It was important that the Committee be given the last word in an inclusive, open and democratic discussion, which would allow all its members to decide on the content and form of the outcome to be submitted to the Conference.
  73. The Government member of Slovenia, speaking on behalf of the Governments of Member States of the EU, thanked the Employer members and Worker members for sharing their proposals. The EU would look in good faith at the proposed amendments. It would also submit its own amendments, based on the draft authoritative Text prepared by the Office.
  74. The Government member of Qatar, speaking on behalf of the Governments of member States of the Gulf Cooperation Council (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates and Yemen), stressed the importance of strengthening the ILO's capacities. The Council of Ministers of Labour and Social Affairs of the member States of the Gulf Cooperation Council were grateful to the Organization for the work carried out over the past year. In prioritizing its work, the ILO should focus on helping developing countries to address challenges in relation to human resources, so that full employment could be attained. Turning to the draft text, the speaker suggested that it should not increase existing red tape. Procedures needed to be avoided that were cumbersome and slowed down the work of the Organization. Instead, existing means and tools should be

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used and improved upon to help developing countries address their labour realities. Advocacy and technical assistance needed to be strengthened. In this connection, it was particularly important that the capacities of the ILO Regional Office for the Arab States be strengthened, in order to assist Arab countries in ratifying and implementing a maximum number of Conventions.

75. The Government member of Peru, speaking on behalf of the Government members of GRULAC, underlined the importance of the process in hand. He believed that transparency should be a key feature guiding this process, backed by legitimacy and consensus. For this reason, GRULAC would have liked to be informed earlier about the proposed joint text by the Employers' and Workers' groups. He thanked those groups for their contribution, which was clearly intended to enrich and improve dialogue. However, any amendments, whatever their form, should be submitted by the usual working methods.
76. The Government member of Nigeria, speaking on behalf of the Government members of the Africa group (Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Somalia, South Africa, Sudan, Swaziland, United Republic of Tanzania, Togo, Tunisia, Uganda, Zambia, Zimbabwe), commended the Office for what he termed its "wrap-up" document. While the proposed joint text from the Workers' and Employers' groups appeared to suggest a more efficient way of working, he considered that the plan of work reflected the serious nature of the work of the Committee. He further commended the Office on the presentation of the report, opening with its draft authoritative Text, followed by a proposed format by which the ILO would remain relevant to the delivery of its core mandate through a system of cyclical reviews. Overall, the Africa group saw the draft authoritative Text as meeting the normative values of the ILO as derived from the Declaration of Philadelphia and its constitutional mandate.
77. There were certain issues of critical importance to the Africa region, in particular the informal economy, the exposure of certain regions to the disproportionate share of resources as a result of globalization, as well as the need to achieve and maintain social justice, open societies and good governance. Such issues weighed heavily on the Africa region and constrained its sustained development. Consequently, the authoritative Text should integrate poverty reduction strategies and the MDGs. The draft Text needed a fitting title; a rethinking of some of its sequencing; and clearer and more succinct language. The strength of the ILO's objectives and its relevance to the current challenge of globalization should be stressed. The importance of tripartism should also be maintained in strong terms. For those reasons, the text proposed by the Employers' and Workers' groups could be a helpful stepping stone to carrying the work of the Committee forward.
78. The Government member of New Zealand stated his Government's continued support for the Decent Work Agenda and for the Committee's work. The Committee had to keep a balance between promoting the ILO and the Decent Work Agenda through some form of authoritative Text and ensuring that an integrated programme of work be implemented. These issues needed to be considered in tandem, as neither element would work without the other, and this was a key element of the debate. His Government supported a non-binding promotional instrument, the tone of which should be high level, aspirational and timeless. The language should be succinct and to the point, as it should be easily understood by an outside audience, and should echo the language of existing texts regarding the four pillars of Decent Work. It should be backed up with a programme of work on capacity building, to support Decent Work in real, operational terms. There was

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much to agree on in the proposed joint text from the Employers' and Workers' groups that represented a shared commitment to promoting and enabling the ILO's mandate.

- 79.** The Government member of South Africa quoted his Government's first intervention in the previous year's debate, in which a reference had been made to the process as a "unique opportunity to exercise leadership". In this context, he expressed his disappointment with the content and structure of the document presented by the Office, which was too narrowly focused on internal issues. The vision of the document should be expanded so that it would respond with ruthless efficiency to the challenges of the globalization process that was unbalanced in its outcomes. The draft Declaration also needed to refer to inequality, informality, social exclusion and unemployment. There was a food crisis and a global economic downturn, which meant that the ILO needed to spell out efficient solutions. There was no need to reinvent the ideas and mandate of the ILO. The proposed Declaration should take much of the Declaration of Philadelphia and give it contemporary relevance. It should therefore set out in an authoritative form the Decent Work strategic objectives that had gained worldwide recognition. The proposal for a set of governance standards should also be made more prominent by being integrated into the main body of the text. Having in mind the need for ruthless efficiency in the text, the speaker considered that the joint draft text proposed by the Employers' and Workers' groups was a welcome step in this direction.
- 80.** The Government member of Namibia welcomed the continuation of the discussion of the item from the previous year. She noted that, despite the positive aspects of globalization, some negative effects had been felt by Namibia and other African countries. In her country, for example, there had been an increase in unemployment despite economic growth. A large percentage of workers in formal employment in various sectors were trapped in poverty without the prospect of earning a living wage. The commodification of labour through the labour hire system, where employers used commercial contracts and triangular relationships to evade statutory minimum conditions on employment and protections against unfair dismissal, had also added to the impoverishment and insecurity of workers. Namibia had recently experienced the closure of a foreign-owned textile company, employing 4,000 workers, which had been given incentives and concessions to establish operations in Namibia. It was apparent that the Government, in its eagerness to attract foreign investment and create employment, might not have paid adequate attention to due diligence and risk management when it engaged with such an investor.
- 81.** The speaker noted that the Government of Namibia, in addressing these problems, had acted in line with the recommendations of the 2004 Ouagadougou Declaration and Plan of Action adopted by the Extraordinary Summit of the African Union Heads of State and Government to place employment creation as the central objective of economic and social policies. However, in its efforts to alleviate poverty and development, the Government of Namibia and those of many other countries in the developing world were faced with the problem of how to achieve policy coherence. She noted that there was a lack of harmony and even conflicting prescriptions among multilateral institutions that influenced national economic and social development and trade policies. Some of those prescriptions did not place employment creation as a central policy objective or even had the opposite effect.
- 82.** The Government of Namibia associated itself with the comments made by the Government member of Nigeria on behalf of the Africa group. The ILO should adopt an authoritative document that reaffirmed in the strongest terms the aims of the ILO as articulated in its Constitution and in the Declaration of Philadelphia. Such a Declaration should take note of the challenging issues of globalization and the types of problems already mentioned. It should give explicit support to the efforts of developing countries to achieve living wages and decent employment. It should also affirm the ILO's role in examining all international and social policies in the light of its fundamental objectives, promoting the harmonization

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of policies related to Decent Work among multilateral institutions, and in developing international standards of fairness with respect to foreign direct investment. While she noted the statement made by the Chairperson, she believed that the text offered by the Employers' and Workers' groups was a stronger text than the original and should be used as the basis for further discussions by the Committee.

- 83.** The Government member of Algeria congratulated the Office on its excellent report. Regarding discussion of the draft authoritative Text, she stressed that it was important to emphasize the legal basis of the Organization, especially as specified in the Declaration of Philadelphia. The purpose of the ILO should be reinforced to enable it to promote Decent Work better. The ILO needed to cooperate with other organizations and to ensure transparency and viability. Regarding periodic reviews, tripartite participation needed to be guaranteed.
- 84.** The Government member of Senegal expressed support for the statement made by the Government member of Nigeria on behalf of the Africa group. Nonetheless, he had a few concerns. While there was little debate about the need for an authoritative Text, the next step was to draw up a document that responded to the expectations of Members. Decent Work should become an effective and sustainable economic and social development tool. To achieve this, it was necessary to combine all strategies with effective coherence. The solution was a question of finding balance and stability; without these, the world would become extremely fragile.
- 85.** The Government member of China stated his appreciation for the efforts of the Chairperson and the Office. Given the significance and complexity of the proposed authoritative document, the Committee was faced with a tremendous task to complete in a very tight time constraint. It was important to strike a balance between the Drafting Group's deliberations and broad involvement of Committee members, which was essential for a positive and productive outcome. He recalled the resolution of the ILC in 2007, which called for the widest possible consultation among constituents to provide the best possible chance of obtaining consensus.
- 86.** He suggested that the Drafting Group could facilitate the process if it were suitably organized and made up of a wide representation, in terms of economic development level, culture and geographic location. That would allow a wide range of opinions to be expressed and different voices to be heard. The progress of the Drafting Group should be available to Committee members on a timely and daily basis. He appreciated the Employers' and Workers' groups' proposed draft, which would be taken into serious consideration.
- 87.** The Government member of India expressed his appreciation for the report, which would provide a good background for discussion and consideration of an authoritative Text. He believed in strengthening the ILO's capacity on labour matters and developing countries. The Government of India had always supported the ILO in its promotion of Decent Work. Regarding the draft authoritative document, he did not feel that there was a need for a separate national strategy paper, as listed in Section II.B of the draft authoritative Text. The various facets of Decent Work covered in the four strategic objectives were already found in the planning process of many countries. There was already congruity between the basic objectives of such a planning process and the core foundations of Decent Work.
- 88.** With regard to the ultimate form of the authoritative document, his Government had an open mind, as long as it did not add to the reporting burden of member States. No new legal obligation should be created. Member States should be allowed to evolve strategies based on national interests and policies and have the flexibility to proceed in a gradual and phased manner depending on their socio-economic realities.



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- 89.** An overall strategy was required to consolidate and focus on existing outreach and advocacy activities. Special attention had to be paid to policy areas central to the Decent Work Agenda, such as education, training and employability, upgrading the informal economy, managing labour migration, expanding social security, decent jobs for youth and addressing the issue of policy coherence in the international system. The leading political and economic priority was to implement policies that expanded opportunities, reduced inequalities and answered people's demand for a fair globalization. The true test of development was not only about reducing poverty but also about reversing the global tendency towards greater inequality. Strong advocacy and mobilization of people to ensure equitable growth was equally important. The text should reflect those issues.
- 90.** The speaker noted that labour standards issues were also raised in other international agencies. While he appreciated the concerns of such agencies, it was his belief that the ILO alone was the appropriate forum to decide such issues. He emphasized that his Government attached considerable importance to the Decent Work Agenda, which reflected their belief in promoting the positive social dimension of fair globalization.
- 91.** The Government member of the Syrian Arab Republic highlighted the importance of the Committee as well as of the role of the ILO in establishing mechanisms to deal with significant changes in the world, especially in developing countries. Those changes had to be accompanied by safety nets and various forms of social protection, which would have to become widespread. The ILO should find mechanisms so that globalization would have a less negative impact, especially on the labour force. The ILO was able to play a great role in the achievement of sustainable development, for example in preparing "developmental programmes", including in his country. There would have to be some classification of problems related to unemployment and employment creation, and countries should be given the possibility to implement policies to reduce any negative impacts of globalization.
- 92.** In reply to a question raised by GRULAC during the first sitting of the Committee on Strengthening the ILO's Capacity, the Special Adviser provided the following clarification which, at the request of the Government member of Mexico, would be distributed to the Committee. The question related to the fact that the draft authoritative Text for the consideration of the Conference, proposed in Report VI, seemed to imply that two new mechanisms would be established, a system of "regular universal review by the International Labour Conference" (in Section II, subsection A, paragraph (i)), as well as a "scheme of cyclical reviews by the International Labour Conference" (in the possible annex, Section II, subsection B). The Special Adviser clarified that these mechanisms were one and the same thing; both, in fact, referred to the cyclical review mechanism, which had been one of the main subjects of consultations since the beginning of the exercise. The discrepancy in the language used was particularly unfortunate as the reference to "regular universal reviews" could indeed suggest that the contemplated scheme was somehow comparable to the Universal Periodic Review carried out under the auspices of the United Nations Human Rights Council. This was most definitely not the case as the cyclical review mechanism envisaged had nothing to do with individual reviews of country situations; it was respectively designed to identify global trends and developments relating to each strategic objective among Members and, on that basis, establish global priorities for the sectors concerned.
- 93.** The Employer Vice-Chairperson thanked the Government members for their interventions and was pleased that the joint contribution of the Employers' and Workers' groups had been received as it had been intended: a simple proposal to move the process forward. He looked forward to the amendments and further discussions.
- 94.** The Worker Vice-Chairperson fully agreed with the Employer Vice-Chairperson and was happy that many Government members' views were in accordance with the text proposed

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by the Employers' and Workers' groups. He noted with appreciation the reactions of the Government member of Slovenia, speaking on behalf of the EU, the Government member of Peru, speaking on behalf of GRULAC, the Government member of Nigeria speaking on behalf of the Africa group, and the Government member of China, all of whom intended to study the proposal carefully and with an open mind; the reactions of the Government members of South Africa and Namibia who had stated that the joint proposal of the Employers' and Workers' groups should form the basis of the Committee's discussion; and that of the Government member of New Zealand noting a good deal of common ground and shared commitment in the joint text. He also called to mind the Government member of Algeria's comments in relation to the Declaration of Philadelphia and the Government member of Senegal's contribution that had brought up a host of issues which would find their way into the final document. He found the general discussion most encouraging.

