



INTERNATIONAL LABOUR OFFICE

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Governing Body

Geneva, June 2003

Minutes of the 287th Session

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The 287th Session of the Governing Body of the International Labour Office was held in Geneva, on Friday, 20 June 2003, under the chairpersonship of Lord William Brett (Worker, United Kingdom), Mr. Eui-yong Chung (Government, Republic of Korea), and Mr. Daniel Funes de Rioja (Employer, Argentina).

The list of persons who attended the session of the Governing Body is appended.

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Friday, 20 June 2003, afternoon

The sitting opened at 12.25 p.m., with Lord Brett in the Chair.

The Chairperson announced that the Workers' group would call for a vote on the establishment of a commission of inquiry into the situation in Colombia.

First item on the agenda

ELECTION OF THE OFFICERS OF THE GOVERNING BODY FOR 2003-04

A Government representative of Italy, on behalf of the Asia Pacific group, and with the endorsement of the Government group of the Governing Body, proposed the candidature of Ambassador Eui-yong Chung of the Republic of Korea as Chairperson of the Governing Body for the 2003-04 12-month period. Ambassador Chung, had had a distinguished career as Deputy Minister of Trade in the Ministry of Foreign Affairs of his country, before being appointed Permanent Representative of the Republic of Korea in Geneva. He had served as Government Vice-Chairperson of the Governing Body for the 2002-03 period, and as such, was an ex officio member of the World Commission on the Social Dimension of Globalization.

The Employer Vice-Chairperson endorsed, on behalf of the Employers' group, the candidacy of Ambassador Chung as Chairperson of the Governing Body.

The Worker Vice-Chairperson suggested that, when candidates were being selected for the post of Chairperson of the Governing Body, only those from countries which were free from investigation by the Committee of Experts on the Application of Conventions and Recommendations, or from countries that had committed support to the Declaration on Fundamental Principles and Rights at Work, should be considered. The group supported the nomination of Ambassador Chung as Chairperson, and thanked and congratulated Lord Brett for the outstanding work he had done in the post.

The Governing Body unanimously elected Ambassador Eui-yong Chung of the Republic of Korea as its Chairperson for 2003-04.

Ambassador Chung (Chairperson of the Governing Body) thanked the Governing Body and especially the Asia Pacific group for the honour conferred on him. Lord Brett had been an admirable Chairperson, and it would be particularly difficult to follow on from him. The Republic of Korea had achieved economic development in a very short time. During the same period it had also strongly supported the advancement of workers' rights. The newly inaugurated Government of Korea would continue these efforts to attain social cohesion by working with the social partners on the basis of the Decent Work Agenda. Ambassador Chung pledged his utmost efforts to the promotion of social justice at the international level through his position as Chairperson of the Governing Body. He called for nominations for the Vice-Chairpersons of the Governing Body.

The Governing Body elected Mr. Daniel Funes de Rioja (Employer, Argentina) and Sir Roy Trotman (Worker, Barbados), as its Employer and Worker Vice-Chairperson respectively for 2003-04.

Second item on the agenda

APPROVAL OF THE MINUTES OF THE 286TH SESSION OF THE GOVERNING BODY

The following corrections were received to the minutes of the 286th Session:

Last paragraph, page VI/4.

After the words “A Worker member from Sweden”, insert the phrase: “speaking on behalf of the Workers’ group”.

Third paragraph, page VI/5.

In the second sentence, replace “Guatemala” with “China”.

Fifth paragraph, page VI/6.

At the end of the paragraph, add the sentence: “Violations of freedom of association occurred in both developed and developing countries. The ILO and its supervisory bodies should work to secure universal respect for freedom of association wherever violations took place.”

Last paragraph, page VI/6, continuing on page 7.

Replace the paragraph as follows: “A Government representative of Venezuela said that, if the report were viewed against that of November, it would reveal the progress made by Venezuela. Firstly, Case No. 1986 (SINTRAFUNDARTE) had been concluded and definitively closed, and the complaint made by the Latin American Central of Workers (CLAT), noted in the Committee’s 299th Report, had been withdrawn, which marked the closing of Case No. 2202. The variety of cases referring to Venezuela showed that there were many trade unions, although the majority of those mentioned were not members of the Venezuelan Workers Confederation (CTV), contrary to the allegations made. These cases had been presented by certain organizations linked to human rights non-governmental organizations and not to the CTV, whose interests were not those of the majority, and which did not contribute to the development of Latin American countries. These representations culminated in the erroneous idea that there was a single union in Venezuela.”

Sixth paragraph, page VI/8.

After the words “ ... not affiliated to any confederation,” add: “including the CTV”.

Eighth paragraph, page VI/8.

Replace the paragraph as follows: “A Government representative of Venezuela, speaking on Case No. 2161, noted that the union in question was again an independent body and not affiliated to the CTV. The workers, with the aid of the human rights organizations, had obtained a reinstatement order and were awaiting their reintegration. Moreover, the Government had estimated that 50,000 dismissals had resulted from an employers’ lockout mounted to overthrow the democratically elected executive. It had subsequently drafted a Bill accelerating the administrative process of protection for workers affected by anti-trade union discrimination. The case had generated wide debate in the country on the protection of workers, associated with the Committee’s recommendations on this matter.”

First paragraph, page VIII/1.

In the third line, “Commission of Inquiry” should read “Fact-Finding and Conciliation Commission”.

Subject to the amendments received, the Governing Body approved the minutes of its 286th Session.

