



Reports of the Selection Committee

Second report

Withdrawal of 16 Recommendations

The Selection Committee decided, at its first sitting on Tuesday, 1 June 2004, to examine, and report to the Conference upon, the seventh item on the agenda of the Conference: *Withdrawal of 16 Recommendations*.

The Committee had before it Reports VII(1) and VII(2) prepared by the Office on this item.

In his introductory statement on this issue, the *Chairperson* recalled that, following an amendment to its Standing Orders in June 1997, in particular the adoption of article 45bis, the Conference was enabled to withdraw obsolete international labour Conventions which were not in force and obsolete Recommendations. A Convention or Recommendation is considered obsolete “if [it] appears that it has lost its purpose or that it no longer makes a useful contribution to attaining the objectives of the Organization”.¹ Following an examination by the Working Party on Policy regarding the Revision of Standards (Working Party) of the Committee on Legal Issues and International Labour Standards (LILS Committee) of the Governing Body, and in accordance with recommendations by that Committee, the Governing Body decided by consensus at its 277th and 279th Sessions (March and November 2000) that the 16 Recommendations listed below were obsolete. These 16 Recommendations concern subject matters pertaining to forced labour; hours of work; occupational safety and health; welfare facilities, housing and leisure; social security; maternity protection; protection of children and young persons; migrant workers; indigenous workers; workers in non-metropolitan territories; and dockworkers. At its 283rd (March 2002) Session, the Governing Body decided to place the question of the withdrawal of these Recommendations on the agenda of the present session of the Conference. The withdrawal of these instruments will put an end to their legal effect vis-à-vis the Organization and will contribute to the rationalization of the standard-setting system of the International Labour Organization. As the decisions to consider these Recommendations obsolete had been taken by consensus, the Chairperson proposed that the Committee adopt all the decisions to withdraw the 16 Recommendations together.

An Employer member of the Committee said his group fully supported the proposed procedure.

¹ Paragraph 9 of article 19 of the Constitution of the International Labour Organization Instrument of Amendment, adopted at the 85th Session (June 1997) of the International Labour Conference.

The Worker Vice-Chairperson also fully supported the withdrawal of the 16 Recommendations, and recalled that the proposal to carry out the withdrawal had met with the undivided approval of the Working Party, the LILS Committee, and the Governing Body itself and had been communicated to all ILO constituents in writing, of which the vast majority had approved the proposal. The intention of the withdrawal was in no way to weaken the standard-setting machinery of the ILO, nor to undermine tripartism, but to strengthen and make more relevant the ILO's body of instruments and to improve the standard-setting machinery by rendering it more coherent and responsive to the reality of the world of work.

An Employer member of the Committee noted that full consensus had been obtained for the withdrawal of these instruments in the Working Party, the LILS Committee and the Governing Body, and there had been overwhelming support for withdrawal among member States in their replies to the questionnaire contained in Report VII(1). The Employers' group attached great importance to ensuring the body of international labour standards remained clear, coherent and up to date. He considered that the Selection Committee could approve the proposal with confidence and report accordingly to the Conference.

A Government member of India pointed out that the 16 Recommendations in question dated from between 1919 and 1953. They reflected concerns of their time, and were now no longer relevant. If the ILO's body of instruments was to be effective, it was important to ensure that it corresponded to contemporary conditions.

A Government member of Kenya indicated support for the proposal before the Committee.

The Committee approved, by consensus, the proposed conclusions in Report VII(2) for the withdrawal of 16 Recommendations.

The Committee accordingly recommends to the Conference that it take the preliminary decision, referred to in paragraph 3 of article 45bis of the Standing Orders of the Conference, for the withdrawal of each of the ensuing 16 Recommendations, in the following terms:

1. *Withdrawal of the Reciprocity of Treatment Recommendation, 1919 (No. 2)*

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 92nd Session on 1 June 2004, and

Following consideration of the proposal for the withdrawal of 16 international labour Recommendations, which is the seventh item on the agenda of this session;

decides to withdraw the Reciprocity of Treatment Recommendation, 1919 (No. 2).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the Reciprocity of Treatment Recommendation, 1919 (No. 2).

2. *Withdrawal of the Maternity Protection (Agriculture) Recommendation, 1921 (No. 12)*

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 92nd Session on 1 June 2004, and

Following consideration of the proposal for the withdrawal of 16 international labour Recommendations, which is the seventh item on the agenda of this session;

decides to withdraw the Maternity Protection (Agriculture) Recommendation, 1921 (No. 12).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the Maternity Protection (Agriculture) Recommendation, 1921 (No. 12).

3. *Withdrawal of the Living-in Conditions (Agriculture) Recommendation, 1921 (No. 16)*

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 92nd Session on 1 June 2004, and

Following consideration of the proposal for the withdrawal of 16 international labour Recommendations, which is the seventh item on the agenda of this session;

decides to withdraw the Living-in Conditions (Agriculture) Recommendation, 1921 (No. 16).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the Living-in Conditions (Agriculture) Recommendation, 1921 (No. 16).

4. *Withdrawal of the Weekly Rest (Commerce) Recommendation, 1921 (No. 18)*

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 92nd Session on 1 June 2004, and

Following consideration of the proposal for the withdrawal of 16 international labour Recommendations, which is the seventh item on the agenda of this session;

decides to withdraw the Weekly Rest (Commerce) Recommendation, 1921 (No. 18).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United

Nations of this decision to withdraw the Weekly Rest (Commerce) Recommendation, 1921 (No. 18).