95. In response to several questions of procedure raised by Committee members, the Chairperson clarified that inputs/amendments would be accepted until 7 p.m. that evening. They should be based on or refer to the Office text, but could take account of the revised texts submitted by the Employers' and Workers' groups and by the Government member of the United States. As regarded the Drafting Group, since the Employers' and Workers' groups had asked for additional members to be allowed to join, the Government members could do the same.
96. The Worker Vice-Chairperson reiterated his appreciation to members of the Committee for the support and openness they had shown towards the joint proposal. He explained that this support, along with the other amendments that had been submitted, would enable fruitful discussion during the deliberations of the Drafting Group.

## **General discussion on inputs/amendments**

97. Opening the third sitting of the Committee, the Chairperson explained that the first part would be dedicated to a general discussion on the inputs/amendments that had been received by the secretariat, and the second part of the discussion would be on the composition of and terms of reference for the Drafting Group.
98. The Government member of Slovenia, speaking on behalf of the Governments of the Member States of the EU, explained that the aim of the inputs submitted by the EU was to make the authoritative Text clearer, more concise and understandable to all, especially to those outside the ILO. She stated that the EU considered it important to have the four strategic objectives of the ILO under the Decent Work Agenda addressed in a consistent way in the authoritative Text. Those strategic objectives should form part of an overall national strategy responding to national needs and priorities, which should be determined by each member State in consultation with the social partners. The interdependence of the four strategic objectives should be clearly highlighted in the authoritative Text. The EU also stressed the need for enhancing governance and capacity building throughout the SILC process.
99. The Government member of the Islamic Republic of Iran, speaking on behalf of the Government members of the Asia-Pacific group (Afghanistan, Australia, Bahrain, Bangladesh, Brunei Darussalam, Cambodia, China, Fiji, India, Indonesia, Islamic Republic of Iran, Iraq, Japan, Jordan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Lebanon, Malaysia, Mongolia, Myanmar, Nepal, New Zealand, Oman, Pakistan, Papua New Guinea, Philippines, Qatar, Republic of Korea, Samoa, Saudi Arabia, Singapore, Solomon Islands, Sri Lanka, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, United Arab Emirates, Viet Nam, Yemen), expressed his group's support for the SILC process. The inputs submitted by his group had been made on the assumption that the final

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authoritative Text would take the form of a Declaration. They focused on keeping the text at a relatively high level, emphasizing its promotional and aspirational nature and avoiding references that could make it out of date. The final text should be made more succinct and clear, so that it could be easily understood by those outside the sphere of the ILO, and should neither impose new substantive obligations on governments nor form a basis for further normative and standard-setting actions. Once the Drafting Group had completed a revised draft, the Committee should have sufficient time and clear procedures to allow for consensus on the new instrument.

- 100.** The Government member of Lebanon referred to the Government member of Slovenia's intervention concerning the ILO's four strategic objectives. She noted that, while these objectives were interdependent, it was still up to each member State to decide on how they would address these, in line with national needs and priorities.
- 101.** The Government member of the United States explained that a possible Declaration should be short, direct and focused, and be promotional and aspirational in nature. It should not list new policy measures and it should not impose new obligations, real or implied, on member States. It was up to member States to decide and define their own needs and priorities. He concurred that a follow-up mechanism could be useful and that, if one were so decided, it should focus on the Office's actions, and not duplicate the work of the Governing Body or other supervisory mechanisms. If a follow-up mechanism was adopted, it should be budget neutral.
- 102.** The Government member of Norway said that it was crucial that the ILO's capacity be strengthened to cope with the social dimension of globalization. He welcomed the joint text submitted by the Employers' and Workers' groups, and agreed with many of the points presented. The proposal from the Government member of the United States was remarkably short; however, it lacked some important elements. The final text should be understandable by all and contain clear references to both freedom of association and collective bargaining. He also stressed the importance of building up and strengthening labour inspectorates in order to secure effective implementation of ratified Conventions and, in addition, secure, profitable and sustainable enterprises. The document should have a clear reference to gender as a cross-cutting issue. As already mentioned by the Nordic group in their general statement, the final text should be more concise and focused. He advised the Committee to focus first on the operative part of the text, before looking at the preamble.
- 103.** The Government member of New Zealand explained that the inputs submitted by his Government focused on aspirational and agreed language, while reducing unnecessary detail. They also served to make the document clearer and more understandable. The final document should be promotional and declarative, and not normative and implying standards. It should also recognize the needs and practices of member States in formulating their own economic and social policies, and should not seek to prescribe or interfere. Finally, it should focus on enhancing the ILO's capacity to assist member States to deliver the strategic objectives. Once the final document had been adopted, it should be backed by concrete measures designed to give it life.
- 104.** The Government member of Canada stated that the final document should take the form of a high-level promotional Declaration, which took into account the importance of the Decent Work Agenda and strengthened the ILO's capacity to assist member States in realizing Decent Work at national level. The final document should be short and concise, and understandable to the outside world. It should not burden member States with additional reporting requirements and its follow-up should neither duplicate existing supervisory mechanisms nor infringe upon the responsibilities of the Governing Body.

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- 105.** The Government member of Peru, speaking on behalf of the Government members of GRULAC, expressed his support for the inputs/amendments that had been made. The aim was to strengthen Decent Work and the final document should reflect all positions. While a concise document was needed, it should still be well balanced and not constrained.
- 106.** The Government member of Trinidad and Tobago recalled that, at the international level, the ILO had agreements with other organizations, such as the United Nations Development Programme (UNDP). The final document should therefore be compatible with the aims of different organizations and their reporting mechanisms.
- 107.** The Employer Vice-Chairperson explained the reason for his group amending the joint text proposed by the Employers' and Workers' groups. This was, first, to introduce the concept of sustainable enterprises and, second, to draw the Committee's attention to certain areas that should be discussed within the Drafting Group, since his group had not had adequate time to come up with suitable language.
- 108.** The Worker Vice-Chairperson noted that, from the statements made and inputs submitted, a consensus seemed to be emerging on how to deal with globalization and what the role of the ILO was to be. He reminded the Committee that his group had, together with the Employers' group, submitted a joint draft. That joint draft reflected bipartite consensus and had avoided the division that sometimes developed between the social partners during the work of a Conference Committee. This bipartite consensus, however, should only form the nucleus of tripartite consensus. Government members were indispensable for the Committee to reach a final text that would be truly tripartite and worthwhile. He noted that a number of inputs/amendments were in line with proposals made in the joint draft of the Employers' and Workers' groups and thanked the Government members for their support. Their joint submission proposed the reorganization of some paragraphs, so that the context of the discussion – globalization – would figure in the opening of the document. It would be important for the Drafting Group to draft a document that was understandable not only to members of the Committee, but to all levels of government, business people, shop stewards, migrant workers and workers in the informal economy. The possible Declaration therefore needed to be clear and free of internal ILO jargon. It also needed to contain sufficient detail. This could lead to additional words, but it was important that the demand for brevity was not realized at the expense of clarity. The Drafting Group would need to consider this issue and find ways to address present challenges in the spirit of the Declaration of Philadelphia. The text also needed to clearly support the establishment of national employment policies, tripartism in the elaboration of social policy, and the importance of labour inspection in the enforcement of national laws. Concerns raised by Government members in relation to additional reporting obligations had been addressed in the text. His group endorsed the workplan proposed by the Chairperson and looked forward to taking part in the drafting of a consensual, meaningful text that would outline the context of the Declaration, set out the four strategic objectives of the ILO and Decent Work, and be complemented by an annex that would ensure its implementation.

## **Composition and mandate of the Drafting Group**

- 109.** The Chairperson called for nominations to the Drafting Group. The Employer and Worker Vice-Chairpersons and Government members representing regional groupings submitted their nominations. In addition, the Worker Vice-Chairperson indicated the names of the members of the Workers' bureau.
- 110.** Turning to the question of the terms of reference for the Drafting Group, the Chairperson suggested that these should entail the consideration of the inputs to the Office draft as received by the secretariat, submitted to and debated by the Committee with a view to

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drawing up a new draft authoritative Text; this Text should, as far as possible, be acceptable to all members of the Committee, taking into consideration the inputs and the views emerging from the general debate conducted earlier that afternoon. The plenary Committee should consider the proposal of the Drafting Group and also decide what form the text should take and what its title should be. He proposed that the Drafting Group determine its own working methods to ensure that, at the beginning of the following week, the Drafting Group would be in the position to report back to the Committee in the form of a progress report.

- 111.** The Government member of the Netherlands, speaking on behalf of the Government members of the IMEC group, considered that the Drafting Group should make proposals to the Committee as regarded the authoritative Text, taking into account all the inputs submitted as well as the comments made concerning those inputs. The authoritative Text should give a clear message to the outside world; it should make clear how the ILO's capacities would be strengthened; and the four strategic objectives of the Organization which comprise the Decent Work Agenda should have a prominent place in the Text, which should be clear, concise and sharply focused. To that effect, it was important that clear processes be followed and sufficient time given for the further consideration of the Drafting Group's proposals, once received by the Committee.
- 112.** The Employer and Worker Vice-Chairpersons and the Government member of India agreed with the terms of reference as proposed by the Chairperson, but pointed out that the Drafting Group should not only base its work on the comments made during the present sitting, but reflect the statements made in all of the Committee's sittings.
- 113.** The Chairperson clarified that, as stipulated in the plan of work, the Drafting Group would meet over the weekend and report back to the Committee on the following Tuesday. A consolidated draft resulting from the Drafting Group's work would be distributed in the morning and a plenary sitting convened in the afternoon to allow the Committee to begin its consideration of the consolidated draft. He agreed that the Drafting Group should consider the full work of the Committee.
- 114.** The Government member of Namibia agreed with the broad mandate given to the Drafting Group and asked that it keep in mind the position taken by the Africa group, which had made the Employers' and Workers' groups' joint draft text the basis for its input. She was confident that the Drafting Group would find a suitable way of considering all positions and reach a consensus.
- 115.** The Government member of Argentina pointed out that some inputs had been submitted in the form of formal amendments; others had been submitted as entire alternative texts. He asked how the Drafting Group would handle this.
- 116.** The Worker Vice-Chairperson clarified that the English translation of the summary of the Drafting Group's terms of reference indicated that any new draft text had to be acceptable, as far as possible, to all members, that the Drafting Group could determine its own working methods and these working methods would address the questions raised by the Government members of the Committee.
- 117.** The Chairperson agreed with the Worker Vice-Chairperson's comments regarding the Drafting Group's mandate. He stressed that the secretariat had made efforts to give the Drafting Group a full set of inputs/amendments in logical order, which would help to understand the details.
- 118.** The mandate of the Drafting Group was adopted as submitted. The working languages of the Drafting Group were established as English, French and Spanish.

