



ELEVENTH ITEM ON THE AGENDA

**Reports of the Committee on Legal
Issues and International Labour
Standards**

First report: Legal issues

1. The Committee on Legal Issues and International Labour Standards (LILS Committee) met on 10 November 2000. Its Officers were as follows:

Chairperson: Mr. V. Rodríguez Cedeño (Government, Venezuela).

Employer Vice-Chairperson: Mr. D. Funes de Rioja.

Worker Vice-Chairperson: Mr. J.-C. Parrot.

**Practical arrangements for the discussion,
at the 89th Session (June 2001) of the
International Labour Conference, of the
Global Report prepared under the follow-up
to the ILO Declaration on Fundamental
Principles and Rights at Work**

2. The Committee had before it an Office proposal aimed at extending, with certain adjustments, the arrangements adopted on a trial basis at the 88th Session of the International Labour Conference (June 2000) for the discussion of the first Global Report presented under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, to the discussion of the second Global Report, on the elimination of all forms of forced or compulsory labour, which is to take place at the 89th Session (June 2001) of the International Labour Conference.¹

¹ GB.279/LILS/1 and GB.279/LILS/1(Rev.1).

3. The Employer members considered that the Global Report was an essential component of the Organization's policy in the defence of fundamental principles and rights at work. The Global Report should help provide a better picture of the world situation with regard to fundamental principles and rights at work in order to identify needs for technical cooperation, as the means of improving this situation. In this context, they attached the utmost importance to the interactive nature of the discussion of the Global Report at the Conference and to the level of the discussion and of its participants. They considered that the presentation of videos and the delivery of prepared speeches, as had occurred at the last session of the Conference, were detrimental to an interactive high-level discussion. While conceding that the identification of points for discussion in the Global Report itself would be conducive to the smooth progress of the debate at the Conference, the Employer members felt that it was necessary to establish a methodology for identifying them and that the Governing Body, or at least its Officers, should be consulted on the formulation of such a methodology. As regards the ad hoc arrangements for the discussion of the first Global Report, they agreed that they should be extended at least to the discussion of the second Global Report at the June 2001 session of the Conference.
4. The Worker members considered that there was a substantial discrepancy between expectations of an interactive discussion of the Global Report and the experience of last year's Conference. The proposal contained in the Office paper to include a series of points for discussion in the Global Report itself might well be conducive to a more interactive debate, but did not suffice in itself. In order to ensure that the debate was interactive, it was essential that interventions not be limited to a series of prepared speeches. Moreover, the time limits for speeches should be observed by all the participants without exception. They also hoped that the points for discussion would be made known in advance.
5. The representative of the Government of the United States, speaking on behalf of the Governments of the industrialized market economy countries (IMEC), recalled the purpose of the Global Report, which was to provide a dynamic global picture relating to each category of fundamental principles and rights, serve as a basis for assessing the effectiveness of the assistance provided by the Organization, and for determining priorities for technical cooperation. However, the Global Report submitted to the last session of the Conference and the manner in which it had been discussed were far from having attained these objectives, and to keep the same ad hoc arrangements in place would risk perpetuating the problem. Nonetheless, the suggestion that the points for discussion be identified in the Global Report itself seemed to be a step in the right direction. Other ideas could contribute to making arrangements that would enable the expected results to be achieved: holding a high-level policy debate in plenary, supplemented by a more technical discussion such as that held in June 2000 on AIDS; inclusion of case studies; distribution of proposed conclusions for adoption by the Conference so as to further discussion on key aspects; and showcasing the debate through appropriate media campaigns. It was essential that the Global Report reach capitals sufficiently in advance and at any rate more promptly than the first Global Report.
6. The representatives of the Governments of Denmark, France, Germany and the Netherlands associated themselves with the statement by the representative of the Government of the United States.
7. The representative of the Government of Germany emphasized in addition that the quality of the discussion depended primarily on the quality of the Global Report and hoped that improvements would be made to the next Global Report. As to certain remarks that had been made concerning the sometimes formal nature of statements made by ministers in the discussion of the Global Report, he recalled that this was an inherent aspect of participation of ministers in the Conference. There was a choice to be made between the level of participants in the discussion and the type of discussion desired. However, he

supported the Worker members' suggestion to ensure that the time limits for speeches be applied to all speakers, including ministers. As regards the viewing of videos in plenary, he did not consider this useful and felt it exacerbated the time constraints already faced by the Conference in its discussion of the Global Report.

