



# ▶ Record of proceedings

2C

International Labour Conference – 109th Session, 2021

Date: 22 July 2021

---

## Reports of the Selection Committee

Third report: Summary of proceedings concerning the draft resolution for a return to democracy and respect for fundamental rights in Myanmar <sup>1</sup>

### Contents

	Page
Introduction.....	3
General discussion.....	3
Consideration of amendments.....	6
Adoption of the draft resolution.....	26
Closing remarks .....	26

---

<sup>1</sup> The text of the resolution submitted by the Committee for adoption by the Conference was published in [Record No. 2B](#).

## Introduction

1. The Selection Committee held five sittings as of Tuesday 15 June to consider the draft resolution for a return to democracy and respect for fundamental rights in Myanmar submitted by the Chairperson of the Workers' group under article 17, paragraph 2 of the Standing Orders of the Conference. The Officers of the Conference had unanimously found that the draft resolution related to "urgent matters" and was therefore receivable. They had recommended that the resolution be transmitted to the Selection Committee for its consideration at the earliest possible opportunity and that the Committee should report back to the Conference on its consideration, with any amendments thereto by 18 June 2021.<sup>2</sup>
2. The Committee adopted the proposed delegation of authority to its Officers for the adoption of the reports concerning the draft resolution with a view to their submission to the Conference.

## General discussion

3. The Chairperson opened the general discussion by highlighting that some of the text of the draft resolution was reproducing the text of the decision taken by the Governing Body at its 341st Session (March 2021) and thus reflected already agreed text. She accordingly invited the members of the Committee to refrain from proposing amendments to these parts of the draft resolution.
4. The Worker Vice-Chairperson introduced the draft resolution and the situation that had led the Workers' group to propose it. In the four months that had passed since the military coup of 1 February 2021, violence against civilians showed no end in sight. Battlefields had been created in cities across the country as the military and security forces repressed the peaceful protest and strike actions in workplaces. The country continued to be in a state of military occupation. Workers and trade unionists had left their homes, due to the fear of crossing checkpoints and having their names appear on arrest warrants. She recalled the figures given by the recent statement by the United Nations (UN) Special Rapporteur on the situation of human rights in Myanmar which reported that over 100,000 people had been displaced in a single region. The Workers' group was extremely concerned at the severity of the situation in Myanmar, where the military had targeted or failed to protect the civilian population. Violations of fundamental rights included arrests, intimidation, threats of violence against people of various occupation. Schools, universities and hospitals had been occupied. Civilians were judged by military courts and did not have access to their families, doctors or lawyers. Some detainees who had been abducted suffered serious injuries but had been denied access to medical care. According to human rights organizations, more than 5,500 people were currently being detained in extremely poor conditions, sometimes for indefinite periods. Detainees were reportedly dying in detention, due to physical or sexual violence. The current situation was one of a civilian population being terrorized by security forces, with no respect for the rule of law.
5. The recent Report of the Director-General to the Governing Body on the situation in Myanmar, requested by the Governing Body at its 341st Session (March 2021),<sup>3</sup> confirmed all these concerns and presented a situation that had further deteriorated

---

<sup>2</sup> The draft resolution submitted by the Workers' group was published in document [ILC.109/D.4](#).

<sup>3</sup> [GB.342/INS/5](#).

since March 2021. The ILO had heard, for many years, evidence of forced labour in Myanmar. Whatever progress had been made over the last few years was now being reversed with widespread reports of the army rounding up villagers as forced labourers and human shields, and destroying homes, farms, and other property. The use of forced labour by the military in areas of ongoing conflict, and against ethnic minorities, was deeply concerning, particularly as conflict increased across the country.

6. The draft resolution recalled that freedom of peaceful assembly and freedom of opinion and expression were essential for the exercise of freedom of association, and that all Member States had an obligation to apply fully in law and in practice the Conventions that they had voluntarily ratified. It also recalled the long-standing commitment of the Organization to the respect of fundamental rights and democracy in Myanmar and expressed profound concern regarding the removal of the civilian Government by the military and the persistent violations of fundamental rights in this country. Finally, the draft resolution would recommend to the constituents of the ILO that they take all possible measures and actions to press for the return to democracy in Myanmar.
7. The Worker Vice-Chairperson expressed full support for workers, unions and the general population engaged in peaceful protests. She also hoped that the organs of the UN that have a mandate to protect and promote respect for human rights, including the ILO, would take this opportunity to use the tools available to support the people of Myanmar in their quest for peace and democracy, and the restoration of the rule of law.
8. The Employer Vice-Chairperson thanked the Workers' group for submitting this draft resolution and shared the grave concerns over the events in Myanmar. It would be appropriate for the Conference to work towards adopting a resolution, preferably during the first part of the present session. With the death of hundreds of people, attacks on civil protests, attacks on trade unionists, unwarranted incarceration and house arrest, and burning down of factories, stores and workplaces, it was appropriate that governments, workers and employers send a common and strong signal that the acts and the omissions of the military government since February were unacceptable. Therefore, the Employers' group accepted that the purpose of a resolution would be to send a joint signal of grave concern and demand that Myanmar take action.
9. The Government member of Germany, speaking on behalf of the European Union (EU) and its Member States,<sup>4</sup> welcomed the discussion on the draft resolution. It was both timely and critical for tripartite stakeholders to show their joint commitment to the protection of human rights, including labour rights. The EU and its Member States condemned in the strongest terms the military coup of 1 February and the ensuing deadly violence against peaceful demonstrators and acts against freedom of association. She reiterated the call for an immediate end to all acts of violence, exercise of utmost restraint and respect for international law and human rights, including labour rights, as well as for the immediate and unconditional release of all those arbitrarily detained in connection with the coup, including President U Win Myint and State Counsellor Daw Aung San Suu Kyi. Free and unhindered humanitarian access should be ensured. The EU and its Member States were deeply concerned by the persistent use of forced labour, including by the military in areas of ongoing conflict and against ethnic minorities, and

---

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

supported the indispensable role played by the ILO towards international labour standards.

10. The Government member of Japan recalled a previous statement at the 341st Session of the Governing Body, and expressed deep concern regarding the situation in Myanmar. Japan strongly urged the Myanmar military to immediately stop violence against civilians, to release the people detained, including State Counsellor Daw Aung San Suu Kyi and to swiftly restore Myanmar's democratic political system. The ILO would fulfil its mandate by requesting that workers and employers be allowed to undertake their functions without threat of intimidation or harm, and to exercise their freedom of association in a climate free from violence, arbitrary arrest and detention. Japan supported the adoption of a resolution by the Conference on this subject.
11. The Government member of Canada shared the concerns expressed by the Workers' group. Her Government unequivocally condemned the seizure of power that had resulted in more than 800 deaths and 4,000 arrests and called for the release of those arbitrarily detained. The Myanmar military should engage in meaningful dialogue, including through the UN and Association of Southeast Asian Nations (ASEAN) mediation efforts. The escalating use of force against workers, trade unionists and employers seeking to exercise their freedom of association was appalling. She underscored the urgency of the situation and strongly supported the spirit of the draft resolution.
12. The Government member of the United States of America supported the adoption of a Conference resolution in view of the worker and human rights abuses by the military, particularly since the February coup. The resolution should strongly condemn and call for an end to the worker and human rights abuses by the military, show support for those asserting their rights through peaceful demonstrations, and call for a restoration of democracy. The Conference should issue a strong, unified statement in support of respect for workers' rights in the face of this serious and urgent situation.
13. The Employer spokesperson welcomed the constructive, engaged and open discussion, which provided a solid foundation for working towards a resolution that could receive serious consideration by the Conference. This was in line with the gravity of the situation, the gravity with which the international community, including within the ASEAN and the UN, was dealing with the situation but also the swiftness with which the ILO had to proceed.
14. The Worker Vice-Chairperson thanked the speakers for supporting the urgency of the matter and for agreeing to achieve a strong and meaningful message. The ILO had a long-standing commitment and history in relation to labour matters in Myanmar, and all previous progress was being reversed. The messages from the Director-General and the Governing Body had not been taken into account by Myanmar, so it was important that the Conference gave its full weight and sent a strong message to the international community and to Myanmar.
15. The Government member of China noted the resolution submitted by the Workers' group and said that peace and stability were the prerequisites for a country to develop. He expressed hope that all parties in Myanmar could remain calm, show restraint and that they put the general population's interest at the core. He expected that all conflicts and disputes should be settled through dialogue within the confines of the Constitution and national laws. He stated that it was urgent to prevent further violence so that tensions could be lessened and conveyed China's hope that all parties could refrain from undue intervention. He highlighted that Myanmar had made positive efforts in reducing forced labour, had ratified the Freedom of Association and Protection of the Right to