Third item on the agenda

QUESTIONS ARISING OUT OF THE 91ST SESSION OF THE INTERNATIONAL LABOUR CONFERENCE

The Worker Vice-Chairperson said that the four technical items on the agenda of the 91st Session of the International Labour Conference had been dealt with in an efficient and balanced manner. The Director-General’s Report, *Working out of poverty*, was an excellent piece of work, and the report on the occupied Arab territories went some way towards easing tensions in the region. It was to be hoped that the special fund that had been established would be of assistance in alleviating the problems of the people in the occupied Arab territories. During the discussion of the Global Report on the elimination of discrimination in occupation and employment, Governments, Employers and Workers had all made good suggestions, which should be included in the plan of action that would result from the discussion. The Workers’ group was pleased that the zero real growth budget had been accepted. The ILO needed such support if it was to continue to bring real changes to society. The group had issued a unanimous statement regarding the rehabilitation of Iraq, and hoped that account would be taken of this by governments concerned with affairs in that country. The Workers had lodged a complaint against the Government of Belarus under article 26 of the ILO Constitution, and requested that the appropriate action should be taken in this connection, to be reported at the 288th Session of the Governing Body in November 2003.

Some time should be given over to an examination of the decisions of the 91st Session of the Conference. The subject of occupational safety and health was extremely important, and an instrument in the field should be envisaged, with work beginning before 2005. The Office should prepare a paper on this for presentation in November 2003. At the same session the report from the Credentials Committee should be taken into account, and the work carried out by that Committee should be examined.

The Employer Vice-Chairperson complimented the outgoing Chairperson on his guidance of the Governing Body over the previous year. Although the group had reservations as to the establishment of a commission of inquiry in Colombia, the excellent spirit of cooperation that had been built up between the Employers, Workers and Governments, would certainly continue.

The Conference had benefited from first-class organization with the timely provision of appropriate secretariat services. The Director-General’s Report, on a subject of great interest to all: overcoming poverty, had provoked constructive dialogue. The creation of jobs and of enterprises, in the struggle to defeat poverty, was a central concern for employers, and critical to the political agendas of all governments around the world. The technical committees had taken up complex subjects in a spirit of consensus. The discussion on occupational safety and health showed that the new integrated approach was the way to obtain effective and widely implemented standards. The issue itself was one of great importance, and the discussions had shown what measures should be taken to make progress in the field. The instrument that had resulted from the discussions on improved

security of seafarers' identity papers, once ratified, would greatly facilitate identification of seafarers. The ILO should work to promote the ratification of this Convention.

With regard to the multiple side-events scheduled during the Conference, the ILO should not be distracted from its principal activities or its particular tripartite mandate. The quality of the special guests who had visited the Conference this year – President Lula of Brazil, President Mbeki of South Africa and King Abdullah II of Jordan – was a testimony to how highly the Organization was valued.

Though overall the Conference had been impressive, a small incident had taken place towards the end, which might have been avoided. Certain criticisms had been levelled at enterprises and bodies that were not present at the Conference, and therefore were unable to reply. In the interest of fruitful discussion, the limits of such denunciations should be carefully respected.

A Government representative of Canada, speaking on behalf of the IMEC group of governments, said that the early selection of well-qualified technical committee chairpersons, appropriately briefed by the Office, contributed significantly to the smooth functioning of the Conference. Improved availability of meeting rooms and interpretation had facilitated governments' participation in technical committees. Time could be used more efficiently if substantive committee work started on the first morning of the Conference, and meetings commenced on time to avoid costly evening sittings. New IT installations should be introduced to facilitate committee work and voting, and the reports for discussion should be available at least four weeks before the Conference.

At future Conferences, the Office should brief group support staff and Government delegates on drafting of amendments and procedure. Draft committee reports should be made available on the Internet or sent out by email to technical experts obliged to leave the Conference before their publication in the third week.

The IMEC group had appreciated participating in consultations on the working methods of the Committee on the Application of Standards, and welcomed the changes introduced, such as the time limit for interventions. Consultation should continue to identify further changes to make this important body more effective.

Now that the first cycle of Global Reports had been completed, the Governing Body should review Declaration follow-up procedures and set clear objectives. IMEC was ready for consultations prior to the 288th Session in November 2003. The integrated approach initiated in the discussion on occupational safety and health had proved interesting and had provided valuable conclusions. Follow-up should be timely. Future reports for integrated approach discussions should be issued well in advance to allow the necessary consultations and preparations prior to the Conference. IMEC would welcome continuing discussion with the Office on these issues prior to the 92nd Session of the International Labour Conference.

A Government representative of Belarus regretted the move by the Workers' group to lodge a complaint against his country's Government under article 26 of the ILO Constitution. The Government should have been given the right to reply to the complaint, as provided under article 24. During the Conference, the Government and the Minister of Labour and Social Security had indicated willingness to hold consultations with the ILO, and had invited an ILO delegation to visit Belarus, if possible before November 2003, in support of social dialogue in the country. The Minister had attended the Governing Body meeting in March 2003 as well as the Conference in June, bearing witness to the importance Belarus attached to the supervisory machinery of the ILO. Belarus wished to improve its labour legislation and work more closely with its social partners, and the

Governing Body should be constructive and cooperative in respect of the complaint lodged by the Workers.

A Government representative of China suggested that all discussion on the question of the article 26 complaint lodged against the Government of Belarus should be postponed to the November session.

