



Twentieth sitting

Thursday, 17 June 2004, 10.15 a.m.

President: Mr. Ray Guevara

FINAL RECORD VOTE ON THE RECOMMENDATION CONCERNING HUMAN RESOURCES DEVELOPMENT: EDUCATION, TRAINING AND LIFELONG LEARNING

Original Spanish: The PRESIDENT

We shall now conduct the record vote on the proposed Recommendation concerning human resources development: Education, training and lifelong learning, which is contained in *Provisional Record No. 20A*.

(A record vote is taken.)

(The detailed results of the vote will be found at the end of the record of this sitting.)

The result of the vote is as follows: 338 votes in favour, 93 against, with 14 abstentions. As the quorum was 290, and the required two-thirds majority of 297 has been reached, the Recommendation is adopted.

(The Recommendation is adopted.)

The floor is now open to delegates who might wish to explain their vote.

Original Spanish: Mr. FUNES DE RIOJA (Employers' adviser and substitute delegate, Argentina; Chairperson of the Employers' group)

On behalf of the Employers' group I would like to explain why we cast the vote we did. We are very much in favour of this tripartite Organization and committed to its objectives; We feel that it is important that discussion be conducted and instruments applied in full. We believe in social dialogue and in consensus. We uphold the Constitution and the regulations of the Organization, and have done so throughout this debate, right up to the adoption of this instrument which has just been voted, an achievement on which I would like to congratulate the Conference and the Office.

We wanted to explain our difficulties with the Recommendation. We sought improvement through the amendments mechanism. This is not by any manner of means anti-constitutional. It is a mechanism provided for under the Standing Orders for reaching consensus. Unfortunately this was not possible. We did make some mistakes during the discussions. We should not have had a vote in the Committee. I also believe that there were those who were not attentive enough to the central issue we raised regarding one of the paragraphs – not the Recommendation, just one paragraph of it. But it is not an insignificant paragraph, and the Recommen-

ation is not insignificant. It has above all to do with the development of human resources, something that is very close to our heart. From now on – and we will be saying this in the Governing Body – we will be encouraging the Office to continue and increase its efforts in this area, so as to find the necessary subjects and the right agreements.

This general discussion on human resources development began in 2000 and yet recently, just a few days ago, at this particular session of Conference, in a paragraph referring to social dialogue, international collective bargaining made an appearance as something to be included in the Recommendation, in the context of training. It recommended that governments should support initiatives in this particular area.

What was not properly considered is that international collective bargaining is a phenomenon that we are examining, something that is emerging, but not thus far something on which our Organization should take up an explicit position, because there are only 20 such cases, and it goes beyond the scope of Conventions Nos. 98 and 154 in that collective bargaining, which States should provide at the national level is a matter of collective autonomy, not a matter for States, who cannot specify any given model for collective bargaining.

This matter has not been discussed since 2000; our opposition to it now has to do with the fact that we believe that it is legally unacceptable and technically unfeasible in an instrument of this kind. You may say that we are dealing with a Recommendation, not a Convention; it is not binding, it is a political instrument. But we believe that Recommendations do have considerable authority. We believe in them for their own sake, not as a “catch all” for all the non-implementable clauses that we cannot include in a Convention. We see them as autonomous instruments that express the views and decisions of the tripartite constituents regarding policy in particular areas therefore we do rank them high among instruments.

From the legal point of view, there are three points that need to be recognized and which justify our negative vote. Supporting international collective bargaining goes beyond the terms of any international standard. It goes beyond existing national standards. It could clearly have an impact on the social and economic life of countries, not only those countries where such international collective bargaining might take place, but also in those developing countries which may suffer the effects of any

such negotiations, even in terms of their potential competitive advantages.

Vocational training, as far as we are concerned, is as important as human resources development. It is as important as the standard-setting system. These unwanted consequences lead to a practical problem, not an ideological one. They do not destroy our belief in a tripartite approach or in social dialogue.

We have not looked for procedural means of impeding the adoption of this Recommendation, which as we know has been supported by both Workers and Governments. We have just spelt out our position in a very loyal way, because we believe in tripartism. We spell out the things upon which we can concur and those upon which we cannot agree; not by seeking to create substantial divergences, but affirming our willingness to take part in dialogue.

We would urge the delegates and the Office, in the light of the adoption of this Recommendation, and in view of the fact that collective bargaining in any area is a reflection of the collective will and requires the participation of Employers, to carry on working together so as to find ways and means of implementing all the principles contained in this Recommendation which we endorse. We would also hope respectfully that, just as we bow to the consensus of those who carried the day here, you will also respect those whose voice on this occasion did not prevail and we would ask you to think more about this in the future. Consensus and social dialogue are not merely a matter of arithmetic, they are a shared responsibility to act together.

This is why we voted against the adoption of the Recommendation. Once again I would like to highlight the very respectful way in which the Worker Vice-Chairperson listened to my arguments as we sought a solution that eluded us. I would also like to express my appreciation, not only for Sir Roy Trotman, but also for the efforts by the Office and by the President of the Conference. We regret these differences of opinion between us, which are of a substantive nature. International collective bargaining did not come within the scope of this discussion, and cannot do so in this forum. Nevertheless, we will carry on with our dialogue because that is indeed our mission.

Mr. PENDER (*Government adviser and substitute delegate, Ireland; speaking on behalf of the European Union*)

On behalf of the European Union, I would like to explain the reasons why the European Union Member States have voted in favour of the Recommendation. The Governments of Bulgaria, Turkey and Romania also wish to associate themselves with this statement.

On behalf of the European Union, I welcome the adoption of the new Recommendation concerning human resources development: Education, training and lifelong learning. Many elements of the new Recommendation have resonances in current policy developments in the field of lifelong learning within the European Union.

The European Union is engaged in ongoing discussions on the changes that are needed in education and training policies and systems in Europe to adapt them to meet the challenges of the knowledge-based society and economy. The European Union has given political priority to the need to reform career guidance services, to support lifelong learning, and to improve the quality and transparency of vocational education and training within a

lifelong learning framework, and has recently adopted a new resolution in that field. Furthermore, work is about to begin on building stronger links between vocational education and training and higher education.

In the field of employment policy, the current European Employment Guidelines place particular emphasis on increasing workforce and enterprise adaptability, investing more, and more effectively, in human capital and lifelong learning, and attracting more people to enter and remain in the labour market. Education, training and employment policies in the European Union are interlinked, as is necessary in order to achieve its social and economic goals. Better educated and more skilled individuals are more likely to secure employment and thereby contribute to the economy and to society as a whole, and thus help to create a more cohesive and inclusive society and to eradicate poverty. I believe that the new Recommendation being adopted here today will also contribute to fulfilling these objectives.

Original French: Ms. ALVESALO-ROESCH (Government adviser and substitute delegate, Switzerland)

Switzerland abstained during the vote, not because of the content of the Recommendation but for the following reasons.

What is clearly understood can be clearly expressed. This is the principle that has guided Switzerland's unchanging policy in the last few years with regard to the ILO. Switzerland has, indeed, worked hard to encourage the ILO to draw up simple instruments which are easy to understand and access so that they can actually be applied and implemented in the daily lives of employers and workers. Now, the Recommendation we had to adopt today is not at all in keeping with this policy. The text is exceedingly complicated and repetitive; the same idea is expressed in many different ways in several paragraphs; there are redundancies and it is so difficult to access this Recommendation that we wonder whether it is going to really be used outside of this institution. We are disappointed with this result. If it were to be the precursor of a trend, we would be very worried. We agree with the substance of the instrument and thus, Switzerland will not refuse it, but we are forced to abstain in order to be in consistency with our policy that standards should be accessible.

Mr. SHEPARD (*Government adviser and substitute delegate, United States*)

The United States strongly supports most of the elements of the Recommendation, which brings the old Recommendation No. 150 into the 21st century by providing important and appropriate guidance on training issues relevant to today's knowledge and skills-based labour market.

We regret however, that we were unable to vote "yes" to this Recommendation. We are concerned by the use of vague and imprecise language in some instances. In Part II, clause 5(f), for example, seems to advocate a government role in collective bargaining, in violation of a fundamental principle. In addition, while the United States fully recognizes the importance of training and adapting labour forces to new challenges and conditions and to increasing productivity, prosperity and development, we do not support the view that training has the status of a right; we are opposed to labelling goals, however

laudable, as rights. To do so could dilute the rights and freedoms enshrined in the Universal Declaration of Human Rights.

We commend the Committee for its work and hope that the ILO will continue to assist in the development of modern training systems that can enable workers and enterprises to reap the benefits of new technology and new work arrangements.

Original Spanish: Ms. ARANGO DE BUITRAGO (*Government adviser and substitute delegate, Colombia*)

I am the delegate of the Government of Colombia. Colombia voted against the Recommendation, not because it disapproves of the Recommendation as a whole – we do recognize the progress that has been made in this Conference in terms of education, training and learning for the world's workers – but because it believes that collective bargaining on certain issues should be circumscribed to the terms laid down in national legislation. The Government of Colombia believes it appropriate that human resources and other issues of interest should be discussed within the national labour consultation committee, which has a constitutional origin, with a view to reaching national, regional and local agreements and agreements at the sectoral or company level. Colombia is of the view that developing countries such as our own that are trying to find their place in global trade are not yet ready to adjust to decisions on this matter.

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

Original Spanish: The PRESIDENT

We shall now proceed to the examination of the report of the Committee on the Application of Standards, which is published in *Provisional Record* No. 24, of which there are three parts. The Officers of the Committee were as follows: the chairperson was Ms. Rial, the Employer Vice-Chairperson was Mr. Wisskirchen, the Worker Vice-Chairperson was Mr. Cortebeeck, and the Reporter was Ms. Robert Lopez. I would now like to call upon Ms. Robert Lopes to submit the report of the Committee on the Application of Standards.

Original Portuguese: Ms. ROBERT LOPES (*Government adviser, Portugal; Reporter of the Committee on the Application of Standards*)

It is an honour for me to submit to this plenary sitting of the Conference the report of the Committee on the Application of Standards. This is a Committee whose work has always elicited a keen interest and everybody, we believe, backs up its outcomes and the impact of its work. When it comes to the application of standards of the ILO, this is one of the main ways in which we must act.

I would like to remind you that the Committee on the Application of Standards is one of the Conference bodies whose functions are laid down in article 7 of the Standing Orders under which the Committee shall consider the measures taken by Members to give effect to the provisions of Conventions to which they are parties and the information furnished by Members concerning the results of inspections, as well as the information and reports concerning Conventions and Recommendations communicated by Members in accordance with article 19 of the Constitution, except for information requested under paragraph 5(e) of that article. The Committee on the Application of Standards is, therefore, a core

element in the machinery for inspecting the implementation of the standards adopted by this Organization; it bases its work on reports from the Committee of Experts on the Application of Conventions and Recommendations, which draw on written reports from Governments who are answering questions put to them by the experts. These two bodies were set up by the Conference in 1926 and are complementary.

The report I am submitting for the consideration of this Conference falls into three parts; the first part is a general report from the Committee; the second part contains observations on certain countries, namely the automatic cases concerning failure to submit reports, and mentions debates have a bearing on the application of the standards; the third has to do with the special sitting to examine developments concerning the question of observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29), in pursuance of the resolution of the session of the Conference held in 2000.

The first part contains a tribute to Sir William Douglas, and to Mr. Nicolas Valticos, who passed away respectively in August and September 2003. We regret their loss and we have underlined the very important role they played in the cause of the application of the standards of this Organization.

The Committee reviewed its working methods; most members came out in favour of the current working methods, without ruling out possible adjustments which might further improve its efficacy. However, a consensus was not reached on this; there were a number of members of the Committee who made different views known, particularly as regards the choice of cases to be debated. The dialogue will proceed with the consultations the ILO will undertake in this area.

The Committee began its work with a debate on general matters having to do with international labour standards, and the way in which member States comply with their obligations. In the general debate, a lot of detailed information was provided, in particular as regards national situations, and we listened to many interventions. Emphasis was placed on the need to have effective labour inspection systems whose role is essential in order for labour standards to be properly implemented. Deficiencies were pointed out with regard to material and human resources, and also importance of technical assistance from the ILO was underscored. Furthermore, technical assistance from the ILO was requested in other contexts, all connected with standards, to enable States to properly fulfil their obligations in that regard.

The second part of the discussion looked at the General Survey of the Committee of Experts on the application of the Employment Policy Convention, 1964 (No. 122), and the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), and the aspects of the Human Resources Development Convention, 1975 (No. 142), and of the Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189), relating to the promotion of full, productive and freely chosen employment. The value of this study was underscored, given the current global situation. The discussions stressed the need for education and training on a lifelong basis, the need to invest in knowledge, and the importance of social dialogue in promoting employment. Out of this debate there

emerged the need for social dialogue in generating employment, and what an important role the ILO plays in this connection.

We also spent time in the general discussion on the report of the Eighth Session of the Joint ILO/UNESCO Committee of Experts on the Application of Recommendations concerning Teaching Personnel. In this connection the very important role of teachers was discussed, as was the need for training to acquire specialized skills and knowledge and the need for social dialogue, with a view to implementing the two Recommendations.

Most of the work of the Committee and indeed its main task, involved looking at individual cases. The idea here is to encourage governments, through tripartite dialogue, to fulfil the obligations arising from the ILO Constitution. The debate began with what we call the automatic cases which have to do with the ratification of standards. One of the important obligations placed on governments is to inform its legislative authorities of all the Conventions and Recommendations or Protocols adopted by the Conference, irrespective of whether they are going to ratify them immediately or not. This is a fundamental obligation placed upon governments for the application and implementation of the ILO standard-setting instruments. Also essential to this implementation is the obligation to submit reports on the Conventions and Recommendations which have not been ratified which, furthermore, is intended as a means of testing the validity of the standards in question. With regard to the other automatic cases and the failure to comply with obligations, which means that governments are approached for reports, failure to submit reports, including in particular the first report and, failure to respond to observations made by the Experts all mean that the control and monitoring mechanism, based on dialogue, cannot operate. In most instances, the Committee was informed of difficulties arising out of the lack of human and material resources to implement this machinery, and there were many requests made to the ILO for technical assistance.

The Committee then held a special sitting to examine developments concerning the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29). This is reported in *Provisional Record* No. 24, *Part Three*. This special sitting was due to the ILO's tremendous concerns about persistent forced labour in Myanmar.

After having looked at the automatic cases, the Committee then looked at 24 individual cases pertaining to the implementation of Conventions, in respect of which the Committee of Experts had pointed out difficulties of implementation. We considered cases concerning both core Conventions and also so-called technical Conventions and their proper implementation, which is vital for improving working conditions.