Organise Convention, 1948 (No. 87) and demonstrated willingness to comply with its requirements. ILO tripartite mechanisms could continue to assist Myanmar with the realization of decent work and the fulfilment of its commitments in the interest of the effective protection of workers' and employers' rights.

16. The Government member of the Russian Federation indicated that the Russian Federation was closely following the developments in Myanmar and expressed concern about the upsurge in violence, which had resulted in a significant number of victims. She stressed that it was inadmissible to use disproportionate force against demonstrators or to restrict the right of citizens to peaceful protest, provided that they respected laws and public order. At the same time, the radicalization of the anti-government movement, which had taken place against a background of overall decrease in protest activity and a gradual stabilization of the situation in the country's major cities, was a cause for serious concern. The prospects for national reconciliation had been seriously compromised by the unilateral steps taken by opposition leaders outside the constitutional and legal framework.
17. Under these circumstances, it was important that all Myanmar parties exercised maximum restraint. The international community had to assist with overcoming the internal political crisis as quickly as possible while observing the principles of non-interference in the internal affairs of a sovereign State, neutrality and rejection of sanctions. The draft resolution for a return of democracy and respect for fundamental rights in Myanmar did not contribute to the settlement and normalization of the situation in the country. The document painted a one-sided and distorted picture of the situation, was highly politicized, intruded into the country's internal affairs and, most importantly, exceeded the mandate of the ILO to focus on social and labour issues.
18. She called on the authors to either withdraw the document or to adjust it substantially to the ILO's agenda and the realities of the situation in Myanmar. The authorities in Nay Pyi Taw had made sustained efforts to fulfil their obligations arising from the mechanisms agreed with the ILO to improve the country's social and labour relations system. Progress was seen in the elimination of child and forced labour and the strengthening of social dialogue. The ongoing labour law reform in Myanmar was noteworthy, as was the ratification in June 2020 of the Minimum Age Convention, 1973 (No. 138). Finally, she made a call to all ILO structures and Members of the Organization to adhere to the principles of neutrality and objectivity and not to introduce elements that went beyond Convention mechanisms and domestic labour and socio-economic legislation, politicizing the decisions made and jeopardizing the credibility and reputation of the ILO.

## Consideration of amendments

### Title

19. The Committee had before it an amendment submitted by the Employer members to replace the word "for" with "in support of".
20. The Worker Vice-Chairperson did not support the amendment. She proposed a subamendment to replace "in support of" with "calling for" stating that the resolution was a call for a return to democracy and respect for fundamental rights in Myanmar.
21. The Employer spokesperson did not support the subamendment of the Worker members which was not adopted. He then withdrew the amendment.
22. The title of the draft resolution was adopted without amendment.

### First preambular paragraph

23. The first preambular paragraph was adopted without amendment.

### Second preambular paragraph

24. The second preambular paragraph was adopted without amendment.

### Third preambular paragraph

25. The Committee had before it an amendment submitted by the Employer members to delete “and democracy” after “fundamental rights” and to insert the words “and the Governing Body’s March 2021 endorsement of the Director-General’s call for the restoration of democratic order and civilian rule in Myanmar,” after “in Myanmar”.
26. The Committee had also received an amendment by the EU Member States to delete “and” before “democracy” and to insert “the rule of law” before “in Myanmar”.
27. The Employer spokesperson proposed a subamendment to replace “and democracy” with “and democratic transition”, as this reflected more accurately the support provided by the ILO to democratic transition since 1999.
28. The Worker Vice-Chairperson supported the amendment of the EU Member States but did not support the amendment submitted by the Employer members. She stressed that the ILO had a long-standing commitment to respect fundamental rights, democracy and the rule of law, and also stated that it was unnecessary to recall the Governing Body’s March endorsement of the Director-General’s call for the restoration of democratic order and civilian rule in Myanmar.
29. The Government member of Germany, speaking on behalf of the EU and its Member States, supported the amendment submitted by the Employer members excepting the deletion of “and democracy” as it referred to an ILO’s long-standing commitment.
30. The Government member of Canada supported the amendment submitted by the EU Member States and did not support the amendment submitted by the Employer members.
31. The amendment submitted by the EU Member States was adopted while the amendment submitted by the Employer members was not adopted.
32. The third preambular paragraph was adopted as amended.

### Fourth preambular paragraph

33. The Committee had before it two amendments by the Employers’ group to remove the word “the” before the word “developments” and to insert the words “and damages to factories and other workplaces,” at the end of the paragraph.
34. The Committee had also received an amendment by the EU Member States to insert the words “coup carried out in Myanmar, the declaration of the state of emergency” after the word “military”, to remove the words “at” and “that” before respectively the words “the developments” and “resulted in”, and to insert the words “and others peacefully exercising their right to freedom of expression, association and peaceful assembly” at the end of the paragraph. In addition, the Committee had before it an amendment by Canada and the United States to replace the words “that resulted in” with the words “including the arbitrary” and to add the words “and detention” after the word “arrest”.

35. The Worker Vice-Chairperson supported all the proposed amendments. In particular, the amendment by the EU Member States reinforced the strength of the text. In addition, it was true that some factories and workplaces had been damaged, which was detrimental to workers and employers.
36. The Employer spokesperson supported all the amendments proposed since they all reflected accurate information. In particular, the reference to arbitrary arrest was important.
37. The Government member of Germany, speaking on behalf of the EU Member States, supported all the amendments and proposed a subamendment to the second amendment by the Employers' group to replace the word "and" before "damages" by the words "as well as" since it did not appear appropriate to put damages to factories on the same level as the loss of life.
38. The Government member of Japan supported the amendments proposed by the Employers' group, by the EU Member States as well as by Canada and the United States.
39. The Government member of Canada agreed with the subamendment made by the EU Member States on the amendment of the Employers' group. The consolidated text was acceptable.
40. The Government members of Canada and the United States were in favour of consolidating their proposed amendment with that of the EU Member States as this made for stronger language.
41. The Government member of Germany, speaking on behalf of the EU and its Member States, as well as the Worker Vice-Chairperson and the Employer spokesperson agreed with the replacement of "that resulted in" by the word "including."
42. The Committee adopted the fourth preambular paragraph as amended.