8. The representative of the Government of the Netherlands laid special emphasis on the need to ensure a better coverage and media campaign than those put in place for the discussion of the first Global Report at the 88th Session of the Conference and expressed the wish that the Governing Body would have an opportunity to see and comment on the outline of the next Global Report before it was finalized.
9. The representative of the Government of France recalled that the follow-up to the Declaration was still at the initial trial stage and that, as in the case of any new process, there was room for improvement. The approach suggested by the Office was pragmatic in that it had learned lessons from the first exercise, for example in suggesting the inclusion of points for discussion. In his view, efforts should continue in this direction and the necessary time should be allowed to elapse before drawing definitive conclusions. As regards the screening of videos on the Global Report, he agreed that these should not be shown in plenary but considered that such visual means of awareness-raising were very useful and should be used outside official Conference meetings.
10. The representative of the Government of Denmark wondered whether holding several high-level meetings parallel to the Conference would be detrimental to the visibility of the discussion of the Global Report and the availability of ministers to participate in it.
11. The representative of the Government of Namibia spoke on behalf of the African group and was supported by the representatives of the Governments of Algeria, Ethiopia and Sudan. While agreeing with the proposals contained in the paper prepared by the Office, he drew attention to the usefulness of exploring further other possible arrangements for the discussion of the Global Report, such as allowing governments to present their respective situations without losing the opportunity to participate in the discussion of the more general aspects of the Global Report. He proposed that, before drawing conclusions on the different aspects of the ad hoc arrangements that had been adopted, an in-depth study be carried out of the impact and usefulness of the different arrangements. The representative of the Government of Algeria associated himself with previous speakers' requests for members to be given the opportunity to comment on the draft Global Report before it was finalized.
12. The representative of the Government of Ethiopia pointed out that the comments concerning the ministers' speeches were in fact true of most statements, which were based on prepared speeches. As regards the suggestion made on behalf of the IMEC group for the Conference to adopt conclusions, he recalled that this would not be appropriate, since this was the role assigned to the Governing Body by the follow-up to the Declaration. He called for a more equitable distribution of speaking time in future, so that the last speakers were not the only ones penalized by the limits imposed for discussion of the Global Report. He also expressed support for the adoption of a permanent procedure as of the 2002 session of the Conference. Lastly, he remarked that the media campaign launched at the last session of the Conference had not been entirely in keeping with the spirit and purpose of the Global Report, which was to identify general trends and not to draw attention to individual cases.
13. The representative of the Government of Malaysia, speaking on behalf of the Asia and Pacific group, recalled that the discussion of the Global Report should be in keeping with the promotional letter and spirit of the ILO Declaration on Fundamental Principles and Rights at Work. This meant in particular that the discussion should not be contentious or

lead to the creation of a new supervisory machinery. She noted that in the absence of an established procedure, special arrangements had had to be put in place to safeguard this promotional nature of the discussion of the Global Report. However, the experience at the last session of the Conference had shown that, despite these safeguards, the discussion of the Global Report had drifted in the direction of contentious debates. She accordingly suggested that the arrangements adopted on a trial basis be maintained for the discussion of the second Global Report, but that the suspension of article 12, paragraph 3, of the Standing Orders be lifted on the understanding that a permanent procedure would be decided upon after the June 2001 session of the Conference in the light of the experience acquired.