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## Oral reports on the work of the Drafting Group

- 119.** The Chairperson set out the programme of work for the fourth sitting (3 June 2008, afternoon). He informed the Committee that the Drafting Group, in accordance with the mandate conferred upon it by the Committee, had worked from Saturday through Monday (31 May to 2 June) and that the discussions held had taken place in a friendly atmosphere and in an excellent spirit of cooperation in which all participants had tried to reach out and move towards consensus. There was a will to achieve a clear and understandable Text while taking into account the greatest possible number of proposed amendments. The Office's draft authoritative Text had formed the basis for the discussions – in its English language version – and all inputs and amendments had been available in writing. The discussions had focused on the substance of the inputs/amendments, and on the sequencing of the Text. The order of the first two preambular paragraphs remained a matter for discussion. The Chairperson stressed that the revised draft Text was submitted to the Committee by consensus in the name of the Drafting Group and that it would be the basis for further work over the next few days. This was accepted by the Committee.
- 120.** The Reporter provided an oral report on the work of the Drafting Group. On the substance of the text, he stated that the Drafting Group had started its work by examining the preamble. The wording, as reflected in the revised draft Text, reflected a compromise between the need for a short, concise Text, put forward by several delegations, and the need to deal with a number of points in a sufficiently exhaustive way – in particular the content of the founding texts of the ILO, the concept of Decent Work and the major principles underlying the work of the Organization as a whole. Indeed, the Drafting Group had considered that the principles advocated, especially those in the Declaration of Philadelphia, had lost nothing of their relevance today in the context of globalization. The Drafting Group was entirely in agreement that the Text should be available to a wider audience outside the ILO. It was therefore necessary to draft a Text that would stand the test of time and apply to the challenges facing the Organization – as well as to the principles that should guide it – throughout the twenty-first century. In so doing, the Drafting Group believed, there was no place for references that were limited in time.
- 121.** Compared to the draft Text initially presented by the Office, the present version of the preamble, in its reference to the 1998 Declaration on Fundamental Principles and Rights at Work, expressly spelt out the four fundamental principles of rights at work. Furthermore, the references to sustainable development in the Text should, in the Drafting Group's view, be understood as including an environmental dimension. The Drafting Group also felt that the term “informal economy” covered the notion of survival activities.
- 122.** There had been a full discussion on Section I, which dealt with the scope and principles of the Text. The Drafting Group had devoted much attention to the Organization's strategic objectives. It had agreed that all the strategic objectives were of equal importance – it being understood, however, that it was up to each member State to decide upon the most appropriate way of combining the varying objectives. The Drafting Group had also felt that all the strategic objectives were interdependent and mutually supportive. It had preferred the word “inseparable” to “indivisible”, as the latter had connotations outside the Organization in the realm of human rights.
- 123.** The Drafting Group had noted the explanations given by the Chairperson of the Committee and the representatives of the Office on the status of international labour standards with respect to the strategic objectives. Although, for reasons of administration specific to the ILO, international labour standards were in the same administrative sector as fundamental rights, it had to be clearly understood that standards were the principal means through which the ILO's constitutional objectives were implemented. Consequently, standards were related to all the strategic objectives, and an amendment had been made to the

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introductory paragraph of subsection A of Section I, accordingly. As the Africa group had wished that account be taken of realities in the developing world, reference had been made to the need for good living standards, from the standpoint of decent living standards, as a factor of social progress.

- 124.** On matters relating to social protection, the Drafting Group had specified that the term covered both the notions of social security and labour protection, in order to avoid an over-restrictive interpretation of the concept of social protection, which existed in some countries. The Drafting Group had not kept the reference to the International Labour Charter, preferring to refer to the Declaration of Philadelphia on this subject, more specifically its Part III, paragraph (d).
- 125.** With respect to fundamental principles and rights at work, the Workers' group wanted the Text to refer to freedom of association and the right to collective bargaining as "essential rights", as they were of special significance enabling the realization of the four strategic objectives. Furthermore, the Drafting Group had opted for a wording clearly stating two aspects: first, that no violation of fundamental principles and rights at work could be invoked as a legitimate comparative advantage; and, second, that labour standards should not be used for protectionist trade purposes, using the very terminology of the 1998 Declaration.
- 126.** Negotiations on Section II of the draft Text, dealing with the method of implementation, had brought the following points to the fore. There had been concern for a balance between Members' responsibilities and those incumbent upon the Organization. Moreover, while the Office's initial draft Text had referred to a regular universal review by the International Labour Conference, the Drafting Group had preferred to retain the expression "recurring item on the agenda", so as not to convey overlap with the work of the Organization's supervisory bodies. This matter had also been raised by the Drafting Group when discussing the annex dealing with follow-up measures. With respect to the reference to the four priority Conventions, it had been decided to opt for a general reference to the themes of those Conventions in the main text and retain a specific reference in a footnote in the annex. The Drafting Group had noted that this reference did not imply that Members would be obliged to ratify the said Conventions.
- 127.** On the matter of the consistency of policies and the need for an adequate coordination of positions expressed in various international forums, the Drafting Group considered that these were worthy objectives. The promotion of sustainable enterprises had also been added at the request of the Employers' group, who considered this to be an important point with respect to the objective of employment. At the request of the Employers' and Workers' groups, who had wished to take up some of the ideas contained in the GEA, the Drafting Group, on the basis of paragraph 45 of that document, had retained the idea that it was up to the ILO to evaluate the impact of trade and financial market policy on employment.
- 128.** With regard to the follow-up measures, the Government member representing GRULAC in the Drafting Group had wondered whether these aspects should not be decided by the Governing Body, inasmuch as the annex was drafted in a very detailed way. It had been confirmed that it would be up to the Governing Body to deal with the practical modalities in the final analysis, but that it was up to the Conference to entrust it with this mandate. The Workers' and Employers' groups had recalled that measures of this nature had already been envisaged during discussions at the 2007 Conference and were included in the resolution adopted at that time. Furthermore, several Government members had stressed the risk of overlap between the contents of the annex and Sections II and III of the Text, and had not excluded the need to merge some elements at a later date.

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- 129.** Concerning article 19 of the Constitution, the Drafting Group understood that it was up to the Governing Body to decide upon the adjustments to make to the modalities of application under article 19. The members of the Drafting Group had expressly pointed out that adjustment should entail a modernization of the modalities of application. The Drafting Group had noted a proposal from the Employers' group to include an examination of the ILO's institutional practices and governance in the follow-up measures incumbent upon the Director-General. The Workers' group had added that it should be understood, however, that these institutional changes would not involve any change to the Constitution.
- 130.** While the initial text singled out the case of countries at a less advanced stage of development, the Drafting Group had not wished to emphasize a particular category of country. It had nevertheless stressed the importance that the ILO should give to the needs of developing countries and had decided to make a reference to this in the context of technical assistance and advisory services. It had been recalled that the annex would form an integral part of the authoritative Text. The Drafting Group had retained the idea of peer reviews, while specifying, *expressis verbis*, that they would be conducted on a voluntary basis. Moreover, the Chairperson had clarified that there was no question of introducing a mechanism similar to that of the World Trade Organization (WTO), but rather of a wider concept aiming at a "cross-fertilization" of experiences. Concerning the evaluation report to be prepared by the Office, the draft Text mentioned that some information might be provided by the tripartite constituents through the services of the ILO. The Drafting Group had insisted on the need to avoid any additional reporting obligations of the member States, and that had been confirmed. At the same time, as expressed by the Government member of the United States, the Office should streamline its practices of collecting information, for example for the Global Report. This was supported by St. Kitts and Nevis. The reference to interested multilateral organizations should be understood under the meaning of article 12 of the ILO Constitution.
- 131.** Although the draft Text did not expressly mention the possibility of a standards-related follow-up, the Drafting Group had been of the opinion that "any appropriate course of action" should include that option.
- 132.** Finally, the Government member of Slovenia, on behalf of the Governments of the Member States of the EU, had submitted an input/amendment to Section II covering a certain number of issues concerning the strengthening of the ILO's capacities, its methods of governance and its knowledge base, as well as issues relating to human resources and the management of the Organization. Given that some of the matters had already been covered in the annex, and that a number of aspects, such as the re-examination of the field structure of the ILO, did not seem to belong in a text of this nature, the Drafting Group had agreed that these aspects might be dealt with in a possible resolution.
- 133.** Finally, with regard to the question of the structure of the authoritative Text, the Reporter stated that, at the end of the discussion, the question of possibly reversing the two first preambular paragraphs had been raised, with a view to emphasizing, from the very beginning of the Text, the context of globalization. This formula also had appeared more logical and satisfactory – from the standpoint of the wide audience the Text was setting out to reach. That said, it had been agreed at this stage to keep the order proposed by the Office. The matter might be reviewed later, as well as that of a possible merging of Section II concerning implementation with that of the Follow-up to the Text – and the issue of the title, which still had to be discussed within the Committee.
- 134.** The Chairperson noted with satisfaction that the Committee had accepted the oral reports. He then opened the floor for general comments on the revised draft Text.



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## General comments on the revised draft Text

- 135.** The Worker Vice-Chairperson recognized and appreciated the oral reports by both the Chairperson and the Reporter. The Drafting Group had spent close to 30 hours in a process of looking at the draft Text. A screen had been available in the room to allow for careful examination of inputs and amendments. Special attention had been given to inputs/amendments stemming from Government members who were not part of the Drafting Group. The Drafting Group was relatively large, yet everyone shared a spirit of compromise and wished to find solutions acceptable to all. For example, the Worker and Employer members had initially been keen to create a new mega section in combining Sections I and II. However, a number of Government members had felt more comfortable with keeping the two sections separate, and the Worker and Employer members had conceded on this point.
- 136.** The Drafting Group had been able to address in full consensus issues around trade, competition and protectionism in a non-adversarial manner, simply by finding common language. To illustrate the spirit of consensus, he noted that, at one point, the Drafting Group had completed a section but had then reopened the debate because a number of Government members from one region had not felt at ease; the Drafting Group had gone out of its way to accommodate their points. They had debated how to find the right balance between brevity and clarity and had tried to borrow language from authoritative sources whenever possible, for example the ILO Constitution, the 1998 Declaration and the GEA. There had been strong support for the revised draft Text by the end of the discussions.
- 137.** The Employer Vice-Chairperson could not agree more with his Worker counterpart. The draft Text had been discussed word by word and, after three days of deliberations, the present Text made sense and kept an internal logic. The Employers endorsed the revised draft Text before them.
- 138.** The Government member of Slovenia, speaking on behalf of the Governments of the Member States of the EU, thanked the Office and the Drafting Group for the revised draft Text, and made special mention of the efforts made to achieve a consensual position on it. She reminded the Committee of the aim of the SILC process, namely to strengthen the ILO's capacity to better assist its Members in the context of globalization, through a Text which provided a promotional framework with a view to reaching the aim of Decent Work for all. The EU was convinced that the revised draft Text represented a very good way forward in defining this promotional framework and provided a basis for finalizing discussions.
- 139.** With regard to the preamble, she stated that the EU preferred the order of [A]<sup>2</sup> and [B] as set out in the revised draft Text, which followed the original order of the Office draft. However, having considered the different positions expressed by other members of the Drafting Group and in a spirit of consensus, the EU was willing to accept the proposal to invert these paragraphs. In this regard, the EU considered that the title of the Text should be related to the preamble and reflect the Text's objectives. The title should be clear and understandable to the outside world and refer to the role of the ILO, Decent Work and the context of globalization. She recalled the Committee's first sitting, at which the Chairperson had stressed the importance of adopting at the same time a Text and a resolution that addressed issues that would enhance the ILO's governance and capacity

<sup>2</sup> In order to facilitate the identification of text within the preambular part of the draft authoritative Text during the Committee's discussions, section headings [A] to [E] were employed in working documents (D.37 and D.37(Rev.)). These headings were removed at the adoption stage of the Text.

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building. Such a fully costed resolution should specify as much as possible the mandate to be given to the Governing Body and Director-General in order to fully implement the Text.