A Government representative of the Libyan Arab Jamahiriya called on the international community to show solidarity in combating poverty and unemployment. He deplored wastage at the Conference caused by over-distribution of documents. Distribution should be more strictly controlled. Time was also wasted unnecessarily. During the Committee on the Application of Standards, procedures had been followed that were not based on written rules. Committees required financial and other resources to accomplish their work. Before deciding to establish a committee, very clear information regarding available resources was needed. More discipline should be applied, to allow decisions to be taken on the basis of clear analysis and good organization. States should be encouraged to ratify Conventions rather than obliged to do so: incentives should be sought.

A Government representative of the Russian Federation agreed that the Government of Belarus had shown that it attached great importance to improving national legislation governing freedom of association, and wished to work with the ILO in a technical cooperation programme to this end. An ILO delegation had been invited to Minsk. In the discussion in the Committee on the Application of Standards, the Government had been supported by the Worker and Employer representatives of Belarus, and the question of article 26 proceedings had not been raised. A more constructive approach should be adopted.

Mr. Daniel Funes de Rioja, Employer Vice-Chairperson, assumed the Chair.

The Worker Vice-Chairperson said that his group did not want a debate in the Governing Body at the present session, but had called on the Office to prepare the background information for a decision to be taken in November 2003. The Government of Belarus had made a very positive statement, and now had some months before it to take the action necessary to show, by November, that there was no need for further investigation. However, since the complaint had already been filed, the right to reply under article 24 could not be invoked.

The Director-General noted with interest the comments made regarding the functioning of the Conference. The question of how to use time and facilities better would certainly be examined, and some changes introduced for the next Conference. Many participants had expressed great appreciation of the team effort that had produced a successful Conference, and these messages would be passed on to all the staff. However, today, the opening of a short Governing Body session had been delayed because of failure to reach a decision on a question which could and should have been dealt with a year ago: the groups should also respect the work of the Office.

Fourth item on the agenda

WORLD COMMISSION ON THE SOCIAL DIMENSION OF GLOBALIZATION: LATEST DEVELOPMENTS

The Director-General reported that the World Commission had accelerated its work. At a meeting in May, it had reviewed a range of policy issues and proposals to be addressed in the final report. It had also completed its series of national and regional dialogues, with the holding of the Caribbean dialogue, hosted by the Prime Minister of

Barbados, and a roundtable on social and national globalization in the Arab States, held in Beirut. A national dialogue was held in Berlin, and a roundtable with civil society organizations had taken place in Geneva in June 2003. The results of these meetings would be made available on the ILO web site.

The sixth meeting of the World Commission would be in Geneva in August 2003, followed by consultations and discussion of the report during its finalization, to allow the Commission to take account of international events planned for the end of the year, such as the World Trade Organization Meeting in Cancun in September. A substantive report on the work of the Commission would be made to the Working Party on the Social Dimension of Globalization and to the Governing Body in November. The final report would be completed by the end of the year, for translation and publication in January 2004. It would be discussed at the 289th (March 2004) Session of the Governing Body and, on the basis of this discussion, the Director-General would report to the 92nd (June 2004) Session of the Conference to allow it to decide on implications for the ILO arising from the World Commission.

The Worker Vice-Chairperson requested, firstly, that major decisions taken by the World Commission should be made available to the Governing Body members preparing for the WTO meeting in Cancun, to allow them to promote the ILO agenda at the meeting. Secondly, the outcome document of the World Commission should be sent to Governing Body members prior to its general circulation.

The Director-General indicated that he would put the Worker Vice-Chairperson's first request to the World Commission, and confirmed that the outcome document would be distributed first to Governing Body members before becoming public.

Fifth item on the agenda

ARRANGEMENTS FOR THE TENTH AFRICAN REGIONAL MEETING

The Governing Body adopted the recommendations in paragraph 5 of the report.

Sixth item on the agenda

SPECIAL TECHNICAL COOPERATION PROGRAMME FOR COLOMBIA (2001-03)

The Regional Director for the Americas introduced the report. Violence still reigned in Colombia, though the reduction in the number of trade unionists assassinated, compared with several years previously, gave cause for hope. Employers' organizations had conducted surveys which indicated potential improvements in security, the economy and employment. The Government had proposed certain measures, which were likely to be decided by referendum, that it believed would improve the labour market in the country and the social atmosphere. The Government was apparently attempting to meet some of the demands of workers, but trade unions had reiterated their concerns regarding the employment repercussions of economic adjustment and restructuring of public institutions. As stated in the report, a number of trade unionists had been able to leave the country for protection. The number of persons concerned, their departure dates and names, had been omitted for reasons of security. Broad dialogue had been engaged, with the help of the Director of the Subregional Office for the Andean Countries, between the representative bodies of the social partners, to help identify other trade unionists whose lives might be in danger, to allow them to profit from temporary exit programmes, within the limits of available funding.

To promote trade union rights, a number of regional forums on fundamental human rights at work now had firm dates. There was a need for closer monitoring by the judiciary and Procurator-General's Office of violations of fundamental rights at work, and plans were under way to provide training in core labour standards for members of the judiciary. Seminars were planned in August and September 2003. Other activities included the adaptation, with the involvement of workers' and employers' organizations, of national legislation to bring it into line with the ILO Conventions on freedom of association, collective bargaining and the resolution of disputes.

Consultation was continuing with the Government and the social partners to appoint a coordinator for the special programme; it was to be hoped that this could be decided in July. Every effort had been made to implement the special programme, with full cooperation between the Regional Office for the Americas, the Subregional Office for the Andean Countries, the US-DOL/ILO project and IPEC. ACTRAV and ACTEMP were also fully implicated. It was to be hoped that these combined efforts would lead not only to the protection of the lives of endangered trade unionists and members of employers' organizations, but also to full respect for the right to organize.

