



Reports of the Credentials Committee

Second report

Composition of the Conference

1. Since 9 February 2006, when the Credentials Committee adopted its first report (*Provisional Record* No. 2B), new credentials had been received from Rwanda and Senegal. Therefore, at present a total of 106 member States are represented at the Conference. There are two more incomplete delegations in addition to those mentioned in paragraph 13 of its first report, Congo and Guinea, both having a Workers' delegate but no Employers' delegate.
2. As of this day there are 1,135 persons accredited to the Conference (as compared to 864 accredited to the 84th Session (Maritime) of the Conference in 1996) of whom 969 are registered (as compared to 731 in 1996). Out of the total number of delegates and advisers registered there are 334 delegates and 329 advisers. The attached list contains more details on the number of delegates and advisers currently registered for each Member.
3. In addition to the significant increase of female delegates and advisers accredited to the Conference compared to the Maritime Session in 1996, as mentioned in paragraph 7 of its first report, the Committee is pleased to note that this positive development is also reflected in the gender ratio of registered delegates and advisers. In this regard, the Committee can report that 52 of the 334 delegates and 73 of the 329 advisers registered at the Conference are women. Women thus represent 15.6 per cent of total delegates and 22.2 per cent of total advisers, which represents 19 per cent of total delegates and advisers.
4. In addition, the Committee wishes to indicate that 20 ministers or vice-ministers have been accredited to the Conference.

Objections

5. The Committee has received only one late objection relating to the credentials of a delegate during this session of the Conference. Consequently, the Committee did not have to examine any objections during its work. This situation is unprecedented in the history of the International Labour Conference. The Committee welcomes the fact that governments and social partners have observed the rules established by the ILO Constitution regarding the nomination of delegates at this Maritime Session of the Conference.

Late objection concerning the nomination of the Workers' delegate of Pakistan

6. The Committee received an objection from the All Pakistan Seamen's Workers Union concerning the nomination of the Workers' delegate of Pakistan whose name appeared in the *Provisional list of delegations* published as a supplement to the *Provisional Record* on 7 February 2006. This objection, in the form of a facsimile, although dated 7 February 2006, was received by the Office only at 10.54 a.m. on 10 February 2006 and therefore after the expiry of the 72-hour time-limit provided for in article 26bis, paragraph 1(a), of the Standing Orders.¹ The Committee therefore considered that the objection was not receivable by virtue of the abovementioned provision of the Standing Orders.

Complaints

7. The Committee has received and dealt with the following five complaints, which are listed below in French alphabetical order of the member States concerned.

Complaint concerning the non-payment of the subsistence expenses of the Workers' delegate of Brazil

8. On 13 February 2006, the Committee received a complaint submitted by the International Transport Workers' Federation on behalf of the Workers' delegate of Brazil, Mr. Severino Almeida Filho, President of the Confederación Nacional de los Trabajadores en Transportes Acuaviarios y Aéreos, en la Pesca y los Puertos (CONTTMAF). The complainant organization alleges that the Government of Brazil has not met its obligations under article 13, paragraph 2(a), of the ILO Constitution with regard to the payment of subsistence expenses of the delegate and requests that the Government provide for the full payment of subsistence expenses of Mr. Almeida Filho for the whole duration of the Conference.
9. In a written communication addressed to the Committee in response to its request, the Permanent Mission of Brazil in Geneva explained that Mr. Almeida Filho had been accredited to participate from 13 to 24 September 2004 to the Preparatory Technical Maritime Conference held in Geneva. However, according to the records of the Brazilian Ministry of Labour and Employment, Mr. Almeida Filho did not present upon his return the necessary proof of use of the air tickets provided by the Government, which is contrary to article 3 of Decision 98 of 16 July 2003 of the Brazilian Ministry of Planning. Therefore, and in compliance with the abovementioned Decision, the Government is not authorized to issue new air tickets in favour of Mr. Almeida Filho until proof of effective use of the air tickets provided by the Government in 2004 is presented. Once this situation is regularized, the Government will be authorized to reimburse Mr. Almeida Filho for the travelling expenses, consisting of per diem and air tickets, for his participation in this Conference.
10. The Committee has taken note of the Government's explanations according to which the Government will agree to pay for the travelling and subsistence expenses of Mr. Almeida

¹ Interim provisions concerning verification of credentials adopted by the Conference at its 92nd Session (June 2004) and effective from the 93rd Session (June 2005) to the 96th Session (June 2007) of the International Labour Conference.