140. The Government member of Nigeria, speaking on behalf of the Government members of the Africa group, stated that the revised document had brought the Committee nearly to its destination, and that it would qualify as authoritative. It was also a usable document that captured the interests of the Africa region.
141. The Government member of South Africa supported the views expressed by the Government member of Nigeria, speaking on behalf of the Africa group, and underlined that the negotiations of the previous few days had resulted in a very relevant document, notably because of the recognition therein of constitutional elements, the reference to the Declaration of Philadelphia, a global approach and the fact that tripartism had been reaffirmed as being essential.
142. The Government member of Côte d'Ivoire thanked the Drafting Group for the spirit of consensus that had reigned throughout its deliberations and suggested that the compromise apparent in the present revised draft Text should be preserved by adopting it as such without further discussion that might put at risk the solutions found.
143. The Government member of Senegal thanked the Office and the Drafting Group for the clarity of the revised draft Text that had been provided, a Text that now put Decent Work in formal terms, and, if implemented, would open a new era in the world of work. He stated that his delegation supported the present Text, as well as the remarks made by the Government member of Nigeria on behalf of the Africa group.
144. The Government member of Peru, speaking on behalf of the Government members of GRULAC, thanked the Drafting Group on the consensus Text. This was a historic moment in the ILO as the Text formalized the concept of Decent Work which would serve as a pillar of future social policy. The Text would improve the ILO's capacity to deliver assistance to member States and improve governance. Moreover, the Text did not imply any additional supervisory mechanisms as it was promotional in nature, and would be implemented according to national conditions and practice in member States.
145. The Government member of Lebanon noted the length of the preamble compared to the main body of the Text; the substantive nature of the preamble meant that it would be referred to often if adopted. She further questioned whether member States would be additionally burdened if they adopted the Text, especially in terms of reporting on article 19 as mentioned in the section on the follow-up mechanism.
146. The Chairperson recalled the Reporter's oral report of the work of the Drafting Group, which responded to some of the questions raised by the Government member of Lebanon.
147. The Government member of Sri Lanka voiced his support of the revised draft Text.
148. The Government member of Norway stated that, while at first glance the present Text seemed lengthy, it had succeeded in reconciling the different views of all the parties and in reaching a consensus. His Government supported the revised draft Text as presented.
149. The Government member of the United States voiced his support for reviewing the ILO's role in the current era of globalization. He recalled that the mandate of the Drafting Group was to take into account the comments and views of members, and to produce a short and focused document. Regrettably, the Drafting Group had not achieved this as the present Text was too long and not sufficiently focused. A Declaration should be short and concise, and have a clear purpose. He questioned whether the Committee knew the exact purpose of

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the Declaration; if this were not the case, it would be very difficult to explain it to the outside world. He expressed the hope that the present draft would be further revised and become more focused.

- 150.** The Government member of Qatar, speaking on behalf of the Governments of the Member States of the Gulf Cooperation Council, thanked the Office for the revised draft Text and voiced his group's support for it.
- 151.** The Government member of Egypt thanked the Office for the revised draft Text and voiced support. He also agreed with the statement made by the Government member of Nigeria on behalf of the Africa group, as well as that made by the Government member of Qatar. He explained that, when adopted, the Text would meet the aspirations of developing countries.
- 152.** The Government member of Japan supported the section in the revised draft Text that focused on principles and strategies to enable the ILO to respond to the effects of globalization. His Government held that the Text should be non-binding in nature, and should not burden member States with further reporting. The revised draft Text responded to these concerns. However, the Text should also be convincing and written in a language understandable by all. The current Text failed to do this, and many areas of overlap still existed.
- 153.** The Government member of India recalled that the current draft Text had been formulated on the basis of consensus. Not all concerns could be addressed, but the revised draft Text provided a broad compromise. He pointed out that the current Text provided a framework for implementing Decent Work, and he expressed in principle his support for the Text as it addressed the majority of concerns of developing economies.
- 154.** The Government member of Switzerland expressed his support for the revised draft Text.
- 155.** The Government member of Canada welcomed the opportunity to comment on the revised draft Text. She expressed the view that the outcome document should be non-binding and promotional in nature and should serve to enhance the ILO's strategic objectives and strengthen the ILO's capacity to assist member States; the current draft appeared to accomplish this. On the other hand, she hoped that the final Text would be understandable by the outside world, and felt that the current draft did not achieve this. It needed to be revised, streamlined and shortened.
- 156.** The Government member of New Zealand stated that, while the revised draft Text was not perfect, it was a document of compromise and consensus. The draft needed editing, but he cautioned against unravelling the consensus reached. The current draft was promotional and declarative in nature, and not normative and standards-based. As a result, it would not interfere with member States' domestic policies. Some issues concerning the structure of the final Text still remained and those must be resolved by the Committee.
- 157.** The Government member of Algeria voiced support for the revised draft Text. He pointed out that it did not impose an additional burden on member States and would serve to strengthen the ILO's capacity to assist member States as well as foster partnerships between countries.
- 158.** The Worker Vice-Chairperson expressed his gratitude to members of the Committee for their broad support of the revised draft Text. He noted that many Government members were concerned about the length of the document. He explained that, while ideally the Text should be shorter, it had to cover many issues, including objectives of the ILO in the era of globalization. While the current draft was not the most elegant text, it succeeded at

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covering all these issues, based on consensus, yet ensuring a text that was meaningful, relevant and had internal integrity.

- 159.** The Employer Vice-Chairperson understood the desire to have a more technical, shorter and more declarative Text. The revised draft Text was already much clearer and more concise than the original draft Text prepared by the Office. The most important quality a Text needed, however, was clarity in setting out its objectives. Since the current Text met this requirement, he believed that the Drafting Group had done a good job. The Drafting Group had fulfilled its mandate and discussed all substantive issues that would need to be included in a final Text. The only work left now was to polish the Text, thanks to the very productive work of the Drafting Group, which had been characterized by the very active and constructive involvement of the participating Government members.

## Specific comments on the revised draft Text

### Preamble

- 160.** The Worker Vice-Chairperson supported the text as well as the proposal made by the Government member of Slovenia, on behalf of the Governments of Member States of the EU, to invert the order of [A] and [B].
- 161.** The Government member of Nigeria also supported the text. In the third subparagraph of preambular paragraph “*Encouraged*” in [C], the reference to “a central objective” should read “central objectives”. In preambular paragraph “*Convinced*” in [D], the word “and” after “interdependence” should be deleted and replaced with a comma. Finally, the second line of preambular paragraph “*Recognizing*” in [E] should be made to read “and to mobilize” rather than “and mobilize”.
- 162.** The Government member of Lebanon wondered whether the text in the second bullet point of the first subparagraph of preambular paragraph “*Convinced*” in [A] was taken from the Declaration of Philadelphia (1944). In the first subparagraph of preambular paragraph “*Considering*” in [B], reference should not only be made to “the rural poor”, but also to women workers and young workers. In that same part, the paragraph beginning “*Recognizing*” in [B] should contain the wording “full productive employment”, rather than “full employment”. In relation to [D], the second subparagraph should not be understood to create an obligation for member States to ratify international labour standards. The reference to profitable enterprises in the fourth subparagraph in [D] needed to be deleted. The third subparagraph in [E] should refer to “requests at the country level” rather than “needs they have expressed”. Finally, she proposed to use the wording “consider”, instead of “promote” the ILO’s standard-setting policy in the fourth subparagraph in [E], asking whether there would be a new standard-setting policy and a new reporting burden on member States.
- 163.** The Chairperson thanked the Government member of Lebanon for her comments, but noted that the revised draft Text had been submitted for consideration only. The Drafting Group would reconvene the following day and would examine all the comments and proposals made by the Committee.
- 164.** The Government member of the United States suggested that the Drafting Group should consider coherence in its language, especially as regarded the concept of Decent Work. The wording should be revised with a view to creating a clearer text.

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- 165.** The Government member of Canada wondered why there had been a decision to paraphrase some elements of the Declaration of Philadelphia (1944) and on what basis the elements included had been chosen. She also suggested that the reference in the fourth subparagraph in [E] to “standard-setting policy” should read “standards activities” instead.
- 166.** The Government member of Peru questioned the suggestion made by the Government member of Slovenia, speaking on behalf of the Governments of Member States of the EU, to invert the order of [A] and [B]. Sections [B] and [C] were apparently linked and [C] directly referred to [B] in its use of the wording “these challenges”.
- 167.** The Worker Vice-Chairperson reiterated his group’s support for the proposal to invert the order of [A] and [B]. This would improve the coherence of the Text: [B] set out the context of the Text; [A] provided the internal mandate of the ILO; while [C] referred to the endorsement of the Decent Work concept by the international community.
- 168.** The Employer Vice-Chairperson said that it would be for the Drafting Group to look at this issue and to consider the implications of this proposal.
- 169.** The Government member of Slovenia, speaking on behalf of the Governments of the Member States of the EU, informed the Committee that, once consultations among EU Member States had been concluded, she would present further comments.
- 170.** The Government member of Nigeria, speaking on behalf of the Government members of the Africa group, endorsed the proposal to change the order of [A] and [B].

## **Section I**

- 171.** The Government member of the United States suggested that the Drafting Group should polish the text in a manner that would ensure that subsection A consistently referred to each objective at the start of each of its subparagraphs and then outlined the strategy pursued to attain it.
- 172.** The Government member of Canada proposed that the wording of subsection A, paragraph (ii), first subparagraph, should not refer to “uncertainties”. “Challenges” was more appropriate. She also questioned the statement in paragraph (iii) of the same subsection that social dialogue and tripartism were “the most appropriate methods” – the words “the most” should be deleted. The mention of “essential rights” in paragraph (iv) of the same subsection was unclear. Finally, in subsection B, the mention that the failure to promote any one of the strategic objectives would harm progress towards the others needed to be adjusted, since this was not always the case. The wording “could harm” would therefore be preferable.
- 173.** The Government member of Senegal suggested that the French expression “s’agissant” in subsection A, paragraph (iii), fourth subparagraph, should be replaced by “en ce qui concerne notamment”.
- 174.** The Employer Vice-Chairperson pointed out that his group considered that some changes were also necessary to the Spanish translation.
- 175.** The Government member of Lebanon proposed to add the words “taking into account national conditions” in subsection A, paragraph (ii), first subparagraph, after “the extension of social security to all”. She agreed with the comment made by the Government member of Canada regarding subsection B and suggested that subsection C should not just

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mention “international obligations”; a reference to “national obligations” needed to be added.

176. The Government member of Nigeria referred to subsection B. The word “abovementioned” should be made into two words and hyphenated.

## Section II

177. The Government member of Nigeria, speaking on behalf of the members of the Africa group, referred to subsection A, paragraph (ii), second subparagraph. The phrase “in particular developing countries” retained by the Drafting Group had been omitted and should be included after “help, wherever necessary, the institutional capacity of member States”.

178. The Government member of Nigeria asked that the shaded area be deleted and brought into the draft report. He also asked that there be some language devoted to updating the ILO’s knowledge base and its ability to deliver. Some reference needed to be made in the text to strengthening the ILO.

## Section III

179. The Government member of Lebanon asked for clarification regarding whether the follow-up would be referred to the Governing Body for consideration and, if so, whether it would adopt it without further submission to the Conference.

180. The Chairperson clarified that the annex contained in the revised draft Text set out all the tasks of the Governing Body and other bodies of the Organization. The way of implementing the outcome of the Committee’s work could also be addressed through a short draft resolution that would be submitted later on to the Committee. The Chairperson would return to this.

## Possible annex

181. The Chairperson noted that the word “possible” would need to be removed.

182. There were no comments on Section I of the annex.

183. There were no comments on Section II of the annex.

184. The Government member of Canada suggested that the words “among members” be deleted from Section III, subsection A. The ILO would want to know about impact in a broader context, such as among constituents and other organizations.

185. The Government member of Nigeria pointed out that, by the time the Text was adopted, it would be a Declaration and the Text needed to be adjusted accordingly.

186. The Government member of Nigeria, speaking on behalf of the Government members of the Africa group, asked that the word “forums” be changed to “fora”.