The Worker Vice-Chairperson noted the support from other agencies in the implementation of the special programme for Colombia (2001-03). However, it was regrettable that funds were not available to establish a coordinator in charge of the programme, since the staff at Lima was unable to carry out the work.

Paragraph 2 of the report sought to understate the level of threat and danger under which trade unionists lived in Colombia. Notwithstanding the important action undertaken already, the violence persisted, and should be recognized as a fact. A major economic programme had been proposed by the Government, subject to a referendum. Under these circumstances, it was essential that fundamental rights at work should be promoted, in particular through social dialogue. The programme should be continued into the new biennium.

The Chairperson said that all Governing Body members accepted the need to continue the programme.

An Employer member from Colombia noted considerable progress in security in Colombia over the past few months. This was reflected in an economic growth rate of 3.8 per cent, unseen for over eight years, coupled with the creation of 500,000 jobs. A range of political reforms had improved the trade balance and the balance of payments. Employers had organized a number of seminars around the country, seeking alternative methods for dispute settlement, and better labour relations. It was important that these positive developments should be recognized by other countries.

A Government representative of Italy, speaking on behalf of the European Union, the acceding countries of Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, and the associated countries, Bulgaria, Romania and Turkey, as well as Switzerland and Norway, reaffirmed the EU's full support for the people of Colombia in their efforts to improve matters in their country. The EU was monitoring the situation closely, and urged immediate implementation of the special programme. While noting some positive developments, the EU condemned the general climate of violence prevalent throughout Colombian society, and urged the Government to take immediate and more effective measures to safeguard trade unionists, by upgrading its protection programme, and to promote freedom of association, particularly through the implementation of the relevant ILO Conventions.

The Government should respect the free operation of workers' organizations. Acts of violence preventing this transgressed workers' fundamental rights, and the situation of

impunity for the perpetrators of such acts should be urgently remedied. Social dialogue was critical in the resolution of these problems, and the Government should cooperate fully with the social partners to support social dialogue through effective administration of labour.

A Government representative of Ecuador, speaking on behalf of the Group of Latin American and Caribbean States (GRULAC), deplored the continuing violence and the impunity in Colombia, but recognized that the number of worker victims had fallen. The work to promote the ILO Declaration on Fundamental Principles and Rights at Work was positive, as were the activities to counter child labour. The ILO should continue technical cooperation in such fields as dispute settlement, and the agreements reached with certain trade unions in the country should contribute to the development of a plan of action by workers and employers. GRULAC remained convinced that the special programme was the ILO's most effective tool to overcome the violence in Colombia and protect the lives of members of trade unions or employers' organizations.

A Government representative of the United States said that the Government's stated commitment to restoring the rule of law was starting to bear fruit. The ILO's special programme was the Organization's best manner of supporting this. However, the report showed that the process of selection of candidates for temporary departure from the country was not working smoothly, and needed to be reworked; secondly, a coordinator should be appointed as soon as possible. Donors should provide funds to allow this post to be filled. The special programme appeared to be achieving concrete results, and should be generously funded and strengthened.

A Government representative of Brazil associated his Government with the statement made on behalf of GRULAC, and welcomed the efforts made by the Government of Colombia to promote fundamental rights at work and reassert the rule of law. Cooperation within the context of the special programme was the best contribution the ILO could make to achieving a sustainable solution. The establishment of a commission of inquiry at this point would only serve to send out a negative signal, and jeopardize the progress made.

A Government representative of Canada reiterated his Government's support for the special programme, and for the establishment of social dialogue in Colombia, through full legislative compliance with Conventions Nos. 87 and 98. It was encouraging that the Government was promoting fundamental human rights, including rights at work, and implementing national plans for the elimination of child labour and protection of young workers. The Government should avoid using emergency measures as a means of harassing trade unionists or of bringing their activities into disrepute. Moreover, it should seek to end the problem of impunity if the violence was to stop. The Government should allocate sufficient resources to guarantee the long-term operation of the inter-institutional commission for the promotion and protection of workers' human rights. It should also reactivate the committee for the handling of conflicts. These two bodies, working in a tripartite manner, should examine the obstacles to the application of the ILO core Conventions. The Canadian Government particularly welcomed the proposed formulation of a plan of action as a joint effort by the Government of Colombia and its social partners to improve the situation.

At its 288th Session, the Governing Body should be presented with a clear timetable of measures to implement the special programme, including the appointment of a coordinator. The funds for this post could come from the 2000-01 budget surplus retained by the Governing Body. While understanding the call by the Workers' group for a commission of inquiry, the better route would be for the Government of Colombia to continue cooperating fully with the ILO to develop social dialogue and fundamental rights at work, and give the special programme its fullest support.

A Government representative of El Salvador endorsed the statement made on behalf of GRULAC. The special programme represented the best path forward and had already yielded results. There should be no commission of inquiry.

The Vice-President of Colombia felt that the special programme should be intensified. It had proved useful for promoting social dialogue, and would continue to do so.

The Governing Body took note of the report.

Seventh item on the agenda

TOPICS FOR SECTORAL ACTION PROGRAMMES AND MEETINGS IN 2004-05

An Employer member from Italy said that the Employers approved the document under consideration and the point for decision. However, the reports to be prepared for the activities listed were still being examined by the groups: the Employers could make no statement in their respect until the conclusion of these consultations. The document, in paragraph 10, referred to the adoption, in the first half of 2005, of an updated code of practice on safety and health in the iron and steel industry. During the recent integrated approach discussion on safety and health at the Conference, no request or reference had been made to the usefulness of such a code. This suggested that there might be no real interest in its production.