#### **Fifth preambular paragraph**

43. The Committee had before it two identical amendments, proposed by the EU Member States and by Canada and the United States, to replace the word "seven" by the word "eight," and one amendment by Canada and the United States to replace the words "peaceful protest" by the words "freedom of peaceful assembly in protesting."
44. The Worker Vice-Chairperson and the Employer spokesperson agreed with the replacement of the word "seven" by the word "eight" to the extent that it reflected the latest figures as unfortunately these figures were constantly increasing. As for the reference to "freedom of peaceful assembly in protesting," they emphasized the importance of aligning the terminology with the one used across the ILO.
45. The representative of the Secretary-General confirmed that the number of killed civilians currently reported by major news agencies was over 800. Adding the words "to date" could further clarify that this number was provisional.
46. The Committee adopted the fifth preambular paragraph as amended.

#### **Sixth preambular paragraph**

47. The Committee had before it an amendment by Canada, which was not seconded and fell. The Committee also had before it an amendment by the United States, seconded by the Employers' group and Japan, to insert the words "in detention and" after the words "trade union leaders" and an amendment by the EU Member States to insert the word "peaceful" before "demonstration" and to replace the word "democracy" at the end of the

paragraph with the words “the democratic transition and an end to the violations of human rights, including labour rights.”

48. The Worker Vice-Chairperson supported the amendment of the United States. As for the amendment of the EU Member States, she agreed with inserting the word “peaceful” but expressed doubts as to whether the new proposed wording at the end of the paragraph was appropriate. She preferred “transition to democracy” rather than “democratic transition”, or alternatively, borrowing language from the Director-General’s statement and replacing the words “return to democracy” by the words “restoration of democratic order and civilian rule.”
49. The Employer spokesperson supported the amendment of the United States. As regards the amendment of the EU Member States, he agreed with the second suggestion of the Worker Vice-Chairperson.
50. The Government member of Germany, speaking on behalf of the EU and its Member States, supported the proposal to replace “democratic transition” with the words “transition to democracy.” She expressed doubts as to whether reference to the restoration of democratic order would be appropriate since the situation prevailing in the country prior to the military coup of February 2021 could not be qualified as a democracy. This had been expressed in the Committee on Application of Standards taking into account for example the number of military personnel in the previous parliament. Accordingly, the Conference resolution should go further than calling for the restoration of the previous situation.
51. The Government member of the United States supported both proposals made by the Worker Vice-Chairperson. She proposed a subamendment to replace the words “human rights, including labour rights” with “labour rights and human rights” or “human rights and labour rights” as this would make the sentence simpler. In addition, although the two concepts overlapped to a certain extent, labour rights were not a subset of human rights.
52. The Worker Vice-Chairperson and the Government member of Germany, speaking on behalf of the EU and its Member States, did not support the subamendment proposed by the United States as labour rights were generally recognized as being part of the larger body of human rights.
53. The Employer spokesperson concurred with the Worker Vice-Chairperson and considered that it would be more accurate and powerful to refer to “human rights, including labour rights.” Regarding the statement made on behalf of the EU and its Member States, he expressed concerns at the kind of message the inclusion of the words “transition to democracy” after the words “return to” or “restoration” would give. Such wording could be interpreted as an acknowledgement that the elections of November 2020 in Myanmar were not democratic. It was important not to send the wrong message or challenge the legitimacy of the order the ILO wanted to see restored.
54. The Worker Vice-Chairperson concurred with the Employer spokesperson and emphasized that the workers in Myanmar had not gone on strike for a perfect democracy but for the implementation of the results of the elections that had taken place. She supported the retention of the terminology used in the Director-General’s statement and proposed to insert the words “and the continuation of the transition to democracy” after “civilian rule.”
55. The Chairperson stated that, as highlighted by the representative of the Secretary-General, the wording “restoration of democratic order and civilian rule” was part of the

decision of the Governing Body and appeared in operative paragraph 1(a) of the draft resolution, to which no amendments had been submitted. The Committee should thus avoid reopening discussion on terminology already agreed by the Governing Body.

56. The Government member of Germany, speaking on behalf of the EU Member States, clarified that the intention was not to undermine the legitimacy of the elections that had taken place but rather to highlight that the previous situation was not that of a genuine democracy. Since their position was not supported, she could agree with the proposals of the Worker Vice-Chairperson to use wording from the Director-General's statement and to include the words "and the continuation of the transition to democracy."
57. The Worker Vice-Chairperson, the Employer spokesperson and the Government member of Japan supported the consolidated text.
58. The Committee adopted the sixth preambular paragraph as amended.

### Seventh preambular paragraph

59. The Committee had before it an amendment by Canada and the United States to insert the words "the rights to" before the words "freedom of peaceful assembly."
60. The Employer spokesperson supported the amendment.
61. The Government member of the United Kingdom of Great Britain and Northern Ireland noted that there were multiple instances in the draft resolution where mention was made of "freedoms" rather than "rights to freedom" and proposed that the Committee generally use the latter expression in the draft resolution.
62. The Worker Vice-Chairperson stated that, although she could accept the amendment and the proposal by the United Kingdom, the language in the draft resolution was taken from the March Governing Body decision. She would thus prefer to retain the initial language.
63. The Committee adopted the seventh preambular paragraph without amendment.

### Eighth preambular paragraph

64. The Committee had before it an amendment submitted by the EU Member States to add a comma and the word "including" before "in areas of ongoing conflict" and an amendment submitted by Bangladesh and Turkey to insert "including the Rohingyas", followed by a comma, after "ethnic minorities."
65. The Employer spokesperson supported the amendment consisting in inserting "including" before "in areas of ongoing conflict" but not the one proposing a specific reference to the Rohingyas as he considered that the text would read stronger if it mentioned ethnic minorities in general.
66. The Worker Vice-Chairperson supported the insertion of "including". She also noted that the Rohingyas were an important minority and that it was appropriate to mention them specifically in the text.
67. The Government member of the United States supported both amendments. She proposed a subamendment to remove "the" before "Rohingyas" and referring instead to "Rohingya" or "Rohingya minority" as this would better align with how the Rohingya people and other minority groups were referred to in UN documents.

68. The Government member of Germany, speaking on behalf of the EU Member States, proposed a subamendment to insert “all” before “ethnic minorities, including the Rohingya” to indicate that there were many ethnic minorities.
69. The Employer spokesperson withdrew, in the interest of moving forward, his earlier suggestion to delete reference to Rohingya people and supported the correct usage of that term.
70. The Government member of Turkey drew attention to the fact that the situation resulting from the military coup affected the Rohingya more severely, as the military had committed atrocities against them.
71. The Worker Vice-Chairperson indicated that, insofar as there was no information as to whether all ethnic minorities were concerned by forced labour, it was better to refer to ethnic minorities “such as Rohingyas”.
72. The Legal Adviser clarified that the resolution adopted by the UN Human Rights Council on 24 March 2021 referred to “the Rohingya”.
73. The Employer spokesperson and the Worker Vice-Chairperson supported the deletion of “s” in “Rohingyas”, as did the Government member of Germany, speaking on behalf of the EU Member States, who also withdrew the subamendment to insert “all” before “ethnic minorities”.
74. The Government member of the United States preferred avoiding the definite article “the” before “Rohingya” because it had vocations for self-determination by minority groups. Upon reflection, she preferred keeping the “s” or referring to “the Rohingya minority group” and asked this to be stated in the record.
75. The Worker Vice-Chairperson pointed to the fact that there was already an understanding regarding the deletion of “s” and noted that the Legal Adviser had referred to an authoritative UN document in this regard.
76. The Chairperson concluded that the amendment by the EU Member States was adopted and that submitted by Bangladesh and Turkey was adopted as subamended, on the condition that the position of the Government member of the United States was specifically mentioned in the record.
77. The Committee adopted the eighth preambular paragraph as amended.