Filho for this Conference if he provides proof of effective use of air tickets paid by the Government during the Preparatory Technical Maritime Conference (PTMC) of September 2004. In this regard, the Committee notes that Mr. Almeida Filho was accredited during the PTMC of September 2004 and that he took part in the work of the Conference, a fact that is not contested by the Government. Indeed, Mr. Almeida Filho was registered as a member of Committee No. 2 of the PTMC (*Record of proceedings* No. 3), which was possible only for delegates who were present at the PTMC. In addition, the Government refers to an administrative decision that prevents it from issuing new air tickets in the name of Mr. Almeida Filho, but makes no reference to the payment of subsistence expenses. Furthermore, Mr. Almeida Filho was nominated by the Government to participate in the present Conference and included in the credentials of the delegation of Brazil for this Conference. The Committee notes that Mr. Almeida Filho has actually registered for the Conference and participates in its work. In this regard, the Committee recalls that article 13, paragraph 2(a), of the ILO Constitution imposes on its Members an obligation to pay the travelling and subsistence expenses of the delegates and their advisers nominated at the Conference. The Government cannot justify its non-compliance with the ILO constitutional obligations by referring to an internal administrative decision. Therefore, the Committee trusts that the Government will take, without delay, the necessary measures in order to fulfil its obligation to cover the travelling and subsistence expenses of Mr. Almeida Filho for the whole duration of this Conference.

Complaint concerning the partial payment of the subsistence expenses of the Workers' delegate of India

11. On 10 February 2006, the Committee received a complaint submitted by the International Transport Workers' Federation on behalf of Mr. Abdulgani Y. Serang, General Secretary of the National Union of Seafarers of India and Workers' delegate of India. The complaint also includes a letter addressed to the Committee by Mr. Serang. The complaint states that the Government of India, while accrediting Mr. Serang as the Workers' delegate, has not met its obligations under article 13, paragraph 2(a), of the ILO Constitution to pay his expenses for the whole duration of the Conference, by restricting the participation to only a few sittings of the plenary at the end of the Conference (20-23 February 2006). The complaint states that Mr. Serang had to bear his own travelling and subsistence expenses during the PTMC in September 2004 and requests that the Government provides for the full payment of the expenses of Mr. Serang for the whole duration of the Conference.
12. In a written communication addressed to the Committee in response to its request, the Permanent Mission of India in Geneva stated that the matter had been taken up with the relevant authorities in India and that all efforts would be made to avoid such a situation in the future. It also indicated that the Indian delegation would be attending the plenary sittings of the Conference.
13. The Committee notes that the Government does not dispute the information contained in the complaint with regard to the failure to pay the subsistence expenses for the whole duration of the Conference. The Committee also notes that a similar situation had already been presented to the PTMC in 2004 and that the representative of the Government of India had committed to communicate the matter to the Government and to revert back to the Office in this regard. The Committee has not been aware of any such communication to the Office. The Committee considers that the payment of only three days of the subsistence expenses does not permit the Workers' delegation to follow the work of the Conference from beginning to end. This is incompatible with the obligation foreseen under article 13, paragraph 2(a), of the ILO Constitution, which requires that expenses be covered for a tripartite delegation in conditions that would permit the members to participate in the work

of the Conference until its conclusion. The Committee has consistently recalled this principle in the past and it, therefore, calls on the Government to meet its obligations pursuant to the ILO Constitution.

Complaint concerning the non-payment of the subsistence expenses of the Workers' delegate of Morocco

14. On 10 February 2006, the Committee received a complaint submitted by the International Transport Workers' Federation on behalf of the Workers' delegate of Morocco, Mr. Moustafa M. Raoui, Secretary-General of the Syndicat national des Officiers de la Marine marchande. The complainant organization alleges that the Government of Morocco has not met its obligations under article 13, paragraph 2(a), of the ILO Constitution with regard to the payment of the subsistence expenses of the Workers' delegate.
15. In a written communication addressed to the Committee at its request, the Permanent Mission of Morocco in Geneva stated that the Government of Morocco had always honored its obligations towards the members of the tripartite Moroccan delegation participating in ILO meetings. The Permanent Mission also stated that Mr. Raoui's expenses had been covered by the Campagnie marocaine de Navigation (COMANAV) and the International Maritime Transport Company (IMTC), and provides copies of the corresponding receipts. However, the copies of these receipts submitted are unreadable.
16. The Committee invited Mr. Raoui to provide further explanations in the course of a meeting which was held on 17 February 2006. Mr. Raoui indicated that his employer, the IMTC, had paid his travelling expenses, while COMANAV had provided a modest amount to cover some of the subsistence expenses. While confirming that he did not receive any amount from the Government, Mr. Raoui indicated that the issue of payment was of secondary importance to him as, in fact, he had attained his primary objective, which was to participate in the Conference in the interest of the seafarers of his country.
17. The Committee notes that it is not contested that the travelling and subsistence expenses of Mr. Raoui had not been paid by the Government. In this regard, the Committee can only recall that, by virtue of article 13, paragraph 2(a), of the ILO Constitution, Members have the obligation to pay the travelling and subsistence expenses of the delegates and advisers designated to attend the Conference in order to allow them to participate in the work of the Conference until its conclusion. The Committee hopes that the Government will fully comply with its obligations under the ILO Constitution.

