



Sixteenth sitting

Friday, 13 June 2008, 10.20 a.m.

President: Mr Salamín

REPORTS OF THE CHAIRPERSON OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION (CONCL.)

Original Spanish: The PRESIDENT

I call to order the 16th sitting of the 97th Session of the International Labour Conference. We are resuming our discussion of the Reports of the Chairperson of the Governing Body and of the Director-General. Today we are going to hear four speakers and I am very happy to give the floor, first of all, to Mr Bertrand, Minister for Labour, Social Relations, Family and Solidarity of France, and at the same time I would like to ask Mr Petriashvili, a Workers' delegate from Georgia, to be ready to take the floor.

Original French: Mr BERTRAND (Minister for Labour, Social Relations, Family and Solidarity, France)

A fair globalization. That is the theme of this 97th International Labour Conference, which I am attending for the second time here in Geneva.

I recall last year's Conference, chaired by someone to whom I would like to pay homage, Marc Blondel, whose term of office has ended and who chaired last year's Conference, at which I took the floor.

Globalization is a considerable source of wealth. It is a promise of progress and a chance for the planet. It offers an immense potential but we must ensure that everyone benefits from it.

Being attentive to the well-being of all means responding to the social challenges of globalization. There are many such challenges and they affect the workers of most industrialized countries as well as those in developing countries.

All over the world, there are workers who, along with their families, are suffering the upheavals of change linked to globalization. Everywhere, there are heads of companies who are faced with fiercer international competition, but everywhere, there are also heads of companies and employees who are seizing new opportunities linked to the opening up of new markets, and everywhere there are political, industrial and trade union leaders who must guide their country towards change.

To all those – the workers, enterprises and political leaders – the ILO must show that there is a way of finding a balance within the field of globalization, between economic needs and social needs and realities.

It is precisely this which is shown, I think, by the Declaration on Social Justice for a Fair Globaliza-

tion, which has been adopted here at this Conference.

This Declaration recalls the need to put life into the social dimension of globalization, but it also goes beyond this, by opening up the way to the reform of the governance of the ILO. This reform is necessary to strengthen the capacity of action of the ILO in the world and to effectively promote decent work throughout the planet.

Since the very outset, France has been committed to this project, because it is crucial for the future of the ILO, within the UN system. It will continue to support the efforts of the Conference, the Governing Body and the Director-General so that the ILO can be modernized and so that its resources can be better deployed and so that the consistency of its action can be reinforced.

The Declaration adopted during the Conference is a sign that this will to move forward finds a consensus within the ILO. We needed a clear and strong political message. It is thanks to tripartism that we have launched this Declaration and, like you, I am happy about that. I would also like to welcome and refer to the other work carried out during this Conference.

First of all, the Director-General's Report on freedom of association and effective recognition of the right to collective bargaining. Secondly, the general strategic discussion on rural employment. We know that the vitality of rural areas is a key factor for the balance of our societies, and we know that food supplies may be threatened if there are continuing imbalances. Finally, I would like to welcome the discussion you had on skills development. The acquisition, maintenance and transfer of skills are clearly a pillar of employment policies. It is the role of governments and social partners to create conditions so that we can promote lifelong learning, and so that all the stakeholders in economic life can adapt together to change.

The projects which stem from this Conference are a sign of the vitality of tripartism and the will of the ILO to adapt to its environment. I really hope that the reforms in the future will mean that the social voice of globalization can be heard loud and clear in the international arena.

I am convinced that Juan Somavia has all the qualities required to move this forward and France gives its support to his candidacy for a new term of office as Director-General of the ILO.

For my part, I will do all I can to make this clear within the context of the French presidency of the EU, which begins next 1 July. This presidency will

be an opportunity to launch work on the renovation of the European Social Agenda, that is to define the social ambition we want to give Europe in the years to come.

I am convinced that Europeans must defend the social values that bring them together – social dialogue, the quality of social protection, mobility, social cohesion and the fight against poverty – at both the national and international levels. I am sure that, by promoting these values, Europeans will also be promoting those of the ILO, namely decent work.

Original Russian: Mr PETRIASHVILI (Worker, Georgia)

It is hard to sum up the economic and social situation in Georgia. There are various factors leading to the problems we face. Despite the fact that the country's budget is almost ten times bigger than it was in 2003, the two-figure GDP growth rates, the work done to create and develop our infrastructure and attract more direct foreign investment, we are still suffering acutely from the same problems we faced in previous years – unemployment, underemployment, a fall in real incomes, an underdeveloped labour market, the collapse of standards at work, low productivity, a worsening of the health status of the working population. This is only a tiny fraction of the many unsolved problems that are seriously impeding Georgia's economic development and increasing the risks people face within our society.

We welcome the efforts of the Government of Georgia, which is trying to attract more investment into the country and, as a result of these efforts, we have seen a fivefold increase in direct foreign investment, compared with the figures for 2003. It is now US\$1.7 billion in 2007, while back in 2003, it was only \$340 million. Over that same period, the average wage in the country has multiplied by 2.5, although, at first sight, when you look at the economic growth figures on paper, you can easily get the wrong idea if you do not take into account things like the GINI coefficient.

It is the same situation with unemployment. In 2003 officially this was 11.5 per cent, in 2005 officially 13.8 per cent, although independent experts say that the figure is actually more like 23 per cent. The extent of the informal economy is still very large, between 50 and 60 per cent, again according to independent experts.

The irrational and unsystematic approach taken by the Government is impeding the development of local industry. Our negative trade balance has reached critical proportions. We import four times more than we export. In 2008 our foreign trade turnover was 2.5 billion, but almost 2 billion of that is imports.

Another thing which is hampering our economic development is the undeveloped labour market. In 2006, the Government started deregulating labour, which was a severe blow to the working population because it affected the legal status of the employee and it made the labour market even more unstable and inefficient than it was.

Unprecedented new limitations on the union rights of workers and the spreading habit of ignoring the significance of collective bargaining and negotiations at the legislative level have led to lamentable results.

Those who have a job are in a difficult situation. But those who do not have a job and no social welfare, are turning to extreme forms of protest. There have been hunger strikes, labour strikes, and there

are constitutional and internationally recognized laws which are being ignored, and hundreds of workers have been unfairly dismissed, including workers from the port of Poti, the textile industry and other enterprises.

There is more and more of this. The law passed in 2006, according to experts from the ILO and the European Commission, is a clear violation of the most basic standards set in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the European Social Charter.

In Georgia they are allowed to sack people as they please. This year it should be noted that the Government has done nothing radical to achieve social dialogue. We do not really have any social dialogue at all in Georgia. The Trade Union Confederation of Georgia is being carefully optimistic about the fact that consultations are under way on various individual issues, and we have seen a few steps in the right direction, but, if we have achieved anything, it is only thanks to the support of the ILO.

The authority of this Organization, and the hard work done by its staff to improve the situation in our country, are contributing to pushing the Georgian Government to establish social dialogue, and to turn its back on the half measures which it has always taken in the past.

Original French: Ms LUKIANA MUFWANKOLO (Minister of Employment, Labour and Social Welfare, Democratic Republic of the Congo)

On behalf of the strong tripartite delegation of the Democratic Republic of Congo (DRC), which includes two ministers this year, that is the Minister of the Civil Service and the Minister of Employment, Labour and Social Welfare, I am honoured to speak to this august assembly and transmit the warmest greetings of the Congolese people to all the participants at the 97th Session of the International Labour Conference.

We should like to congratulate Mr Juan Somavia, Director-General of the ILO for his excellent Report, and especially for the high-level technical assistance given to the work of the First National Employment Forum, from which DRC benefited.

We support the candidacy of Mr Juan Somavia to ensure the continued dynamic of the work of the ILO.

A year ago, we brought you a message from a politically new Congo, because we had just held our first democratic and free elections, thereby bringing legitimacy to our institutions, consolidating peace, and securing job-creating investments.

Today we have come to speak to you of a Congo which is taking off economically and socially. We speak of the implementation of the five priority areas selected by the Head of State, President Kabila, after he had been elected by universal suffrage. This process is under way, thanks to the support of the bilateral and multilateral partners, including the ILO. We have signed cooperation agreements with friendly countries, aimed at rehabilitating infrastructures which will create thousands of paying and decent jobs.

The five priority areas, which form the basis of the five-year plan, include: employment, infrastructures, energy, education and health. In choosing employment as one of the five strategic priorities for sustainable development, the DRC has demon-

strated its strong political will. The DRC is therefore opting for growth with a human dimension, in its quest for fair development.

To achieve this strategic option, the Government organized the National Employment Forum – the first of its kind since independence. The Forum's success was largely due to the support of the ILO and its follow-up at all levels. This work has been vital in developing vital tools for structuring the employment sector.

We would point out the following successes. We held the third session of the National Labour Council, a tripartite social dialogue body, we awaited for five years, in application of provision under the Labour Code. We readjusted the statutory minimum wage, tripling its value in terms of social benefits. We approved seven national programmes drawn up at the Forum, which are aimed at promoting decent work in the DRC. Furthermore, we have involved 22 ministers in a horizontal governance approach to promote decent work. We have also institutionalized a mechanism for quantifying, on a quarterly basis, the jobs available. This is an important social and economic approach. We have established a standing body for social dialogue presided over by the President himself, formulated a plan for the appointment of young people and set up a programme for eradicating the worst forms of child labour, particularly in the mining areas. Further initiatives have been taken to reform social security and labour inspectorates and tribunals.

With a view to harnessing all of these efforts, we are now planning to establish an urgent plan to promote decent work, a sort of Marshall Plan, which will develop jobs, promote vocational training, extend social protection, and also promote the appropriate mobilization and use of resources.

As you will have seen, the DRC attributes great importance to a framework for development which will ensure decent jobs for the largest number of people. This is why we support the global vision of the Director-General as regards the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), promotion of decent work in the rural areas, migrant workers and the strengthening of the ILO's capacities to attain the goals of us all.

Given our difficulties – but despite these difficulties – the DRC will do everything to apply the international labour Conventions which are enshrined in our national legislation. We shall also fulfil and honour our commitments on an annual basis to the ILO and to CRADAT. We shall also make every effort, together with the social partners to mark the 90th anniversary of the ILO in 2009, an event which symbolizes this Organization's combat to rehabilitate human dignity.

To conclude, the Democratic Republic of Congo thanks the ILO for its unceasing cooperation in all areas of its competence to promote decent work.

Ms BURROW (*Worker, Australia*)

Congratulations to the delegates and the Director-General on a Conference that will be remembered as a landmark of the ILO. With a Report that clearly lays out the challenges for a just and increasingly globalized world and a new Declaration that frames a visionary and determined pathway to decent work, there is a confidence amongst us that the ILO will

have the capacity and the political will to pursue social justice and fair globalization.

The four strategic objectives – employment, social protection, social dialogue and tripartism, and fundamental principles and rights at work – are inseparable, interrelated and mutually supportive, with gender equity and non-discrimination underpinning their implementation. Decent work is, indeed, within the grasp of nations and corporations that tread this path.

Where exploitation or abuse is persistent or, indeed, where progress is being made, the hope of justice that the ILO carries has again been employed, with 25 cases being considered by the Committee on the Application of Standards. Sadly, too many of these cases require new determination to tackle fundamental rights and freedoms. Nations such as Burma, Zimbabwe and Colombia require us all to act.