A Worker member from the United States, on behalf of the Workers' group, praised the broad consultative process behind the production of the document under examination. Constructive cooperation had taken place between the ILO Sectoral Activities Department and the Employment Intensive Investment Programme, which were natural partners in the fight for decent work in the construction sector. Other in-house links should be followed up, with SAFEWORK for example, to approach the very large decent work deficit in the construction industry. The group also noted the close and profitable collaboration between SECTOR and ILO/AIDS.

The proposed updating of the code of practice on safety and health in the iron and steel industry was apposite, given that the last code had been adopted 22 years previously. The Office should start preparations now, to allow a shorter meeting of experts, and thus release funds for promotion of the code. In the meantime, promotion of the code concerning non-ferrous metals should continue. The tripartite meeting of experts convened to set guidelines for labour inspection in forestry should be limited to a maximum of five days, with only eight or ten experts per group. This meeting should be moved to the second half of 2004, and the regions for follow-up activities should include Latin America, particularly Brazil, and Asia, in particular South-East Asia.

The Office's proposals regarding transport equipment manufacture, especially as regards the possibility of defining a statistical database for the industry, were positive, and the group would suggest follow-up activities in November.

A Government representative of Germany approved the approach, discussed in March 2003, to the production of the document. He understood, regarding the implementation of the sectoral programmes, that the post of expert in charge of the construction sector would be maintained, as would the post concerning the forestry sector.

A Government representative of Barbados said that her Government was committed, in collaboration with its social partners, to a strong occupational safety and health culture. It approved the consensus in the Conference Committee on Occupational Safety and Health that such a culture should be one of the pillars of ILO global strategy and requested

that Barbados should be among the countries to be supported under the national programmes. The objective of improving the quality of work and supporting workers' rights in the construction industry was of particular interest.

The Governing Body adopted the recommendations in paragraph 26 of the report.

Eighth item on the agenda

331ST REPORT OF THE COMMITTEE ON FREEDOM OF ASSOCIATION

The reporter of the Committee noted that there were 90 cases pending, of which 28 had been examined on their merits. The Committee had been obliged to establish a large number of interim reports, since numerous governments had failed to send, or had sent incomplete, replies. The Committee also wished to point out that government attendance of its proceedings was irregular and discontinuous. In March 2002, the Committee had called for Government representation to be nominative, to ensure continuity.

Regarding Cases No. 2225 (Bosnia and Herzegovina), No. 2222 (Cambodia) and No. 2216 (Russian Federation), the Committee had urgently appealed to the governments to provide complete observations. Cases Nos. 1787 (Colombia) and 2090 (Belarus) remained extremely serious. The Government of the Russian Federation had not cooperated regarding Cases Nos. 2185 and 2199.

In 20 cases, the governments concerned had kept the Committee informed on the action they were taking based on its recommendations. The longstanding Case No. 2116 (Indonesia) had thus come to a satisfactory conclusion. In Case No. 2098 (Peru), the passing of Act No. 27912, amending the Collective Labour Relations Act, lowered the minimum number of workers required to form a union. Progress had been made under Cases Nos. 1937 and 2027 (Zimbabwe), with the amendment of certain provisions of the Labour Relations Act. Some problems persisted, however, and the Government had been requested to take further action.

In Case No. 2090 (Belarus), the lack of full cooperation by the Government obliged the Committee to urge the need for an independent investigation into the alleged interference in trade union elections. The Government had repeatedly failed to provide all information requested. Moreover, two new allegations had been added to the outstanding list, and the Committee had called on the Government to respond urgently.

Regarding Case No. 1787 (Colombia), the Committee had noted that the violence continued unabated in all sectors of society and, in answer to the Government's statement that the complainants often supplied it with information insufficient to inform the public prosecutor, called on all parties to cooperate fully, to allow the Government to supply detailed replies to its requests. While acknowledging the comprehensive nature of the Government's report, the Committee had deplored that sentencing continued to be so low.

Significant steps had been taken regarding Case No. 1865 (Republic of Korea), but serious obstacles remained. Nevertheless, the Government had shown an overall willingness to overcome these obstacles and had granted special pardons to imprisoned unionists. The Office was ready to provide technical assistance in this connection.

In Cases Nos. 2177 and 2183 (Japan), the Committee was awaiting the texts of proposed amendments to the laws governing the public service in Japan. The Government could seek ILO technical assistance if it so wished.

An Employer member from Italy, speaking on behalf of the Employers' group of the Committee, agreed that the participation of, and continuity of representation by, Government members was a problem for the Committee. The increasing number of governments supplying incomplete information was also unsatisfactory and impeded the work of the Committee.

Case No. 2116 (Indonesia) had been brought to a satisfactory close. In Case No. 1991 (Japan), the Committee had expressed the hope that a successful outcome would be arrived at shortly. The Employers reaffirmed the Committee's request in Case No. 1952 (Venezuela), that the Government take steps to ensure freedom of association. In Case No. 2161, the Government of Venezuela had been asked to supply information on developments. Case No. 2090 (Belarus) was of grave concern, and the Government should supply the information requested to allow the Committee a full understanding of the circumstances. Under Case No. 1787 (Colombia), very serious allegations had been made. The Committee's recommendations should be followed by the Government, and the parties concerned, especially the complainants, should cooperate fully to provide the Government with complete information.