Complaint concerning the partial payment of the subsistence expenses of Workers' advisers of Morocco

18. On 13 February 2006, the Committee received a complaint submitted by Mr. Abdelali Benwakrim, Secretary-General of the Syndicat des Capitaines et Officiers de la Marine marchande (SCOMM-CDT) and Mr. Youssef El Matrabi, Secretary General of the Syndicat des Marins de la Marine marchande (SMMM-CDT), Workers' advisers of Morocco, stating that they were only able to participate in the work of the Conference from 7 to 11 February 2006, having to return to Morocco on 12 February 2006. According to the complainants, their stay in Switzerland was shortened essentially because of lack of funds to finance it. In addition, the complainants allege that the Government did not respect the procedure for nominating the Workers' delegate in agreement with the most representative organizations of seafarers.

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19. In a written communication addressed to the Committee in response to its request, the Permanent Mission of Morocco in Geneva stated that the Government of Morocco had always honored its obligations towards the members of the tripartite Moroccan delegation participating in ILO meetings. The Government also maintained that it had always engaged in dialogue and consultations with the most representative workers' organizations and had held meetings with the social partners in accordance with article 5, paragraph 3, of the ILO Constitution. Further, the Government stated that the expenses of Mr. Benwakrim and Mr. El Matrabi were paid by the Campagnie Marocaine de Navigation (COMANAV), and provides copies of three receipts in support. According to two of these receipts, COMANAV had ordered air tickets for the complainants to travel to Geneva on 6 February 2006 and to return to Morocco on 13 February 2006. The copy of the third receipt submitted is unreadable. In addition, the Government stated that the Workers' delegate had been properly nominated.
20. The Committee recalls that article 13, paragraph 2(a), of the ILO Constitution imposes on its Members an obligation to pay the travelling and subsistence expenses of the delegates and their advisers nominated to the Conference. The competence conferred to the Committee in 1997 to examine complaints on the non-respect of that provision is limited, however, to the situations envisaged in article 26ter, paragraph 1(a) and (b), of the Standing Orders, i.e. failure to cover the expenses of at least a tripartite delegation comprising two Government delegates, an Employers' delegate and a Workers' delegate, and cases of serious and manifest imbalance as between the number of Employers' and Workers' advisers whose expenses have been covered in the delegation and the number of advisers appointed for the Government delegates. Having examined the credentials submitted by the Government, the Committee found no serious and manifest imbalance as between the number of Government advisers and Workers' advisers. The Committee thus decides not to retain the complaint in respect of this point. In addition, the Committee notes that the allegations concerning the nomination of the Workers' delegate constitute an objection and cannot be examined, as the deadline for submission of objections expired on 10 February 2006 at 10.00 a.m.

Complaint concerning the partial payment of subsistence expenses of the Workers' delegate and the Workers' adviser of Mexico

21. On 14 February 2006, the Committee received a complaint submitted jointly by the Workers' delegate of Mexico, Mr. Alfredo Salazar Lopez, and the Workers' adviser, Mr. Alejandro Moreno Lobera, both of the Unión Nacional de Marineros de Veracruz. The complaint alleged that the Government of Mexico has not met its obligations under the ILO Constitution to pay the totality of subsistence expenses by not providing the minimum amount necessary that would allow the complainants to attend and to follow the work of the present session of the Conference.
22. In a written communication received in reply to the Committee's request, Mr. Luis Alfonso de Alba, Ambassador and Permanent Representative of Mexico in Geneva and Government delegate to the Conference, indicated that Mr. Alfredo Salazar Lopez and Mr. Alejandro Moreno Lobera received personally the amount provided by the Secretariat of Labour and Social Security on 3 and 9 February 2006, respectively. In determining the amount for the members of the delegation, the Government followed its past practice for the previous sessions of the International Labour Conference. However, being aware that in this particular case the sum allowed may be such as to make supplementary funding necessary to allow the effective participation of the Workers' delegation until the end of the current session of the Conference, the Government declared itself available to discuss

this matter with the Confederación de Trabajadores de México (CMT) with a view to finding a solution quickly.

23. In a written communication addressed to the Committee on 16 February 2006, the complainants notified the withdrawal of the complaint following discussions on this matter with the Government.

24. The Committee notes the withdrawal of the complaint.

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25. The Credentials Committee adopts this report unanimously. It submits it to the Conference in order that the Conference may take note of it.

Geneva, 21 February 2006.

(Signed) Chiedozie Ezeasor,
Chairperson.

Guy Sulpice.

Padraig Crumlin.

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