The world is watching the senseless shooting of trade unionists in Colombia with increasing anger, watching the denial of democracy and state-sponsored violence against political and union leaders in Zimbabwe in a state of shock, and watching the persistent use of forced labour, not to mention the baseless inhumanity that causes a regime to deny aid and access to aid workers, indeed deny survival, to its own citizens in Burma, with disbelief and horror. The world indeed needs international governance that can give effect to the responsibility to protect.

To ensure human rights and labour rights, people must enjoy democracy. I can speak at first hand, as a union leader in a nation where we experienced 11 long years of a government-sponsored reduction of labour rights. This culminated in the last three years in laws that meant a deliberate shift in the employment relationship to individual contracts, a shift that gave employers all of the power to set wages and conditions as a condition of a very job itself; laws that saw the destruction of unfair dismissal rights and procedures; and laws that facilitated the denial of collective bargaining rights and the erosion of the minimum wage, the employment safety net of Australian awards and social security entitlements. The result was a systematic reduction of wages, working conditions and job security.

In addition, our brothers and sisters working in the construction industry were singled out for legislation that affords them fewer legal rights in dispute than those afforded to alleged criminals or terrorists in our midst.

Proudly I can say that Australian workers and their families fought back. They fought for dignity and respect at work, dignity and respect guaranteed by rights at work. We used the power of democracy, fought a three-year battle for the heart and soul of a decent Australia and threw out a Government dedicated to reducing labour rights and to reducing labour itself to a commodity.

Having enjoyed the stability of a unique industrial relations system for the past 100 years, we are now proudly working with the Rudd Labour Government to build a fair system for the next 100 years. Already we have witnessed the elimination of the right to use statutory individual contracts and have put back in place the machinery to renew and rebuild a safety net of a minimum wage and award standards on an industry-by-industry experience.

Sadly, the pressure of one sector of our business community caused the Government to commit to

the maintenance of the Building and Construction Industry Improvement Act. Those abuses in the construction industry will live with us until 2010, according to the current position. But this is too long for us to wait and we will continue to campaign for a speedier return to a secure future for both workers and employers in this sector.

As a nation, and indeed across all nations, we face many challenges with none more urgent than tackling climate change through dramatic reductions in carbon emissions. I congratulate the ILO, UNEP and the ITUC for their initiative to grow green jobs. We must all grow green jobs and this must be central to employment strategies as we design trading emission schemes. We must fund innovation and share technological developments with the developing world. No one individual, or one nation, can be an island in this quest. Employers and workers, working together, have a major role to play in this endeavour.

With fragile economies, political unrest and rising sea levels, the Pacific Island nations need support to develop an integrated approach to decent work. The ILO commitment to tripartite action is central to sustainable development here and, indeed, everywhere.

Finally, can I remind us all of the growing inequity that threatens political unrest, business sustainability and economic growth. The UNDP says that, of the 73 countries for which figures are available, 53 countries, comprising more than 80 per cent of the world's population, have recorded an increase in inequality over the last two decades. Indeed, the sub-prime crisis, at the heart of the world credit crunch, began because working families in the United States could not earn enough to pay their mortgages and the food riots are the result of prices that are too high for those in the developing nations.

The ILO holds the tools to help nations turn this around. A minimum wage, social security and collective bargaining – these industrial tools ensure more equal wealth distribution, secure family futures and promote economic growth.

I urge you to support the call to action for decent work and to use these tools to build a world where social justice walks hand in hand with prosperity.

ILO DECENT WORK RESEARCH PRIZE

Original Spanish: The PRESIDENT

We will now hold the ceremony for the announcement of the Decent Work Research Prize, which is being awarded this year for the second time since its creation. The Prize rewards important contributions to the knowledge of political instruments for promoting the prime objective of the ILO, decent work for all. It also rewards a life dedicated to knowledge of issues which are of fundamental importance for the ILO and its Members, in particular the Decent Work Agenda.

Accordingly I will now call on my colleague, Carlos Alfonso Tomada, Minister of Labour, Employment and Social Security of Argentina and representative of the jury, to tell us who has won the Prize.

Original Spanish: Mr TOMADA (Minister of Labour, Employment and Social Security, Argentina; representative of the jury)

I have been given the honour of announcing officially to you the winner of the ILO Decent Work

Research Prize for 2008. I am going to take this opportunity to offer some thanks and a few brief thoughts.

I would like to thank my colleagues on the jury – Ms Gemma Adaba, representative to the United Nations of the International Trade Unions Confederation; Professor Bina Agarwal, Professor of Economics at the Institute of Economic Growth at the University of Delhi, India; Professor Emeritus Eduard Gaugler, University of Mannheim, Germany; and Dr Anna Tibaijuka, Under-Secretary General and Executive Director, UN HABITAT. I am grateful for the joint work we have done and for allowing me to make this statement.

I also wish to express my gratitude to the International Labour Office and the International Institute for Labour Studies for the support they have given our jury. I thank the candidates for the prize and those who nominated them. In this case I am going to say a few words about this very interesting process to which we have committed ourselves, to ensure that the funds received by the ILO on the award of the Nobel Peace Prize should have a multiplier effect and set an example. The Governing Body decided that these funds should be used for a Decent Work Research Prize, a concept which has certainly gained ground since the Report of the Director-General submitted to the 87th Session of the International Labour Conference in 1999.

The preamble to the prize expresses the hope that it should provide an incentive to research into decent work or express recognition – as has happened on two occasions – to a life dedicated to supporting in theory and in practice the values of the ILO. Two years after the introduction of this valuable stimulus, which gives greater visibility to the Organization and the values that shape its activities, I would like to draw attention to the need for an increase in the number of candidates. It is the obligation of all constituents, and I assume this commitment personally, to promote the dissemination of this unique distinction, of this recognition.

In addition, the International Institute for Labour Studies, which was set up to strengthen the link between the ILO and the academic world, could participate more actively in the nomination process.

I would like to draw attention to an interesting fact. It is the second time that candidates of different types have been put forward and that the prize has been awarded to two outstanding personalities in different fields. On the one hand, a lifelong contribution and commitment to a public career and, on the other, specific research, both dedicated to decent work. In due course we should think about the nature of both those contributions. But for now I will delay no longer in performing my duties.

The jury of which I am a member has awarded the ILO Decent Work Research Prize for his lifelong work dedicated to decent work to Professor Joseph Stiglitz. Professor Stiglitz has demonstrated that the economic world must and can promote decent work and the fair and equitable distribution of wealth, as shown in the report of the World Commission on the Social Dimension of Globalization, of which he was an outstanding member.

By means of his concrete work in the World Bank and from a university chair, and through the works he has published to promote a fair balance between the economy and social rights, he has made it clear that development strategies must aim at simultane-

ously strengthening the private and public sectors, and creating enterprises and jobs.

The person chosen to share the prize with Professor Stiglitz is Professor Harry William Arthurs. By this decision we believe we are repaying a debt which the Organization had to Professor Arthurs. His piece of research, "Fairness at Work: Federal Labour Standards for the Twenty-first Century", makes a substantial contribution to our work that is not limited to the situation in Canada, but reaches out to the whole world.

Neither of these distinguished personalities can be present with us today, but we hope that we will have the pleasure of seeing them at the 303rd Session of the Governing Body to be held in November this year and that they will make distinguished statements to us.

Once again, I welcome the task that has been assigned to me and I hope that this virtuous synergy between the world of ideas and the activities of the ILO will serve the cause of human work with fairer rules and social dialogue that establishes new balances between the market, the State and society.

Original Spanish: The PRESIDENT

The congratulations of the presidency and of the Office of the Director-General go to the happy winners of this important and well-deserved prize.

REPORT OF THE COMMITTEE ON THE APPLICATION OF STANDARDS: SUBMISSION, DISCUSSION AND APPROVAL

Original Spanish: The PRESIDENT

We now move on to the presentation and adoption of the report of the Committee on the Application of Standards. The report is in three parts, which appear in *Provisional Record* No 19.

I invite the Officers of the Committee on the Application of Standards, Ms Rial, the Chairperson, Mr Potter, the Vice-Chairperson for the Employers, Mr Cortebecq, the Workers' Vice-Chairperson and Mr Nkhambule to come to the rostrum. I call on Mr Nkhambule, the Reporter of the Committee, to present the report.

Mr NKHAMBULE (Government, Swaziland; Reporter of the Committee on the Application of Standards)

It is indeed a pleasure for me to present the report of the Committee on the Application of Standards. As the Chairperson of the Committee is not with us today, I am also speaking on her behalf.

The Committee received information from 57 governments on the situation in their countries.

The Committee is an organ of the Conference, empowered under article 7 of its Standing Orders to examine the measures taken by States to implement the Conventions they have voluntarily ratified. It also examines reports submitted by States as part of their constitutional obligations. The tripartite structure of the Committee makes it a unique forum at the international level to observe social dialogue in action. It is important to recall that the operative mechanism of the Committee's work is oversight through discussion, which is the ILO's hallmark. The Committee works closely with, and to a large extent bases its work on, the report of the Committee of Experts on the Application of Conventions and Recommendations. The close collaboration between the two Committees is reflected in the customary invitation which is always accepted by the

Chairperson of the Committee of Experts to address this Committee.

The report is divided into three parts, corresponding to the principal questions dealt with by the Committee. The first part takes up the Committee's discussion on general questions relating to standards and to the General Survey of the Committee of Experts, this year on the Labour Clauses (Public Contracts) Convention, 1949 (No. 94). The second part takes up the discussion of 24 individual cases examined by the Committee and its conclusions. In addition, for the first time this year, there was a voluntary appearance before the Committee. The third part of the report concerns the special sitting to examine developments concerning the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29). Thus, in summary form, I will take up each of these questions in order to recall certain points from the discussions.

This year, the Committee continued with a number of changes in its working methods, as recommended by the tripartite group on working methods of the Conference Committee. The review of working methods is an ongoing process which will necessarily require further adjustment over time. The information session organized for the governments to explain the criteria used in selecting cases continues to bring increased transparency to the work of the Committee. The improvements in time management of the Committee was, again this year, very encouraging. States came forward to register and all cases were discussed in three days. However, the work of both this Committee and the Committee of Experts depends on receiving reports when they are due and, with a rate of approximately 34 per cent of reports received on time, this continues to create serious obstacles to the smooth functioning of the supervisory system.

The discussion of the General Survey on labour clauses in public procurement contracts brought to the fore the issue of the role of public entities in the application of labour standards. There is the temptation, obviously, to cut corners in terms of labour standards when awarding a contract to the lowest bidder. Under such circumstances, the State or public sector entity would be creating or even contributing to a decent work deficit. The discussion of the General Survey underscored the importance of this Convention and the continued need for its promotion.

Twenty-three individual cases were discussed before the Committee, as well as one voluntary appearance. There was one case of progress examined in the field of labour inspection – the bedrock for enforcing standards. This underscores the pedagogical role of the Committee in providing an international venue to commend States for progress achieved, and for all to learn about "best practices" and how this may be adapted to their own circumstances. This is an important feature of oversight through discussion.

The special sitting to examine developments concerning observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29), was held pursuant to the resolution adopted by the Conference in 2000.

Noting the report of the special sitting, the ILO Liaison Officer is currently working with others to ensure that the reconstruction effort following the devastating cyclone does not involve the use of forced labour in any of its forms. Two special para-

graphs, on Bangladesh and Zimbabwe both concerning freedom of association and protection of the right to organize (Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)), were included in the Committee's report. Special mention is made of the Government of Zimbabwe which, for the second time in consecutive years, was present at the Conference but failed to take part in the discussion concerning its individual case. As unfortunate as this situation is, it nevertheless highlights the vibrancy of the principle of tripartism. The discussion concerning the situation in Zimbabwe again went forward with the participation of Employer and Worker members and thus the Committee was informed of developments.