### **New paragraph after the eighth preambular paragraph**

78. The Committee had before it an amendment submitted by Bangladesh and Turkey to insert a new paragraph after the eighth preambular paragraph to read “Expressing deep concern at the increased risks of forced displacement and lack of access to jobs and livelihood opportunities for the religious and ethnic minorities, including the Rohingyas,”.
79. The Worker Vice-Chairperson supported the inclusion of the new paragraph and suggested the deletion of “s” after “Rohingya”.
80. The Employer spokesperson had no objection to the insertion of the new paragraph.
81. The Government member of Bangladesh stated that for decades, the Rohingya had been deprived of their human rights, including labour rights. Because of their forced displacement, they currently faced serious impediments to jobs and livelihood opportunities. The text should therefore mention the Rohingyas’ right to work and the protection of their fundamental rights.

82. The Worker Vice-Chairperson asked the secretariat to clarify whether there should be “the” before “religious and ethnic minorities.”
83. The Employer spokesperson proposed a subamendment to include “members of” before “religious and ethnic minorities.”
84. The Worker Vice-Chairperson suggested to refer to “people belonging to” religious and ethnic minorities, including the Rohingya.
85. The Legal Adviser indicated that as per usual practice, reference could be made to “persons belonging to” religious and ethnic minorities.
86. The amendment was adopted as subamended.
87. The Committee adopted the new paragraph as amended.

### **New paragraph after the eighth preambular paragraph**

88. The Committee had before it an amendment submitted by the EU Member States to insert a new paragraph after the eighth preambular paragraph to read “Noting also that the degrading humanitarian situation across the country and especially in border areas and the lack of humanitarian access pose a threat to the effective exercise of labour rights and human rights at large,”.
89. The Employer spokesperson and the Worker Vice-Chairperson had no objection to the inclusion of the new paragraph.
90. The Government member of Germany, speaking on behalf of the EU and its Member States, explained that the purpose of the new paragraph was to give contextual elements in order to understand the difficulty of exercising labour rights in the current circumstances.
91. The Employer spokesperson sought clarification as to whether “degrading” in the proposed amendment was to be understood as meaning “deteriorating” or “belittling” and “humiliating.”
92. The Government member of Germany, speaking on behalf of the EU and its Member States, indicated that “deteriorating” was probably the right term to use and proposed to subamend the text accordingly.
93. The Legal Adviser suggested, in the interest of legibility, to delete “and” and to add a comma before and after “especially in border areas.”
94. The amendment was adopted as subamended.
95. The Committee adopted the new paragraph as amended.

### **Ninth preambular paragraph**

96. The Committee had before it two amendments submitted respectively by the Employers’ group and the EU Member States. The first amendment consisted in modifying the paragraph to read “supporting the rights of workers, employers and their respective organizations and of the general population to peacefully protest to demand a return to democracy.” The second amendment sought to modify the paragraph after “actions to demand” to read “the return of Myanmar to its democratic path.”
97. The Employer spokesperson explained that the Employers’ group’s amendment sought to reflect the fact that there was a plurality of political opinions in Myanmar society and strong support for the democratic situation that reigned before 1 February.

98. The Worker Vice-Chairperson noted that the main target groups of threats and intimidations were trade unionists, not the business community. Therefore, the proposal to include a reference to employers did not accurately reflect the reality on the ground. She also considered that the amendment proposed by the EU Member States to replace “democracy” by “democratic path” was not sending the right message. She further noted that there was now a reference to Myanmar in the text and asked clarifications from the secretariat as to how to refer to those whom the text called upon.
99. The Government member of Japan supported the amendment of the Employer members as being more inclusive in terms of affected categories. He considered that “democracy” was more appropriate wording than “democratic path.”
100. The Government member of Germany, speaking on behalf of the EU and its Member States, suggested to replicate the wording used in previous paragraphs regarding democracy. She was interested in knowing how to refer to Myanmar and suggested that more appropriate language could be sought to address the amendment of the Employer members.
101. The Legal Adviser pointed out that the preceding paragraphs referred to actions to restore the democratic order and civilian rule in Myanmar. He added that the Governing Body March 2021 decision addressed Myanmar as such. As for recent UN documents, these called upon “the Myanmar armed forces.” In earlier UN documents, several expressions, such as “de facto authorities”, “the military authorities” or “the military,” had been used interchangeably.
102. The Employer spokesperson suggested to retain the term “democracy.” While he conceded that the abuses fell disproportionately on workers, he clarified that the paragraph was about the right to protest. He considered that employers and workers should enjoy equal right to protest for democracy. It was therefore correct to refer to the right of employers and workers and their respective organizations to protest. Also, the reference to employers included micro and small enterprises which were the ones protesting side by side with the workers.
103. The Government member of the United States, while supporting reference to both the workers and the employers and their respective organizations, noted that shifting from supporting peaceful protests to supporting the right to peacefully protest complicated the text. Furthermore, the rights in question were specific to individuals and were not enjoyed by organizations. She would propose clarifying subamendments should the Committee decide to proceed with the consideration of the Employer members’ proposal.
104. The Worker Vice-Chairperson, while sharing the concern expressed by the Government member of the United States, recalled that another paragraph of the draft resolution already provided that workers and employers should be able to exercise their freedom of association rights in a climate of freedom and security, free from violence and arbitrary arrest. She supported, for clarity, returning to the original language to demand a return to democracy, and taking into consideration as appropriate employers and their organizations later in the text.
105. The Government member of Germany, speaking on behalf of the EU Member States, withdrew their amendment in the light of the views expressed. Her group shared the concerns raised by the Government member of the United States as regards the first part of the paragraph.

106. The Government member of Japan could support simple terminology on democracy and, because of the amendment's withdrawal, the matter had already been settled. However, the Employers' concerns needed to be reflected in the resolution. In the paragraph under discussion, the Committee could take either a rights-based approach or describe events on the ground. In the latter case, the Employer members should provide further clarification of their intention.
107. The Employer spokesperson stated that his group favoured the latter, ground-based approach and would propose new text, which would take account of the discussion.
108. The Worker Vice-Chairperson reiterated that employers, their organizations and their right to freedom of association were already reflected elsewhere in the draft resolution and stressed that the paragraph at stake expressed support for the people who had actually been protesting. While her group supported references to employers and their organizations, if the text in question was modified to include employers, questions could be posed.
109. The Employer spokesperson proposed a subamendment to replace the words "workers, unions" with "workers and their representatives" and to insert after the words "general population" the words ", including the business community".
110. The Worker Vice-Chairperson supported the inclusion of the words "and their representatives" but proposed a further subamendment to reinstate the reference to unions. It was not just workers and their representatives that had been targeted but also unions as such. She supported the proposal to include the words "including the business community" in the paragraph.
111. The Employer spokesperson agreed with keeping the word "unions." He could support the text as further subamended by the Workers' group as it showed the breadth of the protests.
112. The amendment as subamended was adopted.
113. The Committee adopted the paragraph as amended.