Arising from the dialogue which took place when we addressed these cases, there were real commitments on the part of the Governments to implement the Conventions, *de jure* and *de facto*, and to consult the social partners in order to achieve this.

The Committee felt it was necessary to devote a special paragraph to Myanmar's total disregard for the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

I would like to stress that the Committee did not only look at cases of non-compliance. We also showed great interest in cases where progress has

been made in implementing Conventions and this is mentioned at length in the Committee of Experts' report.

Finally, I would like, on behalf of all the members of the Committee, to thank the Governments who took part in the tripartite discussion on the problems their respective countries were having in implementing the various Conventions, and for trying to seek possible solutions. Their participation was essential and very valuable indeed. I should also like to thank the Chairperson of the Committee, Ms. Rial, and the Employer and Worker Vice-Chairpersons, Mr. Wisskirchen and Ms. Cortebecq, for their knowledge and efficiency which enabled us to complete our work successfully. I should also like to thank Mr. Javillier and his team for the support they have given us, as did the secretariat – their help was valuable. I should also like to thank the interpreters.

I would like to recommend to the Conference the adoption of this report.

Original German: Mr. WISSKIRCHEN (Employers' adviser and substitute delegate, Germany; Employer Vice-Chairperson of the Committee on the Application of Standards)

As we have done in the last few years, we are submitting a three-part report of over 200 pages to the Conference. This year's report of the Committee of Experts, which constituted an important basis for discussions within the Committee on the Application of Standards, albeit not the only basis, differs significantly from many of its predecessors over the last 25 years. It is, however, only the substantive differences which deserve our attention. In the past, there was deep criticism of the fact that the report of the Committee of Experts dealt with themes which did not fall within the mandate of that Committee. This applied above all to questions of standards policies, such as standard setting, to the ratification and denunciation of Conventions and to many other activities of the Office. Nor is it appropriate that the Committee of Experts' report should contain recommendations concerning the ratification or the denunciation of Conventions, particularly when these are not in line with the discussions and decisions taken by the Governing Body which is responsible for these matters. Many of the comments made by the Committee of Experts in its report were often associated with value judgements consisting of agreement or criticism. This gave the impression that the Committee of Experts was the judge and jury of the whole International Labour Organization. Of course, this prompts suspicions that the Committee of Experts is somehow being used as an instrument by other parts of the Organization.

We, therefore, welcome the changes which have now been effected that is to say, the inclusion of many extremely interesting and important items of information in a separate report of the Office, which used to contain only the list of ratifications. In this way, we avoid a muddling of the duties of the Committee of Experts and those of other ILO bodies. The competence and responsibilities of each body, as determined by their mandate, are now correctly apportioned.

But in this respect further steps are necessary. These are described in more detail in the general part of our report, in paragraphs 49-50. They concern the common title and symbol used for both brochures. They do not belong together and this

could therefore give rise to some misunderstandings.

Furthermore, the chapter on collaboration with other international organizations and functions relating to other international instruments does not belong in the report of the Committee of Experts. This section in paragraphs 101-112 mentions the exchange of various documents and instruments with other international organizations. The experts are acting completely *ultra vires*. The experts' activities rest on an administrative agreement between the International Labour Organization and the Council of Europe. Moreover, since most of the delegates here do not come from Europe, they probably have little interest in knowing who has signed the European Social Charter or the Additional Protocol thereto.

We also have some doubts as regards the long chapter which is to be found in paragraphs 12 to 43. The so-called "Highlights and major trends in the application of international labour standards in certain areas" described there are an attempt to produce mini general surveys, although the prerequisites of article 19 of the Constitution of the Organization, which provides for such General Surveys, are not met. In the report before our Committee, the Experts must assess the reports member States submit in pursuance of articles 22 and 35 of the Constitution. It is not incumbent upon the Committee of Experts to make general comments or lay down general rules of interpretation which go beyond individual cases.

This year, what is said in the abovementioned section on the three separate Conventions is mostly of a very general nature and therefore does not call for any comment.

The demand that a particular kind of penalty be imposed for the violation of Labour Inspection Convention, 1947 (No. 81), contradicts the text of the Convention and earlier statements made by the Committee of Experts itself. I therefore recommend, that you look at paragraphs 79 to 80 of our report.

This year's General Survey of several employment policy standards focuses more than ever before on the relationship between the economy and labour standards. Since the adoption of Employment Policy Convention, 1964 (No. 122), the world economy has developed very fast in a new direction. Unfortunately, not everyone has digested the fact that labour standards established in periods when there appears to be never-ending economic growth can have negative repercussions on the creation of new jobs and on the standard of living. The General Survey, quite correctly, notes that strategies for more growth and employment must be accompanied by greater flexibility of the labour markets, which implies flexible labour legislation and flexible working hours. Small and medium-sized enterprises have a special role to play here. All in all, it is absolutely essential that the International Labour Organization scrutinize its standards to see whether they are still pertinent to jobs in the twenty-first century. The ratification of any standard which does not satisfy this prerequisite means a spectacular competitive disadvantage for the ratifying state. The conclusion we draw from the General Survey is that, the impression must not be given that the International Labour Organization concentrates its efforts only on those who already have jobs, but rather, the Organization must ensure, through the standards it establishes, that entrepreneurs can cre-

ate new jobs within the framework of flexible basic conditions.

The last part of the general discussion in the Committee concerned the report of a special body convened by the International Labour Organization and UNESCO to monitor the implementation of two UNESCO Recommendations on the status of teachers. It is a great privilege if two specialized agencies of the United Nations which are active worldwide, that is to say, the International Labour Organization and UNESCO, deal with instruments concerning just one profession. This can be justified only on the grounds that the importance of education and training for the future of mankind cannot be overestimated. We support the call for social dialogue between the teachers and the education authorities. But in this connection, we should not forget parents, who are not referred to, yet it is they who have the right to decide on the education to be given to their children, or employers who know exactly what qualifications will be needed later in jobs. The demand for more thorough, up-to-date basic and further training for teachers deserves our full support, as does the demand for reasonable working conditions. As in other professions, this cannot and will not lead to a uniform world standard. But in keeping with the possibilities of each country, teachers should not find themselves at the lower end of the social scale.

The Committee on the Application of Standards, like any committee, constantly scrutinizes its own working methods. In recent years the frequently voiced criticism of our working methods has focused on the list of individual cases to be dealt with. It is obvious, but not surprising, that most criticism comes from the states which must often be placed in the list because the Committee of Experts and the Committee on the Application of Standards believe that major discrepancies exist in relation to the ratified Conventions. The critics have repeatedly complained about the lack of transparency or generally a lack of justice. But no practical suggestions for feasible improvements are ever made. The majority of committee members therefore feel that the decisive criteria, which have been known for years, are the right ones. However, since there are no mechanical criteria offering scientific accuracy, the actual result of the selection process does not always satisfy everyone. We consider that the selection this year was not a complete success. We, Employers, are not convinced about this year's cluster of four Central American States which are on our list. In addition, in two case trade union complaints are reported lock stock and barrel and the Experts did not have any opportunity to comment on their substance, so of course the Committee on the Application of Standards did not express any criticism in these cases.

It is to be expected that today some governments will take up the subject of the list and some have already announced their intention to do so. If the substantive comments seem to be pertinent, next year the Committee on the Application of Standards will no doubt come back to them, for the Committee alone decides on its working methods. For this reason they are not and should not be discussed in detail in a plenary sitting. When it begins to look at individual cases, the Committee considers divers reporting duties, the "automatic cases". This year, once again, unfortunately, it noted huge omissions. In addition, we discovered that not even half of the

states concerned felt that it was necessary to appear when their case was discussed.

This is alarming and absolutely unacceptable. The generally highly commended monitoring system of the ILO cannot function unless the divers reporting duties are fulfilled.

The actual substance of the individual cases we dealt with each day last week is accurately recorded in the second part of our report. Each case has its own particular characteristics. We will not do justice to these 24 specific cases, or to the work of the Committee, if we lump them together and try to describe them in just a few words. It should not, however, be forgotten that there has been a considerable increase in the number of cases dealt with by the Experts where progress has been made over the previous year. It is, therefore, worth looking at the cases in detail in order to see what position the Committee on the Application of Standards has adopted in each case. It is always a question of whether and to what extent member States fulfil the obligations they have freely accepted as a result of their ratification of Conventions. Criticisms must frequently, but not always voiced and it must be subtly differentiated. All of this can be found in the extensive second part of our Committee's report.

A special paragraph of the general first part of the report only lists Myanmar on account of Convention No. 87. There is no sign whatsoever of even rudimentary conditions for freedom of association. The Government does not deny the facts and, as it has done on previous occasions, only talks about possible future developments.

Unfortunately, this year it was impossible to agree on a separate paragraph for Venezuela, where violations of the freedom of association undoubtedly occur. The de facto and de jure situation has not improved at all compared with previous years. The Employers will therefore file a complaint under article 26 of the Constitution of the ILO. A letter on that subject is probably already in the post.

For the fourth time, our Committee, in accordance with the decision taken by the Conference in the year 2000, had to organize a special session because of Myanmar's violation of the Forced Labour Convention 1930 (No.29). The numerous demands made over the years that the widespread practice of forced labour should be abolished have still not been heeded. Various discussions between the liaison officer, the informal facilitator and the authorities have not produced any positive results. The courts have even imposed death sentences mainly on the grounds that people had been in contact and cooperating with the ILO.

Generally speaking, the Conference Committee feels that the prerequisites for the implementation of the action plan signed last year just do not exist. It is especially important for the Conference Committee that the work done in the Committee between the Workers' and the Employers' groups, should be satisfactory. Once again, this has been achieved this year. For this, we would like to express our thanks to the Worker Vice-Chairperson, Mr. Cortebecq, and Ms. Rial, the Deputy Minister of Labour of Argentina, who led us in a magnificent manner through our work and ensured that we worked rapidly. The Reporter, Ms. Maria Robert Robert Lopes is someone who is a very experienced and much-appreciated member of the Committee and, of course, we also know that without the intensive work and preparation by the Office in the depart-

ment of Mr. Javillier, head of the department and his team, our Committee would be unable to work. Therefore, to Mr. Javillier and his team, a special word of thanks, and a concluding word of thanks, as always, to the members of the Employers' group. This is the 22nd year I have been the spokesperson for this group and I would like to express a special word of thanks to my friend, Ed Potter and our young colleague, Andrès Yuren of the International Organisation of Employers. We recommend our report to all of you.

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

It was a great pleasure for me to have taken the role of Vice-Chairperson and spokesperson of the Workers' group in this Committee. Today, I have the honour of submitting to you the report of the Committee on the Application of Standards.

I should like to thank: our Chairperson, Ms. Noemi Rial, for the way in which she led our work; our Reporter, Ms. Maria Robert Lopes; Mr. Javillier and the International Labour Standards Department; the Experts, for the excellent work they have done; our Officers of the Conference and the members of the Workers' group; Monique Cloutier and Claude Akpokavie from ACTRAV; Mr. Wisskirchen and our colleagues from the Employers' group; and the Government delegates.

I would like to share with you a few final comments about our work. With regard to the report of the Committee of Experts on the Application of Conventions and Recommendations, of the three areas that were given close consideration by the Experts this year, the Conventions on Labour inspections were the most important, for us. Although the Experts have noted improvements in the field, there is still much to be done. Moreover, we noted that inspection is particularly important in the export processing zones – as has been shown by the case of Bangladesh – or for child labour – as we have seen in the case of Bolivia.

In this connection, we would like to reiterate the request that we made to the Experts last year for them to study in depth the trafficking and exploitation of children, particularly in West Africa. We are not talking about just a few isolated cases, but about very serious, closely interconnected problems.

Lastly, still on the subject of labour inspection, the ILO could address the question of corporate social responsibility by developing a strategy to ensure that the responsibility of business does not remain just a form of self-verification and self-advertisement.

However, Conventions concerning maternity are also of great interest to us: we are very concerned at the low rate of ratification of these Conventions.

Now I would like to talk about the General Survey (Employment). The second part of our work was devoted to the General Survey, which this year was devoted to the Employment Policy Convention, 1964 (No. 122). Given the market deterioration in employment virtually everywhere in the world, this study was very topical. That is why we included the case of Slovakia on our list of cases for discussion this year.

I would like to highlight the following key points: the emphasis that the Experts placed on full employment; that to achieve this, the ILO should develop a two-fold approach, namely to put pressure

on member States and to embark on a process of dialogue with them, and to put pressure on the other international organizations.

But we also have a number of concerns: how do we define full employment? The concept of full employment cannot be separated from the concept of decent work; the objective of full employment should be central to macroeconomic policy – that is to say, the budgetary, fiscal, monetary and economic policies of governments; one must not lose sight of the link between the concept of full employment and the right to work; the role of the public sector as regards employment; the policy of small and medium-sized enterprises (SMEs) should not be separated from global, economic and social policy; and we need to find a solution to ensure participation of workers in SMEs. Full employment should therefore not be left out of tripartite dialogue in the member States, as the ILO reports clearly show.

And now I come to the next topic, which was education. This year we discussed the conclusions and recommendations of the eighth Joint ILO/UNESCO Committee of Experts on Application of Recommendations concerning Teaching Personnel.

Three fundamental issues attracted our attention and call for urgent action: one – financing of teaching in order to offset the shortage of teachers and to provide teachers with good living and working conditions; two – the urgent need for ensuring real and effective social dialogue, which is a cornerstone for a just and lasting solution to the problems in teaching; three – the importance of promoting instruments, and particularly the UNESCO Recommendation concerning the status of Higher Education Teaching Personnel, 1997. These are three basic conditions for being able to achieve the aims of education for all.

Now I would like to tell you about our work concerning the application of standards. First, I would like to talk about the selection of cases. This year, the Experts put before us 643 observations and 1,406 direct requests. Altogether, that is more than 2,000 comments on the application of Conventions. The list of cases selected is a sample of these which should help us to think about the letter and the spirit of the Conventions.

In our list, we selected 11 cases relating to problems with the application of Conventions on freedom of association. Thus, we discussed the cases concerning the difficulties in meeting the requirements of the Conventions on freedom of association as a result of a climate of insecurity, violence or even threats or oppression, which exist in certain countries. This applies to Colombia and we were sorry that a special paragraph was not possible given the seriousness of the case. It also applies to Zimbabwe and to some extent, to Venezuela. With regard to the specific case of Guatemala, we were forced to note that trade union leaders and activists are currently being held in prison, despite the fact that the ILO called for their immediate release.

We were also forced to note many problems with the application because of conditions set on, or interference in, the internal affairs of trade union organizations or social dialogue, either through legislation or in practice. Apart from the cases I have mentioned, and the blatant case of Myanmar, which we placed in a special paragraph on account of its continued non-compliance, there were the cases of

Costa Rica, Bangladesh, Iceland, Serbia and Montenegro.