The Government of the Republic of Korea had made progress in respect of Case No. 1865. The Employers from the country reiterated their reserves regarding the payment of salaries to full-time trade union representatives. In Cases Nos. 2177 and 2183 (Japan), the Employers supported the Committee's call that the parties concerned should come to agreement on public service reform.

In Cases Nos. 2236 (Indonesia), 2185 and 2199 (Russian Federation), the Committee had called on the Government to request information from the employers' organizations concerned to give a rounded picture of the circumstances. The Employers' group attached great importance to the submission of this information. Finally, in respect of Case No. 2220 (Kenya), which concerned the arrest and harassment of the President of the Federation of Kenyan Employers, the group was satisfied with the outcome and the recommendations of the Committee.

A Worker member from Sweden, speaking on behalf of the Worker members of the Committee, supported the statements made regarding the need for governments to appoint representatives to the Committee who would participate in a personal capacity, with continuity.

The Committee had dealt with eight cases concerning Colombia, of which the most serious was Case No. 1787. The Government had for the first time reported that two sentences had been passed regarding this case, but this scarcely altered a picture of unremitting violence against trade unionists and impunity for the perpetrators. The Committee had reiterated its requests to the Government to "end this intolerable situation of impunity". While the Government had supplied more information on investigations, these were mostly at the preliminary stage, and might never progress. The Committee requested that protection should be granted to all trade unionists whose lives were in danger, and criticized the Government for failing to answer why the incidence of violence against unionists was higher in certain regions or industrial sectors. The Committee was critical of the fact that dissuasive sanctions were either non-existent or not enforced in cases of anti-union discrimination. Case No. 2237 contained details of a fine imposed on an enterprise which remained uncollected, with the Government saying it had no power to see the fine paid.

In Case No. 2090 (Belarus), the Government, a member of the present Governing Body, had taken control of the independent trade union movement and interfered in trade union elections, forcing workers to abandon their organizations and join the Government and management-controlled unions. No steps had been taken to comply with the

Committee's recommendations; indeed, there were additional, serious allegations of malpractice. The Workers' group had therefore seen the need to initiate proceedings under article 26 of the ILO Constitution.

In Cases Nos. 2185 and 2199 (Russian Federation), which dealt with serious allegations of violations against freedom of association, the Government had still not provided replies to the Committee's requests, which had consequently been urgently repeated. Cases Nos. 2177 and 2183 (Japan) had shown no signs of development since they were covered in November 2002. The laws carrying heavy penalties in the event of public service employees exercising certain trade union rights were still in place. The Committee had refuted the Government's view that the problem was a purely domestic matter in which the Committee should not intervene, and had repeated its suggestion that the Government request ILO technical assistance. In Case No. 1991 (Japan), the Committee noted with concern that the four party agreement reached in 2000 on compensation of workers dismissed during the privatization of the Japanese national railways, had not been implemented.

Case No. 2236 (Indonesia) concerned four suspended union officers. The case should be examined as an instance of anti-union discrimination, but the Government maintained that it had no procedure for examining complaints on this ground. The Committee had recommended that the Government take up the offer of ILO technical assistance, and recalled that allegations of anti-union discrimination must have precedence over dismissal procedures, and should be concluded rapidly.

In Case No. 2228 (India), which concerned an export processing zone in which there had been allegations of anti-union discrimination, the Committee requested additional information from the Government, but nevertheless criticized a situation where the person serving as Deputy Development Commissioner was also Grievance Redressal Officer.

Cases Nos. 1937, 2027 and 2081 (Zimbabwe), concerned the new Labour Amendment Bill which, in the Committee's view, contained excessive sanctions in cases of what was referred to as unlawful collective job action. The Committee had asked for further amendments to be made to the Bill. It also further deeply regretted that the Government had not conducted any independent investigations, as requested, into the assault on Mr. Morgan Tsavangirai, or into the arson at the ZCTU offices.

In Cases Nos. 1581, 2125 and 2181 (Thailand) the Government had taken no action to comply with the Committee's recommendations. It expected the Government to respond positively to the request made by the Governing Body, if it wished to avoid becoming a standing item for consideration by the Committee. On the other hand, the Government of the Republic of Korea, under Case No. 1865, had indicated its desire to resolve most of the current legislative discrepancies concerning freedom of association. It had also granted special pardons to certain detained trade unionists. The Committee had hoped that all detainees, incarcerated for legitimate trade union activity, would be released and the charges dropped. The 12 dismissed leaders and members of the Korean Association of Government Employees' Works Councils should be reinstated without loss of wages. In Case No. 2127 (Bahamas), a satisfactory outcome had been reached, and all employees dismissed owing to an air traffic control sector dispute had been reinstated and recertified.

The Governing Body took note of the introduction to the report in paragraphs 1 to 112. The Governing Body adopted the recommendations in paragraphs 121, 168, 180, 211, 254, 266, 282, 290, 307, 321, 356, 376, 395, 415, 447, 472 and 515 of the report.

A Government representative of Japan referred to Cases Nos. 2177 and 2183. Several points raised in the Committee's report differed from the actual state of affairs in Japan concerning these cases. Consultations between the Government and the Japanese Trade

Union Confederation (JTUC-RENGO) and other trade unions in Japan were under way, and the Government would supply full information to the ILO in due course.