### New paragraph after the ninth preambular paragraph

114. The Committee had before it an amendment submitted by the Employers' group proposing the following new preambular paragraph: "Emphasizing the importance of the role of sustainable enterprises as generators of employment and promoters of innovation and decent work in Myanmar, particularly during the ongoing period of uncertainty and instability following 1 February,".
115. The Employer spokesperson, following consultations with the Worker members, subamended the amendment to read as follows: "Recognizing risks for doing business and employing in Myanmar following 1 February 2021, in particular for the role and capacity of enterprises as generators of employment, innovation and decent work." As had been helpfully suggested by the Worker members, the subamended text was more directly linked with the risks and concerns on the ground following the coup, such as those relating to investments, social advancement and living standards. The second part of the subamended text was drawn from the ILO Centenary Declaration for the Future of Work that recognized the importance of enterprises as generators of employment, innovation and decent work in any society. In fact, Myanmar had been on a path to become a proper robust market economy – laying out the foundation to decent work – and the coup had potentially interrupted that positive journey.

116. The Worker Vice-Chairperson, following further discussions, proposed jointly with the Employers' group a further subamendment to modify the text to read as follows: "Recognizing the serious risks for the capacity of employers, following the military coup on 1 February 2021, to provide for decent work and the sustainability of their enterprises;".
117. The Employer spokesperson, thanking the Workers' group for their availability, pointed out that the proposed text clearly showed that the military coup had also caused issues for doing business in Myanmar.
118. The Government member of Germany, speaking on behalf of the EU and its Member States, supported the further subamendment. She proposed to move the new paragraph between the sixth and seventh preambular paragraphs.
119. The Worker Vice-Chairperson and the Employer spokesperson supported the proposal by the Government member of Germany.
120. The amendment was adopted as subamended.
121. The Committee adopted the new paragraph as amended and decided to place it between the sixth and seventh preambular paragraphs.

#### Paragraph 1(a)

122. The Committee had before it an amendment submitted by the Employers' group to delete the words "– once the democratically elected government has been restored –".
123. The Employer spokesperson, noting that the text reproduced text from the March 2021 Governing Body decision, withdrew the amendment.
124. The Committee adopted the paragraph without amendment.

#### Paragraph 1(b)

125. The Committee had before it an amendment by the Employers' group to delete the word "all" before "attacks", to insert the words ", threats and intimidation" after the word "attacks", to insert the words ", employers and their respective organizations," after the word "workers", and to replace everything following the word "population" with "exercising fundamental rights to organize and to peacefully protest".
126. The Committee had also received an amendment by the EU Member States to insert the words "immediately and unconditionally" before the word "release", an amendment by Canada and the United States to replace the words "who have peacefully demonstrated" by the words "and member of the general population related to their peaceful participation", and an amendment by Bangladesh and Turkey to insert the words ", including all religious and ethnic minorities such as the Rohingyas" after the word "population".
127. The Employer spokesperson understood that adding a reference to threats and intimidation would be acceptable to the Committee. He highlighted the importance of also referring to employers in this paragraph. Employers included street vendors, microenterprises, and other members of the business community that were also concerned with the threats in Myanmar, although possibly in a less visible manner than workers. He proposed to subamend his group's amendment by deleting the words "exercising fundamental rights to organize and to peacefully protest".

128. The Government member of Japan and the Government member of Germany, speaking on behalf of the EU and its Member States, supported the proposal by the Employer spokesperson.
129. The Worker Vice-Chairperson proposed a further subamendment to include after the words “general population” the words “, including the business community” and to insert after the word “Rohingya” the words “for exercising their fundamental rights to organize and to peacefully protest”.
130. The Employer spokesperson did not support the proposal by the Worker Vice-Chairperson. Employers had specific concerns such as the destruction of factories, because they were capital assets or possibly because of the ethnicity of the owner. Noting the support already expressed for the Employers’ proposal, he urged to retain the habitual wording recognizing the equal role and status of workers’ and employers’ organizations.
131. The Worker Vice-Chairperson, while supportive of the tripartite nature of the ILO, did not support the proposal by the Employers’ group since the paragraph related to what was actually happening in Myanmar, as described in the latest report of the Director-General. She proposed to retain the reference to peaceful participation in protests, either through the original ending of the paragraph, or through the language proposed by Canada and the United States.
132. The Government member of the United States considered that the reference to peaceful participation in protest activities would not be appropriately placed before the word “release” and that if kept, it would have to be at its end.
133. The Worker Vice-Chairperson considered that the reference to peaceful protest activities could not be placed at the end since all arbitrary arrests were problematic, regardless of the cause.
134. The Worker Vice-Chairperson stated that her group preferred keeping the reference to “peaceful participation in protest activities” in the middle of the text.
135. The Employer spokesperson stressed that employers should also be covered by the paragraph since they were also under attack and subject to threats and intimidation. Noting also that the Rohingya were under attack because they were a minority, he suggested that the reference to “in relation to peaceful participation in protest activities” be deleted instead of moved to the end of the paragraph where it was not needed to qualify arbitrary detention.
136. The Worker Vice-Chairperson requested that, because of reports that some employers were siding with the military, the reference “in relation to peaceful participation in protest activities” be kept in the middle of the paragraph, if reference to employers and their organizations was included.
137. The Government member of Bangladesh proposed a subamendment to add after “all those arbitrarily detailed” “including” before “in relation to peaceful participation in protest activities”.
138. The Government members of the United States, the United Kingdom and Canada supported the proposal to delete the reference to “in relation to peaceful participation in protest activities” from the text.
139. The Government member of Germany, speaking on behalf of the EU and its Member States, considered that attacks, threats and intimidation against employers implied that

those employers were not siding with the military and also supported deleting the reference from the text.

140. The Worker Vice-Chairperson questioned whether the paragraph could be read as prohibiting strike action against an employer and insisted that the reference to “in relation to peaceful participation in protest activities” be kept.
141. The Employer spokesperson stated that the text clearly concerned human rights violations and not normal industrial relations actions, such as strikes. He also recalled that the provision called upon the Member State of Myanmar.
142. The Worker Vice-Chairperson proposed a subamendment to move the reference “in relation to peaceful participation in protest activities” after “general population” and to add “and” before “religious and ethnic minorities”.
143. The Employer spokesperson considered that the paragraph should send a clear message to Myanmar that no one should be attacked, threatened or intimidated. However, the current text would allow such action for example with regard to a unionist who had not participated in protest activities. He therefore reiterated his group’s earlier proposal, supported by several delegations, to delete the words “in relation to peaceful participation in protest activities”.
144. The Government members of Canada, the United Kingdom and Germany, speaking on behalf of the EU and its Member States, agreed with the Employer spokesperson.
145. The Government member Germany, speaking on behalf of the EU Member States, proposed a subamendment to add “including” before “in relation to peaceful participation in protest activities”.
146. The Worker Vice-Chairperson proposed a subamendment to replace the terms “in relation to peaceful participation in protest activities” with “in relation to their actions in support of the return to democracy”.
147. The Employer spokesperson did not support the subamendment proposed by the Workers.
148. The Government members of the United States and Japan supported the subamendment proposed by the EU Member States.
149. The Worker Vice-Chairperson requested that the Committee clarified to whom the call was addressed in the chapeau of paragraph 1 and sought clarification from the Legal Adviser.
150. The Legal Adviser, recalling his earlier intervention concerning terminology for addressing the current Myanmar regime, stated that recent UN documents referred to “Myanmar armed forces” but other expressions such as “de facto authorities” and “military authorities in power” were used in other documents. In the resolution under discussion, all references in the text to “Myanmar” should remain because they referred to the Member State. The only exception was the opening words of paragraph 1 where the Committee, if it so wished, could be more specific and call upon “the Myanmar armed forces”, or “the Myanmar de facto authorities” or “the military authorities currently in power in Myanmar”.
151. The Worker Vice-Chairperson proposed calling upon the “military authorities in power” in paragraph 1 which would allow accepting the proposal made by the EU Member States to add “including” in paragraph 1(b).