It has been a great pleasure again this year for me to present the report of the Committee on the Application of Standards, and I would like to thank most sincerely the Chairperson, Ms Noemí Rial, along with the Employer and Worker Vice-Chairpersons, Mr Edward Potter and Mr Luc Cortebeeck, respectively, for their competence, efficiency and spirit of cooperation, particularly with the Reporter for the Conference, which has enabled this Committee to carry out its work.

I would also like to thank all those whose efforts enabled the work of the Committee to move forward. In particular I want to thank the Director of Standards, Mrs Doumbia-Henry, and the team that she is working with at the International Labour Standards Department, the interpreters, the technicians and many others who have worked tirelessly behind the scenes unnoticed.

Therefore, I would like to humbly recommend that this Conference adopts the report of the Committee on the Application of Standards again this year.

Mr POTTER (*Employer, United States; Employer Vice-Chairperson of the Committee on the Application of Standards*)

On behalf of the Employers' group I commend to you the report of the Committee on the Application of Standards to this plenary today. You have it before you and it has been well described by the Reporter.

In my presentation this morning, on behalf of the Employers' group, you will hear described some problems and discordant notes from the Committee on the Application of Standards that we have had to deal with this year. But this discussion should not be misunderstood. In general terms, the functioning of the Committee has been improving each year as a result of the methods of work reform process which have made the Committee more transparent overall. Notwithstanding our differences, which are only natural, on the whole, working relations with the Workers' group and its exceptional Chairperson, Mr Luc Cortebeeck, are cordial, transparent, honest, collaborative and problem-solving focused. We do have one big problem that I will discuss later.

This year we began work under methods of work updated from those adopted last year. The revised working methods are a consensus document that reflects the views of governments from all regions, based on consultations during the past year. These improvements include the fact that: the Committee can discuss the substance of cases on the list where governments are registered and present at the Conference but fail to be present before this Committee; and second there are now explicit rules of decorum for the Committee.

There is one process improvement our Committee needs to address – the need for greater diversification of cases. As in the year since the end of the Cold War, about half of this year's cases address freedom of association. The Employers' group thinks that a substantially larger number of cases should address forced labour, child labour and discrimination. By placing primary emphasis on freedom of association we are missing over half the world's workers.

The exercise of freedom of association and collective bargaining is dependent on the maintenance of fundamental liberties, in particular, the right to freedom and security of the person, freedom of opinion and expression, freedom of assembly, the right to a fair trial by an independent and impartial tribunal and protection of private property. These are the root causes of forced labour, child labour and large-scale discrimination. The majority of these workers are women and young people and they are among the poorest in society. The informality they face often entails a total lack of legal protection. The gap in the application of labour standards in the informal economy is a reality, leading, in many cases, to lower wages, lower productivity, longer working hours, hazardous conditions and abuse of workers.

In this year's Report III(1A) of the Committee of Experts on the Application of Conventions and Recommendations, there are an exceptionally large number of detailed forced labour, child labour and discrimination observations that cry out for discussion. This is not to minimize freedom of association or the freedom, of association cases on the list, but to highlight that there are very serious problems affecting women and children, that freedom of association is not equipped to solve.

Ways to facilitate diversification include: setting an absolute maximum limit on the number of freedom of association cases and setting out a schedule to ensure that all categories of Conventions are discussed every four years; fixing the distribution of cases among the regions and are longer discussing cases for a period of time in circumstances when countries continue to show progress in implementation of their international obligation in law and practice.

In this plenary debate, some governments may continue to criticize current working methods. This will be surprising in view of the opportunity that every government has had to participate directly, or through their regional representatives, in the working methods reform process over the past three years. In particular, with respect to the criteria to be used to select the list of cases, the working group on working methods has consistently concluded during this three-year review of our working methods that there is no need to change the criteria. Moreover, the Governments concluded that it continued to be appropriate for the Workers and Employers to agree on the list of cases to be discussed. This year, no new cases were added that were not on the pre-list provided prior to the Conference.

During the general discussion, the Employers' group highlighted the high priority the International Organisation of Employers (IOE) and international business are placing on the eradication of forced labour in all its forms, as illustrated by the programme "Engaging Business: Addressing Forced Labour" that the IOE sponsored in February, in cooperation with the ILO. The reply of the Chairper-

son of the Committee of Experts to our question on the connection of overtime hours and forced labour was a reaffirmation that mandatory overtime does not constitute forced labour when the employee understands at the time of recruitment that there will be mandatory overtime to meet unexpected emergency and seasonal requirements, when such overtime is in line with national legislation and collective bargaining agreements and the wages do not constitute survival wages.

This year's General Survey on the Labour Clauses (Public Contracts) Convention, 1949 (No. 94), and its Recommendation, sparked an animated discussion in the Committee. The Employers' group's view is that most governments are determined that ratification of the Convention is not possible or desirable and that the Convention is outdated. As a consequence, promotional efforts will not change the low level of ratification of this Convention. In view of the high regard the Employers' group has, for the Committee of Experts, the Employers' group expresses its concern that the reply of the Chairperson of the Committee, with respect to the survey, appeared, in part, less than objective and fact based than it should have been or has been in the past.

Normally, when the Committee adopts the list of cases, the Employer' group does not comment on the cases at that stage, other than to state that we used the long-standing criteria for selection of cases found in our methods of work, that the selection criteria are not mathematical and that the selection of cases is made from the hundreds of observations made in the report of the Committee of Experts. This year we took the seven double-footnoted cases designated by the Committee of Experts.

Politics is not and should not be one of the criteria. At the same time, the Committee is not a Geneva mailbox. Implementation is best achieved locally and voluntarily. Even in serious cases, if steady, real and meaningful progress is being made locally to comply with ratified Conventions, then discussion of a case is not necessarily in our Committee every year. Tripartite solutions locally, or here in Geneva, are one means of taking concrete steps to implement ratified Conventions.

Regrettably, on behalf of the Employers' group, I repeat and reaffirm our strong condemnation made in the Committee with respect to the Workers' group's opposition to the case of the Bolivarian Republic of Venezuela under Convention No. 87, after we adopted the list of cases.

The day that the Workers' group does not treat with equal importance the freedom of association rights of employers' organizations as the same as their own is the day of their shame in the ILO.

During the Cold War, the Workers opposed a double standard for a certain group of countries, which the Employers supported. Today, the Workers' group creates their own special double standard for a single country. Every one of the 23 cases on the list of cases this year is a Worker case. The only case requested by the Employers' group is the well-known case of the Bolivarian Republic of Venezuela where, for 15 years, the freedom of association rights of the Federation of Chambers of Commerce and Manufacturers' Associations (FEDECAMARAS) have not been recognized. For the Employers' group there is no more important case. Normally, when cases are discussed, there is progress. The case of the Bolivarian Republic of Venezuela, in relation to Convention No. 87, repre-

sents deteriorating conditions. This case involves government interference in the internal affairs of FEDECAMARAS, including the arrest and exile of its former President, Carlos Fernandez. This case involves the destruction of FEDECAMARAS headquarters. This case involves violations of fundamental civil liberties. This case involves confiscation of enterprise leader and employer private property. This case involves the failure to consult with FEDECAMARAS on over 450 decrees. This case involves severe restrictions on the movement of employers: 15 FEDECAMARAS leaders are forbidden to leave the country. This case involves a country that resists the ILO's supervisory machinery.

The failure of the Workers' group to accept this case on the list of cases is hypocrisy. Each case rests on its merits, and to say that a case will not be accepted unless another one is accepted is, in our view, unethical. Refusing to accept even one Employer case has consequences. The success of the supervisory machinery system depends on the cooperation of the Employers' and Workers' groups.

Freedom of association and tripartism are the cornerstones of the ILO. By not accepting the case of the Bolivarian Republic of Venezuela, the Workers' group has compromised and rejected the bedrock of the ILO. The decision of the Workers' group undermines the values of the ILO and has consequences for this Committee. There is no principle that the Workers can stand behind other than the destructive double standard.

There will be no list of cases in the future unless the Bolivarian Republic of Venezuela is on the list. This will continue until the Bolivarian Republic of Venezuela meets its international obligation to implement and comply with Convention No. 87. This statement is not an ultimatum. Rather, it reflects the reality that, for the Committee to succeed, there must be cooperation between the Workers' and Employers' groups. Neither of us succeeds without the other.

The selection of cases will always be a point of contention in our Committee. It is human nature that no person or country likes to be criticized. Except for cases of progress, which involve a positive discussion to illustrate and demonstrate the positive outcomes of the supervisory process, it is possible to avoid being included on the list by meeting the international obligations to comply with ratified Conventions. If there is a lack of compliance or a lack of forward movement towards compliance with ratified Conventions, then there is the possibility that a country will be selected. It has always been the situation that the list of cases includes both very serious cases and issues of technical compliance. Regional balance, level of development and diversity of subject matter are also factors. With respect to the diversity of cases, as we have said, the Employers' group would like to see more cases on forced labour, child labour and equal treatment than has been the case in recent years.

We would like to draw the attention of the Conference to the discussions held in relation to Myanmar, Bangladesh, Belarus, Guatemala and Zimbabwe. The special sitting on the application of Convention No. 29 with respect to Myanmar made clear that there remains a substantial gap in this country's commitment to abolish forced labour in law and practice. The Supplementary Understanding with the ILO does not address the recommenda-

tions of the Commission of Inquiry nor the underlying implementation issues. In the reconstruction following the vast destruction caused by Cyclone Nargis, the Government should not be tempted to use forced labour. Concrete action to abolish and eliminate forced labour is required by the Government of Myanmar. In this respect, nothing has changed in the country.

The case of Bangladesh, in relation to Convention No. 87, involves the escalation of violence and threats in the country against trade unionists. National law is out of line with Convention No. 87, and the country has shown unwillingness to accept technical assistance from the ILO. The Committee decided that our conclusions should be included in a special paragraph.

With regard to the application of Convention No. 87 in Belarus, the Government has still not implemented the Commission of Inquiry's recommendations. However, the Government does seem on a better line by withdrawing draft legislation that was not consistent with Convention No. 87 and, undertaking a tripartite consensus approach, it continues to take advantage of ILO assistance. We urge the Government to submit a timely report to the Committee of Experts this year and to draft legislation that implements the Commission of Inquiry's recommendations.

The case of Guatemala, under Convention No. 87, has been a longstanding case before the Committee. While the Government has been progressively bringing its legislation into conformity with Convention No. 87, the level of union-directed violence has increased in recent years. The Committee concluded that the persistent problems in the case required ongoing engagement by the ILO to focus on the violence and a tripartite mission involving Mr Cortebeek and myself.

As the Reporter mentioned, for a second consecutive year, the Government of Zimbabwe did not appear before the Committee, even though it participated in the general discussion and in a case involving another country, and was sitting in the shadows of the gallery in the back of the Committee during the discussion of the case. This represents a reprehensible snub of the Committee and the supervisory process. This case involves serious, continued failures to comply with Convention No. 87, the denial of fundamental civil liberties, human rights and civil and political freedoms, and unwillingness to accept ILO technical assistance. Our conclusions on this continued failure were included in a special paragraph. This case requires the highest level of attention of other governments, which have ratified Convention No. 87, and of the Governing Body.