In addition to the cases on the list and discussed in the Committee, there were other observations that attracted the attention of the Workers' group in which, despite the observations and conclusions of last year, neither the geo-political situation nor the specific circumstances described can explain why trade union leaders are still being held in prison or do not have the right to organize themselves in a union of their choice, which is recognized, and has the right to negotiate freely.

This applies particularly in the cases of Cuba, Denmark and Argentina. The Workers' group was surprised and upset by the tone and content of the report of the Government of Germany on the situation as regards freedom of association in the public services. The cases of Cameroon, Ecuador and Burundi continue to be a source of concern to us.

Although freedom of association is a very important part of the work of our Committee, we were also concerned by the continuing difficulties as regards forced labour, discrimination and child labour. On these subjects, we held discussions with Australia, Indonesia, Niger and Sudan. Like last year, we devoted a special sitting to Myanmar, with a clear conclusion which gives the Government a last chance to improve the situation. Nevertheless, the Workers' group recalls the comments of the Experts to the effect that questions are still unanswered as regards Mauritania, Japan and Swaziland.

On our list, we took up three observations concerning equal opportunity and treatment, for El Salvador, the Dominican Republic and Japan. We venture to hope that in the case of the Libyan Arab Jamahiriya, concerning Equality of Treatment (Social Security) Convention, 1962 (No. 118), which was taken up in a special paragraph last year, the experts will have available to them next year the information requested from the Government. As regards observations concerning the fundamental Conventions, we selected two important cases namely Bolivia and Ukraine.

Of course, although the problems of the application of fundamental Conventions, by their very nature and extremely serious character, are the most important in the list, observations concerning the Conventions which we refer to as technical Convention, also hold all the attention of the Workers' group. Thus, we held dialogue about the application of four Conventions: Maternity Protection Convention (Revised), 1952 (No. 103) – this was for the Netherlands; Protection of Wages Convention, 1949 (No. 95) – this was for Poland; Labour Inspection Convention, 1947 (No. 81), for the Republic of Korea; and Employment Policy Convention, 1964 (No. 122), for Slovakia.

Although we only discussed 25 cases, and although we expressed our concern only for a few other cases, this does not detract from the importance of observations made on other cases by the experts. Dialogue is necessary in the various countries for each and every case. We must undertake urgent action for each and every observation. This is an appeal to all partners involved.

After two weeks of intensive work in our Committee and after the assessment carried out within the Workers' group, I must tell you that our group is satisfied overall with the work which has been done but we are rather disappointed with the results. We, the Workers' group, remain convinced that the work

of our Committee is very important and does have a direct and indirect influence on the lives of workers throughout the world but on this point the Committee has not fully achieved its goal this year.

Probably this assessment is linked to the comments which I would like to make on the work of our Committee.

Already last year, and again this year, we witnessed, and I am sure we will witness again today, opposition by certain governments to our methods and procedures of work. This opposition is something which we felt to be an attack against the standard-setting system of the ILO itself, and above all against the universality of the standards themselves.

Let us not forget that we are talking here only about a minority of member States. Also, let us remember that most of the member States are fully in compliance with the rules and methods of work of the Committee and the ILO and deserve our appreciation.

But, some countries clearly oppose the way in which the list of the countries is drawn up and once the list has been adopted, I could not help feeling that I also could see opposition which was less explicit and more diplomatic, but was not less organized.

A short study of the list of individual cases of this year, and all the more so, the lists of the previous years overall, shows that the balance which has been sought has been achieved and it can be considered to be just and fair. However, it is very clear that it is not possible to fix criteria which will virtually automatically lead to identification of individual cases for discussion. There is a need to achieve a balance between the various categories of Conventions and also a geographical or geopolitical balance where the rates of industrialization or development have to be taken into account, together with the urgent and serious nature of individual cases. Therefore, even though the establishment of a mathematically perfect balance is not possible, the need to have an overall balance which is adequate is borne in mind throughout the process, because we wish this process to be seen to be transparent, fair and just.

Some governments have pinpointed the fact that there are too many countries from the same continent or subcontinent on the list. I cannot help feeling that they have put forward the pretext of a political operation in order to better dissimulate or reduce the scope of violations or infringements noted by experts or experienced by Workers.

Other governments have stated that this Committee is not a court of law, but it should be helping the countries concerned to improve their situation. This is absolutely fair and true, but our Committee is not just a place for good intentions. Countries have to work harder to bring their legislation and practice in line with the Conventions.

Some governments have gone even further and they have called into question the work and objectivity of the Committee of Experts.

Methods are not the only points to consider. We also have to think about the rules of the game in our Committee and the practices. I am putting the word "practices" in the plural, because people may well think of several different types of trends which, should they coincide, may develop into a major risk.

First of all, there is a trend which has been growing this year, and that is that several governments have launched into long statements and presenta-

tions which did not really correspond to what the experts were commenting on, but really described developments plans and intentions and initiatives and committee systems for the future.

Now, these statements and presentations were full of good news and were very well prepared, but they were virtually never given in a "D" document for prior information to our Committee as provided for in our rules and in our practice.

We are worried about this trend for two other reasons as well.

First of all there is growing discrepancy between the speaking time for the Governments and the speaking time for the Employers and Workers of the country. This disproportion struck us all the more so because we, the Workers' group, tried to organize, structure and limit our own statements so as to keep within the time allotted to us.

Secondly, this trend seems to be justified by the fact that in most of these cases the Conclusions refer explicitly to oral explanations from the Government. We appeal to the Office to maintain an objective attitude in this very sensitive process of dialogue between Governments, Employers and Workers. The Conclusions have to focus on initiatives to be taken to improve compliance with commitments undertaken. This is the first challenge.

The second challenge comes from the Employers' side. Our field of discussion seems to be narrowing down. It seems to be confining itself to a very legal approach which is confined only to the letter of the text, or to the text of the Experts' report without taking account of the complaints described in all the texts or even the text of the provisions of the Convention under consideration.

This year, this confining of our discussions to a very legal scope was even more marked. For instance, as soon as the word strike was pronounced, the discussion collapsed.

I can say it in legal terms – an understanding of law which is confined to the letter, and only to the letter of the law, cannot work and is not functional at all. Of course every state functions on the basis of a legal corpus involving law and order, but also there is the case law of the Supreme Court, or the Court of Justice, for example, for the European Union. This case law also includes doctrine. This means that the Committee of Experts and the Committee on Freedom of Association are also a full part of the legal entity of the ILO.

The questioning of standards, the challenge of our methods and the lack of compliance with our practices and this very strict legal focus are a worry to us, the Workers' group. We feel that all these trends together will bring us to a stalemate, or at least to weaken the structure of our work and our conclusions. Therefore I clearly want to say that the work of the ILO must not lose its value. The Workers' group will continue to defend the role of the ILO, and in particular the crucial role of our Committee.

Our report was unanimously approved by our Committee and I request that this session of the Conference to likewise approve it unanimously. Thank you.

Original Spanish: Ms. RIAL (Government delegate, Argentina; Chairperson of the Committee on the Application of Standards)

As was clearly stated by our Reporter, the Committee on the Application of Standards began its deliberations with a general discussion on the application of Conventions and Recommendations. Pre-

vious speakers have spoken at length about the work of the Committee, but I would just like to draw your attention to a number of points.

As last year, the working methods of the Committee were carefully reviewed by delegates. The debate was very interesting and the majority came out in favour of the current system for selecting cases, which they felt was fair and just, while they recognized that, as in any procedure, there was room for improvement. Even those countries who disagreed with a number of the selection criteria made their proposals while fully respecting all the other positions – thus there is no doubt that, while there is room for improvement in some aspects of the procedure, this has to be done through tripartism and dialogue.

We must not lose sight of the essential purpose of the Committee, which is to ensure full compliance with ratified Conventions.

The full exercise of the rights laid down in the fundamental Conventions is an essential tool in strengthening democracy. It emerged from the deliberations that the best way of achieving genuine progress in member countries is for ILO technical cooperation to help Governments bring their law and practice into conformity with the Conventions.

With this constructive purpose in mind, the selected cases were reviewed and the countries involved, and delegates, were free to express their points of view. In particular, the Committee focused on labour inspection. The delegates emphasized the fundamental role of labour inspection in ensuring the application of labour standards while pointing out that many countries lacked the necessary technical and financial resources to strengthen it.

Concerning the Conventions on indigenous and tribal peoples, Members agreed on the need to improve the living conditions of these peoples. The Committee also focused on the Maternity Protection Convention (Revised), 1952 (No. 103), and the Maternity Protection Convention, 2000 (No. 183). A substantive issue that elicited active participation by delegates was the report of the joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel. The Committee agreed that there was a need to preserve ongoing training for such personnel to improve the quality of education through social dialogue.

The Committee also devoted a large portion of its debates to the General Survey carried out by the Committee of Experts on employment policy. Delegates agreed that employment should be at the heart of the social policies of all countries as a fundamental strategy to fight poverty, especially in developing countries. It should be recalled that freely chosen and productive employment is one of the ILO's major objectives and should also be a policy goal of member States.

The Committee worked hard and with dedication, giving pride of place to freedom of expression and dialogue. This was made possible thanks to the excellent management by the Director of the International Labour Standards Department and his team, whose professional attitude and dedication facilitated the task of the Committee.

We would also like to acknowledge the work done by the interpreters and translators, who assisted us in completing our work.

Finally, I cannot fail to mention the work done by the Employer and Worker Vice-Chairpersons who,

in a very balanced, serious and responsible way contributed to the results contained in the report that the Committee is submitting to the Conference. I should also like to thank the Reporter, Ms. Robert Lopes, for her good work.

Lastly, my special thanks go to all the delegates who worked in the Committee and contributed to the quality of the exchange of views and of the outcomes achieved.

Original Spanish: The PRESIDENT

The general discussion on the report of the Committee on the Application of Standards is now open.

Mr. NKHAMBULE (*Government delegate, Swaziland*)

I appreciate the fact that you have given me the floor and I will try my level best to stick to the five minutes that you have given me.

First of all, I ask your indulgence to make a brief statement on the report of the Committee on the Application of Standards. The report quite largely represents the deliberations and conclusions of the Committee as I understand them. This is the Committee where issues concerning the application of standards are discussed. The International Labour Organization has established sound procedures for dealing with complaints against any member State, and we expect those procedures to be observed, even if Swaziland is the subject.

Normally, the matters referred to are first discussed elaborately by the Committee on the Application of Standards and only come to the house for adoption. Such a system allows concerned member States an opportunity to respond to any allegations made against them. However, my Government delegation would like to call your attention to a matter of procedure that arose here on 14 June 2004 which concerns the statement that was made by Mr. Sithole, the Workers' delegate of Swaziland. My delegation would like to register its profound objection to this kind of reference being able to bring matters to this assembly through what we may perceive to be unprocedural means.

We all know that the session was only meant to discuss the Reports of the Director-General and of the Chairperson of the Governing Body, in particular the thematic issues arising therefrom. Our understanding of the practice informs us that the discussion was only to be centred on these Reports. It is my delegation's view that the statement made here seriously missed the target in this respect, in that it did not discuss the contents of these valuable Reports at all. We do not remember these Reports' discussions, or, for that matter, warranting the discussion of Swaziland. A detailed report will be filed with the Office of the Director-General. It is my humble submission that the statement under reference be removed from the *Provisional Record* on account of being out of procedure, and my objection should be recorded accordingly.

Finally, I submit that past conflicts, whether perceived or real, should not be used against the country as a member State. I think Swaziland needs to be encouraged in its efforts as we may have mentioned, and will be mentioning to the Director-General, instead of being discouraged.

Mr. MANGWANA (*Minister of Public Service, Labour and Social Welfare, Zimbabwe*)

Zimbabwe is calling for a review of the working methods of the Conference Committee on the Application of Standards.

With particular reference to the listing of countries, my country has appeared on the list for three successive years, including at this session. On all these occasions, Zimbabwe has not been warned before the Conference that it would be appearing on the list. Instead, the list is clandestinely prepared by the Workers' group and circulated nicodemously to the Employers' group, skirting the Governments concerned.

Governments have to discover for themselves that they are on the list. It seems to be a game of hide and seek.

May it be noted that the report of the Committee of Experts does not indicate which countries will be appearing.

Governments cannot prepare replies in the dark.

The listing is not transparent at all.

The current procedure has an element of surprise and it leads to inadequate preparation by Governments. Hence, the quality of the proceedings is highly compromised.

It would appear that the countries are chosen by casting dice or by lottery.

The ILO Rules of Procedure are not cast in stone. They should be amended if they have become obsolete or if they can be abused.

Recommendation: Zimbabwe strongly recommends that Governments be alerted of a pending appearance at least three months before the Conference or when the report of the Committee of Experts becomes available.

The current practice apparently makes it mandatory that at least 25 countries have to appear before the Committee.

At the end of the day, the Committee rushes pell-mell through the proceedings in order to beat the target.

Also the fixing of cases at 25 leads to countries with effectively non-serious infringements being dragged into the hearing for the Committee to meet its "quota".

Recommendation: A lesser number of countries should be listed so that ample attention is given to individual countries appearing before the Committee.

There is a practice where the Conference Committee proceeds to determine the competence of legislation as raised in the report of the Committee of Experts. This practice tends to usurp and distort the functions of the Committee of Experts.

By way of example, in 2003, Zimbabwe intimated this observation to the Conference Committee, but the Conference Committee, nonetheless, proceeded to determine the competence of our legislative amendments and made adverse findings. Based on those findings, it went on to impose a direct contacts mission and mentioned Zimbabwe in a special paragraph.

However, when the Committee of Experts subsequently met in late 2003, it found that most of our amendments were satisfactorily addressing the issues it had raised.

It should have been an embarrassing contradiction.

All it means is that Zimbabwe was wrongly mentioned in a special paragraph in 2003. Had our legislation been competently considered, we would not have been liable to those severe penalties or sanctions which were inappropriately imposed by the Conference Committee.

Those penalties should be reserved for proven worst cases.

Recommendation: Zimbabwe is of the view that the Conference Committee should refrain from approving the listing of countries whose listing requires determination of the competence of national legislation. It is the Committee of Experts which has the technical capacity to assess the competence of national laws. In any case, it is the experts who would have raised the issue.

The Conference Committee patently simply rubber stamps the list initiated and provided by the workers, some of whom may be pursuing political agenda.

Recommendation: The Committee should independently assess the grounds for listing and, in appropriate cases, it should delist a country where, on the basis of responses supplied, there is no issue for further discussion.