152. The Employer spokesperson stated that it was necessary to correctly address the legal entity that was the current interlocutor, either through the proper name of the Member State or by making use of a suitable qualifier.
153. The Government member of Canada expressed the need to maintain coherence with the language that had been used in the UN system and requested the assistance of the Legal Adviser in procuring that formulation.
154. The Legal Adviser reiterated that the most recent UN documents had been referring to the Myanmar armed forces.
155. The Government member of the United States expressed her preference to refer solely to “Myanmar” as this was the ILO Member State. The resolution would be directed to the Member State to fulfil its obligations vis-à-vis the Organization.
156. The Government member of Germany, speaking on behalf of the EU and its Member States, supported the view of the United States.
157. The Worker Vice-Chairperson stated that she would prefer to refer to “Myanmar armed forces” in paragraph 1(b) which was the formulation that was used in the UN system.
158. The Legal Adviser highlighted that the expression “by the military” was used in the preamble of the resolution.
159. The Employer spokesperson stressed that the resolution should address the Member State, as its obligations towards the ILO remained constant regardless of its legitimacy or repute.
160. The Worker Vice-Chairperson indicated the Worker’s group’s view that the words “by the military” should be added in paragraph 1(b) after “threats and intimidation”, considering the Legal Adviser’s clarification that the expression “by the military” was already included in the preamble of the resolution.
161. The Government member of Canada concurred with the views of the Workers’ group to include the expression “by the military” in paragraph 1(b).
162. The Employer spokesperson expressed that the inclusion of the words “by the military” was limitative as other actors, such as the police or other security forces, could also be the perpetrators of attacks, intimidation and threats.
163. The Government member of the United States although indicating her agreement with the views expressed by the Employer spokesperson, considered that the formulation “by the military” was acceptable in order to reach a consensus.
164. The Government member of Germany, speaking on behalf of the EU and its Member States, supported the addition of the words “by the military”.
165. The Worker Vice-Chairperson clarified that the word “military” referred to everything that was controlled by the military in a military regime, such as, the security forces and the police. She also recalled that the reference to the military was included in the preamble.
166. The Committee adopted the subamendment to add reference to the “military”.
167. The Worker Vice-Chairperson stated that she could accept the deletion of everything after the word “population” only to the extent that it would be included in a new paragraph.
168. The Government members of Canada and the United States and the Worker Vice-Chairperson did not support the proposed splitting of the paragraph.

- 169.** The Employer spokesperson explained that the initial purpose of splitting the paragraphs was to strengthen the call to release from detention. Since, in light of the discussion that had taken place, this part of the amendment appeared now to distract from this call, he supported retaining only one paragraph. The word “drop” should be replaced with the word “withdraw” which was more formal and accurate.
- 170.** The Worker Vice-Chairperson and the Government member of Japan supported the amendment of the EU Member States.
- 171.** The amendment by the EU Member States was adopted.
- 172.** The Government member of the United States explained that the purpose of their amendment was to encompass all the members of the general population, including those who were not trade unionists, and who were being charged in relation to their peaceful participation in protest activities.
- 173.** The Government member of Australia proposed a subamendment to insert the words “all those arbitrarily detained,” after the words “charges against”.
- 174.** The Government member of Germany, speaking on behalf of the EU and its Member States, expressed flexibility on this amendment and said she could understand the reason behind it.
- 175.** The Government member of Canada supported including “all those arbitrarily detained” to reduce redundancies in the text, depending on the adoption of the amendment of the Employers’ group.
- 176.** The Worker Vice-Chairperson supported the inclusion of “all those arbitrarily detained.” after the words “charges against” and proposed to delete the rest of the sentence.
- 177.** The Employer spokesperson and the Government member of the United States supported stopping the paragraph after “detained” as it would make for a stronger sentence.
- 178.** The Worker Vice-Chairperson and the Employer spokesperson did not support the amendment proposed by Bangladesh and Turkey to refer to all religious and ethnic minorities such as the Rohingya since a similar reference had already been made in the preamble, and its inclusion in this paragraph could detract from the call made therein.
- 179.** The Government member of Turkey indicated that the purpose of the amendment was to express strong concern about the situation of Rohingya in Myanmar. Its specificity had been highlighted by the UN, which had characterized the Rohingya as one of the most persecuted minorities in the world.
- 180.** The Government member of the United Kingdom and the Government member of Germany, speaking on behalf of the EU and its Member States, supported the amendment by Bangladesh and Turkey.
- 181.** The Government member of Bangladesh highlighted that the Rohingya had been deprived of their fundamental rights for decades and continued to be victims of violence. It was thus important to reiterate a specific reference in the operative part of the resolution.
- 182.** The Government member of the United States indicated that, although she had supported the introduction of a reference to the Rohingya minority in the preamble, it might not be appropriate to do the same in this operative paragraph. While there had been a long-standing persecution, it was not clear whether it had specifically increased following the coup. In addition, as indicated in the report of the Director-General of

1 June 2021, violence had increased against a number of religious or ethnic minorities since the military coup. She accordingly proposed to accept the amendment subamended by deleting the words “such as the Rohingyas.”

183. The Employer spokesperson noted that there appeared to be a consensus to approve the amendment by Bangladesh and Turkey. In light of the clarification of the importance to have this reference in the operative part of the resolution, he supported the amendment.
184. The amendment by Bangladesh and Turkey was adopted.
185. The consolidated text also including the amendments by the Employer members and by Canada and the United States as subamended was adopted.
186. The Committee adopted paragraph 1(b) as amended.

#### **New subparagraph after paragraph 1(b)**

187. The Committee had before it an amendment by the Employers' group to insert a new subparagraph after paragraph 1(b) to read: “(c) immediately and unconditionally release from all forms of detention and withdraw any charges against all persons, including trade unionists, who have peacefully participated in protest activities;”
188. The Employer spokesperson withdrew the amendment, which had become without object in the light of the preceding discussion of the Committee.
189. The Committee had also before it an amendment submitted by the EU Member States to insert a new subparagraph after paragraph 1(b) to read: “End the violation of human rights, including labour rights, and in particular to abolish any form of discrimination, elimination of child and forced labour and ensure the restoration of fundamental labour rights;”.
190. The Worker Vice-Chairperson highlighted that, although she supported the intention of the amendment, it would need to be made more precise. She proposed that the issues of freedom of association, collective bargaining, non-discrimination and forced labour be explicitly included.
191. The Employer spokesperson proposed a subamendment to replace the phrase “labour rights, and in particular to abolish any form of discrimination, elimination of child and forced labour and ensure the restoration of fundamental labour rights,” with the words “the fundamental principles and rights at work, as set out in the 1998 Declaration”. This addressed the Worker Vice-Chairperson's concerns, as the Declaration was an internationally validated approach that included child labour, anti-discrimination, forced labour and collective bargaining and association rights.
192. The Government member of the United States supported the proposal of the Employer spokesperson and proposed a further subamendment to state “end the violation of human rights and ensure the restoration of fundamental principles and rights at work” without the reference to the 1998 Declaration.
193. The Government member of Germany, speaking on behalf of the EU and its Member States, supported the further subamendment proposed by the Government member of the United States.
194. The Worker spokesperson clarified that the Worker members would still prefer to include a reference to freedom of association and the right to collective bargaining, as this was consistent with the Director-General's statement on Myanmar.