5. *Withdrawal of the Utilisation of Spare Time Recommendation, 1924 (No. 21)*

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 92nd Session on 1 June 2004, and

Following consideration of the proposal for the withdrawal of 16 international labour Recommendations, which is the seventh item on the agenda of this session;

decides to withdraw the Utilisation of Spare Time Recommendation, 1924 (No. 21).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the Utilisation of Spare Time Recommendation, 1924 (No. 21).

6. *Withdrawal of the Migration (Protection of Females at Sea) Recommendation, 1926 (No. 26)*

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 92nd Session on 1 June 2004, and

Following consideration of the proposal for the withdrawal of 16 international labour Recommendations, which is the seventh item on the agenda of this session;

decides to withdraw the Migration (Protection of Females at Sea) Recommendation, 1926 (No. 26).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the Migration (Protection of Females at Sea) Recommendation, 1926 (No. 26).

7. *Withdrawal of the Power-Driven Machinery Recommendation, 1929 (No. 32)*

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 92nd Session on 1 June 2004, and

Following consideration of the proposal for the withdrawal of 16 international labour Recommendations, which is the seventh item on the agenda of this session;

decides to withdraw the Power-Driven Machinery Recommendation, 1929 (No. 32).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the Power-Driven Machinery Recommendation, 1929 (No. 32).

8. *Withdrawal of the Protection against Accidents (Dockers) Reciprocity Recommendation, 1929 (No. 33)*

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 92nd Session on 1 June 2004, and

Following consideration of the proposal for the withdrawal of 16 international labour Recommendations, which is the seventh item on the agenda of this session;

decides to withdraw the Protection against Accidents (Dockers) Reciprocity Recommendation, 1929 (No. 33).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the Protection against Accidents (Dockers) Reciprocity Recommendation, 1929 (No. 33).

9. *Withdrawal of the Protection against Accidents (Dockers) Consultation of Organisations Recommendation, 1929 (No. 34)*

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 92nd Session on 1 June 2004, and

Following consideration of the proposal for the withdrawal of 16 international labour Recommendations, which is the seventh item on the agenda of this session;

decides to withdraw the Protection against Accidents (Dockers) Consultation of Organisations Recommendation, 1929 (No. 34).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the Protection against Accidents (Dockers) Consultation of Organisations Recommendation, 1929 (No. 34).

10. *Withdrawal of the Forced Labour (Regulation) Recommendation, 1930 (No. 36)*

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 92nd Session on 1 June 2004, and

Following consideration of the proposal for the withdrawal of 16 international labour Recommendations, which is the seventh item on the agenda of this session;

decides to withdraw the Forced Labour (Regulation) Recommendation, 1930 (No. 36).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the Forced Labour (Regulation) Recommendation, 1930 (No. 36).

11. *Withdrawal of the Invalidity, Old-Age and Survivors' Insurance Recommendation, 1933 (No. 43)*

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 92nd Session on 1 June 2004, and

Following consideration of the proposal for the withdrawal of 16 international labour Recommendations, which is the seventh item on the agenda of this session;

decides to withdraw the Invalidity, Old-Age and Survivors' Insurance Recommendation, 1933 (No. 43).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the Invalidity, Old-Age and Survivors' Insurance Recommendation, 1933 (No. 43).

12. *Withdrawal of the Elimination of Recruiting Recommendation, 1936 (No. 46)*

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 92nd Session on 1 June 2004, and

Following consideration of the proposal for the withdrawal of 16 international labour Recommendations, which is the seventh item on the agenda of this session;

decides to withdraw the Elimination of Recruiting Recommendation, 1936 (No. 46).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the Elimination of Recruiting Recommendation, 1936 (No. 46).

13. *Withdrawal of the Contracts of Employment (Indigenous Workers) Recommendation, 1939 (No. 58)*

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 92nd Session on 1 June 2004, and

Following consideration of the proposal for the withdrawal of 16 international labour Recommendations, which is the seventh item on the agenda of this session;

decides to withdraw the Contracts of Employment (Indigenous Workers) Recommendation, 1939 (No. 58).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the Contracts of Employment (Indigenous Workers) Recommendation, 1939 (No. 58).

14. *Withdrawal of the Social Policy in Dependent Territories Recommendation, 1944 (No. 70)*

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 92nd Session on 1 June 2004, and

Following consideration of the proposal for the withdrawal of 16 international labour Recommendations, which is the seventh item on the agenda of this session;

decides to withdraw the Social Policy in Dependent Territories Recommendation, 1944 (No. 70).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the Social Policy in Dependent Territories Recommendation, 1944 (No. 70).

15. *Withdrawal of the Social Policy in Dependent Territories (Supplementary Provisions) Recommendation, 1945 (No. 74)*

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 92nd Session on 1 June 2004, and

Following consideration of the proposal for the withdrawal of 16 international labour Recommendations, which is the seventh item on the agenda of this session;

decides to withdraw the Social Policy in Dependent Territories (Supplementary Provisions) Recommendation, 1945 (No. 74).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the Social Policy in Dependent Territories (Supplementary Provisions) Recommendation, 1945 (No. 74).

16. *Withdrawal of the Minimum Age (Coal Mines) Recommendation, 1953 (No. 96)*

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 92nd Session on 1 June 2004, and

Following consideration of the proposal for the withdrawal of 16 international labour Recommendations, which is the seventh item on the agenda of this session;

decides to withdraw the Minimum Age (Coal Mines) Recommendation, 1953 (No. 96).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the Minimum Age (Coal Mines) Recommendation, 1953 (No. 96).

Geneva, 11 June 2004.

(Signed) S. Hasegawa,
Chairperson.

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