By way of example, despite positive observations by the Committee of Experts in respect of Zimbabwe's legislative amendments and despite Zimbabwe's timely submission of its considerate and positive reply on document D.9 after the listing, Zimbabwe was, nonetheless, hauled before the Committee on 12 June 2004.

Zimbabwe's case was a proper one for delisting by the Committee. We understand that the rules provide for such procedure, or they should.

As a passing observation, confidence in the work of the Committee may be eroded, where, after handing down its conclusions, the Committee engages in further unrecorded debate with the parties to the extent that it alters its own findings. It reviews its own work, casting doubt on whether it would have properly come to a decision in the first place. This appears to have been the case with Serbia and Montenegro.

Recommendation: Proceedings should be held in open forum and on record, with the full participation of the whole Committee. This ensures transparency.

There is a current practice of consulting the complainants before the judgement is delivered, in the absence of the accused Government member. This leads to loss of confidence in the decision to be delivered.

It appears that one's accusers play an active role in the decision-making process by the Committee.

Recommendation: The Committee should recognize in practice the time-honoured adage, viz, justice should not only be done but be seen to be done.

The other current practice in the Committee is that certain delegates bring up extraneous matters which have nothing to do with the issues raised and they are not ruled out of order by the Chair *mero motu* or at the instigation of other delegates. These extraneous issues find their way into the conclusions of the Committee.

It also appears that the Committee does not make rulings on points of law raised *in limine* during the proceedings or on matters of a technical nature, which can be independently decided upon outside the merits of the matter.

Recommendation: The Committee or Chairperson should not merely assume the role of umpire but should be actively involved in the proceedings and give directions.

With these specific observations, this may be an appropriate time for the Committee to seriously consider reviewing its working methods. A lot of

members could have been prejudiced by current practices.

Original Spanish: Mr. SÁNCHEZ OLIVIA (Government adviser and substitute delegate, Cuba)

My delegation has sought the floor to speak to a number of statements made in the general part of the report of the Committee on the Application of Standards. Above all, we wish to recall the ideas proposed by a group of countries, and already supported by the movement of non-aligned countries, which were submitted in a fine spirit of cooperation as a contribution to improving the working methods of the Committee.

My country is not included on the list of cases where countries are required to provide explanations. Yet, there were comments in the report regretting the fact that this has not been the case, and we totally reject the arguments adduced for this purpose.

There are no imprisoned trade unionists in Cuba. The 19 national trade unions, and the Confederation of Workers to which they all historically and voluntarily belong, perform their trade union activities in complete independence in all workplaces throughout the country, where their leaders are elected by the workers themselves. No such trade union leader is imprisoned or hindered in his or her trade union activities.

We would like the record to show that we are thoroughly dissatisfied with the comments in paragraph 15 of the general report.

Mr. CAHALANE (Government adviser and substitute delegate, Ireland, speaking on behalf of the European Union and IMEC)

I have the honour to speak on behalf of the European Union and on behalf of the members of IMEC. The European Union candidate countries Bulgaria and Romania also align themselves with this statement.

We wish to congratulate Ms. Rial, the Chairperson of the Committee, and the other Officers for their work in ensuring the successful discharging by the Committee of its role. We would also wish to thank all the other participants involved in the Committee's activities.

We wish to take this opportunity to comment on the proposals made by 18 member States concerning the mechanisms of the Committee and the procedures for choosing the individual cases.

We support the reinforcement of the effectiveness of the ILO supervisory mechanisms, including better publicity, more effective follow-up and more widespread use of the findings of the ILO supervisory mechanisms throughout the international system. Furthermore, we are committed to looking for ways to strengthen these mechanisms and to promote respect for labour standards at country level. However, we cannot support proposals for changes to the fundamental structure of the Committee. This established and agreed structure has been carefully weighted and balanced to reflect the unique tripartite nature of the ILO. We are, of course, prepared to consider any reasonable proposals for a forum which would contribute to greater overall efficiency.

Mr. ETTY (Workers' delegate, Netherlands)

There is one thing I would like to add to the statement by the Workers' Vice-Chairperson of the Conference Committee on the Application of Stan-

dards which relates in particular to his concerns about the dangers facing the supervisory system.

It is not only the attack on the working methods of the Conference Committee by the group of so-called "like-minded states" that worries us. We are equally concerned at the attitude adopted by the Australian Government this year, namely its rejection of the judgement of the Committee of Experts concerning the legislation and practices relating to prison labour, particularly in privatized prisons. The Experts say that the Australian Government's policy is not in line with the ILO Forced Labour Convention, 1930 (No. 29). The Australian Government thinks that the Experts are wrong and is supported in this view by other members of the group of Industrialized Market-Economy Countries (the IMEC group) and by employers.

The differences manifested themselves some five years ago. Since then, the situation has reached a stalemate. The Government of Australia is ignoring the recommendations of the Experts and the Conference Committee can only accept the stalemate and repeat its earlier conclusion on the case – at best. We did not even get that best this year.

The situation is not good for the Conference Committee, or for the Committee of Experts. Neither is it good for the ILO. It sets a very bad example, which, if followed by other countries (and why would they not follow?), would seriously weaken and damage our work.

During this year's debate, we made a few suggestions to the Australian Government with regard to resuming a constructive dialogue, and we hope that those suggestions will be taken on board. We also suggested that the Government, if it really is convinced that the critique of the Committee of Experts is wrong and misguided, should take the case to the International Court of Justice in The Hague. The Government did not react to that proposal, and I would be very surprised indeed if it gave any consideration to the matter. I am pretty sure that it fears that the odds are against it. But even if that were not the case and even if it had a good chance of winning the appeal, we the Workers would prefer that some clarity be brought to the present state of affairs.

In these circumstances I would recommend that the ILO request an advisory opinion of the International Court of Justice on this case. The ILO is entitled to seek such an opinion on the basis of the 1946 agreement between the ILO and the United Nations. The request should be discussed with the Committee of Experts later this year.

It has been observed that it would be useful to take this step in cases where Governments do not admit the existence of discrepancies between their legislation and practices on the one hand, and a Convention on the other, and in cases where they disagree with the interpretations the ILO's supervisory bodies.

This is one such case, and the Convention in question is one of the fundamental human rights Conventions. In the interest of our Committee and of the ILO, I kindly request the Office to give serious consideration to this, what I would call a modest proposal.

Mr. STEYNE (Workers' adviser and substitute delegate, United Kingdom)

The Trade Unions Congress (TUC), too, has grave concerns about the attacks on the workings of our Committee. We believe that the list of cases

should be decided on its merits, without fear or favour. We should continue also to examine good practice, but we concentrate, rightly, on cases of real suffering of working people. Regarding favour, we have sought to balance regions, industrialized and developing countries, technical and fundamental Conventions. And regarding fear, the Burmese and the Zimbabwean Governments' threats against Worker members violate Conference rules.

The TUC supports the supervisory bodies, including the Committee of Experts. We are dismayed by the constant challenge to the Experts' authority and competence by the Employers and certain Governments, including Governing Body members. This is most noticeable where their interests coincide – in their attempts to undermine the fundamental right to strike (which they will not defend even in Colombia) to extend the definition of essential services and their determination to drive forward the privatization of prisons.

We fear our Committee is being politicized in a manner which has debilitated other agencies of the United Nations. A bizarre alliance of governments has emerged, though describing themselves as like-minded, some have little in common other than a desire to avoid scrutiny of their own obligations. In this session, many of them defended the indefensible – questioning the examination of cases of the grossest abuse of fundamental rights – including anti-union violence and slavery. They were led by one country, whose sovereignty has been strongly defended by many in the international trade union movement. But I am not sure that that Government appreciates how much it has damaged its reputation by its behaviour here. This unholy alliance was supported in some cases – in particular that of Zimbabwe – by some who claim to represent workers, yet defended a regime which has attacked and beaten trade unionists and killed farm workers in pursuit of its dictatorial cronyism. The TUC disassociates itself from such comments, which are inimical to free trade unionism.

These members are not alone in undermining the objectivity of our work. In the Conference plenary, the TUC's delegate this year expressed our dismay at the crass failure of the Committee on Standards to agree appropriate measures on Colombia – for us, a key priority. That neo-liberal, anti-democratic regime is defended, not only by some of the "like-minded" group, but also by the Employers and by other Governments, including, unfortunately, my own. They claim, misguidedly, that the regime is defending a democracy against terrorism, rather than waging a war on democracy and free trade unionism with the backing of paramilitary terrorists. Colombia remains the gravest case of violations of trade union rights in any ratifying member State. More trade unionists are murdered there still than in the rest of the world put together.

Many Governments and Employers have joined the Workers' group this year to demand, quite rightly, strong measures in the cases of Belarus, Myanmar, Venezuela and Zimbabwe. But when those same Governments and Employers deny that the continuing gross violations in Colombia merit similar measures, we have to question their economic and foreign policy motives. Inevitably, however, they are undermining the authority of the ILO and the reputation for objectivity and impartiality of the Committee on Standards. It appears to us increasingly that only governments which reject the

current model of globalization are subject to stronger measures but that not those which pursue neo-liberalism. The Employers miss the point when they say in the Committee that the violations in Zimbabwe are inimical to a market economy. Fundamental rights must apply even if there is no immediate business case. It is incomprehensible to trade unionists in the United Kingdom, who believed that only a Commission of Inquiry could shed light on the shadowy relations which perpetuate impunity in Colombia, that not even a special paragraph has been agreed in that case, this year or last.

I have concentrated on Colombia because it is a priority for the TUC and because it highlights, more than any other case, the damaging double standards which are now undermining our Committee. All ratifying member States should be subject to impartial judgement, regardless of whether they pursue neo-liberalism or command economics. If our Committee allows a hideous mutated recreation of former Cold War blocs overlaid with the scars of a newly weakened multilateralism, I fear it will degenerate into a shadow of its former self, as sounding brass, a mere clashing of cymbals.

International law should unite us all. But it is a seamless tissue. If you pick at the threads, it will soon fall apart. We call on all constituents, regardless of their political perspectives, to pause for breath and consider whether the weakening of the ILO's supervisory bodies is truly in their interests. For we can be sure that it will not be in the interests of the working people of the world whom this house was established to protect.

Original Spanish: Mr. FERNANDEZ (Workers' delegate, Uruguay)

Without a doubt, the Committee on the Application of Standards is the centrepiece of each session of the Conference. Its task is to analyse, discuss and contribute to improving labour relations where they are not being respected.

Every year the Committee has to select a group of countries, since time does not permit us to deal with all of them. This selection is always very controversial, since it is no easy matter to determine at the outset which violations are the most serious.

A choice has to be made between violations of fundamental and technical Conventions, striking a balance between countries on all the continents. There is always room for improvement with regard to the mechanisms applied. But there can be no doubt that year after year, despite the progress made in ratifications, violations are increasing.

It has been reiterated on a number of occasions that since the 1990s, with the advent of neo-liberal policies, the world has suffered a marked deterioration in terms of the distribution of wealth. Millions of men and women sink into poverty daily. New forms of employment relationships have in some cases played havoc with more democratic and humane relations. Hundreds of thousands of working men and women are dismissed merely for attempting to organize in trade unions, while still others have been threatened and many have been killed. Every year, there are many cases in which governments fail to provide their labour ministries with the necessary resources to carry out their tasks properly, even preventing the labour inspectorates from doing their work for lack of resources.

Based on the report of the Committee of Experts on the Application of Conventions and Recommendations, the Committee on the Application of Standards tries to remain as objective as possible in the face of so many atrocities. We cannot accept those who contend that there are other intentions behind our handling of the cases other than the desire to make social justice a real right for working men and women and a duty of governments and employers. Now more than ever before, in an increasingly integrating world, we have to see that all trade agreements concluded are accompanied by social and labour agreements to help improve the lot of the most vulnerable. Hence this Committee must remain vigilant in regard to the application of Conventions and Recommendations, so that governments will understand that there can be no fair globalization without giving effect to social agreements and declarations.

I hope that all of us will contribute to strengthening the way the ILO works and seek the necessary changes, but always in respect for tripartism, which the European Union has held up as an example of international democracy. Therefore I endorse the report presented by consensus.

Mr. SANKAR SAHA (*Workers' adviser, India*)

While recording the support of the Indian Workers for the report adopted by my Committee, I would like to place before this august house some relevant points that have been agitating my mind during my 17 days' work in the Committee.

During the 85 years of the ILO's existence, many Conventions and Recommendations have been adopted, but many of them – including the fundamental Recommendations – are not ratified by many countries. Again, ratified Conventions are more often violated than implemented; the total number of violations cannot even be assessed because of the absence of reports resulting from intimidation, which comes from a desire to achieve economic benefits from trade and business and from international institutions as well. Many countries do appear to behave that way.

Most of the developing countries, including the more developed amongst them, plead that their economic situations do not permit them to ratify, although ratification of a fundamental Convention does not depend on capacity as such, but more on the political will of the Government and its approach to the working class movement. It is a basic right to human life and a matter of human freedom, and no justice can be given without this. It is also alarming that the superpowers and their allies, the champions of democracy, refuse to ratify Conventions, even the basic Conventions like 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).

A question that very often haunts the mind of global workers is that of whose democracy we are existing in. Where millions of workers – according to the ILO, 50 per cent of working people – are denied their fundamental right to collective bargaining and forming associations, 4 billion people live a subhuman life, with only US\$1,500 a year, when the fact remains that total accumulated wealth created by them, coupled with advanced technology so far achieved, could be sufficient to satisfy the needs of the people of all countries.

In this era of neo-liberal globalization, and the unrestricted freedom of exploitative finance capital and goods, the noble standards of the ILO are the first victim. Informalization of the formal sector is going on rapidly, and, as a result, workers who once used to enjoy the benefits of standards are now deprived of them. Throughout the world, informal sector workers are now in the majority.

Every day there is downsizing, retrenchment, lay-off, lockout and closure, putting millions of workers out of employment everywhere in the world. Loss of employment and employment opportunity is a common factor in all countries. Contractualization, outsourcing, casualization, part-time and temporary jobs are the order of the day for globalization. Permanent jobs are a matter of ancient history. Social security systems, so long built up, are being dismantled. I am saying this because these things have an adverse impact on standards. If the globalization is allowed to go on, a day will soon come when the ILO standards will stand irrelevant.

The matter of migrant workers and forced labour are of prime importance. Migrant workers everywhere are tortured and discriminated against, compared with workers of the country. They do not enjoy any rights whatsoever, let alone those of association and collective bargaining, equal wages for equal work, social security benefits, etc. etc; the standard is still being violated thus.