- 195.** The Employer spokesperson stated that all four areas included in the fundamental principles and rights at work needed to be restored in Myanmar, and, as such, none of the principles should be ordered or singled out. He also highlighted that a reference to freedom of association was already included in the following paragraph of the resolution.
- 196.** The Worker spokesperson proposed a subamendment to replace the formulation proposed by the Government member of the United States with “end the violation of human rights, including any form of discrimination, child and forced labour and ensure the restoration of freedom of association and collective bargaining”.
- 197.** The Employer spokesperson did not support the subamendment, reiterating his preference to present the rights under discussion in the accepted form and presentation established in the principles and rights at work.
- 198.** The Government member of Germany, speaking on behalf of the EU and its Member States, concurred with the Employer spokesperson and expressed her preference for the shorter text.
- 199.** The Worker spokesperson indicated that, in the interest of time, he accepted the views of the Employers’ group and the EU Member States.
- 200.** The amendment was adopted as subamended.

#### Paragraph 1(c)

- 201.** Paragraph 1(c) was adopted without amendment.

#### Paragraph 1(d)

- 202.** The Committee had before it an amendment submitted by the Employers’ group to insert the words “issued or additional measures imposed following the removal of the civilian Government” after “orders”, and to add the phrase “and measures restricting freedom of workers, employers and their respective organizations to undertake their activities freely and without threat of intimidation or harm” after “peaceful assembly”.
- 203.** The Worker spokesperson supported the amendment.
- 204.** The amendment was adopted.
- 205.** The Committee adopted paragraph 1(d) as amended.

#### New subparagraph after paragraph 1(d)

- 206.** The Committee had before it an amendment submitted by the EU Member States to insert a new paragraph after paragraph 1(d) to read: “Ensure the safe and unimpeded humanitarian access to all people in need;”
- 207.** The Employer spokesperson supported the amendment. He proposed a subamendment to delete the word “the” before “safe and unimpeded” as this would make the sentence clearer.
- 208.** The Worker spokesperson supported the subamendment proposed by the Employer spokesperson.
- 209.** The Government member of Germany, speaking on behalf of the EU Member States, supported the subamendment.

210. The Government member of Bangladesh proposed a further subamendment to add the words “including the Rohingya” after “all people in need” as this would emphasize the particular situation of the Rohingya.
211. The Employer spokesperson stated that, although he did not object to the further subamendment, mentioning a particular group detracted from the powerful message conveyed by the general words “all people in need”.
212. The Worker spokesperson concurred with the Employer spokesperson and considered that appropriate references to the Rohingya already existed elsewhere in the resolution.
213. The Government members of Germany, speaking on behalf of the EU Member States, and of Canada did not support the further subamendment, expressing agreement with the statements of the Employer and Worker spokespersons.
214. The Government member of Bangladesh indicated that no strong objections had been raised to the further subamendment and requested that it be adopted.
215. The Employer spokesperson and the Worker spokesperson clarified that in light of the discussion, they could not accept the subamendment proposed by the Government member of Bangladesh.
216. The further subamendment was not adopted.
217. The Committee adopted the amendment as subamended.
218. The Committee adopted paragraph 1 as amended.

## Paragraph 2

219. The Committee had before it an amendment submitted by the Employers’ group to replace the text of paragraph 2 with the following: “Encourages all ILO Member States to support the restoration of democracy in Myanmar through the United Nations, other multilateral bodies, regional groupings and dialogues, and bilateral engagement, as appropriate and in accordance with international law, and encourages employers’ and workers’ organizations to support these efforts.” The Committee also had before it an amendment submitted by the EU Member States to insert “cessation of all acts of violence, respect for the rule of law and” after “take all possible measures and actions to press for the” and to replace “democracy” with “democratic path”. The amendment submitted by the Employer members was discussed first.
220. The Employer spokesperson proposed a subamendment to modify the text to read: “Encourages Member States to support the restoration of democracy in Myanmar through the United Nations, other multilateral bodies, regional groupings and dialogues, and bilateral engagement, as appropriate, and recognizes the importance of employers’ and workers’ organizations peaceful actions and efforts to support the prompt restoration of democratic order and civilian rule in Myanmar.”
221. The Worker spokesperson considered it important to highlight that both employers and workers had a role to play in Myanmar’s return to democratic rule as soon as possible. He asked whether “support” could be replaced by “promote” or some other alternative word.
222. The Government member of Canada asked whether “recognizes” could be replaced by a more action-oriented verb, such as “encourages”.
223. The Government member of Germany, speaking on behalf of the EU and its Member States, indicated that the Governments she represented had preferred the original

wording which referred to all three constituents. She agreed with the Government member of Canada that a more action-oriented word would be suitable to replace “recognizes”. She suggested adding “and to continue the transition to democracy” after “restoration of democratic order and civilian rule in Myanmar,” to align the text with the wording of the preamble.

- 224.** The Worker Vice-Chairperson sought to understand whether there was support for “encourages” in the proposed amendment, as she had heard support for the original wording as being stronger, and which included the word “recommends”. She also wondered whether the employer members had strong views about the order in which the workers’ and employers’ organizations appeared in the text, as it seemed appropriate that workers’ organizations be mentioned first.
- 225.** The Government member of the United States agreed that some of the strength had been lost with the reframing as the initial text referred to all three constituents. She supported the proposal to replace “recognizes” by a more active verb such as “encourages” or “calls upon.” She also supported the proposal to replace “encourages” by “recommends” in the beginning of the paragraph.
- 226.** The Government member of Japan considered that the wording suggested by the social partners provided a good basis for the discussion and that his Government was flexible as to the formulation.
- 227.** The Employer spokesperson supported replacing “encourages” by “recommends”, and also mentioning the workers’ organizations before the employers’ organizations in the light of their role in advancing the restoration of the democratic order in Myanmar. He also concurred with replacing the verb “support” with “promote.” As regards the proposal to “call upon” on workers’ and employers’ organizations, he considered it inappropriate because of their independence from any other organizations or from Member States. Recognizing the importance of these organizations in restoring the democratic order and civilian rule in Myanmar was in itself an important statement and served as a call for taking action.
- 228.** The Worker Vice-Chairperson voiced support for replacing “encourages” by “recommends” and suggested adding “including” before “through the United Nations.” She suggested replacing “recognizes” by “recognizing” before “the important role of workers’ and employers’ organizations.”
- 229.** The Government member of Canada considered that “recognizes the importance” was limiting and suggested that “encourages” was more action-oriented.
- 230.** The Worker Vice-Chairperson noted that the verb “encourages” would not be received appropriately by the workers’ organizations as they had already been taking action. The recognition of their important role was therefore a better solution.
- 231.** The Government member of Germany, speaking on behalf of the EU Member States, supported the idea of speaking to all three constituents in the same manner. She proposed a further subamendment to replace “calls upon workers’ and employers’ organizations” with “recommends to workers’ and employers’ organizations.”
- 232.** The Worker Vice-Chairperson indicated her preference for the wording that she had proposed.
- 233.** The Government member of the United States was in agreement with recognizing the important role of workers’ and employers’ organizations, but suggested adding more action-oriented wording, such as “we welcome the peaceful actions and efforts of

workers' and employers' organizations to support the prompt restoration of democratic order and civilian rule in Myanmar,".