187. There were no further comments on Section III of the annex.

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## Further work of the Drafting Group and Committee

188. The Chairperson indicated that the Drafting Group would meet the following morning. The plenary Committee would then be reconvened to discuss the newly revised draft Text. Committee members were also invited to make proposals for the title and form of the Text, as well as for a possible operational resolution.
189. The Chairperson opened the fifth sitting (4 June 2008, afternoon) by saying that the Committee would conclude its considerations on the revised draft Text. The Drafting Group had met that morning to accommodate the further inputs it had received. The text clearly set out the changes – but the sections shaded in grey would be dealt with the legal Drafting Committee.

## Oral report on the further work of the Drafting Group

190. The Reporter proceeded to give an oral account of the proceedings of the Drafting Group that morning. The Drafting Group had considered both the oral comments made on the newly revised draft Text, as well as the written proposals it had received.
191. With regard to the preamble of the revised draft Text, the Drafting Group had examined the Government member of Canada's comments requesting that the drafting of the extracts from the Declaration of Philadelphia be reviewed, and had decided to entrust this task to the legal Drafting Committee. The Government member's request to delete the reference to "minimum living wage", in the second bullet point of the first subparagraph of preambular paragraph "*Convinced*" in [A], had not been retained as this was the actual wording of the Declaration of Philadelphia. The Drafting Group had agreed to invert the order of [A] and [B], as the Government member of Slovenia, on behalf of the Governments of Member States of the EU, had accepted this change. In response to GRULAC's comment that [C] of the preamble should be amended to reflect this new order, the Drafting Group decided to replace, in the first sentence of [B], "these challenges" by "the challenges of globalization".
192. The Drafting Group had accepted the Government member of Nigeria's proposal to replace, in the third subparagraph of [C], "a central objective" by "central objectives". Similarly, it had accepted the proposal made by the same Government member to amend the first sentence in [D], by placing a comma after "interdependence" and adding the word "and" before "complexity".
193. In [E], the Government member of the United States had requested that the usage of the various terms qualifying Decent Work, the Decent Work Agenda and the strategic objectives be examined more closely. The Drafting Group had agreed to submit this matter of terminology to the legal Drafting Committee, which would examine each of these terms in turn, to reflect the various shades of meaning.
194. In the first sentence of [E], second line, the Drafting Group retained the amendment proposed by the Government member of Nigeria to add the word "to" before the word "mobilize". In the penultimate line of the same introductory paragraph, the Drafting Group accepted the proposal by the Government member of United States to replace "its objectives" by "the ILO's objectives".

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- 195.** Also concerning [E], the Government member of Canada had requested that the words “standard-setting policy as a cornerstone of the ILO ...” be deleted so that the sentence referred to the “ILO’s standards activities”. The Drafting Group had discussed this suggestion at length, especially concerning the extent to which emphasis should be placed on the supervisory bodies. Following the explanation given by the Office, the Worker and Employer members had noted that the wording retained by the Drafting Group was sufficiently broad to take account of the concerns of all. With the unanimous approval of its members, the Drafting Group had decided to keep the text as it was.
- 196.** The Reporter turned to Section I, subsection A. The Government member of the United States had suggested an alternative wording to avoid any difficulty or ambiguity inherent in the use of the term “mandate”, especially from a legal standpoint. The Drafting Group had had long discussions on this point and had considered various alternatives. It was clear, however, that no other formulation satisfied the Drafting Group as a whole, and it had therefore been decided to retain the original wording.
- 197.** In paragraph (i) of subsection A, the Government member of Canada had suggested amending the introductory sentence by replacing “promoting employment” with “creating greater opportunities for women and men to secure decent employment and income” and placing the rest of the sentence (“by creating ...”) in a first subparagraph. The Drafting Group had found the proposal very interesting from a conceptual standpoint, because it drew a distinction between the objectives and the means to implement them. At the same time, the Drafting Group had considered that it was necessary to maintain a certain balance in the Text and not submit all the Members to the obligation to create employment in an over-prescriptive way. The Drafting Group had decided to opt for the original version, as it had succeeded in reaching consensus on the matter.
- 198.** The Drafting Group had also examined the Government member of Canada’s proposal to cut the first sentence of paragraph (ii) of subsection A, by making a distinction between the objective of social protection and its modalities of implementation by Members. A number of options had been examined by the Drafting Group, which had preferred to keep to the text approved by consensus.
- 199.** In paragraph (iii) of subsection A, the Government member of Canada had also proposed to delete “the most” before “appropriate”. The Drafting Group had not retained this proposal, as it had already had long discussions on the subject.
- 200.** In the fourth subparagraph of paragraph (iii), the Government member of Slovenia, on behalf of the Governments of the Member States of the EU, had requested that the words “adapted to national circumstances” be added after “effective labour inspection systems”, in order to take account of the wide range of systems existing in the various countries concerned. The Drafting Group had nevertheless noted that the very neutral way in which the Text had been drafted in no way undermined the form of the inspection services concerned. Moreover, it was specified in the first subparagraph that the implementation of the strategic objectives should be adapted to the needs and circumstances of each country. The Government member of Argentina had also pointed out that the issue had already been covered in paragraph (ii) dealing with social protection. The Worker members nonetheless stated that, from a technical standpoint, matters of social dialogue, labour administration and labour inspection were under the ambit of one and the same ILO sector, the Social Dialogue Sector; it therefore appeared logical to retain the matter of labour inspection under paragraph (iii). Finally, the Drafting Group had noted the legitimate concern expressed by the EU on the matter and had unanimously decided to retain the text as it stood.



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- 201.** The Government member of Slovenia, on behalf of the Governments of the Member States of the EU, had wondered about the concept of “essential rights” in paragraph (iv), which should be examined from a legal standpoint. After a proposal from the Worker members, the word “essential” had been deleted, with the approval of the Drafting Group as a whole.
- 202.** Concerning subsection B, the Government member of Canada had suggested replacing, in the second line, the words “would harm” by “could harm”. The Drafting Group had preferred to retain the text as it was, given that it had had in-depth discussions on the matter and had finally reached a consensus.
- 203.** With regard to Section II of the Text, the Drafting Group had started its discussion by addressing a comment made by the Government member of the United States, who had argued that, in view of the nature of the Text, the section should be merged with the Follow-up. Although the Drafting Group had recognized that doing so would make the Text simpler and more accessible to the reader, it had been decided that, in the light of the carefully constructed balance currently in the Text and the lack of time for effectuating such a merger in a satisfactory manner, the current structure would be retained.
- 204.** Subsequently, the Drafting Group had considered the suggestion made by the Government member of Canada to adjust the language in the first subparagraph of subsection A, paragraph (ii), to read “Decent Work Country Programmes”. The Office had explained that the language as it stood was designed to cover activities in countries which did not have a Decent Work Country Programme per se, and as a result the Office text had been maintained.
- 205.** In relation to the second subparagraph of the same paragraph, concerning technical assistance to assist the institutional capacity of member States, there had been a proposal to add “in particular for developing countries”. However, it had been agreed that the Drafting Group had dealt with this matter previously and that the special needs of developing countries were addressed in Section II, subsection C, paragraph (iv), of the Follow-up. It should also be understood that Section II, subsection A, paragraph (i), concerning better understanding of Members’ needs with respect to each strategic objective, took into account the needs of developing countries.
- 206.** Furthermore, the Government member of the United States had clarified that it should be understood here that technical cooperation should not be conditional upon addressing all strategic objectives. The Office had explained that this concern was taken care of in Section I, subsection C, in the light of which Section II, subsection A, paragraph (ii), should be read.
- 207.** In order to accommodate the proposal by the Government member of Canada to make specific reference to social actors as well as economic actors in the first line of Section II, subsection A, paragraph (v), it had been agreed to take out “other” before economic actors, as non-state entities as well as trade unions operating at the global sectoral level were explicitly mentioned and also covered the notion of social actors.
- 208.** As regarded Section II, subsection B, a proposal to change the language had been considered but not retained as it could harm the consensual balance the Text had managed to achieve.
- 209.** With reference to the suggestion by the Government member of Qatar, on behalf of the Governments of the member States of the Gulf Cooperation Council, to delete paragraphs (ii) and (iii) of subsection B, the Drafting Group had recalled that the language as it stood had been agreed upon by consensus. However, it had been noted that paragraphs

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in question should be read in the light of the chapeau of subsection B, which used very soft language, i.e. Members “may consider, inter alia”.

- 210.** The Drafting Group had also clarified that the core labour standards mentioned in paragraph (iii) of subsection B were understood to be the instruments covered by the 1998 Declaration on Fundamental Principles and Rights at Work.
- 211.** For stylistic purposes, the Employer members had put forward a proposal, which was accepted, to change the order of the paragraphs in subsection B, so that paragraph (vii) would be inserted after (iv) and before (v).
- 212.** Turning to the Section II, subsection C, the Drafting Group had been of the opinion that the language used was carefully crafted and negotiated and therefore could not adhere to a request to delete its last sentence.
- 213.** Addressing the Follow-up, in the first paragraph of Section I, it had been decided to align the language with the rest of the Text and therefore to delete “core” before objectives; as a result, it had been agreed to simply end the sentence to read “important for implementing”, instead “of strategic importance for implementing”.
- 214.** In the light of a suggestion to change the language in the second paragraph to read “reporting burden” instead of “reporting obligation”, the Drafting Group had had an exchange of views but, in the light of previous discussions, had decided to retain the language as it stood.
- 215.** Turning to Section II, subsection A, paragraph (vi), of the Follow-up, the Drafting Group had considered the concern raised that this paragraph should not look for a reconstitution of the Cartier Working Party on policy regarding the revision of standards. It had been clarified that this issue had never been discussed by the Committee and therefore should not be interpreted as such. The paragraph in question related solely to the promotion of the priority Conventions enumerated in the footnote.
- 216.** In relation to subsection C, which concerned technical assistance and advisory services, the Drafting Group had come back to the particular needs of developing countries. After a long discussion and in a spirit of consensus, it had been agreed to add “and capacities” after “special needs” in paragraph (iv). Accordingly, the Drafting Group had also taken due note of the text in the chapeau of subsection C, which used empowering language and did not oblige Members to make use of the ILO’s technical assistance and advisory services.
- 217.** Concerning Section III, subsection A, of the Follow-up, the Drafting Group agreed to keep the language as it stood, it being understood, however, that this subsection should be read in the light of Section II, subsection B, of the Follow-up.
- 218.** In relation to subsection B of Section III of the Follow-up, the Drafting Group had decided to retain the language and not to add the adjectives “promotional and global” before “report”, in order to prevent confusion with the Global Report under the 1998 Declaration and the nature of the Text itself which was considered to be of a promotional nature.
- 219.** The Reporter concluded his report by noting that it had also been agreed that paragraph (ii) of subsection B should be read, not only in the light of Section II, subsection A, of the Follow-up, but also more generally in view of all work carried out by the Office under the Follow-up.
- 220.** The Government member of Nigeria, speaking on behalf of the Government members of the Africa group, thanked the Drafting Group for their work but wished to note the absence

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of consistency between the Preamble and the main text as concerned implementation. He pleaded that the Africa group's amendment, as proposed earlier, be restored.

## **Constitution of a legal Drafting Committee**

- 221.** The Chairperson replied that certain points would go to the legal Drafting Committee and that the point just raised could certainly be one of them. He also asked the Committee members for approval of the Text so that it could be forwarded to the legal Drafting Committee.
- 222.** The Committee approved the revised draft Text for submission to the legal Drafting Committee.
- 223.** The Government member of Canada wondered when the Committee members could expect a final version of the draft Text so that they could organize their consultations.
- 224.** The Government member of Lebanon asked about the procedure to decide on the title and form of the authoritative document, and indicated that she favoured a Declaration.
- 225.** The Chairperson clarified that the title and the structure of the Text would probably merit further discussion and debate between the present sitting and the following day. He proposed that these items be discussed the following day (5 June) between 11 a.m. and 1 p.m. During the current sitting, the Committee could hold a preliminary exchange of views on the content of the resolution to accompany the authoritative Text.

