
291st Session of the Governing Body of the International Labour Office (November 2004)

FIFTH ITEM ON THE AGENDA

Developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)

Conclusions

1. The Governing Body, having heard the explanations provided by the Permanent Representative of Myanmar, Ambassador Mya Than, proceeded to examine in detail the information and analysis provided in the documents which was supplemented during the debate, notably on the part of the Workers. It seems overall that the Governing Body remains gravely concerned by developments in the situation and the continued impunity of those who exact forced labour. More particularly, as regards the high treason judgement discussed at the previous session, as well as by the Committee on the Application of Standards of the International Labour Conference, the Workers' group, the Employers' group and many Governments, while recognizing that the judgement by the Supreme Court did answer the fundamental question of the legality of the contacts with the ILO, expressed regret at the continued detention of the persons concerned when their guilt had not been established, and called for their immediate release or pardon. In the circumstances, the Workers' group, the Employers' group, and a number of Governments were of the opinion that reactivation of the measures to be taken under article 33 and in accordance with the Conference resolution of 2000 would be fully justified. Furthermore, the Workers' group insisted that the strength of the ILO presence, whose importance and contribution were recognized and welcomed by the whole of the Governing Body, should be reinforced for the eradication of the problem.
2. At the end of the debate, a number of speakers did however consider that the problems identified in the reports as well as the sudden replacement of the previous interlocutors of the Organization following the changes which had occurred among the leadership of the Myanmar Government justified an evaluation of the current attitude of the authorities and their determination to effectively address the continuing practice of forced labour. The attitude that they will adopt, which does not yet seem clearly defined, about the very alarming cases identified in the documents before the Governing Body, constitutes a real test of this determination.
3. This is why the Governing Body requests the Director-General to field a high-level mission to evaluate the attitude of the authorities and assess their determination to continue their cooperation with the ILO, the modalities of which must make it possible to address the root causes of the problems described in the reports. The Director-General will have to ensure that the conditions of such a mission and the credentials of those charged with conducting it, as well as the position of its interlocutors at the highest political level, are such that it is able to meet these objectives and ensure the intervention has the required visibility. The Director-General will report on the results of this mission to the next session of the Governing Body. The Governing Body will then be able to determine the necessary consequences on the basis of full knowledge either as regards further action by the Organization under article 33, including as regards foreign direct investment, or for the

implementation of the Plan of Action. In addition, the Office has been requested to provide further information for the next session on the actions taken on the basis of the 2000 resolution, to complement that provided in the Report of the Director General.