234. The Employer spokesperson supported replacing "encourages" by "recommends" at the beginning of the paragraph. He suggested deleting "to" before "all Member States" and supported the proposal to insert "including" before "through the United Nations." He expressed the view that "recognizes the important role of workers' and employers' organizations in advancing the prompt restoration of democratic order and civilian rule in Myanmar" was the most appropriate wording.
235. The Worker Vice-Chairperson considered it important to keep "to" after "recommends" in the beginning of the paragraph. She also emphasized that "recognizing the important role of workers' and employers' organizations" would be a more powerful formulation.
236. The Government member of the United States suggested a further subamendment to replace "recommends all ILO Member States to support" with "recommends that all ILO Member States support" and reiterated her earlier suggestion to welcome the peaceful efforts and actions of employers' and workers' organizations.
237. The Worker Vice-Chairperson considered that no other words beyond recognizing the important role of workers' and employers' organizations, including through peaceful efforts and actions, were needed. The preamble already contained a clear message to the constituents.
238. The Government member of Germany, speaking on behalf of the EU and its Member States, considered that adding "including" before "peaceful efforts and actions" could be understood as meaning that there could also be non-peaceful efforts and actions. Therefore, welcoming peaceful actions was a better wording.
239. The Employer spokesperson considered that "recognizes the important role of workers' and employers' organizations" would be a better wording. For the reasons already explained, he was not favourable to including "and welcomes" as it would not be compatible with the independent status of workers' and employers' organizations.
240. The Worker Vice-Chairperson asked the Legal Adviser to clarify whether the term "Member States" referred to all three constituents. She reiterated her preference for "recognizing" and was not in favour of inserting "and welcomes their peaceful efforts and actions". There was already reference to peaceful actions and efforts in several places in the draft resolution.
241. The Legal Adviser explained that the term "Member States" could have different meanings depending on the context and here it appeared to refer to government action and policies, especially because after the comma, there was specific reference to social partners.
242. The Worker Vice-Chairperson clarified that "recognizing" meant that, while Member States were encouraged to take action, others also had an important role.
243. The Employer spokesperson considered that the difference between "recognizes" and "recognizing" was not that considerable and that he could support "recognizing" in the interest of moving on.
244. The amendment submitted by the Employers' group was adopted as amended. Consequently, the amendment submitted by the EU Member States fell.
245. The Committee adopted paragraph 2 as amended.

### Paragraph 3

- 246.** The Committee had before it an amendment submitted by the Employer members to replace the term “decides” with “requests” and to delete the words “will” and “”, including in relation to the 110th Session of the International Labour Conference”.
- 247.** The Employer spokesperson clarified that the amendment had been proposed following consultation with the Legal Adviser as to which of the terms “decide”, “request” or “invite” would be appropriate in this context. It would not seem suitable that the Conference would in the resolution already refer to the 110th Session of the Conference since it was for the Governing Body to consider the agenda of the future sessions of the Conference in the light of the information it had available and it had in March 2021 requested further reports relating to Myanmar.
- 248.** The Worker Vice-Chairperson considered that the current reporting on Myanmar was not sufficient and proposed a subamendment to replace the text deleted by the Employers’ amendment, or the whole paragraph, with the following: “invites the Governing Body to keep the implementation of this resolution under review and requests the Director-General to submit every year for consideration by the Conference a special report on the situation of workers’ rights in Myanmar.”
- 249.** The Employer spokesperson, while not opposed to keeping the situation under review, could not agree with the Worker members’ subamendment, which seemed to accord the situation in Myanmar the same status as that of the occupied Arab territories. This would need further consultations with his group, possible research into the origins of the annual special report and a substantive Conference discussion.
- 250.** The Worker Vice-Chairperson recalled that the annual report on the situation of workers of the occupied Arab territories to the Conference was based on a Conference resolution. Such additional reporting for Myanmar would signal the Organization’s commitment to improving the situation and increase pressure on the country.
- 251.** The Legal Adviser confirmed that the term “invite” was the most appropriate when the Conference addressed the Governing Body, which in turn, could instruct the Director-General to take particular action. He recalled that a similar request for an annual report of the Director-General to the Conference had been made in the late 1960’s with regard to the situation in South Africa. Furthermore, all decisions of the Conference took the form of a resolution, regardless how they were called. In this case, the decision might invite the Governing Body, first, to keep the implementation of the resolution under review, and second, to request the Director-General for further action.
- 252.** The Government member of Canada inquired whether a decision on the Workers’ proposal could be taken later, perhaps by the Governing Body, to allow time for consultations.
- 253.** The Worker Vice-Chairperson suggested, to allow the Governing Body to take a decision on this matter, to subamend the text to provide: “invites the Governing Body to keep the implementation of this resolution under review and to consider requesting the Director-General to submit a report every year”.
- 254.** The Government member of Germany, speaking on behalf of the EU Member States, found the latest proposal by the Worker Vice-Chairperson helpful but could not take a position before consulting her group.
- 255.** The Government member of Japan considered that the original language might provide the best solution.

- 256.** The Worker Vice-Chairperson withdrew the further subamendment and supported replacing in the original language the term “decides” with “requests” and proposed replacing “be followed up” with “be kept under review”.
- 257.** The Employer spokesperson preferred the more flexible expression “follow up” and could not therefore support the Workers’ subamendment, which unduly limited the Governing Body’s action.
- 258.** The Worker Vice-Chairperson withdrew the subamendment.
- 259.** The Employer spokesperson proposed a subamendment to delete “, including in relation to the 110th Session of the International Labour Conference” noting that the original language referred to follow-up by the Governing Body for “any further consideration it may have” which could provide a basis for further decisions.
- 260.** The Employers’ subamendment was not adopted.
- 261.** The amendment submitted by the Employers’ group was adopted as subamended.
- 262.** The Committee adopted paragraph 3 as amended.

### Adoption of the draft resolution

- 263.** The Committee had before it a revised version of the draft resolution, which incorporated the amendments approved at the previous sittings of the Committee.
- 264.** The Government member of the Russian Federation recalled the assessment of the situation in Myanmar made by his delegation in a previous sitting. He deeply regretted that the Officers of the Committee had ignored the concerns that the Russian Federation and other delegations had voiced vis-a-vis the draft resolution. It had a politicized nature and, in many of its components, went beyond the mandate of the ILO which was to facilitate the promotion of the social agenda. The high number of similarities between the text of the draft resolution and the resolution already adopted by the United Nations Human Rights Council showed that there was an overlapping of mandate.
- 265.** The Government member of China considered that it would be in the interest of all parties to promote the de-escalation of the situation in Myanmar. To that end, the tripartite constituents of the ILO and the Conference should respect the sovereignty of its Member States. They should assist parties in Myanmar with engaging in dialogue and reconciliation, and help protect workers and employers and create favourable conditions for labour rights. China supported the UN and ASEAN and other relevant parties to increase their diplomatic mediation efforts. The ILO, as a specialized agency of the United Nations in the field of labour, should carry out its work within its mandate and thus focus on helping Member States to promote the labour rights of their workers.
- 266.** The Committee adopted the resolution, as amended, by parts before adopting it as a whole.

### Closing remarks

- 267.** The Employer spokesperson thanked the members of the Committee for their work and referred to the strong statement that was contained in the resolution.
- 268.** The Worker Vice-Chairperson thanked everybody who had been actively involved in discussing the draft resolution and strengthening it for their commitment and support, in particular the Employers’ group as well as the Governments which contributed to the

discussions. The Committee had agreed on delivering a strong statement, and hoped that actions would follow this important message.