The Employers' group very much appreciated the voluntary appearance before the Committee of the Government of Colombia concerning the application of Convention No. 87. This was not a case but a dialogue with the Government in view of the fact that, over the past five years, there have been many positive developments, including an increased level of protection of trade unionists. However, the recent rise in violence against trade unions is of great concern. The Government readily acknowledges that much more needs to be done in this regard. Of particular note is the attention given to legislative issues concerning cooperatives and contracts that could be used to undermine trade union rights.

In conclusion, I would like to thank the Office for its excellent support in the development of our

work, in particular Mrs Cleopatra Doumbia-Henry, Karen Curtis and their staff, we could not have succeeded without them. Also, I would like to thank the Chairperson and the Reporter for their work. In particular, I want to thank Mr Luc Cortebeek, Worker spokesperson, for his continued collaboration and good will. I would like to thank the Employers' group, and especially my colleagues Sonia Regenbogen, Vic Van Vuuren, Peter Anderson, Roberto Suarez, Thomas Prinz, Juan Mailhos, Henrick Schilder, Dierk Lindemann and Simon Laphorne for helping me prepare and present several of the individual cases. Last, but not least, I would like to thank Maria Paz of the IOE and Christian Hess of ACT/EMP for their ongoing support before, during and after this Conference.

In conclusion, I reaffirm the Employers' group's continued support for the ILO supervisory machinery. We support this report without reservation.

Original French: Mr CORTEBEECK (Worker, Belgium; Worker Vice-Chairperson of the Committee on the Application of Standards)

Let me start off by saying a few words of thanks. I would like to thank the Workers' group for the confidence they have put in me for a number of years now. I would also like to thank them for their cooperation in the course of our work. I would like to thank the Officers of the Workers' group of the Committee on the Application of Standards, who were very much involved in the preparation and the organization of the work.

I would also like to thank, in particular, Khurshid Ahmed, Annie van Wezel, Cecilia Brighi, Jan Sithole, Simon Steyne, Stan Gracek, Basile Mahan Gahé, Enrique Venturini and Alison Tate.

I would also like to thank Mrs Doumbia-Henry, Ms Karen Curtis and their collaborators within the ILO, for their great expertise in the area of standards, and their indispensable technical assistance.

I would like to thank the ILO staff for their resources and their kind collaboration.

I would like to thank the International Trade Union Confederation (ITUC), its office in Geneva, in particular Raquel Gonzalez and Anna Biondi. I would like to thank the ITUC in Brussels and their standards department.

Thank you also to the Bureau for Workers' Activities (ACTRAV), to all their team, in particular Faith O'Neill, whose help was precious.

Thank you to my close collaborators, Andrée Debrulle, Véronique Rousseau, Chris Serroyen and Gilbert Deswert.

I would like to thank the Chairperson, the Reporter and my fellow Vice-Chairperson, Mr Edward E. Potter.

As spokesperson of the Workers' group, I feel that our major role is to try to contribute, not only with the Workers' group of the Committee on the Application of Standards, but also in collaboration with employers and governments, to promote the international rights linked to the world of work and their application in law, and in practice, in the interests of workers *and* employers. Indeed, I say "and" because I am referring to the rights of the world of work as a whole.

The Committee on the Application of Standards mainly has a monitoring role, but, with the assistance of the Committee of Experts and that of workers' and employers' organizations, at the na-

tional level, it also has a role of strategic supervision.

It also has the role of promoting the application of labour legislation at the international level because one of the main tasks of our Committee is, in fact, to persuade the governments of the member States to make progress and to move forward in meeting their obligations.

Our working procedure is not to protect governments, but to examine the most serious cases of violations of ILO standards. Our work is to denounce institutionalized violence in the world of work and against workers in certain countries. Our work is to say loudly and clearly that some governments continue, in all impunity, and despite the clear, repeated injunctions of the Committee on the Application of Standards, to refuse to apply law.

This year, we celebrate the 50th anniversary of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

It is impossible for us to remain silent about the case of the Islamic Republic of Iran. We have certain elements that prove the disrespect, in national law, of the principle of non-discrimination against women, the Baha'i and ethnic minorities.

The Workers' group, as a whole, wishes to convince the national authorities to apply ratified Conventions in a better way, so as to guarantee the social supervision of the globalization of the economy. In some cases, this has become an impossible task. The social supervision of globalization is still lacking. Workers feel that we are getting further away from this, rather than coming closer to it. What I am referring to here is the tale of woe that is subcontracting and privatization.

I am also referring to the increasing precariousness of many workers in all continents, from Asia to Africa, via America, and without forgetting Europe, where the informal sector is also developing.

I am also referring to the badly controlled growth of the informal sector. Indeed, for workers in the informal sector, what is the meaning of the relevance and effectiveness of ILO standards? It is most disconcerting to have to ask this question as we approach the 90th anniversary of the ILO.

If the situation continues to get worse, as we can see it is when listening to our unionist colleagues from all over the world, we will no longer have tripartism in the future. We must stress this as we celebrate the 60th anniversary of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

Every year, I am confronted with what my colleagues tell me about the waves of violence and murders which have become standard practice. Forty-three trade unionists lost their lives since the beginning of this year in Latin America, due to their union activities.

The situation in the Philippines remains very serious indeed. First of all, and this was confirmed by the report of the Committee of Experts, the Government continues to take no notice of the successive conclusions of the Committee on the Application of Standards and has not adopted any measures to eradicate violence against trade unionists. Then, the violence and the murders of unionists are perpetuated. In March 2008, a union official was killed in the province of Cavite, a journalist was killed in April this year, and, in fact, over 56 were murdered under the administration of the current Government.

In Cambodia, many acts of violence, brutality and intimidation and shootings of union leaders and members are still taking place.

Even more insidious, but more effective for the destruction of trade unionism, are legislative manoeuvres, the results of which really amount to an attack against union solidarity. Here, I am referring clearly to Costa Rica, where a reform of the Constitution is under way to openly introduce solidarity cooperatives to replace trade union organizations. This is a direct attack against Convention No. 87.

The acts of intimidation, harassment and indirect interference against organizations that dare to stand up and criticize the regime are also increasingly found in countries which are on the border of the European Union.

I would now like to come to the discussion of the individual cases.

Like every year, the list of individual cases actually discussed was not the list that the Workers' group would like to have discussed. The drawing up of this list now takes place in an overall atmosphere which is becoming more and more tense.

A number of governments, aware of our working methods and of the fact that they are on a long list, have attempted to exert pressure. We clearly regret this.

A number of Employers would like to have recourse to the right of veto, to oppose the presence on the list of cases which must be on there owing to the criteria accepted by the Committee on the Application of Standards. Colombia and Costa Rica are examples of this. There was no refusal from the Workers' group for certain cases. This is clearly regretful for the future of the work of our Committee, and for the survival of tripartite dialogue, which is a landmark value of the ILO.

Dialogue means talking and listening; it means accepting different opinions, different interests; it means recognizing the primacy of consensus so that, together, we can build beyond the three weeks of the Conference. It is basically a question of working to improve the conditions of workers and enterprises all over the world on an ongoing basis.

Drawing up the list of cases must correspond to this concern of reaching a consensus. It cannot be obtained if there is the threat of vetoes, or under the pressure of an ultimatum from any side, whether workers or employers.

Together, with the spokesperson of the Employers' group, we must continue the dialogue on behalf of both our groups, which have shown us the confidence they have put in us during the course of our work. Together, we must define our attitude based on a consensus, and in a manner that is conducive to maintaining the process of monitoring the application of standards.

It is a difficult choice to draw up this list of individual cases given that all cases, because of their nature, are of concern and deserve our attention because they touch upon the fundamental rights of workers.

The decision to limit this list to 25 cases is still the subject of lively debate within the Workers' group.

We would like to refer to Cambodia under Convention No. 87 and Costa Rica under Convention No. 98. Now Costa Rica was raised before in 2001, 2002, 2004 and 2006 before the Committee on the Application of Standards. The high-level mission visited the country in 2006. The Government for-

mally requested technical assistance from the ILO in July 2007, in order to resolve issues linked to the application of Convention No. 98.

Nevertheless, in actual fact, there is a real risk of collective bargaining being relegated to the history books. I have said that the Constitution in Costa Rica is undergoing a process of reform which envisages the establishment of solidarity cooperatives to replace union organizations. If this project is actually implemented, it will be in absolute contravention to the spirit and the letter of Convention No. 87 and will have a negative impact on the future of the union movement as a whole in Latin America.

We should have discussed Japan because of the delicate question of so-called "comfort women". Those women who were used as sex slaves during the Second World War. Political efforts, for example, the European Parliament resolution of 13 December 2007, or that of May 2008 of the UN Human Rights Committee, are now ongoing worldwide to convince the Japanese Government to accept its responsibility regarding the system of "comfort women", to make a public apology and to give adequate compensation to them and their families.

The case of Turkey was not put on the list. Recent changes have been announced to bring union legislation into conformity with ILO Conventions. These promises will have to be taken into consideration at a later date.

We would have liked to have looked at the case of Pakistan under Convention No. 100 on equal remuneration. All these individual cases justify in themselves a presence on the list. If they are not on the list, this is due to the time constraints.

Now, I would like to turn to the list of cases actually examined. In four days, from 3 June to the evening of 6 June, we examined 23 cases on the list. We managed to do so thanks to the excellent group discipline, supported by a great deal of coordination activity. This work was facilitated by International Trade Union Confederation (ITUC) resources and the effective involvement of the ACTRAV representative within our group.

Myanmar, Burma, was examined at a special sitting on Saturday, 31 May. The Committee called for the immediate freeing of the prisoners whose names were clearly spelled out. It insisted that citizens should be able to exercise their civil rights and called for Aung San Suu Kyi to be freed. The Committee noted the distress of the people of Burma, struck by a terrible natural disaster, and called upon the Government to bring its legislation and practice into line with Convention No. 29.

We also had the voluntary appearance of Colombia before the Committee on application of Convention No. 87. This was outside the list of individual cases.

I must make some comments on Colombia as a "non-case". In 2007, the employers accepted that the case of Colombia could be "chosen for individual consideration in the future and acknowledged that murder and impunity continued". These were the words in the *Provisional Record* of the work of the 2007 Committee on the Application of Standards, and, in Colombia, unionists are still being assassinated with complete impunity. Our colleagues representing the Colombian workers did not want to return home for a second time without having discussed this issue, because of the underlying anti-union atmosphere and out of respect and in memory of the many unionists who have died. They

wanted to make it clear that what really mattered was ensuring compliance with Convention No. 87. In order to continue to discuss the real situation in Colombia and to bring it to the attention of the entire world, and to present the harsh facts, an innovative solution has had to be accepted once again.

It was imperative to give the Colombian workers the assistance they need. The Colombian Government this year offered to appear before the Committee on the Application of Standards, on a voluntary basis, to be heard within a special sitting. In this way, the Government felt it could control the situation. This is hardly in keeping with the tripartism I referred to earlier, is it? Acceptance of this procedure was exceptional. It was justified by the desire to find an honourable solution to a problem which does not have its origin in the attitude of the Workers' group. This solution of a voluntary appearance must in no way constitute a precedent.

The Committee on the Application of Standards has drawn up its conclusions. The discussions on Colombia are, in fact, included in its report. We know that the problem continues and this will be made clear to the entire world.