According to Indian Apex Court, anybody made to work on wages below the established minimum wage is in forced or compulsory labour. I understand my worker friends in all countries will appreciate this observation of our Supreme Court, as the situation in all countries is almost equal. In advanced countries, even prison workers are made to work for private companies; again the standard is violated.

Lastly, I shall draw the attention of this house to the urging by the multinational companies for union-free industry. This process has been started with export processing zones and will spread in all industries. Thus, a process of dehumanization started long ago will be completed very soon. There may be little time left for the ILO to protect its standards. We in the ILO should be alarmed and act and react more actively.

Mr. SITHOLE (*Workers' delegate, Swaziland*)

I will start by supporting all of the comments made by the Worker spokesperson and all Workers who spoke after him. Indeed, we do not believe that there is anything wrong with the working methods of the Committee on the Application of Standards. We also believe that there is no scientific way to select individual countries; it has to be by merit, and it has to be by those affected by the violations and injustices that are being reported in the report itself.

On the issue raised by my Government, I have this to say: the Report of the Director-General addressed the World Commission on the Social Dimension of Globalization, which goes beyond the concept of globalizing social justice, which, indeed, is a broad subject that unfortunately only exists within an enabling environment; this remains a scarce commodity in my country, Swaziland.

A country that voluntarily ratifies Conventions or joins the ILO, voluntarily surrenders its sovereignty in terms of criticism on this floor. Therefore, when countries do violate those Conventions, we should not be apologetic about offering such criticism.

Apartheid in South Africa would not have been abolished at the pace that it was, and we would not have celebrated the tenth anniversary of its abolition, if this house was selective of issues that are affecting people and the suffering masses in countries where democracy and social justice are not respected. Therefore, it is out of order to say that mentioning such issues at this forum is out of order.

My advice to all governments concerned about being mentioned at this forum or criticized is that there is a solution; the solution is one and one alone: if and when you ratify a Convention, if you then apply it in law, in spirit and in practice, your name will not be mentioned.

Original Spanish: Mr. DORADO CANO (Government delegate, Venezuela)

My Government has been referred to regarding the approval of the report of the Committee on the Application of Standards. I would like to state that, although the conclusions do not fully reflect the constructive spirit of dialogue and frank exchange of views and the balanced nature of the debate, nor the support for the policies of my Government in favour of the workers, we nevertheless feel that the conclusions are to be welcomed, apart from the reservations made. It is also important to point out, however, that it is necessary to improve and perfect our working methods. They need to be more transparent, more objective and more impartial.

The Government of my country has, down the years, shown that it is seeking to make progress and advance on the basis of the recommendations made by the Committee of Experts, and we feel that it is essential that these efforts be recognized, since they were made in an atmosphere of democratic destabilization, with essential public services being affected, and chaos and an acute national crisis being caused, precisely for having faced up to neo-liberal policies.

Therefore, the request to improve our working methods, to which my Government is committed, has not been implemented exclusively by the few countries who, for political motives, are sometimes included on the list. They are supported by countries from five continents. I must point out that, some years back, GRULAC, before the Conference and the Governing Body underscored the need to review working methods and make the necessary efforts to ensure that the conclusions reflect the tripartite debate transparently and impartially in every case.

The Non-Aligned Movement have expressed the same need, and we believe that, committed to fair globalization, no kind of debate should be censored, and we should have the will to hold discussions so that we can improve the situation and so that democratic participation can be applied to these cases, so that we can increase transparency and improve the application of Conventions and Recommendations.

Original Russian: Mr. MALEVICH (Government adviser and substitute delegate, Belarus)

Responding to the comments that have been made by the distinguished representative of the Employers, by the EU and by others in attendance here, I would like very briefly to clarify why our delegation considers that the methods of the work of the Committee on the Application of Standards require some improvement.

In this august body, each and every year we hear about the harassment that is suffered by hundreds of trade unions throughout the world and even the killing of many trade unionists. We all know that there are still many countries where the right of freedom of association is a right that has not yet been achieved by even half of the workers. Many categories of workers, including in developed countries, are, in fact, also deprived of this right, because it is claimed that the work they do is somehow of particular importance to the government of the State in question.

We all know just how difficult things are in the world today in terms of employment. We know that, in some countries, in fact, between 20-50 per cent of workers do not have the possibility of having a job; they are therefore unable to implement or exercise their fundamental right, their right to work.

We all also know that there are many other burning issues in the world today that require urgent consideration and resolution. At the same time, for some strange reason, it would seem that the ILO monitoring mechanisms focus on just a few countries, countries like Belarus, countries in which the social and economic position is, in fact, more than acceptable.

I will give you just a few examples of what I am talking about. More than 90 per cent, I would like to stress this, more than 90 per cent of the workers in Belarus are members of different trade unions, that is to say, the right to freedom of association is fully exercised, and only around 2.5 per cent of people working in Belarus are not actually able to exercise that right at present, so you are talking about a very small number of people. Furthermore, we are, in fact, 56th in the index of the world's developed countries and that shows that, in fact, the development of our economy is more than successful; we are doing pretty well.

That being so, in the light of all that I have said, you cannot fail to come to the conclusion that something is not right in the way in which this Committee, the Committee on the Application of Standards, is working. Something therefore needs to be corrected. For that reason, our delegation would like to support the proposal that has been put forward to move forward with dialogue along these lines, and we would like this to be appropriately reflected in the report and in the minutes of this meeting.

Mr. AHMED (Workers' delegate, Pakistan)

I intend to speak on a point of order in the first instance. The distinguished representative of Swaziland spoke on the intervention by his country's Workers' delegate and referred to the discussion of the Report of the Director-General. He is entitled to request the right of reply, but it was not possible to grant his request because we are discussing the report of the Committee on the Application of Standards. I would ask you, as we are coming to the end of the Conference, and since we in the Workers' group fully observe this discipline, to discuss this with our colleagues. I have consulted the spokesperson of our group and also my other Worker colleagues. The report which has been presented before this Committee should be adopted. We fully support it, because it relates to the fundamental rights which are at the heart of this Conference.

This great Organization, which has been called the world parliament of labour, is rightly expected

to assist member States in fulfilling their obligations in relation to ratified Conventions.

The report of the Committee on the Application of Standards is produced by people of independent and international reputation from all parts of the world. Conventions which are ratified are universal in nature, and applicable both to north and south, east and west. They embody basic rights.

The Committee wants to open a dialogue with member States. Its observations are intended to assist member States in bringing their legislation into conformity, and also to provide the necessary technical assistance.

We note that there are many countries, like Colombia and Myanmar, where flagrant violations are taking place. In countries like Australia and Japan, issues include the forced labour and the Workers with Family Responsibilities Convention, 1981 (No. 156).

It is therefore useful to assist member States in bringing their legislation into conformity. There are those who are raising their voices as if it is a sort of a judgement – it is not, it is simply a question of assisting member States to fulfil the obligations they have voluntarily accepted.

We are coming to the end of this session of the Conference. We hope that the positive work which has been done by this Committee will be fully supported. We hope that all those member States that have ratified Conventions will take note of what is said in the report, for the sake of the working class and for social justice and progress and prosperity all over the world.

Original Spanish: THE PRESIDENT

As there are no further speakers, I propose that we proceed with the approval of the report of the Committee on the Application of Standards. If there are no objections, may I take it that the report is approved as a whole, i.e. its first, second and third parts.

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

We have now concluded the consideration of the report submitted by the Committee on the Application of Standards. I should like to take this opportunity to thank the Committee, Officers and members, as well as the staff of the secretariat, for their excellent work.

CLOSING SPEECHES

Original Spanish: THE PRESIDENT

We shall now proceed to the closing speeches of the 92nd Session of the International Labour Conference.

Original Arabic: Mr. MAATOUGH (*Secretary, General People's Committee of Labour Force, Training and Employment, Libyan Arab Jamahiriya; Government Vice-President of the Conference*)

We are now coming to the end of this session of the International Labour Conference and, on my own behalf, on behalf of my country, and, indeed, on behalf of all of those who did me the honour of electing me as a Vice-President of this Conference, it is a great pleasure for me to convey our congratulations to the President of the Conference and to thank him for the success we have achieved. My thanks also go to all of his colleagues who assisted him in presiding over this session of the Conference, which has been crowned with success.

I would also like to express my thanks to the Director-General of the ILO, who is constantly committed to attaining the objectives and principles of this Organization in the field of social dialogue among the social partners – principles that are of paramount importance in today's world of work.

I would also like to express my thanks to the World Commission on the Social Dimension of Globalization and all its members for their work, which is reflected in their report, a report that meets the expectations and aspirations of all three social partners.

Speaking on behalf of all the Governments, I would like to convey my thanks to the President of the Government of Spain, Mr. José Luis Rodríguez Zapatero, who participated with us and shared his ideas with us at this important session. There can be no doubt that his ideas will be a guiding light for all of us as we move forward.

I would also like to thank the African group, which selected my country to serve as Government Vice-President, and the Employers' and Workers' groups for their support, as well as all those who supported my candidacy. I hope that I was able to do my job well and to meet the expectations of those who supported me.

There can be no doubt that we are all working here together for human progress and to ensure that all the workers in the world can enjoy the same conditions. We also seek to ensure that workers have access to freedom of movement, to put an end to violence in our world and to eliminate the causes of conflict and war.

Our discussion here within the ILO, and at this session of the Conference in particular, will undoubtedly have reflected some divergence in our views and in our ideas. Nonetheless, we must join forces to serve the common good.

We came here to discuss issues and to reach agreement as to how best to move forward in the interests of all three social partners.

There can be no doubt that the use of force or abuse, particularly against migrant workers and the most vulnerable groups in our society, will provoke a reaction by the workers concerned, and in the long run, will undermine the stability of the countries of the world.

The only way we can achieve progress is through social dialogue and understanding, and that means eradicating discrimination and separation from our political thinking.

I would like to thank all those who worked in the committees at this Conference: the Committee on the Application of Standards, the Resolutions Committee, the Committee on the Fishing Sector, the Committee on Human Resources, and all the other Committees, especially the Finance Committee.

All of those who have worked for this Conference have done an excellent job. We have achieved as much as could be done on all the issues that we have discussed, in particular in our discussion on the report of the World Commission on the Social Dimension of Globalization, which reflected a general willingness to make this world a fairer place and to allow everyone to develop their full potential. I would like to thank all of those who contributed to making this session of the Conference a success, and especially all the members of the Committees and of the secretariat, who worked behind the

scenes: translators, interpreters, and other secretariat staff. They all did an excellent job.

And, if I myself have failed to live up to your expectations, I apologize; I did my very best. I now wish you all a safe journey home and until the next session of the Conference, I wish our colleagues in Geneva every success.

Original French: Mr. WADE (Employers' adviser and substitute delegate, Senegal; Employer Vice-President of the Conference)

It is a great honour for me to be here today. It is also a very pleasant duty and a real pleasure for me to be taking the floor, here in this august body, at the closing ceremony of this session of our Conference.

Allow me to begin, most sincerely, by expressing my thanks to the International Organisation of Employers (IOE). The IOE showed great confidence in me by selecting me as the Employers' Vice-President for the 92nd Session of the International Labour Conference, that is coming to an end here this morning.

I would also like to take this opportunity to thank those Governments and the Workers who supported my candidacy.

I would also like to take advantage of this opportunity to express congratulations to the President of this session of our Conference, Mr. Ray Guevara. His skill, his authority and his sound knowledge of the way in which our Organization operates meant that we were able to perform our work here successfully. And, I would like to extend those congratulations to cover the secretariat also, because the secretariat was able, indeed, to provide quality support which we truly appreciate and I am sure that this has resulted in the extremely successful results of this session of the Conference.

The short amount of experience that I have had as Chair of this session of the Conference, in fact, has convinced me still more than before that we really need to rethink our methods of work and our agenda to improve the content and format of the Conference. In fact, frequently people take the floor in plenary here and address a room that is almost empty and I am sure that you all know what I mean and that you will give thought to what I am saying.

We noted that very wide-ranging contributions have been made at this session of the Conference on extremely topical issues and we must recognize that there can be no alternative to that approach than to have a discussion on all aspects of globalization, including the social dimension of globalization and the Secretary-General of this session of our Conference, Ambassador Juan Somavia, the Director-General of the ILO, reported on that particular aspect to us. Allow me once again to congratulate him most wholeheartedly on his political lucidity and his spirit of pragmatism.

Looking at the conclusions of that report, Africa certainly recognizes its role and the Summit of African Union Heads of State to be held in Ougadougou in Burkina Faso in September this year will be an important milestone for us in the relationship that exists between the ILO and the African Union. Indeed, the special theme of that Summit will be employment and efforts to combat poverty, but we will also be discussing globalization and we have the Director-General's Report that sets out a whole programme.

You will understand why I wish to then, in my concluding comments, focus on that issue which is really a red-hot issue for Africa today.

I would like to conclude once again by congratulating the President on his successful stewardship of this 92nd Session of the International Labour Conference and I would also like, lastly, to share with you an idea that is very dear to my heart: everything that is good for enterprise we represent, is good for the world of work and is also good for governments, so by working together we can build our common future. Let us do that through social dialogue, freely accepted and regularly monitored by all.

Original French: Mr. ATTIGBE (Workers' delegate, Benin; Worker Vice-President of the Conference)

I have attended the International Labour Conference as the Workers' delegate for Benin for several years, but this year, for the first time, I felt that there was something different in the air: a leap forward, fresh impetus, a breath of inspiration, specific goals, a new vision of the role and the potential of the ILO. All of this has been inspired by Mr. Juan Somavia, our Director-General, during the work of this first Conference of his second term of office.

In the course of the plenary debate, all the speakers who came up to the podium, one after another, expressed their confidence in the ILO, in its *raison d'être* and in its ability to play a lead role in the management of globalization, in order to make globalization fairer, more just and more human. The spirit of the Declaration of Philadelphia which runs through our Organization requires the ILO to intervene in the global management of business in order to put an end to social exclusion, poverty and unemployment throughout our world in order to ensure that social justice and decent work prevail.

This answer came in the many statements made in support of the Director-General's proposals, contained in his Report on the World Commission on the Social Dimension of Globalization. The massive support expressed by ILO constituents should now make it possible for the Director-General to initiate the process of implementing those measures in order to reset the sights of economic globalization.

Furthermore, discussions about the Global Report relating to freedom of association and the right to collective bargaining confirmed the fundamental and human nature of that right for all workers. It is beyond our understanding that we are still fighting to ensure respect for that right, when it is a right that is as natural as the right to live. Even animals have the right to come together in groups, so why should human beings require permission to do so and to form organizations of their choice? Sadly this right is flouted and denied to workers by several governments. We would urgently appeal to those governments that have not yet ratified 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), to do so immediately so that we can attain the objective of universal ratification of those instruments as soon as possible.