A Worker member from Japan acknowledged that the Government was ready to continue to engage in dialogue on this issue. The Government should consult with RENGO to determine how the Committee's recommendations should be implemented. The ILO should continue to follow developments in this case closely. Regarding Case No. 1991, the Government should take action on the dismissed KOKURO union members. This affair had dragged on for 16 years and should now be resolved. The three groups in the Committee had united in this request.

The Governing Body adopted the recommendations in paragraph 558 of the report.

A Government representative of Kenya said that the Governing Body would be kept fully informed of the outcome of the current court proceedings under Case No. 2220, as requested in the report.

The Governing Body adopted the recommendations in paragraphs 578, 592, 623, 642, 659, 677, 706, 735 and 748 of the report.

The Worker Vice-Chairperson moved that a vote should be taken regarding the establishment of a commission of inquiry to investigate the situation in Colombia.

The Vice-President of Colombia recalled that he had now attended three Governing Body sessions, which indicated the importance his Government gave to the ILO. The Government had made considerable progress recently in increasing security for the citizens of Colombia. Between January and May 2002, 86 trade unionists had been assassinated. During the same period in 2003, the number had fallen to 14. In cities and rural areas, there had been a 35 per cent reduction in kidnappings and a 25 per cent reduction in murders. Although far from ideal, the figures were significant and represented a move in the right direction. The protection of unionists by the Government, in response to calls from the Committee, had saved lives, but the cost of \$11 million for 2003 had engendered a serious fiscal deficit.

The Minister for Social Protection had informed the Conference Committee on the Application of Standards that a total of 1,357 protection measures had been undertaken, including the establishment of flying security squads, upgraded communications, bullet-proofing of premises for union use, and so forth. These efforts had to be sustained. However, as recognized by the governments of Latin America, democracy in Colombia was the victim of terrorism by illegal armed militias, financed primarily from drug and kidnapping money. Colombian democracy was the oldest and most stable of Latin America, and upheld the sovereignty of the people, the division of the powers, rule of law and freedom of the press, and other civil liberties. The terrorism to which it was subject had neither moral nor political limits, but attacked citizens, civil and political officials, and public and private property. To combat such mindless violence, it was essential that there was a strong State, equipped with the legal machinery, the policies, police and military personnel needed. The Government had faced up to this problem, unique in the world, with the greatest transparency, making use of all the legal recourse at its disposal, under international scrutiny. The struggle was continuing. With the support of the citizens and of the international community, an attack had been launched on the terrorist groups' money supply.

Many actions had been undertaken by the Government. Work was going ahead with the UN Office of the High Commissioner for Human Rights to apply its recommendations, and the Government was also cooperating with a number of non-governmental human rights organizations. Projects were going ahead under the special programme as well.

However, should a decision be made to instigate a commission of inquiry, the Government would not oppose it. But independently of the result of a vote on this, the Government wished to strengthen social dialogue in Colombia, to work to a solution with the partnership of employers' and workers' organizations.

Sir Roy Trotman, Worker Vice-Chairperson, assumed the Chair.

The Employer Vice-Chairperson said the Employers' group had followed the question of Colombia intensely, not only bearing in mind the situation of its own members from that country, but through an unquestioned belief in the assertion of human rights. The special programme was a valuable tool, and a great degree of cooperation had been forthcoming from the Government of Colombia. There had been additional progress since the new Government had come to power. The Employers' group supported dialogue and cooperation. As the group had said in March 2003, a commission of inquiry was a hostile mechanism, and not a basis on which to build social dialogue and peace. The only path forward was through cooperation, and the search for common solutions. By calling for a vote on this subject, there was a risk that the Governing Body would be divided into winners and losers. However, Colombia alone should be the winner, with its workers, and its entire society. The technical cooperation programme should be strengthened and adjusted to the needs of the workers, the employers and the Government of Colombia, to create an atmosphere in which dialogue and peace were possible.

A Government representative of Ecuador, speaking on behalf of the GRULAC Governments, regretted the situation of violence in Colombia, and acknowledged the efforts made by the Government to deal with the problems. The special programme remained the ILO's most effective tool to assist the Government, and the establishment of a second mechanism would serve only to devalue the first.

Government representatives of the Dominican Republic, El Salvador, India and Mexico, reiterated their governments' full support for the special programme. The Government of Colombia had made considerable efforts to eradicate the violence and had already achieved results. The establishment of another mechanism would have a detrimental effect on the process engaged.

A Government representative of the United States said that all the ILO's available resources should be directed to the special programme, particularly as related to the protection of unionists' lives and the promotion of social dialogue. The programme was producing results and could be expected to achieve much more. The presence of the Vice-President of Colombia at this session of the Governing Body showed that the Government was committed to restoring the rule of law and supporting the free exercise of fundamental rights in the country.

A Worker member from Colombia informed the Governing Body that in the past week, three trade union militants had been murdered. Any reduction in the number of killings was meaningless as long as the crimes went unpunished. The fact remained that in Colombia, despite the political and legislative procedure engaged, those responsible had not been found. Trade unionism was a mechanism that contributed to the operation of democracy, but it was repressed in Colombia, including by the State. National labour legislation obstructed the forming of unions, encouraging structures such as associations and workers cooperatives in their place. A law had recently been passed which made work more precarious still, lowering salaries in a key sector.

Much was said in the Governing Body about dialogue, but in Colombia, social dialogue had yielded zero results. Nevertheless, the workers did not turn their backs on dialogue, but would continue it, particularly in the ILO, since it provided a forum in which

the issues in Colombia could be discussed, and solutions found to the problems of violations of human rights, of personal integrity and of impunity.