Another most serious case is that of Zimbabwe. In examining this case, the Committee was confronted with an absolutely dismissive Government, and, when it should have explained its policy on compliance with Convention No. 87, it in fact preferred to hide in the shadows of the gallery of the meeting room and did not face the Workers. Our colleague, Jan Sithole, once again stressed the horror and the suffering which are the daily lot of our fellow trade unionists in Zimbabwe. In opposition to the impunity, violence, injustice, the brutal force of the Government, he made an appeal for dialogue, peace, justice and the force of truth.

The Government, however, which is accredited and present in other forums, refused to take the floor. The conclusions of the Committee very clearly refer to the certain detention of our colleagues, Lovemore Matombo and Wellington Chibebe, when they return to their country.

The case of Zimbabwe is to be included in a special paragraph of the report of our Committee. The Committee calls upon the Government to accept a high-level tripartite mission of inquiry. We ask all to keep a watchful eye on developments in the days to come in this country. There is reason to believe that the Government will not respect the conclusions of the Committee.

In a more general vein, the conclusions adopted include two special paragraphs on Bangladesh and on Zimbabwe.

For the second time, the Committee has proposed an exceptional measure, which is to delegate a high-level tripartite mission concerning Guatemala with the two Vice-Chairpersons of the Workers' and Employers' groups.

It has been suggested that, with the technical aid of the ILO, a tripartite round table for Georgia be organized to permit an exchange of views between the social partners and the Government on the Labour Code, in conjunction with the results of the UNDP study on Georgia.

Belarus has now gained a certain amount of trust, following its undertaking to work more closely with the social partners on the draft law on unions. It is requested to submit to the meeting of the ILO Governing Body in November 2008 a report on progress regarding this issue.

Alongside these more specific measures, the Conclusions of our Committee proposed no less than eight offers of technical assistance, some of which have already been accepted.

Zambia, Convention No. 138; Mexico, Convention No. 182; Egypt, Convention No. 87; Paraguay, Convention No. 29; Indonesia, Convention No. 105; Sudan, Convention No. 29; India, Convention No. 29; and the Dominican Republic, Convention No. 111.

Six Governments: Croatia, Islamic Republic of Iran, Czech Republic, United Kingdom, Sweden and Guatemala are to provide the Committee of Experts, for its forthcoming meeting, complete reports with statistics concerning the points described precisely in the text of the conclusions.

Two Governments, India and Uganda, are also requested to provide these reports, with replies to specific questions for the meeting of the Committee of Experts in 2009.

It is quite clear for the Workers' group that all these technical missions, all these original or traditional measures, which have their deadline in November 2008, are linked in one way or another to a follow-up next year at the International Labour Conference in 2009.

I should like to wrap up now by referring briefly to what we must do in the context of a General Survey on Convention No. 94, which refers to labour clauses in public contracts. Following discussions, it emerged that the approaches concerning study, highly readable as it is, are split along Employer-Worker lines. This is a shame, but we believe that, with dialogue between the parties, we can find common ground. The overwhelming majority of Workers and Governments have confirmed the relevance of Convention No. 94 and it is therefore important to continue the tripartite dialogue on this issue. There is considerable support for the idea of carrying out specific actions and it is important to have promotion activities and awareness raising as soon as possible, with the assistance of the ILO.

I would also like to mention briefly the interactive debate, which was excellent. This was in the context of the discussion of the Committee on the Application of Standards relating to Convention No. 94 on the social dimension of public procurement markets. Within the debate, we heard, apart from the organizers, from a Member of the European Parliament, a professor of international law, a lawyer specializing in human rights on behalf of the Employers' group, a member of the African Development Bank, a specialist in sustainable public procurement markets and a representative of the Building and Wood Workers' International. The question arising from this debate is whether the terms "regulation of public procurement" and "social dimension" are really as contradictory as some would have us believe. Should we not really say that these are two concepts which are, in fact, reconcilable.

The work of our Committee has not been easy, but this is nothing new. This was the case in the past and we have always managed to overcome the difficulties, thanks to our efforts in continuing to talk to each other despite our differences.

I would like to thank all the members of our Committee for all their efforts and recognition of the importance of our work. We must continue in the same vein.

I would, therefore, like to ask you to adopt the report of the Committee on the Application of Stan-

dards and I would like to thank you for your attention.

Original Spanish: The PRESIDENT

I now open the discussion of the report of the Committee on the Application of Standards.

Mr MUSEKA (Government, Zimbabwe)

On behalf of the Government of Zimbabwe delegation, I take the floor to respond to the issues in the report of the Committee on the Application of Standards. However, my intervention is confined to the issues concerning my country. Those who were present at the 96th Session of the International Labour Conference in June 2007 would recall that my Government informed this august house that, as long as this listing and subsequent discussion in the Conference Committee on the Application of Standards is political, it will not participate in such discussions.

This position has not changed. Therefore, the conclusions presented here are of no consequence as far as my Government is concerned. The conclusions I point to are based on a politically motivated process and my Government also politically dismisses them.

In the discussions this year, the Workers' group urged the Committee to send a tripartite high-level political mission to Zimbabwe. This alone confirms the political nature of the discussions. We totally reject this blunt intervention in our internal political turf: no foreign entity has such a mandate.

It is now time for the International Labour Conference to separate labour issues from purely political matters. We should not continue to pretend that all issues or complaints brought to the Conference Committee on the Application of Standards and indeed the Committee on Freedom of Association are labour related. In fact, there are those whose origins can be located in the political domain and whose sole objective is to achieve political goals.

Issues or complaints of a political nature should not be the subject of the International Labour Conference. We must ask whether the International Labour Conference has now been transformed into an entity with the power of the UN General Assembly or indeed the UN Security Council for it to dwell on political matters.

My Government is not happy with this turn of events in the International Labour Conference agenda.

Finally, we reiterate that the International Labour Organization should not be dragged into the political contest in Zimbabwe at the behest of those players backing the legal and obnoxious regime-change agenda. To be ideologically different from the world is not a crime, nor is it a crime for people to repossess their own land. Accordingly, my Government rejects the Committee's conclusions in the case of Zimbabwe. We urge all Members to join us in rejecting the implement of the International Labour Conference in this matter. Let us concern ourselves of course with labour matters and the welfare of our workers.

Original Spanish: Mr MADRID (Government, Bolivarian Republic of Venezuela)

With reference to the statements made by the Employer representative from the United States, my Government declares that we fully respect the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). The Government is open to tripartite dialogue. My Government

regrets that the Employers' group tried to include the Bolivarian Republic of Venezuela on the list of countries of the Committee on the Application of Standards, albeit unsuccessfully. This is because we have already given clear evidence of the progress made with regard to what has been said about my Government.

Evidence of this is our amnesty law, which has meant in practice that Ms Albis Muñoz, former President of FEDECAMARAS, has been present at this Conference. As regards Mr Carlos Fernández, when he wishes to act in accordance with the law, his case will be dealt with. As regards the material damage to the FEDECAMARAS headquarters, the Government is not responsible for that. The culprits have been identified and are being investigated by the Attorney-General's Office. We request that these clarifications be included in the record of this sitting.

Mr SANKAR SAHA (*Worker, India*)

Let me introduce myself as the General Secretary of the All-Indian United Trade Union Centre.

One of the very important issues we discussed in our Committee is forced labour. According to an ILO estimate, there are more than 12.3 million victims of forced labour in the world today, both in industrially developed and developing countries. The victims, according to the ILO, are used for economic, commercial and sexual exploitation in the main.

Another ILO study shows an alarming picture of the estimated average annual profits generated by traffic in forced labour, totalling US\$31,654 million. The major part of these profits is shared by advanced industrialized countries. The figures are broken down as follows: advanced industrialized countries US\$15,513 million; transition countries US\$3,422 million; Asia US\$9,704 million, Latin America US\$1,348 million; sub-Saharan Africa US\$159 million; Middle East US\$1,508 million.

The main findings of the global estimates are that forced labour is present in all regions and in all economies. Indeed, contemporary forced labour is a commodity of trade and business in the same way as other wage slaves. Fair globalization, as advocated in the Decent Work Agenda, can hardly come to the rescue.

Whilst endorsing the report of the Committee on the Application of Standards, I wish to convey to all that the world is passing through an unprecedented situation where freedom of association and protection of the right to organize, a basic human right and lifeline standard of the ILO, is being trampled underfoot. Amongst many, let us take a single example of Colombia, where civil society has been militarized, and acts of violence against the legitimate trade union movement are a daily occurrence. To date, 2,269 trade unionists have been assassinated. During the last five months as many as 26 trade union activists, including seven teachers, have been killed. One of those teachers killed was a pregnant woman. In most cases, they were killed by paramilitary forces on the grounds that the trade union activists were "guerrillas", or organizers of socialist movements. In any modern State, no genocide of this nature can take place without concurrence of the state machinery – it speaks for itself that nearly all cases of assassination remain undetected and the culprits go unpunished. Colombian workers and trade unions are not alone in being the

targets of violence. These sorts of attacks on trade union movements are found all over the world.

National monopolies and multinational capital are all powerful. Nothing can stand in their way of achieving a maximization of profit, let alone human values.

Workers will recall the day when they had no rights whatsoever. They struggled hard year after year for rights, dignity of labour, and better working conditions. The ILO came into being because of the global impact of the workers' glorious struggles – and from this tripartite forum they started achieving some rights, depending on the degree and magnitude of the working-class struggle in the world.

It was only after the Second World War – and actually after the fall of the fascist threat of Nazism and the victory of peace camp, led by the proletariat – that the world working class achieved the basic right of freedom of association and protection of the right to organize in 1948, in the radically changed international scenario.

Now, in the present retrograde change in the international situation, marked by the capitalist globalization, the working class is being unarmed: all of its existing rights, that were of immense human value, being violated. The working classes, which is the absolute majority of the world population, is heading towards a situation in which their rights will be only a distant memory, and they will be made to work in conditions unacceptable to human beings, with little sense of dignity and self respect.

In fact, the capitalist globalization is also undermining culture, education, ethics and world values. It has unleashed a process of dehumanization, creating economic animals or selfish robots, in which human beings will be unequipped to fight exploitation, in dignity and honour.

The working class of India therefore salutes the Colombian workers, who are dying a martyr's death to uphold the value of fundamental rights enacted by the ILO in the year 1948, and I dedicate my speech to you – along with the Zimbabwean workers and others who are caught in the midst of struggles against the menace of capitalist globalization.

Ms PILLAI (*Government, India*)

We would only like to flag certain issues related to the case on India, concerning the Forced Labour Convention, 1930 (No. 29).

We do not wish to comment on the numbers affected by bonded labour that have been mentioned by various agencies. We need to see whether those who have been included in the numbers meet the characteristics as defined in the Forced Labour Convention, 1930 (No. 29).

The 2005 Global Report, entitled: *A global alliance against forced labour*, brings out very clearly that forced labour cannot be equated simply with low wages or poor working conditions, nor does it cover situations of pure economic necessity, as then a worker feels unable to leave a job because of the real or perceived absence of employment alternatives.

The ILO definition of forced labour comprises two basic elements: the work or service is carried out under the threat of penalty and it is undertaken involuntarily. We need to see whether the organizations which mention the numbers affected by bonded labour have applied this definition.

We also feel concerned about involving certain entities that are deeply compromised and whose

careers are dependent on perpetuating the myth that a large part of economic activity is being carried out by forced labour, when we actually shared the results.