Turning now to the standard-setting activities of this Conference, which undoubtedly remain the ILO's major comparative advantage, the Conclusions that we have adopted on working conditions in the fishing industry lay the basis for a new global standard. The balanced approach that was adopted will make it possible to take into account the con-

siderable differences that exist between the various subsectors, the various categories of fishers, and also the various types of fishing vessels. We are encouraged by the statements made by Governments and Employers to the effect that they have no intention of watering down or whittling away the protection that is provided for in existing instruments. Nonetheless, we note that a number of difficult issues remain in abeyance and we hope that these issues will be resolved to everybody's satisfaction. It is clear that the question of accommodation and the question of social security, as well as issues relating to health and safety, are vital if we are to make decent work a reality in the fishing industry. We hope that good sense and tripartism will win out over ideology and dogmatism.

Turning now to the Recommendation concerning human resources development, education, training and lifelong learning, we regret that the Employers decided to throw the baby out with the bath water. We have been working on this Recommendation for two years, and there was a general discussion just a few years ago on this very topic. Losing a vote – a vote that they themselves had asked for on a clause within the Recommendation – is no reason to decide that all that work could be thrown away. We also regret that despite our efforts and those of Governments to provide a revised text in order to take the Employers' concerns into account were not successful. We do not dare to think that the Employers might be opposed to social dialogue and collective bargaining at the international level. But, in the globalized economy, it is a fact of life. Several international trade union federations have signed around 20 framework agreements with multinationals such as Danone, Ikea, Volkswagen, Daimler, Chrysler, and so on, and collective agreements exist at the national level in the maritime sector. The world is changing, and we hope that our friends, the Employers, will not cling to an outdated ideology. Fortunately, most of the Governments once again saved this instrument and thus confirmed the important role that they play as a referee or an umpire. We believe that this Recommendation will allow Governments to develop, with the participation of social partners, national strategies for education and training in order to achieve the goals of full employment, the eradication of poverty, social inclusion, and sustainable economic growth within a globalized economy.

The Committee on the Application of Standards continued its important work during this session of the Conference. This year it looked at 24 individual cases and also held a special sitting concerning respect by Burma of Forced Labour Convention, 1930 (No. 29). In the course of the consideration of individual cases, the Committee decided to include a special paragraph in its report containing its conclusions regarding the case of freedom of association in Burma, due to that country's continuing failure to apply Convention No. 87. The list of individual cases, included the names of a number of industrialized countries as well as developing countries, so it was a balanced list in that respect as well as with respect to the mixture of fundamental Conventions and the so-called technical Conventions that were considered. The Workers' group protests against one Government that levelled personal criticism against a Workers' delegate and an African delegate in the Committee – delegates who were expressing their support for trade unions that are being severely

oppressed in Zimbabwe. We utterly deplore the attitude of the Government in question.

We are happy to note that the International Labour Conference has clearly defined the mandate of our Organization with regard to international migration.

The general discussion that we had did, indeed, allow us to establish a clear link between decent work and the fair lot that all of the 85 million workers who are migrants in our world today have a right to. The contribution of the ILO to this discussion and to policy formulation in the area of migration is not just important, it is essential, it is central, and we would hope that all of the issues involved in this could be addressed. First and foremost, the question of the right to equal treatment for all migrant workers, women and men, and the question of their fundamental human rights, regardless of their status. Another question is the key role that should be played in this discussion by ILO constituents, labour ministers and social partners, who are grappling with the real situation on the ground. Who is better placed than the tripartite partners to develop rights-based migration policies that are both coherent and effective? The non-binding multilateral framework that should be established in the wake of our work here will, I have no doubt, show us the way forward along a path that integrates the human and social dimension of migration which can only increase in the future.

No issue, no matter how sensitive, escaped our attention: exploitation and the abuse suffered by many migrants, the trafficking of workers, consideration of the situation of illegal or undocumented workers, or the question of the brain drain. The plan of work adopted by this session of the Conference offers a specific range of policies and actions, including the promotion of standards and technical assistance; these are areas in which the ILO, which is the sole tripartite agency within the United Nations system, can make a difference.

The protection of female workers and migrant workers must be at the heart of all that we do. We now have an outline for our programme, we are now responsible for ensuring that it is followed up.

Discussions within the Resolutions Committee, reflected the enormous changes that have occurred as regards the role played by women in economic and social life. Hence, the Workers' group welcomes the adoption of our resolution concerning the promotion of gender equality, pay equity and maternity protection. This resolution is a plan of action in itself. We very much hope that the Office will shoulder its responsibilities in moving towards attainment of the objectives established by that resolution when it comes to gender equality, including pay equity and application of the principle "equal pay for work of equal value", as well as maternity protection.

In conclusion, allow me to express my appreciation to the Chairperson for his remarkable skills which have allowed us to achieve what we have achieved. I would also like to thank all of those who serviced the Conference for their skills and dedication, including the interpreters and all those who worked behind the scenes.

Also, I would like to express my thanks to Mr. Ray Guevara, the President of the Conference, and to my colleagues, the other Vice-Presidents, Mr. Wade and Mr. Maatough, for their cooperation in completing our difficult task.

Lastly, a big “thank you” to the Workers’ group for giving me such an opportunity.

Original Spanish: The SECRETARY-GENERAL

Mr. President, I would like to extend to you my special thanks for the remarkable manner in which you have guided this Conference with humour, with style, but also with substance and considerable know-how in your management of the Conference’s affairs. I would also like to thank my friends, the Officers; thank you all for your work and for your very kind words during this session.

I would also like to thank the Chairpersons of the committees and all of the officers of the committees, some of whom I have had the opportunity to speak to personally.

(Speaker continues in English.)

As in other years, I am presenting a formal written reply to the many issues that were raised in the Conference. But I do want to take the opportunity to say a couple of words before we all leave.

I think that we have done an extraordinary job, whether in the resolution concerning the promotion of gender equality, pay equity and maternity protection or on gender equality or in the discussions on the fishing sector and on migrant workers: this is the first time that an international organization says that we need a multilateral framework for migration non-binding and rights-based, but multilateral.

Even the difficulties that we observed in the discussion on human resources show that we are dealing with real issues, but we do have a decision and we do have an instrument. And having just listened to the discussion this morning on the report of the Committee on the Application of Standards, whatever the ways in which we move forward and take account of all of the different dimensions of the problem, we cannot but have the feeling that this unique role that the old ILO has played in the past, it is still playing today, and will have to continue playing in the future if we want to retain the identity of this institution. It does have to worry about the application of standards: we are the only ones to do this job, and we have to do it well.

Today, what I would like to do is to reflect a little with you on what I saw coming out of the Conference discussion on globalization. I have a feeling that this is not just another Conference. It is very much, I feel, a defining moment, but you have defined it for us by what you have said in relation to the two reports on globalization. I have a feeling that we came into this Conference with a report and a challenge, and that we are leaving this Conference with a mandate and a message.

The message, I think, is right for our times. A message that is balanced and fair. A message that people are asking for – and it is a message of hope.

We said, during this week here, that there are ways of making globalization work better for more people, and that it is not a hopeless cause; that we do not need to continue to have purely ideological debates on globalization; that there is an institution that is thinking for the world, and that it is thinking for the world in terms of its own experience, and that it says, “here is an opportunity”; we are not telling anybody in the world that this is the way to do it, we are saying that this is an approach, this is a manner, this is a style, this is utilizing the strength of dialogue that is the strength of the ILO, to try to

get a process going. And I think that it is very important that, as we all leave for the next stage of our responsibilities, we remember what happened here. From my point of view, the mandate that your deliberations on the World Commission and on my Report have bestowed on the Office and the Governing Body for the months and the years to come is obviously more than a challenging one. It is truly historical. I am confident that, with the support you have expressed for my Report, and the imaginative use of all the institutional and practical tools that the ILO has at its disposal, we can address this task.

I thank you for what you have done, and my special thanks go to the support staff, the countless invisible hands that keep the operation running smoothly. In one of the committees, I joked that this was definitely not the invisible hand of the market! It was truly the very visible hands that are there every day making things happen, so that at 10 o’clock in the morning or 9 o’clock in the morning, whatever the time is, you receive the documents here. I visited some of the staff simply to let them know how much I appreciate the incredible work that they do. We have become accustomed at the Conference to everything running smoothly but, let me tell you, success is measured by the fact that we do not see it. It just works. But it does not just happen. There is an enormous amount of work behind the scenes and I feel a responsibility for highlighting that with you today on behalf of all of them.

To all the delegates and participants, thank you for your energies and ideas. This Conference, by its very composition, underscores our special place in the international system.

Of course, after 85 years, it is something that we take for granted. This gathering has been going on for 85 years. It does not happen anywhere else. No institution has this knowledge base on society and the productive system, not to mention the real actors of the economy present here.

Governments, workers, employers: this is an assembly representing an important part of the real world, and no other organization has the range of expertise and experience that is sitting in this room. And this is not just a sort of feel-good talk at the end of the Conference when we are all a little tired and maybe need a bit of uplifting! Not at all. You are a source of real power. You are a source; when you work together, when you dialogue, when tripartism functions, you are a source of change, of making things happen.

Since we have such big challenges in front of us, I do not want you to leave without saying how much I believe that we need to unleash the power of tripartism to help address the problems of today. And that does not mean that we are not going to have problems; we may not like a resolution here or an instrument there. That is not the issue. The issue is that this instrumentality is needed in the world today; this places an incredible responsibility on us in choosing how we want to use it, because we have seen, in practical terms, what its use can imply for solving the problems arising out of globalization.

We cannot have a successful globalization without successful localization, and we cannot have successful localization without you, for all of the reasons I have mentioned. So what I feel today is that harnessing all this power has to begin at home, as the Commission report tells us. You will have to see how you take this report and put it into the mill in your own organizations: what does it mean for your

own organizations, in the governments, in tripartite dialogue, with other sources, with other partners, etc? The way you develop and promote the report of the Commission, plus the areas that we can deal with at home, is going to play a very important role in how we move forward.

You may start at home tomorrow, and we will start at the Governing Body tomorrow. We will have to look at this, and at your discussions, and then decide how to move forward reasonably within our means, with clarity, with prioritization, but moving forward on the basis of the energy that you have given me, and I would like to end on that note.

I think we have given ourselves collectively an enormous amount of strength and energy. We have all listened to each other, and we know what is going on, and the possibilities and the potentials that have emerged out of this discussion. I did not want to leave without saying so, and without thanking you for the very profound way in which you took up this issue. I think the key to understanding the potential that we have in front of us came through, speech after speech after speech, here in the plenary.

I cannot conclude without thanking all of you for this extraordinary collective work that we have done together. Thank you so much.

Original Spanish: The PRESIDENT

I should like to thank Dr. Juan Somavia, Director-General of the ILO, Secretary-General of the Conference and dear friend for his words.

In a few moments, the 92nd Session of the International Labour Conference will become part of the collective memory of our Organization and also of my own memory.

As the comments of the Secretary-General – which, as in previous years, will be reflected in the record of the Conference – provide more than just a summary of the discussions and the results of this Conference, there is very little need to add anything further. But I should like to share with you, very briefly, some of the thoughts that have inspired me during these more than two weeks of intensive work.

My first reflection is that there has been a common thought or idea in the minds of all delegates who have taken part in the discussions of this Conference. This thought, this idea, is that globalization, as it operates today, is lacking a social message. More than a social message, I would say that it lacks a moral message. One way or another, the 294 individuals who registered to speak before this assembly during the plenary discussion shared this concern. They also shared the conviction that a discussion on globalization that is limited to the problems of the world economy and global trade, does not live up to the expectations of those who feel that, in today's world, social problems have both a national and an international and world dimension. Therefore, the task of giving globalization a human face and a social and moral message, is unfinished business. It is a challenge that the world has a duty to take up.

Let me quote our Dominican poet, Héctor Incháustegui Cabral – “For as long as men and women have to cope with disease and hunger and their children are scattered across the world like harmful insects, and they wander across mountains and plains, aliens in their homelands, there will be

no rest, no peace, no sacred leisure – and excess will not be tolerated.”

My second reflection is on the ILO proposals concerning the social aspects of globalization. The Director-General has given us a magnificent report which reflects the long months of hard work of the World Commission on the Social Dimension of Globalization. We should welcome this initiative of the Director-General, as well as his inspired leadership. The discussion arising from his Report has been extremely stimulating. When the time comes in the future to review the way in which our ideas have developed in respect of the social problems of globalization, I am sure that it will be recognized that we have reached a milestone here. We shall be talking about a “before” and an “after” the document *A fair globalization*, which this Conference had the enormous privilege of discussing. A document that already deserves a place of honour on the bookshelves of all of those who are interested in the positive social impact of globalization.

My third reflection, which is a sort of appeal to all of you, is that it seems to me to be essential that this extremely important document *A fair globalization: The role of the ILO* should also have pride of place on the work desks of all of those who have some responsibility in the design and implementation of social and economic policies in their countries, in their regions and also across the whole world.

In short, the discussion also highlighted the relevance of the Decent Work Agenda and the privileged place occupied by international labour standards within the daily work of our Organization. It is clear that the ILO, without its standards, is not the ILO. Therefore, it seems essential to me that our Organization should continue to reflect on the best way of strengthening and giving greater credibility to its standard-setting message.

A couple of words now about my experience as President. I must confess to you that, at the outset of the session, I had serious doubts about the way in which the current problems of world politics – which we all know are very serious – might affect the Conference, and I was afraid that I might have been forced to intervene to keep the level of discussion within the confines of what is known as “diplomatic” or “parliamentary” style. The truth of the matter is that all of you have conspired to ensure that my fears were unfounded.

I would like to express to you not only my thanks but also my admiration for the dignified and moderate style of your statements, which made it unnecessary for me to have to react from the podium. The truth is that my experience as President has been supremely pleasant and it is somewhat regrettable that I have to conclude my work today. I would like to say that, thanks to you all, I will only have very fond memories of this experience. Obviously, I would not have been able to say this if, over and above your qualities, I had not been able to count on the support of a magnificent team.

First and foremost, I should like to recognize the efficient way in which my Vice-Presidents worked together with me. Mr. Maatough, Mr. Wade and Mr. Attigbe – sharing the podium with individuals of your calibre was indeed a pleasure for me. I would like to thank you warmly for your cooperation and I would also like to say that I count you amongst my friends.

Secondly, I should like to underscore the effective way in which the delegation of my own country, the

Dominican Republic, worked together with me, enabling me to leave aside my concerns as head of delegation of my country so that I could deal solely with questions relating to the running of the Conference. My thanks go to the whole delegation, and also to Ambassador Claudia Hernández Bona and Ysset Román Maldonado from the Dominican Mission here in Geneva. Many thanks also to my colleagues, the Ministers of Labour in the Central American and Caribbean group.