## **General discussion on a possible resolution**

- 226.** The Employer Vice-Chairperson hoped that the Conference would be able to give clear guidelines and instructions to the November 2008 session of the Governing Body. However, as yet there had been no discussions within the Employers' group, so it could not pronounce itself on the content of a possible resolution.
- 227.** The Worker Vice-Chairperson said that the Workers' group was in a similar position. The Workers' group also wished to give clear guidance because of the substantive changes that would result from the resolution. They would be happy to give their views on components thereof the following day.
- 228.** The Chairperson deferred discussion of a possible resolution to the next sitting. He noted that the Government member of Slovenia, on behalf of the Governments of the Member States of the EU and the IMEC group, had submitted elements for a draft resolution to the secretariat. The Government member of Peru, on behalf of GRULAC, had also submitted a proposal. He invited both Government members to present their submissions to the Committee.
- 229.** The Government member of Slovenia, speaking on behalf of the Governments of the Member States of the EU, reiterated the importance of adopting, at the same time as a possible Declaration, a resolution that would enhance governance and capacity building within the ILO. Such a fully costed resolution should specify as far as possible the mandate to be given to the Governing Body and the Director-General for full implementation of the possible Declaration. The EU considered that the International Labour Conference should invite the Governing Body to request the Director-General to make concrete proposals on ways to: strengthen the research capacity and knowledge base of the ILO, including ways to cooperate with other research institutions or external experts; ensure that the field

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structure review led to outcomes best able to respond to constituents' needs; strengthen cooperation and coherence within the Office and between headquarters and the field; strengthen human resources development and adapt it to the knowledge needs of the constituents; adequately monitor and evaluate programmes, ensuring feedback on lessons learned to the Governing Body as well as independent assessment; improve working methods and functioning of the Governing Body and the International Labour Conference; adapt and review institutional practices, management and governance; monitor and evaluate the implementation of DWCPs; fully implement resource-based management and fully roll out the Integrated Resource Information System (IRIS); and produce evidence-based analysis.

- 230.** The resolution should also mandate the Director-General to elaborate on the implementation of recurring agenda items of the Conference as set out in the possible Declaration, including proposals on: the frequency of the recurring items; the relation of such discussions to the Global Report and the Strategic Policy Framework; the role of the field structure; cooperation with other international and regional organizations and relevant non-state actors; and a consolidation and streamlining of reporting by Members and the Office. In addition, through the resolution, the International Labour Conference should ensure that the Director-General proposed a detailed implementation plan of the possible Declaration to be considered by the November 2008 session of the Governing Body, bearing in mind cost neutrality or cost savings.
- 231.** The Government member of Peru, speaking on behalf of GRULAC, recalled that the resolution would be a reference for the Governing Body's work. The emphasis should be on the need to promote and to strengthen cooperation given by the ILO to its constituents under the present instrument. It should also be very clear that there would be no creation of additional supervisory mechanisms and that no additional costs were involved.

## **Discussion on submissions for a possible resolution**

- 232.** At its sixth sitting, the Committee had before it a document entitled "Elements for a draft resolution proposed by the SILC Committee" containing a submission by EU and IMEC member States, and a submission by GRULAC.
- 233.** The Chairperson invited reactions to the proposed elements for a draft resolution and comments regarding the best ways to give effect to these elements.
- 234.** The Worker Vice-Chairperson appreciated the proposal made by EU and IMEC member States. A resolution was required that set out time lines, resource considerations and that affirmed the need to develop and strengthen the ILO as a centre of excellence. He agreed with the basic message of the proposal; however, it could be expressed differently in some areas. It would be helpful if the resolution provided for some structure such as a steering group attached to the Governing Body, which could put proposals to the Governing Body regarding the implementation of the authoritative Text, and allow the consensus built in the Committee to be carried forward. There should be nothing in the draft Text that was not reflected in the draft resolution. Subparagraphs I(a) and I(j) of the EU-IMEC proposal were fairly similar and could perhaps be combined. Subparagraphs I(e) and I(h) both referred to the monitoring and evaluation of either DWCPs or other country programmes. Subparagraph I(h) was clearly a subpoint and the text could be amended to reflect this. Capacities, including the special needs of developing countries, were referred to in the draft Text and the impression should not be given that these had not been accepted. There was a need to balance the message and the detail, and the Workers' group was flexible

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regarding the level of specific detail required, but felt matters such as the IRIS roll-out should be rephrased.

- 235.** Regarding subparagraph II(a) on recurring agenda items, the word “frequency” should be replaced by “sequencing”. In II(e), “with relevant non-state actors” should be changed to be reflected in its own subsection. A reference to voluntary peer reviews should also be added. Concerning paragraph III, the Workers’ group supported the submission of the proposal to the November 2008 Governing Body, in the form of an initial implementation plan, with a final plan to be submitted in March 2009. Regarding the reference to cost neutrality, the Worker Vice-Chairperson understood the sentiment and supported efficiency in the use of resources, but thought that the draft authoritative Text had better language on this point. The amendments to the draft Text proposed by the Government member of Slovenia, on behalf of the Governments of Member States of the EU, under Section II, subsection A, paragraph (i), regarding the determination of necessary resources, and by the Government member of the United States, in the annex under Section II, subsection B, paragraph (ii), regarding alignment with the programme and budget, could be useful in this regard. The language of the draft resolution should be consistent with that of the proposed draft Text. Regarding GRULAC’s concern about creating new supervisory mechanisms, he felt suitable language could be found in the resolution to address the concern, using the consensus built in the draft Text. However, the Workers’ group believed that follow-up mechanisms were necessary and were suitably provided for in the draft Text.
- 236.** The Employer Vice-Chairperson thanked the EU and IMEC groups as well as GRULAC for their suggested proposals for a draft resolution, which were useful and raised no difficulties of principle for the Employers’ group. His group concurred with the Workers’ group in approving the idea of having a resolution, as it was essential to the implementation of the authoritative Text’s mandate. While he did not wish to make any specific amendments to the proposed texts, he felt that certain terms could be fine-tuned and clarified. In particular, he noted that some terms used in the Spanish version of the document created difficulties for some members of his group. He recommended that great care be taken over the language of the draft resolution.
- 237.** Referring to the proposal submitted by EU and IMEC member States, he agreed with the Workers’ group regarding the need for a steering committee. Such a committee was the missing link between the Text and the implementation of its mandate, and between the Text and the Director-General and Governing Body. Mention should be made of its structure, such as the minimum number of members required. The resolution should specify the steering committee’s role, which would be to make proposals and oversee the proper functioning of the mandate, and should spell out the steering committee’s relationship with the stakeholders.
- 238.** The Employer Vice-Chairperson supported the Worker Vice-Chairperson’s proposed workplan and suggested that the formulation of the draft resolution be referred to the Drafting Group.
- 239.** The Government member of Peru, speaking on behalf of the Government members of GRULAC, explained the three key elements of their proposed text for a resolution. First, the promotional nature of the authoritative Text should be made clear in the preambular paragraph. Second, the Text should not create additional supervisory or follow-up mechanisms. Third, costs or expenses should not increase. He stressed that the proposed text for the resolution submitted by his group referred not only to increases in current costs but to recurring costs.

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240. The Government member of Nigeria, speaking on behalf of the Government members of the Africa group, observed that some of the points raised in paragraph I of the proposed elements for a draft resolution tabled by EU and IMEC member States were already reflected in Section II of the draft Text. The Africa group considered that this repetition was unnecessary and that a reference to the original Text would suffice. If the points were to be retained, however, his group supported the Worker members' suggestion that they be rephrased. The Africa group welcomed the text of paragraph III of the EU–IMEC proposal, but found that the phrase “bearing in mind previous reassurances that the outcome of the Committee’s work would be cost neutral or save costs” was ambiguous. He reminded the Committee that the revised draft Text referred to determining the necessary resources to address the needs of its Members, and to attract “additional resources”, if appropriate. Indeed, the effective implementation of the Text would require extra resources. His group supported the proposal to ask the Director-General to provide an implementation plan that detailed project implications, costs and time lines. The GRULAC proposal was brief and well couched with regard to the revised draft Text; however, the reference to costs was nebulous. Again the resolution should allow for adequate resources to implement the possible Declaration.
241. The Government member of Lebanon supported the GRULAC position regarding the need for the resolution to prevent additional supervisory and follow-up mechanisms. With regard to paragraph II of the EU–IMEC submission, she asked for clarification as to how the recurring discussions would fit in with the reporting cycle on standards or to the follow-up under the 1998 Declaration.
242. The Government member of the United States supported the proposal by the Workers’ and Employers’ groups to refer to a steering committee in the resolution. Such a committee would have an important role in managing the initial implementation of the process. However, such a committee would not need to be permanent and would be able to leave the long-term management of the process to the Office and the Governing Body. He reminded the Committee that the follow-up to the 1998 Declaration had had the wisdom to foresee a review of the implementation of the instrument to allow for adjustments in the procedure. Such a review should be built into the new possible Declaration to allow for the assessment of the adequacy of the Text and of its implementation, so that it could be refocused and amended if necessary.
243. The Chairperson acknowledged the comments by Government members, Employers’ and Workers’ groups and proposed that these be taken into account by the Drafting Group. He opened the floor for suggestions on the title and form of the Text, reminding the Committee of the need for concision, consensus and collaboration.

## **Discussion on the form and title of the authoritative Text**

244. The Employer Vice-Chairperson reminded the Committee that the current process had begun three years ago and had been entitled at that early point “Strengthening the ILO’s capacity to assist its Members’ efforts to reach its objectives in the context of globalization”, as it was today. While all agreed that this was not an elegant formulation, it captured well what was to be highlighted. The same formulation had been used in June 2007 when the Committee had agreed to continue the discussion at the present session and the Committee had asked the Governing Body to put it on the agenda of the Conference with this same wording.
245. The Employer Vice-Chairperson observed that form should follow content. The Employers’ group had taken this approach, asking whether the Text produced deserved the

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title of “Declaration”. Was it on a par with the Declaration of Philadelphia or with the 1998 Declaration? Would it have resonance over the years as these two Declarations had done? Only the Conference could give a definitive answer to these questions, but the Employers’ group believed that the Text was important and could be cloaked in a form that would give it resonance. It had to be clear and timeless, or its impact would be limited. It should also reflect the debate that the Committee had had, in particular the following three elements: that globalization had changed everything and that the ILO had to be at the forefront in addressing this; that the ILO had to strengthen its capacity and its relevance, particularly to its Members but also to the outside world; and that its implementation should cohere with the strategic objectives of the ILO in fulfilling its mandate. The language of the title should therefore echo this in a way that could be understood by an outside audience, without ambiguity. The title should also be timeless and not linked to any current policy that might date it.

- 246.** The Worker Vice-Chairperson considered that between the questions of form and title, the simpler question was that of form. A Declaration would correspond most closely to the work undertaken by the Committee. As for the title, it would be important to find a title built on consensus. So far the Committee had worked on a basis that was more than simply the lowest common denominator. Everyone had reached out, and similarly some stretching would be required now. The Text would have both an internal and external audience and the question was what title would resonate for many diverse people, from the shop steward in one country to the head of State in another. It needed to be short and memorable because it would be the brand label for ILO work. “Globalization” and “Decent Work” should appear in the title. The title had to speak to people outside the ILO. There was UN-wide recognition of what the ILO was trying to do and the title should not restrict the Declaration to the ILO. The document should therefore not become too specific; others should be encouraged to co-implement it. The Workers’ group did not wish to propose a title at this point and would first listen to what colleagues from the Employer and Government benches had to say.
- 247.** The Government member of Slovenia, speaking on behalf of the Governments of the Member States of the EU, as well as on behalf of the Governments of the EU candidate countries, namely Croatia, The former Yugoslav Republic of Macedonia, and Turkey, and on behalf of the Governments of the potential EU candidate countries of the SAP, namely Albania, Bosnia and Herzegovina, and Montenegro, and on behalf of the Governments of Armenia, Republic of Moldova and Ukraine, believed that the possible Declaration must give a strong political message. The title should be clear and reflect the objectives of the Declaration. Elements should include the role of the ILO, Decent Work, and the context of globalization. She suggested the following title: “A stronger ILO to promote Decent Work for all in a globalizing world”.
- 248.** The Government member of Nigeria, speaking on behalf of the Government members of the Africa group, agreed that the Text should take the form of a Declaration – in his group’s view, this had been understood since 2007. As for the title, it should include “globalization” and “Decent Work”, as these were timeless concepts. In the spirit of a short and memorable title, the Africa group suggested “Declaration on Decent Work for a fair globalization”.
- 249.** The Government member of Peru, on behalf of the Government members of GRULAC, expressed his group’s view that the fundamental objective of the whole process was to anchor the Decent Work concept in the ILO. His group was of the understanding that the final Text would be in the form of an ILO Declaration, referring to the concept of Decent Work, and that it would be used to reinforce the cohesion of the ILO’s activities and programmes and to strengthen its capacity to assist its Members in the age of globalization. His group also felt that the Declaration should be promotional in nature, in that it would

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seek via the Decent Work concept to promote the strategic objectives of the ILO through dialogue and cooperation. With this in mind, on behalf of GRULAC he proposed the title “Declaration on the promotion of Decent Work in a globalized world through the strengthening of the ILO”.