I simply wanted to place on record our concern and also to bring to the attention of the house that every effort is being made, not only by the Government of India, but by the state governance, to identify and to take action, and it is not just the governmental agencies that are being involved in this process.

Mr TROTMAN (*Worker, Barbados, speaking on behalf of the Workers' group*)

The Workers' group would wish to make it clear that it stands in solidarity with the workers of Burma/Myanmar on the occasion of their great losses through cyclone Nargis, we want further to make known that it is for this reason that we have not persevered with having a Selection Committee meeting at this Conference, consistent with the Selection Committee's decisions last year.

We wish it to be known globally that the ILO has witnessed a tragic history of human and labour rights' violations and, in particular, gross breaches of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Forced Labour Convention, 1930 (No. 29), by the Government of Burma.

The failure of the Government to implement the recommendations of the Commission of Inquiry, which was appointed by the Governing Body in March 1997, is detailed in previous ILO observations.

This situation is distressing and, combined with the world bearing witness to a regime depriving its own citizens of humanitarian assistance required for their very survival following Cyclone Nargis in May 2008, we feel a deep horror and believe the international community must act speedily.

In this context, the Workers' group and the Employers' group have joined together to ask for the endorsement of the following urgent measures by the Governing Body of the ILO, which is convening this afternoon, as a question arising out of the 97th Session of the ILC.

Noting and affirming our commitment to the resolution of the International Labour Conference of 2000, we recognize the urgent and specific needs of the people whose lives have been devastated in the wake of Cyclone Nargis and we thus request the Director-General to support the ILO programmes for those affected in the Irrawaddy Delta, who have lost everything, in the rebuilding of their lives and livelihoods in their homeland. Such efforts should be coordinated by the ILO office in Burma in cooperation with other international agencies, in accordance with core labour standards. He should also immediately move to strengthen, both in human and financial resources, the ILO office in Burma.

He should seek to convene and to explore the possibility of convening, as soon as possible, a high-level international meeting of the ILO's constituents, in cooperation with the Association of South-east Asian Nations (ASEAN) governments. This meeting should be held in the region, and should recognize the scale and needs of the relief and construction efforts, and consider how all nations and international agencies can ensure that the programme of reconstruction is respectful of fundamental rights and freedoms, including the imple-

mentation and the monitoring procedures, in accordance with core labour standards.

The ILO has significant expertise in labour-intensive reconstruction and rebuilding local economies and this capacity should be deployed in these circumstances.

Finally, the Director-General should prepare so that the Governing Body will, at its meeting in November 2008, be able to receive reports on the measures that have been taken by the Office, pursuant to all the decisions taken by the Governing Body since the Conference in 2000.

Ms RANTSOLASE (*Worker, South Africa*)

We, the Workers' delegates to the 97th Session of the International Labour Conference whose names are included hereunder, support the conclusion on Zimbabwe, adopted in the Committee on the Application of Standards, calling for a complaint under article 26 of the ILO Constitution against the Government of the Republic of Zimbabwe, for violation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), ratified by Zimbabwe on 9 April 2003 and 27 August 1998, respectively.

Since 2002, the Conference Committee has consistently attempted to create a constructive dialogue with the Government to find a durable solution to increasingly serious violations of these Conventions. To this end, it has requested the Government, on numerous occasions, to accept a direct contacts mission, as well as a high-level technical assistance mission. The Government has systematically refused the missions' requests by the Conference Committee and, last year, while providing written information, declined to participate in the Committee's proceedings, in respect of its application of the Convention on freedom of association.

Again, the Government declined to come before the Committee this year, despite repeated requests for it to do so in a list drawn up in advance, giving sufficient time to prepare.

The Conference Committee fully discussed the case and placed its conclusion in a special paragraph for continued failure to implement the Convention on freedom of association.

Grave violations of freedom of association persist and have even increased. In the last few months, trade union leaders and members have been systematically arrested, detained, harassed and intimidated for the exercise of legitimate trade union activity. Teachers have been targeted, physically assaulted and threatened. The Public Order and Security Act and the Criminal Law (Codification and Reform) Act of 2006 have been systematically used to repress basic civil liberties and trade union rights.

Taking into account all of the above factors we, the undersigned, feel obliged to lodge a complaint under article 26 of the ILO Constitution and call upon the Governing Body to propose measures for the effective observance of this fundamental Convention in law and practice. The complaint reserves the right to submit additional information here too, at the appropriate time.

The following people are the complainants: Alinah Rantsolase (substitute delegate, South Africa), Ebrahim Patel (South Africa), Jan Sithole (Swaziland), Maria Fernanda Carvalho Francisco (Angola), Japhta Radibe (Botswana), Mody Guiro (Senegal), Rabiadou Sérah Diallo (Guinea), Sir

Leroy Trotman (Barbados), Sharan Burrow (Australia), Luc Cortebecq (Belgium), João Felício (Brazil), Julio Roberto Gomez Esguerra (Colombia), Khurshid Ahmed (Pakistan) and Mr Mahan Gahé (Côte d'Ivoire).

These are the names that I will submit.

Mr ANDERSON (*Employer, Australia*)

I would like to indicate that a number of Employers' delegates will lodge a complaint against the Government of Zimbabwe under article 26 of the Constitution for non-observance of Convention No. 87.

Original Spanish: The PRESIDENT

We have come to the end of the list of speakers on the report of the Committee on the Application of Standards, and I therefore propose that we move on to approve it. First, however, I would like to state that, with all the responsibility which characterizes the Officers and plenary of the Conference, we have taken note of all the comments that have been made by the delegations present in this room with regard to the report of the Committee on the Application of Standards, which is a matter of great importance.

May I consider that the Conference approves the report of the Committee on the Application of Standards in its entirety, with its three parts?

(The report, as a whole, is approved.)

Before we conclude the discussion on this point, I would like to express my congratulations to the Chairperson, the Vice-Chairpersons and the Reporter of the Committee on the Application of Standards, which is one of the most important bodies of the Conference and which examines a very great deal of information. I would like to thank also all those persons who have participated in the work of that Committee for the excellent quality of the work they have done. My thanks too, as is usual but with great sincerity, to all the members of the secretariat who have contributed so much to the sound results that we have achieved.

CLOSING SPEECHES

Original Spanish: The PRESIDENT

We thus come to the final part of our work. It is my pleasure to invite us all to listen to the closing speeches.

Mr TABANI (*Employer, Pakistan; Employer Vice-President of the Conference*)

Let me start these final brief words by thanking you Mr President for your leadership of this 97th Session of the International Labour Conference. Under your stewardship, my work as Employer Vice-President was made easier and a successful Conference conclusion has been reached. My cordial thanks to the Government and Worker Vice-Presidents, Mr Louh and Ms Diallo, with whom I have also been able to work efficiently and with good humour.

My compliments to the Conference secretariat, who behind the scenes have ensured that we have had all the support we needed in the discharge of our duties. It is usual to finish a speech by thanking the interpreters, but I do so now, as their work is integral to our work here on the podium. It is they that give our words meaning in an array of different languages that make up the ILO. Our sincere thanks to all of you.

My sincere compliments go to you, the delegates, for your cooperation and support in the discharge of my duties. Many, many voices have been heard from this podium and it was done efficiently and professionally.

My grateful thanks also go to the Employers' group for again extending to me the honour of representing them as Vice-President of this session.

We can all look back at the results of this session with a true sense of shared satisfaction. The general discussion item on skills and rural employment has produced focused conclusions. These conclusions direct the ILO to follow-up actions which we hope will truly impact the world of work. We hope that they will help to make a difference to those who look to the ILO to bring positively an improved change in their lives. These results also reinforce the messages that many of you conveyed when responding to the Report of the Director-General, with regard to the need to ensure that implementation and results are the best means of ensuring the ongoing help and relevance of this Organization.

I am also delighted at the result of the conclusion of the SILC discussion, having had the privilege of being the Employer spokesperson in 2007, I can truly see the great work that was done this year and I congratulate all involved for producing a Declaration and resolution that provide a clear blueprint for making the ILO truly relevant to the needs of its Members. But SILC also leaves us with another message and this is that consensus outcomes are the most robust and durable.

Every discussion has its tension; that is a fact of life, when three groups with three perspectives meet to discuss an item. However, in all three technical committees, consensus was the watchword and in no committee was voting part of the process this year. Let us hope that the constructive environment we were able to create this year can be sustained and extended to other important issues which we deal with in the ILO.

On the sidelines, the high-level panel discussion on tackling the food crisis through investment, production and decent work has been very timely. I wish to compliment the Director-General for organizing this discussion to sensitize the already worried delegates on this important subject which is of grave concern to many member States.

The meeting on the observance of the World Day against Child Labour yesterday was brief and quite impressive. The presentations by all four speakers were excellent.

I take the opportunity here to express my appreciation of the support and the behind-the-scenes advice and guidance by the Director-General for the success of the Conference. Thank you, Mr Director-General, for this.

Mr President, we thank the Minister of Labour of Uruguay for the words he had for Mr Funes de Rioja and the IOE for contributing to resolve a fundamental issue contained in the draft law on collective bargaining which affected the right of private property of employers and urge him to continue the tripartite dialogue in this regard.

Finally, a few words about areas where I believe we need to reflect more on our methods of work. For me this year, those areas were the discussion on the Global Report and work in the Committee on the Application of Standards.

Yet again this year, the Global Report suffered from a weak and poorly attended discussion. I ask

again that real thought be given to improving this. The Declaration on Fundamental Principles and Rights at Work is a cornerstone of what this Organization is. Surely ways can be found to give its Conference profile real meaning and impact.

I was particularly concerned this year that the discussion of the Global Report led, in my view, to a debate that went outside the normally accepted practices of how we work in the ILO. We need to ensure that we return to a respectful debate and do not fall into a dialogue that portrays the discussion as a complaints mechanism or a repetition of other parts of the ILO's supervisory system. Similarly, in other high-level meetings of this house, the rules and protocols of our work should be respected.

This year, there was in the Conference a growing sense that the ILO belongs to all of us, Employers, Workers and Governments, and that we all need to be able to satisfy ourselves in its work and in its outcomes. However, this feeling continues to elude us in the preparatory work of the Committee on Application of Standards. In my view, we weaken and undermine the very system which we increasingly wish be strengthened. We need to restore respectful and inclusive approaches to matters arising through the elaboration of the list of cases.

So, let me conclude my remarks by again congratulating delegates, the President, the Vice-Presidents, the Director-General and all concerned, on an important and successful session of the Conference and to wish all of you a speedy and safe return to your homes, families and loved ones.

Original French: Ms DIALLO (Worker, Guinea; Worker Vice-President of the Conference)

It is with much emotion and enthusiasm that I am taking the floor before this august assembly. I wish to take this opportunity to extend my warm thanks to the workers of my country, the trade union leaders of Africa, and the world, for choosing my humble self to hold the high office of Worker Vice-President for the 97th Session. The experience, which has been a first for me, was more enriching still in view of the excellent cooperation that we have had between the President of the Conference, Mr Salamin Jaén; the Employer Vice-President, Mr Tabani; and the Government Vice-President, Mr Louh.

The unanimous adoption of the ILO Declaration on Social Justice for a Fair Globalization is an excellent demonstration of the ILO's ability to respond to the challenges posed by globalization. This Declaration represents a logical continuation from the ILO Constitution, the Declaration of Philadelphia and the Declaration on Fundamental Principles and Rights at Work.