Last, but by no means least, what can I say about the secretariat? The word “professionalism” defines just one of their qualities, which is perhaps the most important in terms of ensuring that the Conference overcomes any difficulties. But this is not enough to explain why I shall have enduring memories of this Conference. To the word “professionalism,” I should like to add three other words. The first is “motivation,” the second is “unselfishness” and the third is “friendship”. If this were not enough, I would also like to add “good humour”. The list of all the professionals on the secretariat team is very long and on it there are many people who are invisible. Although we cannot see them, we do hear them and without their voices, we could not carry out our work. I refer to the interpreters, and I would ask you to give them a big round of applause.

I would also like to give special recognition to the Clerk of the Conference, Mr. Damen, and his assistant Ms. Raquel Ponce de León, who used their expertise and experience to craft the very full notes which the secretariat gave me and the Vice-Presidents in our work, both before and after each of our meetings.

My eternal thanks also go to Arturo Bronstein, a great legal authority, a great friend of Dominicans, an excellent human being and an ILO Officer through and through.

Now what would have happened to me if I had not been able to count on Mila Cueni who, together with my assistant Elga Batista, took charge of the logistics of the Conference Presidency. I sincerely wish that the future Presidents of the Conference are able to count on the support of secretaries with the calibre and efficiency of Mila and Elga.

To sum up, I would say that our secretariat has worked like a finely-tuned Swiss watch and in a country like Switzerland this, of course, is to be expected. But, it has also shown the warmth, spontaneity and light-heartedness of a Caribbean country and, believe you me, as a Caribbean I have indeed appreciated this, and enjoyed it as well.

One last word, I should like to pay tribute to Barbados, Belize, Croatia, Slovakia, Slovenia, Estonia, Macedonia, Finland, Italy, Kyrgyzstan, Latvia, Nicaragua, Norway, the United Kingdom, Rwanda, San Marino, Sweden, Tajikistan and Uruguay, whose delegations were made up of at least 40 per cent women. I hope that next year, my successor will be able to read out an even longer list of delegations, that had a female participation of 40 per cent or more, and that in the years to come it will not even be necessary to name them. I am absolutely convinced that better governance at the national and global levels requires a greater presence of women at the highest executive levels.

With these words, I come to the end of my work as President of the 92nd Session of the International Labour Conference. I declare the work of the session closed and I wish you all a safe return to your countries. God bless you.

Original Spanish: THE SECRETARY-GENERAL

As you know, it is customary for the Director-General to hand over this gavel to the President of the Conference as a token of his authority. I am honoured to present him with this keepsake in appreciation of the skill that he has shown in conducting our work.

Original Spanish: The PRESIDENT

Thank you very much indeed Director-General. I now declare the work of the 92nd Session of the International Labour Conference closed and wish you all a very safe and happy journey home. May God bless you all. You have all done a good job.

(The Conference adjourned sine die at 1.45 p.m.)



Vote final par appel nominal sur l'adoption de la Recommandation sur la mise en valeur des ressources humaines, 2004

Final record vote on the Adoption of the Human Resources Development Recommendation, 2004

Votación nominal final sobre la adopción de la Recomendación sobre el desarrollo de los recursos humanos, 2004

Pour/For/En Pro: 338
Contre/Against/En contra: 93
Abstentions/Abstentions/Abstenciones: 14
Quorum: 290

Pour/For/En Pro: 338

Afrique du Sud/South Africa/Sudáfrica

MDLADLANA, Mr. (G)
KETTLEDAS, Mr. (G)
HOWARD, Mr.(T/W)

Albanie/Albania

GOXHI, Mrs. (G)
THANATI, Mr. (G)

Algérie/Algeria/Argelia

RAÏS, M. (G)
MEGREROUCHE, M. (G)
SIDI SAID, M.(T/W)

Allemagne/Germany/Alemania

SCHLEEGER, Mrs. (G)
KLOTZ, Mr. (G)
ADAMY, Mr.(T/W)

Angola

N'GOVE LUSSOKE, M. (G)
PEDRO GARCIA, Mme(T/W)

Arabie saoudite/Saudi Arabia/Arabia Saudita

ALHADLAQ, Mr. (G)
AL-ZAMIL, Mr. (G)
RADHWAN, Mr.(T/W)

Argentine/Argentina

ROSALES, Sr. (G)
RIAL, Sra. (G)
PETRECCA, Sr.(T/W)

Australie/Australia

BURROW, Ms.(T/W)

Autriche/Austria

DEMBSHER, Mrs. (G)
ZWERENZ, Mr. (G)
BOEGNER, Mrs.(T/W)

Bahamas

BROWN, Mr. (G)
SYMONETTE, Mr. (G)
ARNETT, Mr. (E)

Bahreïn/Bahrain/Bahrein

AL SHAHABI, Mr. (G)
AL-FAIHANI, Mr. (G)
AL KHOOR, Mr. (E)
ABDULHUSAIN, Mr.(T/W)

Barbade/Barbados

LOWE, Mrs. (G)
FARNUM, Ms. (G)
TROTMAN, Mr.(T/W)

Bélarus/Belarus/Belarus

MALEVICH, Mr. (G)

Belgique/Belgium/Bélgica

CLOESEN, M. (G)
D'HONDT, Mme (G)
CORTEBEECK, M.(T/W)

Bénin/Benin

ONI, M. (G)
MASSESSI, M. (G)
ATTIGBE, M.(T/W)

Bolivie/Bolivia

RODRÍGUEZ SAN MARTÍN, Sr. (G)

Bosnie-Herzégovine/Bosnia and Herzegovina/Bosnia y Herzegovina

VUKAŠINOVIĆ, Mr. (G)

Botswana

BAIPIDI, Mr.(T/W)

Brésil/Brazil/Brasil

BRANCO FREITAS, Mr. (G)
SALDANHA, Mr. (G)
VACCARI NETO, Mr.(T/W)

Bulgarie/Bulgaria

TCHOLASHKA, Mrs. (G)
MLADENOV, Mr. (G)
BEHAR, Mr. (E)
HRISTOV, Mr.(T/W)

Burundi

HAJAYANDI, M.(T/W)

Cambodge/Cambodia/Camboya

THACH, Mr. (G)
HOU, Mr. (G)

Cameroun/Cameroon/Camerún

NGANTCHA, M. (G)

Canada/Canadá

ROBINSON, Ms. (G)
MACPHEE, Mr. (G)
BYERS, Ms.(T/W)

Cap-Vert/Cape Verde/Cabo Verde

SILVA, M.(T/W)

Chili/Chile

DEL PICÓ RUBIO, Sr. (G)
MARTABIT SCAFF, Sr. (G)

Chine/China

LIU, Mr. (G)
WANG, Mr. (G)
FAN, Mrs.(T/W)

Chypre/Cyprus/Chipre

DROUSIOTIS, Mr. (G)

Colombie/Colombia

ALVIS FERNÁNDEZ, Sr.(T/W)

République de Corée/Republic of Korea/República de Corea

LEE, Mr. (G)
HONG, Mr. (G)

Costa Rica

CLARAMUNT GARRO, Sra. (G)
GUILLERMET, Sr. (G)
AGUILAR ARCE, Sr.(T/W)

Côte d'Ivoire

BOULLOU BI DJEHIFFE, M. (G)
ADIKO, M.(T/W)

Croatie/Croatia/Croacia

SOČANAC, Mr. (G)
KULUSIĆ, Ms. (E)
TOTH MUCCIACCIARO, Ms.(T/W)

Cuba

LAU VALDÉS, Sra. (G)
HERNÁNDEZ OLIVA, Sra. (G)
GONZÁLEZ GONZÁLEZ, Sr.(T/W)

Danemark/Denmark/Dinamarca

GEDE, Mrs. (G)
PEDERSEN, Mr. (G)
SCHMIDT, Mr.(T/W)

République dominicaine/Dominican Republic/República Dominicana

NUÑEZ SALCEDO, Sr. (G)
REYES UREÑA, Sr. (G)

Egypte/Egypt/Egipto

GABR, Mrs. (G)
GHAFAR, Mr. (G)
EL AZALI, Mr.(T/W)

Emirats arabes unis/United Arab Emirates/Emiratos Arabes Unidos

HUSSAIN, Mr. (G)
AL MUHAIRI, Mr. (G)

Espagne/Spain/España

LOPEZ-MONIS DE CAVO, Sr. (G)
BOSCH BESSA, Sr. (G)
JIMENEZ, Sr.(T/W)

Estonie/Estonia

HINDOV, Mrs. (G)
LEHT, Ms. (G)
KALDA, Mr.(T/W)

Etats-Unis/United States/Estados Unidos

ZELHOEFER, Mr.(T/W)

Ethiopie/Ethiopia/Etiopía

SIAMREGN, Mr. (G)
MITIKU, Mr. (G)
ALEMAYEHU, Mr.(T/W)

Finlande/Finland/Finlandia

VUORINEN, Ms. (G)
SALMENPERÄ, Mr. (G)
AHOKAS, Ms.(T/W)

France/Francia

AUER, Mme (G)
SEGUIN, M. (G)
BRUNEL, Mme(T/W)

Gabon/Gabón

NDONG NANG, M. (G)
MOULOMBA NZIENGUI, M. (G)

Ghana

AMEGEE, Mr. (G)
PARKER-ALLOTEY, Mr. (G)
ADU- AMANKWAH, Mr.(T/W)

Grèce/Greece/Grecia

LAIUO-SPANOPOULOU, Mme (G)
CHRYSANTHOU, Mme (G)
DASSIS, M.(T/W)

Guatemala

PIRA, Sr. (G)
ARGUETA, Sr. (G)
MANCILLA GARCÍA, Sr.(T/W)

Guinée/Guinea

DIALLO, M. (G)

Guinée équatoriale/Equatorial Guinea/Guinea Ecuatorial

ESUÁ NKÓ, Sr. (G)
ASAMA NTUGU, Sr. (G)
MATZEN MAKOSO, Sr. (E)

Hongrie/Hungary/Hungria

HERCZOG, Mr. (G)
TÓTH, Mr. (G)
TAMÁS, Ms.(T/W)

Inde/India

SHENOY, Mr. (G)
DAVE, Mr.(T/W)

Indonésie/Indonesia

SULISTYANINGSIH, Ms. (G)
SITUMORANG, Mr. (G)
DAVID, Mr.(T/W)

République islamique d'Iran/Islamic Republic of Iran/República Islámica del Irán

SHEIKH, Mr. (G)
HEFDAHTAN, Mr. (G)
RAIESI FARD, Mr. (E)
SALIMIAN, Mr.(T/W)

Iraq

KHODIR, Mr. (G)

Irlande/Ireland/Irlanda

PENDER, Mr. (G)
MCDONNELL, Mr. (G)
LYNCH, Ms.(T/W)

Islande/Iceland/Islandia

DAVIDSDOTTIR, Ms. (G)
KRISTINSSON, Mr. (G)
FINNBOGASON, Mr.(T/W)

Israël/Israel

WAXMAN, Mr. (G)
FURMAN, Ms. (G)
KARA, Mr.(T/W)

Italie/Italy/Italia

COLOMBO, M. (G)
TRIA, M. (G)
TARTAGLIA, M.(T/W)

Japon/Japan/Japón

OSHIMA, Mr. (G)
HASEGAWA, Mr. (G)
NAKAJIMA, Mr.(T/W)

Kenya

KAVULUDI, Mr. (G)
MOHAMED, Mrs. (G)
ATWOLI, Mr.(T/W)

Koweït/Kuwait

AL-MUDADI, Mr. (G)
RAZZOOQI, Mr. (G)

Lesotho

MANDORO, Mr. (G)
MATSOSO, Ms. (G)
TYHALI, Mr.(T/W)

Lettonie/Latvia/Letonia

KARKLINS, Mr. (G)
KALNINS, Mr. (G)

Jamahiriya arabe libyenne/Libyan Arab Jamahiriya/Jamahiriya Arabe Libia

ALZWAM, Mr. (G)
DERBI, Mr. (G)
AL TALHI, Mr.(T/W)

Lituanie/Lithuania/Lituania

JAKUCIONYTE, Ms. (G)
RIMKUNAS, Mr. (G)
BALSIENE, Ms.(T/W)

Luxembourg/Luxemburgo

FABER, M. (G)
SCHOLTUS, Mme (G)
PIZZAFERRI, M.(T/W)

Madagascar

RASOLOFONIAINARISON, M. (G)
RANDRIAMAHOLISON, M.(T/W)

Malaisie/Malaysia/Malasia

NORDIN, Mr.(T/W)

Malawi

MONONGA, Mr. (G)
KAMBUTO, Mr. (G)
KALIMANJIRA, Mr.(T/W)

Mali/Mali

DIAKITE, M. (G)
MAHAMANE, M. (G)
DIAKITE, M.(T/W)

Malte/Malta

PULLICINO, Mr. (G)
AZZOPARDI, Mr. (G)
MICALLEF, Mr.(T/W)

Maroc/Morocco/Marruecos

HILAIE, M. (G)
CHATER, M. (G)

Maurice/Mauritius/Mauricio

ARNACHELLUM, Mr. (G)
BENYDIN, Mr.(T/W)

Mexique/Mexico/México

ROVIROSA, Sra. (G)
SILVA, Sr. (G)
ANDERSON, Sra.(T/W)

Mozambique

DENGO, Mr. (G)
SITOE, Mr.(T/W)

Myanmar

THAN, Mr. (G)
NYUNT, Mr. (G)

Namibie/Namibia

HIVELUAH, Ms. (G)
SHINGUADJA, Mr. (G)
SHIPENA, Mr. (E)
KAPENDA, Mr.(T/W)

Népal/Nepal

ACHARYA, Mr. (G)

Nicaragua

MARTÍNEZ FLORES, Srta. (G)
CRUZ TORUÑO, Sr. (G)
GONZÁLEZ GAITÁN, Sr.(T/W)

Niger/Niger

MAÏNA, M. (G)
SANDA, M.(T/W)

Nigéria/Nigeria

ADEYEYE-OLUKOYA, Mrs. (G)
SULAI, Mrs. (G)
OSHIOMHOLE, Mr.(T/W)

Norvège/Norway/Noruega

BRUAAS, Mr. (G)
VIDNES, Mr. (G)
THEODORSEN, Ms.(T/W)

Nouvelle-Zélande/New Zealand/Nueva Zelandia

BUWALDA, Mr. (G)
STEFFENS, Ms. (G)
BEAUMONT, Ms.(T/W)