- 250.** The Government member of New Zealand, speaking on behalf of the Government members of the Asia–Pacific group, remarked that his group supported the draft authoritative Text, which was not perfect but which delivered a broad basis for agreement and moving forward. The Asia–Pacific group had proceeded on the understanding that the Text being developed would become an ILO Declaration with a follow-up. This approach had informed their comments and the preferred structure of the document. Any document title needed to be short, to the point, as timeless as possible and avoid references that were too specific. It should also aim to include the key elements that had defined the debate, which were: the environment in which the ILO operated (i.e. the world of work) and the broader context of globalization, and the purpose of the Committee’s endeavours, which had been to define an ILO response to globalization through a consolidated, strategic approach focused on achieving Decent Work outcomes. As far as possible, the document should have a high-level, inspirational character, rather than one that was mundane, operational or self-referential. Given these factors, he suggested that the authoritative document be entitled “Declaration on rising to the challenges of globalization in the world of work”. This proposal was offered as an illustration of the kind of formulation the Committee, through the Drafting Group, might see fit to adopt.
- 251.** The Government member of Norway reaffirmed that his delegation would prefer the Text to be a Declaration. He supported the EU’s proposal for a title. He also believed it to be important that “Decent Work” figured in the title as this would make it timeless.
- 252.** The Government member of Singapore supported the intervention made by the Government member of New Zealand on behalf of the Asia–Pacific group.
- 253.** The Government member of China also supported the statement made by the Government member of New Zealand on behalf of the Asia–Pacific group. He welcomed the possibility of the document taking the form of a Declaration. A Declaration would meet the expectations expressed by many speakers for a high-level and aspirational document that would help raise the profile of the Organization in the international community. The document title should be short, clear and easy to understand. It should reflect the substance in the document which recognized the four strategic objectives of Decent Work as essential for Members’ efforts to realize the ILO’s constitutional mandate in the context of economic globalization, and which also highlighted the necessity to strengthen the Organization’s capacity for this purpose. The Government member of China was open and flexible regarding the title, provided it reflected the points mentioned above. He also suggested that the Committee consider formulations to the effect of “Declaration concerning globalization, Decent Work and the role of the ILO” or “Declaration concerning globalization and challenges in the world of work”, or other similar language.
- 254.** The Government member of Lebanon supported the statement of the Asia–Pacific group. She suggested that other formulations for the title could include language along the lines of “Declaration on reinforcing capacities to meet the challenges and complexities of the changing world of work”, or “Declaration on the promotion of ILO and constituents’ capacities to meet economic development and social mobility”.
- 255.** The Government member of Pakistan supported the statement of the Asia–Pacific group. The title should be timeless and short. An additional proposal could be “Declaration on Decent Work in a globalized world of work”.



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256. The Employer Vice-Chairperson stated that numerous good ideas had been expressed in the course of the discussions. These indicated that the concept of globalization had to be in the title of the document, and perhaps the term “social” could also be used. However, “Decent Work” should not be there. Decent Work had not appeared in the title of the present Committee and indeed the Committee’s work had not been about the concept of Decent Work. The concept of Decent Work had been coined eight years ago. Decent Work was nationally, not internationally, defined and there was no clear consensually defined definition of Decent Work. If one wished to also speak to the outside world, the document’s title would have to be appealing and meaningful per se. The Employer members desired a lively, dynamic title. They suggested that the question of the Text’s title be referred to the Drafting Group.
257. The Worker Vice-Chairperson supported the Employers’ group’s proposal to refer the numerous suggestions for a title to the Drafting Group.
258. The Chairperson, summarizing the discussion that had taken place, proposed to refer both the drafting of a possible resolution and the title for the authoritative Text to the Drafting Group, which would convene that afternoon. The Committee agreed and the sitting was adjourned.

## **Oral report on the further work of the Drafting Group**

259. At the outset of the Committee’s seventh sitting, the Reporter gave an account of the discussions held within the Drafting Group on 5 June, from 3 p.m. to 9 p.m. It had held in-depth discussions on: first, the draft resolution submitted by the Chairperson of the SILC Committee; and, second, the question of the title of the future authoritative document.
260. On the draft resolution, the Drafting Group had had lengthy discussions on its structure, more particularly on the way to incorporate the elements proposed by the EU and IMEC member States and GRULAC into the draft submitted by the Office. The EU had recalled that the Drafting Group had accepted by consensus that the elements it had initially submitted with a view to being included in the authoritative Text should be incorporated in the resolution.
261. After long discussions, the Drafting Group had agreed to incorporate these elements into the present operative paragraph 2 of the draft resolution, dealing with measures to be taken by the Director-General to implement the decisions of the Conference, in subsection I “*Capacity and governance issues*”.
262. The same operative paragraph 2 had also been supplemented to indicate clearly, in the resolution, that the Director-General should submit, as a matter of priority, an implementation plan for the Governing Body in November 2008 and, if necessary, a set of final proposals for the Governing Body in March 2009. Furthermore, reference had been made to the relevant provisions of the authoritative Text, namely its paragraphs II.A and II.C and the annex, which referred specifically to the way in which the Organization should implement the authoritative Text. Finally, an explicit reference had been made in operative paragraph 2(c) to the concerns expressed during the discussions of the Committee and in its report.
263. At the request of the Government member of Slovenia, on behalf of the Governments of Member States of the EU, and upheld by other Governments, the draft resolution had noted, in its operative paragraph 4, that the outcome of this work would involve “the most effective, efficient and economical use of resources possible, including identifying possible

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cost savings”. The Drafting Group had noted that a distinction should be made between the costs incurred by the SILC process from the beginning, as the Office had insisted that it would involve zero costs, and the requirements of the Organization to implement the authoritative Text and to meet the needs of constituents, in accordance with Section II, subsection A, paragraph (i), of the authoritative Text. In any case, it would be up to the Governing Body to take the necessary decisions with respect to budgetary issues.

- 264.** Furthermore, the Drafting Group had reached an agreement on the possibility that the Governing Body might set up a specific mechanism, on the lines of a “steering committee” referred to in operative paragraph 3 of the draft resolution.
- 265.** At the request of GRULAC, the draft resolution stipulated, in its operative paragraph 1, that the implementation of the Text should in no way duplicate the ILO’s existing supervisory mechanisms, nor should it increase the Members’ reporting obligations.
- 266.** The Drafting Group, on the basis of all these elements, had agreed upon the draft resolution by consensus. Only the word “Declaration” had remained within square brackets, while awaiting a decision from the Committee as to the form and title of the authoritative Text.
- 267.** The Reporter then turned to the discussion of the title of the authoritative Text in the Drafting Group. The Employers’ group had recalled their concern, already brought up in the plenary, that the wording of the title should be clear, understandable to a very wide public and reflect what had been at the heart of the Committee’s work, namely the strengthening of the ILO’s capacities in a context of globalization. They had suggested the following wording: “the role of the ILO to ensure a fair globalization”. There was no intention, in the mind of the Employers’ group, to denigrate Decent Work, but it should be borne in mind that this was a concept to be determined by each State in accordance with its own needs and circumstances.
- 268.** The Government member of New Zealand, speaking on behalf of the Government members of the Asia–Pacific group, had recalled his group’s proposal: “rising to the challenges of globalization in the world of work”. The Government member of Slovenia, speaking on behalf of the Governments of Member States of the EU, had expressed preference, like the Workers’ group, for a wording that contained a reference to Decent Work, and had suggested the following title: “A stronger ILO to promote Decent Work for all in a globalizing world”. During the discussions, the Governments of the Member States of the EU had also suggested two alternative wordings: “a stronger ILO for a better world of work” and “a stronger ILO to promote the social dimension in a changing world of work”.
- 269.** In the same spirit, the Government member of South Africa recalled that the Government member of Nigeria, on behalf of the Africa group, had already proposed a “Declaration on Decent Work for a fair globalization”; and the Government member of Argentina had suggested a Declaration on “the promotion of Decent Work in a globalized world thanks to a strengthened ILO”.
- 270.** The Employers’ group had urged that the title should not be limited in time. They had insisted on the need for a consensus, which should not be undermined after so many efforts, on all sides, to draw up a text that would be acceptable to everyone. Furthermore, the Government member of Japan had pointed out that the word “decent” was difficult to translate into Japanese. The Drafting Group as a whole had stated its concern to choose a title likely to obtain a consensus, and each of its members had expressed their willingness to demonstrate flexibility.

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271. The Workers' group had submitted two compromise formulas to the Drafting Group: "Social justice for a fair globalization – an ILO Declaration"; and "The social dimension for a fair globalization – an ILO Declaration".
272. The Drafting Group had agreed to consider both these formulas, particularly the first, as an excellent basis with a view to a consensus. As pointed out by the Government member of the United States, referring to social justice was of particular relevance with respect to the Text of the future Declaration, which followed in the wake of the Declaration of Philadelphia.
273. The Drafting Group had agreed that this formula would be submitted for consultations to the Workers' and Employers' groups, as well as the regional groups, so that a decision might be taken by the plenary of the Committee.
274. The Worker Vice-Chairperson took note of the report from the Drafting Group, and suggested to the Committee that the text of the draft resolution be discussed first, followed by that on the title and form of the instrument. His proposal was agreed upon by the Committee.

## Discussion on the draft resolution

275. The Employer Vice-Chairperson expressed his approval for the draft resolution, but requested that the Spanish text avoid the use of the term "investigación" as an equivalent for the English term "research".
276. The Worker Vice-Chairperson also endorsed the draft resolution with no changes.
277. The Government member of Lebanon requested clarification by the Legal Adviser on the supervisory mechanism as well as the legal implications of the draft resolution on member States, and for this clarification to be included in the report. Second, she requested the secretariat to explain the formalities envisaged for discussing the authoritative Text.
278. The representative of the Secretary-General drew the Government member of Lebanon's attention to operative paragraph 1 of the draft resolution, which explained the significance of the draft resolution, and also explained that it would not further burden member States.
279. The Government member of Peru, speaking on behalf of the Government members of GRULAC, added his group's endorsement of the draft resolution. Citing the concerns raised by the Government member of Lebanon, he pointed out that adding at the end of preambular paragraph 2(b)I(h) the words "with no duplication of existing supervisory mechanisms" could be helpful.
280. The Government member of New Zealand expressed his support for the draft resolution. He pointed out to the Committee that they should not confuse the text of the resolution with that of the authoritative Text. He explained that the aim of the resolution was to invite the Director-General of the ILO to give effect to the authoritative Text.
281. The Government member of Nigeria voiced support, on behalf of the Africa group, for the draft resolution. He suggested removing the words "the framework of" in the second preambular paragraph for stylistic reasons.
282. The Government member of Pakistan endorsed the draft resolution, but expressed the need for emphasis to be given that no further burden would be imposed on member States.

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283. The Chairperson thanked the Committee for their comments on the draft resolution. He explained that all comments would be taken into account in the report of the Committee.
284. The draft resolution was adopted.