As Ibrahim Patel pointed out during the adoption of the text in plenary, this Declaration reflects the conviction that a different reality is possible, that instead of a world based on inequality of income, high levels of unemployment and poverty, economies vulnerable to external shocks, informal sectors with no protection, and the erosion of labour relations, we can create a world based on social justice.

This new Declaration acknowledges that, in order to achieve this laudable objective, we must render decent work operational in all its dimensions. It notes that freedom of association and the right to collective bargaining are of particular importance when it comes to the achievement of the four strategic objectives and stresses that gender equality and

non-discrimination should be considered as cross-cutting issues. It underlines the need for the ILO to examine economic, financial and trade policies in the light of their impact on employment. With the adoption of this Declaration, the constituents have clearly indicated that they are seeking a stronger ILO that is better able to respond to the needs of its constituents, and which is capable of interacting with the multilateral system in order to promote coherence of global policies in respect of the objectives of social justice and decent work. The Workers' group is committed to working towards the implementation of an action plan that is able to live up to the lofty ambitions of this Declaration. In doing this, we cannot ignore the financial dimension and it is for that reason that we believe that there is a need to put an end to the period of zero growth and plan, in future budgets, for increased financial resources.

Regarding Myanmar, the Committee on the Application of Standards heard 23 cases. The Workers' group is pleased to note that the Colombian situation was discussed but we must stress that the methodology used for bringing people before the courts in Colombia should not serve as a precedent in the future. The case of Guatemala, concerning shortcomings related to Convention No. 87, was deemed sufficiently serious to justify a mission which will involve participation by the two Committee Vice-Chairpersons.

In the case of Bangladesh and Zimbabwe, the Committee concluded its comments in a special paragraph underlining its serious concerns with regard to these two countries' compliance with Convention No. 87.

Once again our group regrets the attitude of Zimbabwe, which, as last year, refused to appear before the Committee. From their place in the gallery, Government representatives heard Lovemore Matombo, President of the ZCTU, and many Workers' delegates from Africa and elsewhere set out, one after another, the serious abuses committed by the Government against Zimbabwean trade unions.

My sympathies go out to the workers in countries in difficulty, since we in Guinea have lived through such experiences and continue to experience the same difficulties. Our group would have liked to discuss the case of Costa Rica under the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). We highly regret that, during this Conference, the Minister of Labour of Costa Rica refused to meet the high-level Workers' delegation in order to discuss a bill enshrining rights for solidarity-based associations. We launched an appeal for the Government to work in close cooperation with the ILO to ensure that the new legislative measures are consistent with the provisions of Conventions Nos 87 and 98 of the ILO. In light of the General Survey, our group reiterates its support for promotion of the ratification of the Labour Clauses (Public Contracts) Convention, 1949 (No. 94). The conclusions of the general discussion on skills to stimulate productivity, increased employment and development, underline the role played by training in addressing major world-scale changes such as technological development, climate change and globalization of markets. The consultations refer to outsourcing practices and call upon enterprises to collaborate with their subcontractors and service providers to ensure that decent work can be provided along with opportunities for training and skills development. The promotion of a training

culture within enterprises and the importance of lifelong training, particularly following collective agreements is also recognized in the conclusions. Finally, these conclusions stress the need to extend skills development policies to workers within the informal economy and to workers in atypical situations.

The general discussion on the promotion of rural employment for poverty reduction, held against a backdrop of food crises, could not have come at a better time. The conclusions will serve as a useful tool to enable constituents to revitalize their work in rural areas which are all too often marked by an absence of trade union rights, the use of child labour and a lack of social protection. Our group welcomes the central place given to tripartism in the conclusions, as well as the importance accorded to collective bargaining in the promotion of rights, social dialogue and good governance in rural areas. We are pleased to note that the constituents have committed to ending child labour in agriculture and that the conclusions acknowledge the role of free primary education in order to achieve its objective.

Finally, we welcome the adoption of the resolution on the food crisis which calls upon the ILO to ensure that the effect of this crisis on employment can be examined, particularly the connection between the price of food and decent work.

The Global Report on follow-up to the Declaration this year focused on freedom of association, particularly the lessons learned from practical experiences. There remains a great deal of work to be done in the area of freedom of association and this goes for all countries whatever their level of economic and social development. There is much work still to be done to ensure that the provisions of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the 60th anniversary of which we are celebrating this year, are implemented effectively. As a worker, I am in a position to state, on the basis of the Report, that ratification is necessary and represents a point of departure for the implementation of Convention No. 87. However, ratification alone cannot be enough. Once ratified, the Convention must be applied effectively. On behalf of the Workers' group I therefore encourage the Director-General to continue to work on his policy to secure universal ratification of Conventions Nos 87 and 98, and also to step up the material under human resources earmarked for freedom of association.

Mr President, participation of women is closely connected to the question of freedom of association and on that basis I invite the ILO's constituents to continue striving to ensure effective participation by women in conference delegations.

The annual session of this Conference continues to be, for us as workers, a unique platform for expression at the global level and this year has been particularly special since it is an election year. The new Governing Body will have many decisions to take in order to ensure that the conclusions of this Conference can be followed up and to ensure that it can respond to the challenges posed today by globalization; I have no doubt that it will be able to successfully take on this task.

Original Arabic: Mr LOUH (Government, Algeria; Government Vice-President of the Conference)

At the conclusion of the 97th Session of the International Labour Conference I would first of all like

to express my warmest thanks to my colleagues in the Africa group, which nominated Algeria as a candidate for the vice-presidency of the Conference. I would also like to thank the Government group which paid me the honour of electing me to this post. I consider this election an honour to my country, Algeria. I would also like to repeat my congratulations to my colleague Mr Edwin Salamin Jaén, Minister of Labour for Panama, on his election to the presidency of this session. I congratulate him also on the skill he has shown in the course of his work as President of the Conference. I would also like to congratulate again Ms Diallo and Mr Tabani on their election and their efficient work in conducting the sittings they presided over.

The 97th Session of the International Labour Conference is being held at a time when the world is going through a number of crises, including a food crisis, a fuel crisis, a crisis of the financial market, a water crisis and an employment crisis plus problems related to climate change, desertification, the AIDS pandemic and international terrorism.

These are signs that do not augur well for a secure and stable world, nor for the guarantee of fundamental economic and social rights as embodied in the Charter of the United Nations, such as the right to food, which is nothing less than the right to life. The fact is that hunger and malnutrition continue to be the daily lot of more than 800 million people in the world, and human actions continue to destroy agricultural systems, thus further aggravating the lack of food security.

By way of example, in 2007, 100 million tonnes of agricultural produce was used for the production of biofuels. Although it is true that the promotion of decent work in rural areas in the world and investment in agriculture can help to resolve this problem in terms of supply, by increasing production, it is also true that this largely depends on the possibility of coping with the phenomenon of desertification and the management of water resources, particularly in Africa.

More than ever a true North-South partnership is necessary in order to address the food crisis. It is not possible to experience true stability when such a large part of humanity continues to suffer from hunger and poverty while, in other parts of the world, certain countries are getting richer and richer.

The Declaration of the High-level Conference on World Food Security concluded that there was an imperative need to help developing countries and transition countries to increase their agricultural production, and we very much hope that these conclusions will be put into practice.

The countries that suffer most from the negative effects of globalization, particularly African countries, have an urgent need of help from developed countries in initiating developments while emphasizing a more humane globalization, based on solidarity. This is the aim of the New Partnership for African Development (NEPAD), and also the message of the African Union at the Extraordinary Summit held in Ouagadougou in 2004 on employment and poverty alleviation.

That is also the substance of the message that we take from the initiative launched by the United Nations when the World Commission on the Social Dimension of Globalization was set up. That is an initiative in which the ILO plays a very important role, particularly through the Decent Work Agenda.

The Director-General of the ILO has dedicated all of his energy, patience and perseverance to implementing this Agenda. We, throughout Africa, would like to pay tribute to this work, and on this occasion we would like to emphasize our support to the Director-General for a new mandate in his role within the ILO.

The process of globalization presents challenges which need to be addressed. The Declaration, which we have just adopted, on Social Justice for a Fair globalization, and the resolution on strengthening the ILO's capacity to assist its Members' efforts to reach its objectives in the context of globalization, both represent a contribution by our Organization to correct shortcomings and thus respond to the aspirations of millions of people for justice and social equity. This step, if it succeeds, could contribute to economic and social development to the benefit of all. It is also necessary that we mobilize all the means available to us, all potential resources and mechanisms, at the national, regional and international levels, and particularly at the African level, to achieve more effectively the aspirations contained in the Declaration.

The fight against unemployment and the promotion of employment and decent work are among the priorities of the Economic and Social Council of the United Nations. However, the proportion accorded to this task in the budget is not more than 0.7 per cent of the budget, and this, according to the Report of the Director-General, *Decent Work: Some strategic challenges ahead*, does not reflect the priority nature of this work. An additional effort is necessary on the part of the United Nations to support the policies in the fight against world unemployment.

I believe that there is a consensus within the international community on the need for greater mobilization for the promotion of employment and the fight against unemployment. This consensus is the result of the growing awareness of the negative impact of globalization and of the dangers that that impact can have on labour, peace, security and social cohesion in countries which suffer from this phenomenon, be they developed or developing countries.

Among these noted negative effects, I should particularly like to mention migratory flows and, especially, clandestine migratory flows towards countries in the North, which are often triggered by the absence of employment prospects in southern countries. These flows are a source of international tensions, and they require the attention of the international community as a whole in order to find solutions and provide the necessary help to develop the countries from which these migrants originate.

Three years ago, in 2005, His Excellency, the President of the Republic of Algeria, Mr Bouteflika, was invited as a guest of honour to the 93rd Session of the International Labour Conference. From this podium he announced that Algeria intended to ratify four international labour Conventions: the Workers' Representatives Convention, 1971 (No. 135), the Occupational Safety and Health Convention, 1981 (No. 155), the Safety and Health in Construction Convention, 1988 (No. 167), and the Private Employment Agencies Convention, 1997 (No. 181). These Conventions were, in fact, ratified and the relevant instruments were deposited with the International Labour Office.

In the context of the promotion of social dialogue, we concluded a national economic and social pact

between the Government, the employers and the workers' trade unions for a period of four years. Economic growth, excluding fossil fuels, achieved a level of 6.3 per cent in 2007. We also managed to reduce the level of unemployment, which fell from 15.3 per cent in 2005 to 11.8 per cent in 2008 – a reduction of more than three points in three years. The number of children attending school reached a level of 97.5 per cent the same year. The electrification rate in rural areas reached a level of 96 per cent, while the connection rate to town-based gas distribution networks in the same rural areas reached 60 per cent.

In terms of employment, the Government has just adopted a new action plan on the promotion of employment and the fight against unemployment, based principally on an economic approach.

The financial resources provided for strengthening the basic infrastructure – and here I am talking about road and rail networks, dams, housing, etc. – was US\$170 billion within the context of the presidential programme for 2005–09.

By way of conclusion, I would like to congratulate the new members of the Governing Body, the members of the three groups who have been elected during the course of this session. I wish them every success in their work.

I would also like to thank the members of the secretariat of the Conference, as well as the interpreters and all those who have worked alongside us and assisted us during the course of our work.

Finally, I wish you all a very good return to your respective countries and I look forward to seeing you next year. Inshallah!

Original Spanish: The SECRETARY-GENERAL OF THE CONFERENCE

In the immediate future, I would like to make some personal comments here.