Oman/Omán

AL-ABDUWANI, Mr. (G)
AL-AMRI, Mr. (G)
AL RABAIE, Mr. (E)
AL-NAHARI, Mr.(T/W)

Ouganda/Uganda

NAGGAGA, Mr. (G)
OGARAM, Mr. (G)

Pakistan/Pakistán

FARSHORI, Mr. (G)
UMER, Mr. (G)
AHMED, Mr.(T/W)

Panama/Panamá

ORTIZ BARBER, Sra. (G)
ROSAS PÉREZ, Sra. (G)
PUGA RODRÍGUEZ, Sr.(T/W)

Papouasie-Nouvelle-Guinée/Papua New Guinea/Papua Nueva Guinea

ARUA, Mr. (G)
LOVAGA, Mrs. (G)
JEFFERY, Mr. (E)
MELAN, Mr.(T/W)

Paraguay

RAMÍREZ LEZCANO, Sr. (G)
BARREIRO PERROTTA, Sr. (G)
BOGARIN, Sr. (E)
PARRA GAONA, Sr.(T/W)

Pays-Bas/Netherlands/Paises Bajos

NOTEBOOM, Ms. (G)
BEETS, Mr. (G)
ETTY, Mr.(T/W)

Pérou/Peru/Perú

VEGAS, Sr. (G)
BERAUN, Sra. (G)
GUTIÉRREZ MADUEÑO, Sr.(T/W)

Philippines/Filipinas

BALDOZ, Mrs. (G)
SORIANO, Mr. (E)
VALERIO, Mr.(T/W)

Pologne/Poland/Polonia

LEMIESZEWSKA, Mrs. (G)
JAKUBOWSKI, Mr. (G)
WOJCIK, Mr.(T/W)

Portugal

RIBEIRO LOPES, M. (G)
BARCIA, M. (G)
GOMES PROENÇA, M.(T/W)

Qatar

ALKAWARI, Mr. (G)
AL MAL, Ms. (G)
AL SAIARI, Mr.(T/W)

République dém. du Congo/Democratic Republic of the Congo/República Democrática del Congo

MUTOMB MUJING, M. (G)
SAMBASSI, M. (G)
MUKALAYI HANGA, M.(T/W)

Roumanie/Romania/Rumania

NEMES, M. (G)
CONSTANTINESCU, Mme (G)
COSTACHE, M. (E)

Royaume-Uni/United Kingdom/Reino Unido

BRATTAN, Ms. (G)
RICHARDS, Mr. (G)
STEYNE, Mr.(T/W)

Fédération de Russie/Russian Federation/Federación de Rusia

BAVYKIN, Mr. (G)
LUBLIN, Mr. (G)
SIDOROV, Mr.(T/W)

Rwanda

KAVARUGANDA, M. (G)
UKUYEMUYE, M. (G)
BITWAYIKI, M. (E)
KAYUMBA, M.(T/W)

Saint-Marin/San Marino

BIGI, Mme (G)
GASPERONI, M. (G)
PIERMATTEI, M.(T/W)

Sénégal/Senegal

DIALLO, Mme (G)
THIAM, M. (G)
GUIRO, M.(T/W)

Serbie et Monténégro/Serbia and Montenegro/Serbia y Montenegro

BEGOVIĆ, Mr. (G)
ŠAHOVIĆ, Mr. (G)
ZAGORAC, Mr. (E)

Seychelles

MERITON, Mr. (G)
BAKER, Mr. (G)
SULTAN-BEAUDOUIN, Mr. (E)

Singapour/Singapore/Singapur

NG, Mr. (G)
YONG, Ms. (G)
YACOB, Mrs.(T/W)

Slovaquie/Slovakia/Eslovaquia

PETÖCZ, Mr. (G)
SEPTÁKOVÁ, Ms. (G)
MESTANOVÁ, Mrs.(T/W)

Slovénie/Slovenia/Eslovenia

ZIDAR, Mr. (G)
RIHAR BAJUK, Ms. (G)
KRZIŠNIK, Mr.(T/W)

Soudan/Sudan/Sudán

SHENTOUR, Mr. (G)
ELHASSAN, Mr. (G)
GHANDOUR, Mr.(T/W)

Sri Lanka

DEVENDRA, Mr.(T/W)

Suède/Sweden/Suecia

WIKLUND, Ms. (G)
JONZON, Mr. (G)
BENGTSSON, Mr.(T/W)

Suisse/Switzerland/Suiza

VIGNE, M.(T/W)

Suriname

PIROE, Mr. (G)
SEMMOH, Ms. (G)
SOUPRAYEN, Ms.(T/W)

Swaziland/Swazilandia

NKHAMBULE, Mr. (G)
SITHOLE, Mr.(T/W)

République arabe syrienne/Syrian Arab Republic/República Árabe Siria

IBRAHIM, M. (G)
AKASHE, M. (G)
MOHAMMAD NASSER, M. (E)
AZOZ, M.(T/W)

République-Unie de Tanzanie/United Republic of Tanzania/República Unida de Tanzania

RWEYEMAMU, Mrs. (G)
MAPURI, Mr. (G)
SITTA, Mrs.(T/W)

Tchad/Chad

ABDERAHIM, M. (G)
DJEGUEDEM, M. (G)
DJIBRINE, M.(T/W)

République tchèque/Czech Republic/República Checa

SAJDA, Mr. (G)
SLABÝ, Mr. (G)
BAUEROVÁ, Mrs.(T/W)

Thaïlande/Thailand/Tailandia

ROJVITHEE, Ms. (G)
NAKCHUEN, Mr. (G)
TECHATEERAVAT, Mr.(T/W)

Trinité-et-Tobago/Trinidad and Tobago/Trinidad y Tabago

RAMNARINE, Mr. (G)
SINGH, Ms. (G)

Tunisie/Tunisia/Túnez

CHATTI, M. (G)
MANSOUR, M. (G)
TRABELSI, M.(T/W)

Turquie/Turkey/Turquía

GENC, Mr. (G)
ERCAN, Mr. (G)

Ukraine/Ucrania

YAMPOLSKYI, Mr. (G)
BELASHOV, Mr. (G)
SHYLOV, Mr.(T/W)

Uruguay

LAGARMILLA, Sra. (G)
DONO, Sra. (G)
FERNÁNDEZ, Sr.(T/W)

Venezuela

DORADO CANO, Sr. (G)
MOLINA, Sr. (G)
INFANTE, Sr.(T/W)

Viet Nam

PHAM, Mr. (G)
VU, Mr. (G)
VI, Mrs. (E)
VO, Mr.(T/W)

Yémen/Yemen

AL-FAYSALI, Mr. (G)

Zambie/Zambia

SINJELA, Mrs. (G)
HIKAUMBA, Mr.(T/W)

Zimbabwe

DZVITI, Mr. (G)
MUSEKA, Mr. (G)
MATOMBO, Mr.(T/W)

**Contre/Against/En
contra: 93**

Afrique du Sud/South Africa/Sudáfrica

BOTHA, Mr. (E)

Algérie/Algeria/Argelia

MEGATELI, M. (E)

Allemagne/Germany/Alemania

GERSTEIN, Mrs. (E)

Angola

TIAGO GOMES, M. (E)

Arabie saoudite/Saudi Arabia/Arabia

Saudita

DAHLAN, Mr. (E)

Argentine/Argentina

SPAGHI, Sr. (E)

Australie/Australia

SAWERS, Mr. (G)
LLOYD, Mr. (G)
NOAKES, Mr. (E)

Autriche/Austria

TOMEK, Mr. (E)

Bahamas

HAMILTON, Ms.(T/W)

Belgique/Belgium/Bélgica

DA COSTA, M. (E)

Bénin/Benin

AHOUDJI, Mme (E)

<i>Botswana</i> DEWAH, Mr. (E)	<i>Ethiopie/Ethiopia/Etiopía</i> YIMER, Mr. (E)	<i>Malaisie/Malaysia/Malasia</i> SHAMSUDIN, Mr. (E)
<i>Brésil/Brazil/Brasil</i> LIMA GODOY, Mr. (E)	<i>Fidji/Fiji</i> ZINCK, Mr. (G) KUNATUBA, Mr. (G) POLITINI, Mr. (E)	<i>Malawi</i> SINJANI, Mr. (E)
<i>Burkina Faso</i> NACOUлма, M. (E)	<i>Finlande/Finland/Finlandia</i> HUTTUNEN, Mr. (E)	<i>Mali/Mali</i> TRAORE, M. (E)
<i>Burundi</i> BUDABUDA, M. (E)	<i>France/Francia</i> BOISSON, M. (E)	<i>Malte/Malta</i> FARRUGIA, Mr. (E)
<i>Canada/Canadá</i> WAJDA, Mr. (E)	<i>Gabon/Gabón</i> AWASSI ATSIMADJA, Mme (E)	<i>Maurice/Mauritius/Mauricio</i> JEETUN, Mr. (E)
<i>Cap-Vert/Cape Verde/Cabo Verde</i> ÉVORA, Mme (E)	<i>Ghana</i> AMPIAH, Mr. (E)	<i>Norvège/Norway/Noruega</i> RIDDERVOLD, Ms. (E)
<i>Chili/Chile</i> ARTHUR ERRÁZURIZ, Sr. (E)	<i>Grèce/Greece/Grecia</i> CHARAKAS, M. (E)	<i>Nouvelle-Zélande/New Zealand/Nueva Zelandia</i> ARNOLD, Mr. (E)
<i>Chine/China</i> CHEN, Mr. (E)	<i>Honduras</i> URTECHO LOPEZ, Sr. (E)	<i>Pakistan/Pakistán</i> TABANI, Mr. (E)
<i>Chypre/Cyprus/Chipre</i> KAPARTIS, Mr. (E)	<i>Inde/India</i> ANAND, Mr. (E)	<i>Panama/Panamá</i> AIZPURÚA, Sr. (E)
<i>Colombie/Colombia</i> ARANGO DE BUITRAGO, Sra. (G) ECHAVARRÍA SALDARRIAGA, Sr. (E)	<i>Indonésie/Indonesia</i> RACHMAN, Mr. (E)	<i>Pays-Bas/Netherlands/Paises Bajos</i> RENIQUE, Mr. (E)
<i>République de Corée/Republic of Korea/República de Corea</i> SUH, Mr. (E)	<i>Irlande/Ireland/Irlanda</i> MAGUIRE, Ms. (E)	<i>Pologne/Poland/Polonia</i> BOBROWSKI, Mr. (E)
<i>Cuba</i> PARRAS ROJAS, Sr. (E)	<i>Islande/Iceland/Islandia</i> MAGNUSSON, Mr. (E)	<i>Portugal</i> FERNANDES SALGUEIRO, M. (E)
<i>Danemark/Denmark/Dinamarca</i> DREESEN, Mr. (E)	<i>Israël/Israel</i> BARAK, Mr. (E)	<i>Royaume-Uni/United Kingdom/Reino Unido</i> LAMBERT, Mr. (E)
<i>El Salvador</i> ESPINAL, Sr. (G) AVILA DE PEÑA, Sra. (G) TOMASINO, Sr. (E) SARAHÍ MOLINA, Sra.(T/W)	<i>Italie/Italy/Italia</i> SASSO MAZZUFFERI, Mme (E)	<i>Fédération de Russie/Russian Federation/Federación de Rusia</i> POLUEKTOV, Mr. (E)
<i>Emirats arabes unis/United Arab Emirates/Emiratos Arabes Unidos</i> MATTAR, Mr. (E) AL MARZOOQI, Mr.(T/W)	<i>Jamaïque/Jamaica</i> LEWIS, Mr. (E)	<i>Saint-Marin/San Marino</i> GIORGINI, Mme (E)
<i>Equateur/Ecuador</i> TERÁN, Sr. (E)	<i>Japon/Japan/Japón</i> SUZUKI, Mr. (E)	<i>Sénégal/Senegal</i> DIOP, M. (E)
<i>Espagne/Spain/España</i> FERRER DUFOL, Sr. (E)	<i>Kenya</i> KONDITI, Mr. (E)	<i>Slovaquie/Slovakia/Eslovaquia</i> BORGULA, Mr. (E)
<i>Estonie/Estonia</i> MERILAI, Ms. (E)	<i>Koweït/Kuwait</i> AL-RABAH, Mr. (E)	<i>Slovénie/Slovenia/Eslovenia</i> JEREB, Ms. (E)
<i>Etats-Unis/United States/Estados Unidos</i> GOLDBERG, Ms. (E)	<i>Lesotho</i> MAKEKA, Mr. (E)	<i>Soudan/Sudan/Sudán</i> ELGURASHI, Mr. (E)
	<i>Lituanie/Lithuania/Lituania</i> VASILEVSKIS, Mr. (E)	<i>Sri Lanka</i> DASANAYAKE, Mr. (E)
	<i>Luxembourg/Luxemburgo</i> BERTRAND-SCHAUL, Mme (E)	<i>Suède/Sweden/Suecia</i> LAURENT, Ms. (E)

Suisse/Switzerland/Suiza

PLASSARD, M. (E)

Suriname

VAN OMMEREN, Mr. (E)

Swaziland/Swazilandia

MAPHANGA, Mrs. (E)

République-Unie de Tanzanie/United

Republic of Tanzania/República

Unida de Tanzania

KABYEMERA, Mr. (E)

République tchèque/Czech

Republic/República Checa

DRBALOVÁ, Mrs. (E)

Thaïlande/Thailand/Tailandia

ROMCHATTHONG, Mrs. (E)

Trinité-et-Tobago/Trinidad and

Tobago/Trinidad y Tabago

HILTON CLARKE, Mr. (E)

Tunisie/Tunisia/Túnez

M'KAISSI, M. (E)

Turquie/Turkey/Turquía

CENTEL, Mr. (E)

Uruguay

FOSTIK, Sr. (E)

Venezuela

DE ARBELOA, Sr. (E)

Zambie/Zambia

NONDE, Ms. (E)

Liban/Lebanon/Libano

GHORAYEB, M. (G)

SAAB, Mme (G)

BALBOUL, M. (E)

Malaisie/Malaysia/Malasia

SOH, Mr. (G)

ISMAIL, Mr. (G)

Suisse/Switzerland/Suiza

ALVESALO-ROESCH, Mme (G)

ELMIGER, M. (G)

**Abstentions/Abstentions/
Abstenciones: 14**

Belize/Belice

HUNT, Ms. (G)

Botswana

MOJAFI, Mr. (G)

SEEMULE, Ms. (G)

Equateur/Ecuador

ESPINOSA SALAS, Sr. (G)

THULLEN, Sr. (G)

Etats-Unis/United States/Estados

Unidos

LEVINE, Mr. (G)

HAGEN, Mr. (G)

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