Finally, on 4 June 2003, the President of the Republic had announced in public audience that if the proposed referendum passed, then it would be possible to denounce international agreements and in particular ILO Conventions, to be able to take control of policy development. This would have serious implications for workers in Colombia, for the ILO itself, and was another reason for the Workers' insistence on a vote for a commission of inquiry.

A Worker representative from Colombia pointed out that in spite of the reduction in the number of killings, it remained monstrously high. On 4 June 2003, the President of the Republic had declared, before the Constitutional Court, that international treaties were not eternal and that there were means of abrogating ILO Conventions and Recommendations. It was not clear in which direction the Government was moving, when the Minister for Social Protection called for ILO assistance and technical cooperation in the Committee on the Application of Standards, while the President himself appeared to be saying the contrary. Furthermore, Colombia had for many years been subject to an anti-union policy, conducted by employers and certain members of the Government. This was counter to democracy and a State based on law and social justice. The Workers' group was calling for the establishment of a commission of inquiry in Colombia to allow the international community to obtain an in-depth vision of the problem; it was not a sanction, but a means of extending dialogue and of retrieving a peaceful and prosperous Colombia, for all Colombians.

The Governing Body proceeded to a vote by a show of hands on the proposal to establish a commission of inquiry as follow-up to the complaint filed in 1998 under article 26 of the ILO Constitution. The results of the vote were:

In favour: 15 votes

Against: 36 votes

Abstentions: 2

The motion was defeated.

The Employer Vice-Chairperson assumed the Chair.

Ninth item on the agenda

REPORT OF THE PROGRAMME, FINANCIAL AND
ADMINISTRATIVE COMMITTEE

[No business.]

Tenth item on the agenda

REPORT OF THE DIRECTOR-GENERAL

The Chairperson announced the death of Mr. Thomas Moorhead, who had been a valued member of the Governing Body (Government, United States), and had on five occasions been part of the United States delegation to the International Labour Conference, first as an Employer, then as a Government delegate. He had been Employer Vice-President at the 89th (June 2000) Session of the Conference.

A Government representative of the United States praised Mr. Moorhead for his deep commitment to making the world of work more human, more productive, and a greater source of satisfaction to both workers and employers. As an Employer representative, he had strongly supported the ILO Declaration on Fundamental Principles and Rights at Work, and at the US Department of Labor, he had dedicated much energy to implementing the Declaration and to combating the worst forms of child labour. In his private life he had been devoted to his wife and family, had been a man of many hobbies and activities, and had given much time to a wide range of charities.

A Worker member from the United States added his voice to the tributes that had been paid. Mr. Moorhead had been a strong supporter of the ILO and would be much missed.

The Chairperson remembered Mr. Moorhead not only as a friend to the Employers, but also as a constant and enthusiastic supporter of the Organization.

The Governing Body adopted the recommendation in paragraph 7 of the report.

The Chairperson also announced the death of Dato Dr. Mokhzani, who had led the Employers' delegation of Malaysia to the International Labour Conference in an almost uninterrupted series from 1983 to 2000, and had also served as an Employer deputy member on the Governing Body from 1993 to 1996. He had had a distinguished academic career before turning to business, where he rose to hold positions of eminence, including the presidency of the ASEAN Confederation of Employers.

An Employer member from Japan said that Asian Employer members had lost an able leader of great intellectual capacities. In his youth, Dato Dr. Mokhzani had been involved in research work in the field of industrial relations in developing countries, and he rose to be an important leader as the President of the ASEAN Confederation of Employers.

The Worker Vice-Chairperson also paid tribute to the memory of Dato Dr. Mokhzani and requested that the condolences of the Workers' group should be conveyed to his family.

The Governing Body adopted the recommendation in paragraph 5 of the report.

The Worker Vice-Chairperson announced that the Workers' group had also suffered a bereavement during the Conference. Mr. Anibal Somoza Peñate had died while representing his country, El Salvador, as a worker delegate. He paid tribute to his contribution to the world of work.

The Employer Vice-Chairperson associated his group with the words of the Worker Vice-Chairperson. Mr. Peñate had been active in the hotel and food sector for more than 45 years, and had been an exemplary trade union leader.

A Government representative of El Salvador expressed her emotion at the loss of a great friend, whose many excellent values would be sorely missed.

The Chairperson acknowledged the Governing Body's desire to invite the Director-General to communicate condolences on its behalf to Mr. Peñate's wife and to the General Confederation of Trade Unions (CGS) of El Salvador.

Eleventh item on the agenda

REPORTS OF THE OFFICERS OF THE GOVERNING BODY

[No business.]

Twelfth item on the agenda

COMPOSITION AND AGENDA OF STANDING BODIES AND MEETINGS

The Governing Body adopted the recommendations in paragraphs 1, 2, 5, 8, 11, 14, 16, 19, 22, 26, 30 and 32 of the report.

OTHER BUSINESS

The Clerk of the Governing Body announced that Mr. Eduardo Varela (Government, Argentina) and Mr. Sun Ki Yi (Government, Republic of Korea), had been appointed, respectively, Government member of the committee established to examine the representation alleging non-observance by Mexico of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), and of the committee established to examine the representation alleging non-observance by China of the Migration for Employment Convention (Revised), 1949 (No. 97).

Mr. Jim Lawson (Employer, Canada) had resigned from the Governing Body. The group had elected Mr. Patrick Heinke (Employer, Canada) to replace him. Mr. Heinke would also sit on the Committee on Employment and Social Policy.

The sitting closed at 4.30 p.m.