President of the Conference, Mr Salamín, Minister of Labour and Social Development of Panama, thank you very much indeed for the excellent job which you have done here. You have guided the destinies of this Conference with a sure hand. And you have been very well assisted by the Vice-Presidents, Ms Diallo, Mr Louh and Mr Tabani. I thank them for all their commitment to this Conference. I want to thank them for their comments this morning which have enriched the outcome of this Conference.

(The speaker continues in English.)

I want to say a big, big thank you to all the support staff, the countless invisible hands that keep the operation running smoothly; but also to the very visible contribution of all the chairs, officers, delegates and ILO staff in all the committees. I think that they deserve our thanks at this closing moment of a very successful Conference. To all of you, governments, employers and workers of the world, thank you. You have made this a memorable Conference.

I must say that I was constantly energized and inspired by the mood, the “can do” spirit, the commitment, the forward-looking vision, the sense of tripartism that is alive and wants to do things. If there is one word that you have heard me stress throughout this Conference, it is “together”. Our success is together, our future is together, and the difficulties we will solve together, too.

Tripartite dynamism has delivered the balanced and commonsense approach of the Decent Work Agenda and fair globalization. I think that it is a team spirit that we must draw upon as we look to future challenges.

We have already commented on the tremendous opportunity and responsibility that is before us, only made larger by the decisions you have taken in this Conference. That is what this Conference did, that is what you did. Thank you also for the many comments on the reports I presented to you. It will only make our work better by having the sensitivity and the capacity to connect to the issues that you think are important, and to the questions that you think we should be dealing with, and the way we should be dealing with them in the future.

Let me make two points, first you address practical real world issues that connect to people's lives: skills, reinforced by the World Day against Child Labour, stressing education; rural economy, reinforced by the panel on the food crisis; vital recurring committee work, the Finance Committee, the Committee on the Application of Standards, and the natural tensions of the Committee on the Application of Standards. We will also have to address them together.

Second, you identified the challenges of the future and went further still with a Declaration to meet those challenges by strengthening our own capacity, by keeping faith with our values and our history in these changing and trying times. You have made history. The Declaration on Social Justice for a Fair Globalization is a foundation document. It is the recognition by all of you of the changing demands of the world of work, and our common resolve to strengthen our response through the Decent Work Agenda. You have placed decent work at the heart of the ILO's institutional system. It brings with it further changes, changes for the Office, changes for the Governing Body, changes for the Conference. I have to say I welcome that. Again, we will make them happen together. Let me make a special mention of the title, "Social Justice for a Fair Globalization", agreed to unanimously by employers, workers and governments of the world.

Can you imagine the message that we are giving as an institution when we say: "Look, do not forget that a good part of the problems that are occurring today have to do with the lack of social justice. Look, do not forget that a good part of the problems of today have to do with the question of the need for fair globalization." We are not telling others what they have to do. We have decided ourselves to do what we can do to address those issues, and that is called decent work. It is not anybody else's fault. We are just highlighting the fact that these problems are there. We are also expressing our absolute conviction that we too have a responsibility. And we have assumed that responsibility with our Declaration.

I have to thank you, you have done an invaluable service to the ILO.

Let me recall the presence of the President of Slovenia who, representing also the European Union, made a "*cour magistral*", I would say, of the linkage of decent work with the world of today; of the President of Panama, who brought us the very good, extremely important news of the ratification of the Maritime Labour Convention, 2006; of the Prime Minister of Lesotho who, in a beautiful way, reminded us that today is about countries deciding

their own policies, not about being told what has to be done internationally, and who gave some examples of those who in the past had dared to do things differently from what was the acknowledged policy and showed that they could do it better.

So, finally, together we are thanking all of you again. As you go back home, I ask you to carry the spirit of cohesive tripartism and working together back with you. First, by continuing to move forward on implementation development and knowledge sharing of Decent Work Country Programmes. We need continually to deepen them, and many of you highlighted the need to concentrate on implementation and results. That is where we have to concentrate. Second, I once again stress that we welcome your contribution to the Strategic Policy Framework for 2010–15. Third, by mobilizing for the 90th anniversary which will not be a party but a platform for tripartism at the national level, focused on practical challenges at home.

Let me end by saying that I think that what we have seen these last years is an increasingly creative tripartism, an increasingly mature international tripartism, knowing that you come here to discuss different opinions, to confront them sometimes, but also to search for a consensus and to make a contribution by your presence here.

When we celebrate what we have done today, what we have done these years, it comes to my mind that, last year, it was the sustainable enterprise decision; the year before, it was a special conference on the Maritime Labour Convention.

We have in the last years, been moving in such a way as to make this institution an institution that respects its mandate, but which also makes proposals that it puts in front of the world, ideas, tools and mechanisms that will contribute to the overall development of the complex world in which we live today.

So let me thank you again for what you have done in this Conference. It is a process that does not only concern this Conference. It is another exceptional moment. It is an extraordinary moment because of what we have done. But you have had the spirit for some time now, and I want to say that this is exactly what I believe is our task today – to show the world that we can make international tripartism work, and that we all have the much more difficult and much more complex, but inevitable, responsibility of making tripartism work at home.

Original Spanish: The PRESIDENT

Before we conclude this session of the Conference, allow me to make a few remarks from a very personal perspective.

It has been a great honour for my country, for my Government, for the national sectors of production, for the workers and employers of Panama and, of course, for myself, in every fibre of my being, to have presided over the 97th Session of the International Labour Conference. This session already represents a milestone in the history of this Organization. It has been an extraordinary pleasure to work with all of you to make this session an unprecedented success.

I would also like to refer to some of the substantive aspects which we have been dealing with over the last three weeks, aspects which have been dealt with by persons who, in some way or another, have constantly been alongside me throughout this work, namely my Vice-Presidents and of course also the

Director-General of the ILO. As President of the Conference, I really could not have done without them.

This session of the Conference will indeed go down in history for adopting the Declaration on Social Justice for a Fair Globalization. With this Declaration, the constituents of the International Labour Organization have renewed our commitment to achieve the goals which we defined 64 years ago in the Philadelphia Declaration. This new promotional instrument systematically reiterates the strategic objectives of the ILO and provides us with some pointers on the ways and means of achieving them in the present globalized context.

Dear friends, representatives of all the sectors in this room, in adopting this Declaration, we have given new life to the ILO and this is the great merit of this session, and of all those who have participated in it. Let us unite our efforts so that this new beginning will allow us to make a reality the social justice which our nations require so that globalization will be truly fair.

To remind ourselves that we are not alone on this journey, we have adopted, together with the Declaration on Social Justice for a Fair Globalization, a resolution on strengthening the capacity of the ILO to provide assistance to the Members in reaching their objectives in the context of globalization. In this resolution, the constituents of the Organization have defined the main aspects of the Organization and have pinpointed those which require improvement to be able to help us more effectively to achieve our common goals.

In addition to the success of the Committee, which we all call familiarly "SILC", there are the excellent results achieved by the committees on the promotion of rural employment and skills, which gave rise to the adoption of other important resolutions and conclusions.

The discussion on rural employment for poverty reduction could not be more opportune in the present context of the food crisis. The subject had not been addressed by the Conference for more than 20 years, during which time the world has changed significantly. The conclusions on the promotion of rural employment for poverty reduction provide guidance on the measures that should be adopted and outline the specific roles to be played by governments, employers and workers. They also propose a plan of action for the Office in this regard.

Apart from these conclusions, the Committee on Rural Employment adopted a resolution on the role of the ILO and the tripartite constituents in tackling the global food crisis. It declares to the world our intention to join forces with other agencies within the United Nations family to deal with this crisis.

Since this subject is of vital importance, we have also had the privilege, a couple of days ago, to witness the work of a high-level panel on the world food crisis, which gave us a better understanding of the nature of the crisis thanks to the statements made by our guest speakers. This clearly led us to adopt certain conclusions and we see that these are also underscored in the resolution concerning skills for improved productivity, employment growth and development, in that the need to guarantee adequate skills is a prerequisite for all workers so that we can improve productivity, which in turn will stimulate job creation and development.

I am honoured to have acted as President of this historic session of the Conference. This experience

has without a doubt strengthened my permanent and firm conviction that, although we live in a number of different places around the world, we are of different origins, and we speak different languages, we are united by a single goal, which is to ensure for our nations progress in social justice and equity. Here we all speak a common language, the language of decent work.

Something else we have in common is the capacity to maintain a constructive dialogue. It is thanks to this open and frank dialogue that we can achieve consensus on subjects of crucial importance for the world of work in these times which are fraught with challenges.

I came here a firm believer already that dialogue is the best method to advance in theory and in practice. As I see the important results of the deliberations of this Conference, I return to my own country with renewed confidence in social dialogue and in the process of tripartism.

The last three weeks, which we have shared, are engraved in my memory, among the most pleasant and enriching moments of my professional and political career. Here, I have had the privilege of being accompanied by persons of exceptional human qualities, and I will take away happy memories of the good humour and the comradeship which has been demonstrated. For all of these reasons, I, once again, thank all of you for electing me as President of this 97th Session of the International Labour Conference. I thank each of the sectors – the Workers, the Governments and the Employers.

A special thanks to my colleagues, the Officers of the Conference; the Minister of Labour, Employment and Social Security of Algeria and Vice-President for the Government group, Mr Louh; Ms Diallo of Guinea on behalf of the Workers; and Mr Tabani from Pakistan, on behalf of the Employers.

Apart from having shared the presidential duties with me, they have also offered me their much-appreciated friendship.

Thanks also to the Officers of the Conference, all the Committees of the Conference who, in doing their jobs with such enthusiasm, have contributed to the success of this Conference.

I would like to give my particular thanks also, very profound thanks indeed, to the Director-General of the International Labour Organization, Mr Juan Somavia, and his management team for their unstinting and warm support. They have always placed the human touch well above any other consideration. Director of Official Relations, Meetings and Documents, Mr Ricardo Hernández Pulido, to Ms Althea Wright-Byll, Clerk of the Conference, assisted by Ms Raquel Ponce de León. The qualities of these ladies and gentleman have facilitated my task as President and have contributed so much to its successful outcome.

I would like to thank my colleagues of the Panamanian delegation and the members of the Permanent Mission who have provided their full support throughout the Conference, the Ambassador of Panama, Mr Juan Castellero, and all of those who have supported me throughout. I thank you for that constant support.

Last, and certainly not least, I would like to thank all those who have worked unseen, without whom the work of the Conference could not function. I am speaking about the interpreters, the translators, the secretaries, the technicians, the drivers and all other members of the secretariat of the ILO, all of them,

for their dedication to this Conference are well worthy of our thanks and applause.

Finally, to Mr Somavia and the entire Conference, I would like to express my sincere and deep gratitude for having welcomed to the Conference my President, His Excellency Mr Martin Torridos Espino, who also urges you to continue the good work and renews the gratitude expressed last Tuesday.

I congratulate all of you for the success of this Conference and I wish you a safe return home. Thank you very much indeed to all of you.

Original Spanish: The SECRETARY-GENERAL OF THE CONFERENCE

President of the Conference, thank you very much again for those words. But, before you declare this

Conference closed, it is my honour to deliver to you a symbol of these three weeks of work which have just concluded. It is a pleasure for me to do so

Original Spanish: The PRESIDENT

Thank you very much, Mr Somavia, for this additional expression of thanks from the ILO. It is my commitment to make sure that what has been discussed here becomes a reality.

I now declare concluded the 16th sitting of this 97th Session of the International Labour Conference.

(The Conference adjourned sine die at 1.25 p.m.)

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