- 14.** The representatives of the Governments of China, India, the Islamic Republic of Iran, Saudi Arabia and the United Arab Emirates supported the view put forward on behalf of the Asia and Pacific group.
- 15.** The representatives of the Governments of Saudi Arabia, Sudan and the United Arab Emirates, supported by the representative of the Government of Algeria, questioned the advisability of removing from the proposed arrangements any reference to the possibility of representatives of regional groups taking part in the first phase of the discussion of the Global Report, given that this possibility undeniably helped save time. Explicit provision should therefore be made for it in the arrangements, on the understanding that the time limit for any speaker speaking on behalf of a regional group should be the same as that for spokespersons of non-governmental groups. In addition, the representative of the Government of the United Arab Emirates considered that the discussion of the Global Report should not exceed one day.
- 16.** The representative of the Government of the Islamic Republic of Iran expressed his agreement with previous speakers on the arrangements for participation of ministers attending the Conference in the discussion of the Global Report. In this regard, he stated that it was incumbent on each government to remind its minister of the time constraints applying to the discussion of the Global Report so that their speeches would focus on the key points for discussion. He was therefore in favour of identifying a limited number of priority points for discussion and hoped that the discussion of the Global Report at the next session of the Conference would be organized taking account of the different views expressed.
- 17.** The Executive Director of the Standards and Fundamental Principles and Rights at Work Sector, referring to the participation of spokespersons of regional groups in the first and last phases of the discussion of the Global Report, recalled that the reference in the proposed arrangements to “if appropriate, by other delegates” was in fact intended to refer to representatives of regional groups and other groups if appropriate. The fact that regional groups were not explicitly mentioned met the concern, among others, that this possibility not be limited to established regional groups, but also include other groups, and this had already happened at the first discussion in June 2000. The same speaking time of ten minutes was allowed for all statements made on behalf of a group. As regards the observations on the absence of genuine interactive discussion, he pointed out that this was inherent in any discussion in plenary, the only means of increasing the degree of interactivity being in fact to allow speeches to be made on behalf of different groups and to hold the discussion in three phases. Concerning the three phases, it was true that at the last session of the Conference the third phase had been reached only briefly and late in the day. If the greatest possible number of statements were to be reconciled with the principle of allowing only one day for the discussion, the same problems were likely to arise in future. As regards the request made by some speakers for the points for discussion to be discussed in the Governing Body before the Global Report was finalized, he recalled that the Global Report was prepared under the responsibility of the Director-General. For the same reason,

the suggestion that the Conference adopt conclusions posed a problem with regard to the rules, at least as long as the Global Report was being discussed in plenary. In any case, the points for discussion would be identified in the light of one of the purposes of the Global Report, which was to implement action plans for technical cooperation. As regards the suggestion that the discussion of the Global Report be held in the form of a high-level policy meeting followed by a technical-type meeting, the Office would examine it at a later stage, for example with a view to holding unofficial meetings outside the plenary debate. Lastly, he noted that a video would most likely be prepared on the subject of the next Global Report but that it would be shown outside the plenary.

18. The Legal Adviser, referring to the proposal for the Conference to adopt conclusions after the discussion of the Global Report, confirmed that this was in fact incompatible with the rules and practice applicable to the Conference on the subject of the discussion of the Director-General's Report. As regards the suggestion made on behalf of the Asia and Pacific group to remove the reference in the ad hoc arrangements to suspension of the provisions of article 12, paragraph 3, of the Standing Orders, he pointed out that this suspension was necessary in order to avoid incompatibility with the applicable rules. That being so, in order to guarantee that such a suspension could not be used for purposes other than the promotional objective of the Global Report, the Officers of the Conference could propose suspension of that provision to the extent necessary for the discussion of the Global Report while respecting its promotional nature.
19. *The Committee recommends to the Governing Body that it invite the Conference, at its 89th Session (June 2001), to adopt the proposals concerning the arrangements for the discussion of the Global Report prepared under the follow-up to the Declaration, contained in the appendix to this report.*