## **Discussion on the title and form of the authoritative Text**

285. The Worker Vice-Chairperson explained that substantial debate between the Workers' and Employers' groups had taken place during the Drafting Group, as a wide range of views had had to be taken into account. He said that the Drafting Group had agreed that the title should be broadly acceptable to all, snappy and easily communicable to the outside world. It should also relate to the contents of the authoritative Text as well as make the importance of the Declaration of Philadelphia known to a wider audience. With this in mind, his group suggested having "social justice for a fair globalization" contained within the title. These words made reference to the Declaration of Philadelphia and the ILO by using the term "social justice", and incorporated the current thinking on a "fair globalization" within the United Nations. He explained that broad consensus had been reached on this proposal within the groups, but that they might need to be polished by the Committee. He said that his group would be happy if the title contained the words "social justice for a fair globalization", and thus two formulations of the title were available to the Committee: first, "ILO Declaration on social justice for a fair globalization"; and, second, "Social justice for a fair globalization – an ILO Declaration". He explained that his group agreed that either of these two proposals fitted the criteria of being short, focused and having social justice as the aim. Following consultations with other groups, the Workers' group believed that the title "ILO Declaration on social justice for a fair globalization" would meet with broad support and his group accordingly put this proposal to the Committee for consideration.
286. The Employer Vice-Chairperson noted that there had been in-depth discussions in the Drafting Group. He wanted to pay tribute to the spirit of cooperation and the consensus that had emerged. His group approved the possible formulations proposed by the Worker Vice-Chairperson.
287. The Government member of New Zealand supported the title. He thought that the mention of the ILO in the title was perhaps a bit obvious, but that the broader words made links with history and referred to the Declaration of Philadelphia, and that they stressed that fair globalization was a central aim of the Organization.
288. The Government member of Peru, speaking on behalf of the Government members of GRULAC, supported the consensus reached on the title. GRULAC had made proposals to include "Decent Work" in the title, but they were demonstrating their willingness to be flexible and support the consensus reached. He regretted that the draft Declarations' title made no reference to Decent Work, noting that the instrument specifically addressed Decent Work in its parts. This was all the more regrettable since the concept of Decent Work had been taken up in United Nations and other high-level instruments. For GRULAC, the instrument to be adopted would be the Decent Work Declaration.
289. The Government member of Senegal noted the importance of consensus on the title and that adopting a title was difficult because it set out ways in which the instrument could be interpreted. The proposed title met these concerns and had consensus.
290. The Government member of Norway indicated that he had thought of the document as a Declaration on Decent Work from the start. He was surprised that the title did not include

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the term “Decent Work”. But, after rereading the authoritative Text, he believed that the proposed title was good. The terms “social justice” and “fair globalization” were important and he warmly supported their use. He was flexible regarding whether the term “ILO Declaration” was placed at the start or the end of the title.

- 291.** The Government member of Nigeria, speaking on behalf of the Government members of the Africa group, found that, after careful consideration, Decent Work was a subset of social justice and a means necessary to achieve it. The Africa group did not disagree with the title proposed by the Drafting Group. However, they regretted that the critical input that they had made the previous day had not been reflected. It should be clearly understood that the annex to the draft Declaration was an integral part of the instrument.
- 292.** The Chairperson said that this had been noted and would be reflected in the report.
- 293.** The Government member of Slovenia, on behalf of the Governments of the Member States of the EU, stated that the title should be clear and understandable to the outside world. The EU had repeatedly expressed that it should mention the role of the ILO, Decent Work, and the context of globalization. She regretted that the term “Decent Work” was not in the proposed title. She pointed out that Section I of the authoritative Text was about the Decent Work Agenda, while Section II was about the role of the ILO and its Members to implement it. For the EU, Decent Work was not a passing fashion, but a policy tool. Many EU institutions had integrated the ILO’s agenda as part of established policies. Many other multilateral organizations, both regional and global, had taken up Decent Work at the highest level and integrated it in their policies. She recognized that fair globalization was included in the Decent Work Agenda and recalled that social justice was part of the Declaration of Philadelphia. Having considered the different proposals made in the Drafting Group and in a spirit of consensus, the EU could accept the title “ILO Declaration on social justice for a fair globalization”. To place the words “an ILO Declaration” at the end of the title did not convey the historic importance of the document.
- 294.** The Committee adopted the form and title of the draft authoritative text as “ILO Declaration on Social Justice for a Fair Globalization”.
- 295.** A brief pause ensued during which the draft Declaration and its annex, as revised by the legal Drafting Committee, was distributed to the Committee in three languages. The Chairperson indicated that the annex formed an integral part of the draft Declaration.
- 296.** The Committee, by consensus, adopted the ILO Declaration on Social Justice for a Fair Globalization and its annex.

## **Adoption of the draft report**

- 297.** At its eighth and final sitting, the Committee examined its draft report. The Chairperson presented the draft report and opened the floor for amendments, section by section.
- 298.** Several Committee members submitted amendments to paragraphs summarizing their statements.
- 299.** The Government member of Argentina inquired whether his delegation could make amendments to paragraphs 294 and 296 of the draft report, which concerned the adoption of the title and text of the Declaration, respectively.
- 300.** The Legal Adviser noted that the process of receiving amendments to the draft report to correct the record of a member’s own statements was not the procedural moment for the

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Government member of Argentina's request, which sought to correct the Spanish wording of the title of the Declaration by replacing "equitativa" with "justa" and moving consequential revisions thereto. However, the Government member of Argentina could renew his request at a later stage in the Committee's proceedings.

- 301.** The Government member of the United States confirmed her Government's support for a strong ILO. In that light, the concept of Decent Work was a useful concept, comprising the ILO's four strategic objectives – employment, standards, social protection and social dialogue. The Decent Work framework encouraged nations to discuss their own priorities at the national level among the tripartite constituents in an effort to move forward in the context of national conditions. The ILO should have the technical capacity to support and assist constituents in addressing their labour-related goals. The Government of the United States had hoped that the Committee's work, which had lasted more than two years, would have resulted in a programme to ensure an ILO with enhanced capacity to promote its strategic objectives and better meet its Members' needs when they sought to implement reforms in their countries. Instead, her Government had found that the discussions had been characterized by suspicion and, at times, the lack of an open and honest dialogue. The failure to establish trust from the beginning had undermined the process and continued to do so. Her Government considered this faulty process as unbecoming the Organization. As a result of the lack of full tripartite participation throughout the whole process, many Government members in the room still did not comprehend what the document established or how it proposed to strengthen the ILO's capacity to help them.
- 302.** The United States believed that action to address capacity and governance issues in the Organization needed to be the primary focus of the follow-up to this non-binding promotional Text. Enhanced ILO capacity could not be achieved without, as a minimum, greater and more effective coherence and cooperation within the Office, strengthened research capacity, improved monitoring and evaluation of ILO programmes and activities for impact as well as outputs, strengthened human resources development, a rational and responsive field structure, and a constantly improving implementation of results-based management.
- 303.** The Committee concluded by adopting the draft report, which included the texts of the proposed ILO Declaration on Social Justice for a Fair Globalization and its Annex, and the proposed resolution on strengthening the ILO's capacity to assist its Members' efforts to reach its objectives in the context of globalization. The Chairperson recalled that the Annex to the Declaration formed an integral part of the Declaration.

## **Closing remarks**

- 304.** The Chairperson thanked the Committee members for their work and their commitment to cooperation. He also thanked the secretariat members and the interpreters who had made the smooth functioning of the Committee possible. He congratulated the Vice-Chairpersons for their determination, commitment and desire for progress. They were the pillars of this undertaking. The work of the Committee was not only a historic decision but one which also marked a generational shift. Thanks to the two Vice-Chairpersons, the Committee had witnessed new forms of discussions and dialogue. He hoped that this would be the spirit of the follow-up discussions that were described in the resolution. The Chairperson also thanked the Reporter for his constant presence and commitment. He had reported faithfully on the work of the Drafting Group and the Committee, which had been an enormous task. The Chairperson also thanked the representative of the Secretary-General, who was unable to attend the sitting, and acknowledged his vital role in making progress.

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- 305.** Finally, the Chairperson gave particular thanks to the Special Adviser, Mr Maupain, who had developed the idea of the Declaration and whose force of personality and determination had made it come to light and be adopted. The Committee rose in a standing ovation.
- 306.** The Employer Vice-Chairperson thanked all members of the Committee, and the Special Adviser for being the driving force behind the Committee. He thanked the Chairperson, who had had a key role and a difficult job, but who had shown good grace, humour and talent. He also thanked the Reporter and secretariat. The SILC route had been a long one, but consensus had been achieved. It had been terribly important to reach agreement, both for future implementation and the reputation of the ILO. When constituents were united, strong outcomes were the result. Both the Declaration and resolution were incumbent on both constituents and the Office. The Employers' group felt that it was a good beginning.
- 307.** Addressing the Worker Vice-Chairperson, he said that it had been a pleasure working with him to build consensus. Some Governments were worried about the consensus developing between the Employers' and Workers' groups, but he wanted to reassure them that their respective differences would surely continue. Nonetheless, it was in the interest of governments and the Organization when workers and employers reached agreement. He hoped that the ILO would implement the Declaration so as to strengthen its constituents and that the cooperation of the Committee members would continue to fulfil the mandate of the ILO with increasing transparency. Finally, he thanked Mr Wilton (Deputy Secretary-General, International Organisation of Employers) for his immense contribution to the work of the Committee.
- 308.** The Worker Vice-Chairperson noted that the word "historical" was often overused in the ILO, but it merited use on this particular occasion. The document adopted was meaningful, as was the unusual process that had led to it. In the drafting process, governments had co-shaped the document and there had been high levels of trust between Worker, Employer and Government members. The deep endorsement achieved at the end was worthy of consideration. The Committee had essentially obtained two products for the price of one – a Declaration and a resolution. The resolution was a guide to the implementation of the Declaration. This would not have been possible without the Employer Vice-Chairperson, who had brought his deep experience of social dialogue, who had seen possibilities instead of constraints, and who had dared to do things differently. He also paid tribute to Mr Wilton for his constructive role and humour. The Special Adviser had fully deserved his standing ovation, for he had brought forth ideas and given the Committee a good starting point for discussion. He thanked the Chairperson for his grace, humour and leadership, and the Reporter for his contribution to the Drafting Group and the precision of his reporting. He also thanked the Office staff.
- 309.** The Worker Vice-Chairperson paid tribute to the many Government members who had influenced the Text. The final text belonged very clearly to them. The EU had brought its focus on ILO effectiveness and substantial ideas to the discussion. They had made sure that the word "solidarity" appeared in the Text. The Africa group had reminded the Committee of the social dimension and the special needs of developing countries. GRULAC had contributed numerous ideas, especially regarding article 19 on reporting obligations. The Asia-Pacific group had had an important role as well. To name a few examples of the contributions of Government members, the Government member of New Zealand had offered language regarding the ILO's role towards other multilateral organizations, while the Government member of China had provided the Drafting Group with language setting forth that the violation of fundamental principles and rights could not be invoked or otherwise used as a legitimate comparative advantage and that labour standards should not be used for protectionist trade purposes. The Government member of Japan had helped with concepts in Japanese, the Government member of the United States had contributed to

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the title, structure and brevity of the Declaration. The Government member of Saint Kitts and Nevis had introduced the important demographic dimension. Everyone had co-shaped the document. The Declaration had integrity and big ideas that could inspire.

- 310.** The Reporter said that this was a visionary and historical moment. It was visionary in that it addressed what the ILO would be able to do with an eye to the future. It was the ILO's Declaration for the twenty-first century. He thanked the Chairperson, the Worker and Employer Vice-Chairpersons and the Special Adviser for their work, and the secretariat and the interpreters, who had translated both words and emotions. He thanked all members of the Committee for their spirit and passion.
- 311.** The Committee's report, including the Declaration, its Annex and the resolution, as adopted by the Committee, were submitted to the Conference for consideration.

Geneva, 10 June 2008.

*(Signed)* J.-J. Elmiger  
Chairperson

S. Paixão Pardo  
Reporter



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