Other issues

20. The representative of the Government of the United States, speaking on behalf of the IMEC group, stated that the current tendency to refer to the Governing Body the examination of issues that were within the Committee's mandate, such as the fourth item on the Governing Body agenda concerning possible improvements in ILO standards-related activities, risked relegating the latter to considering only purely technical or administrative aspects. He therefore formally requested that the Committee have before it, at the next session of the Governing Body in March 2001, a paper reviewing improvements to be made in the functioning of the International Labour Conference with a view to implementing them at the next session of the Conference in June 2001. Apart from the aspects that might emerge from the Governing Body discussions on the fourth item on its agenda, his group wished for this review to cover the following aspects in particular: training sessions on Conference procedures and rules for officers of committees and new delegates along the lines of those held for the Committee on the Application of Standards; measures to ensure better consultation between committee officers and the representatives of regional governmental groups; setting-up of formal and informal working parties as a means of seeking solutions to controversial issues; better use of technology, for example for handling amendments; and lastly, giving further thought to measures to ensure better interactivity in the discussions at ministerial level.
21. The Employer members shared the concerns expressed by the representative of the Government of the United States, in particular as regards the need to ensure that delegates called upon to hold office at the Conference and within its different committees were sufficiently familiar with Conference procedures and rules, and the need to make better use of technology to make the Conference's work easier, particularly in the drafting of standard-setting texts. Along the same lines, they considered that the review requested on

behalf of the IMEC group should also cover better use of the time available to the Conference, by eliminating idle time and introducing measures such as smaller working parties which would speed up discussions.

22. The Worker members considered that any paper on possible changes in the functioning of the International Labour Conference would largely depend on the discussions to be held in the Governing Body on the fourth item on its agenda.

23. The Executive Director of the Standards and Fundamental Principles and Rights at Work Sector limited his observations to the suggestion concerning the organization of training sessions with officers of Conference committees. The Office systematically invited prospective committee officers to such information and training sessions. However, the presence of the persons concerned in Geneva before the beginning of the Conference could rarely be counted on. In any case, he informed the Committee that these issues, as well as those that might arise during discussions in the Governing Body on possible improvements in ILO standards-related activities, might be the subject of a paper submitted to the Committee at the next session of the Governing Body in March 2001.

Geneva, 13 November 2000.

Point for decision: Paragraph 19.

Appendix I

Ad hoc arrangements for the discussion of the Global Report under the follow-up to the Declaration at the 89th Session of the International Labour Conference

Principle of the discussion

Having regard to the various options referred to in the Annex to the Declaration, the Governing Body recommends that the Global Report submitted to the Conference by the Director-General should be dealt with separately from the Director-General's reports under article 12 of the Conference Standing Orders and should be discussed during plenary sittings devoted entirely to it.

Timing of the discussion

Two sittings on the same day should be convened for the discussion of the Global Report, with the possibility, if necessary, of extending the sitting or convening a further sitting on the same day or on a different day, as appropriate.

In order to take account of the programme of work of the Conference and of the fact that a number of ministers who usually are present during the second week of the Conference may wish to take the floor, the discussion of the Global Report should be held during the second week of the Conference.

Procedure for the discussion

The separate discussion of the Global Report recommended above implies in particular that the statements made during the discussion of the Global Report should not fall under the limitation concerning the number of statements by each speaker in plenary provided for in article 12, paragraph 3, of the Standing Orders, and that the discussion should not be governed by the provisions of article 14, paragraph 6, concerning the time limit for speeches. These provisions should accordingly be suspended under the procedure provided for in article 76 of the Standing Orders to the extent necessary for the discussion of the Global Report.

Organization of the discussion

Special arrangements will be made by the Officers of the Conference for the organization of the discussion.

The time available would be divided into three phases: a first phase devoted to opening statements by the spokespersons of the Employers and Workers and, if appropriate, by other delegates; a second phase for statements by individual delegates; and a third phase to allow spokespersons of the groups and other delegates to make their concluding remarks in the discussion.

The speaking time would be set, subject to adjustments decided by the Officers of the Conference, at ten minutes for speeches by group spokespersons and at five minutes for delegates' speeches.