



Reports on Credentials

Second report of the Credentials Committee

Composition of the Conference

1. Since 30 May 2008, when the Credentials Committee adopted its first report (*Provisional Record* No. 4B), no new credentials have been received. Therefore, at present a total of 168 member States are represented at the International Labour Conference. Regarding the accredited Members without the right to vote mentioned in paragraph 14 of its first report, Chad, the Democratic Republic of the Congo, Islamic Republic of Iran, Togo, and Vanuatu have recovered the right to vote.
2. The Committee observes that of the five member States mentioned in paragraph 21 of its first report, only Afghanistan and Djibouti have replied to its request to complete the information regarding the organizations and the functions of each of the members of the Employers' and Workers' delegations, whereas Guinea, Guinea-Bissau and the Philippines, have not, which the Committee regrets.
3. As of today there are 4,838 persons accredited to the Conference (as compared to 4,657 in 2007, 4,500 in 2006, and 4,315 in 2005), of whom 4,212 are registered (as compared to 4,003 in 2007, 3,828 in 2006 and 3,842 in 2005). The attached list contains more details on the number of delegates and advisers registered.
4. In addition, the Committee wishes to indicate that 170 ministers, vice-ministers, and deputy ministers have been accredited to the Conference.

Monitoring

5. The Committee dealt with automatically, pursuant to article 26quater concerning monitoring of the *Interim Provisions of the Conference Standing Orders concerning the verification of credentials* (Report of the Standing Orders Committee, 92nd Session, June 2004, International Labour Conference, *Provisional Record* No. 16), three cases by virtue of decisions of the Conference taken at its 96th Session (2007).

Afghanistan

6. At its 96th Session (2007), the Conference decided by virtue of article 26ter, paragraph 4, of the *Interim Provisions of the Conference Standing Orders*, and based on the recommendation of the Credentials Committee, to monitor the fulfilment of the

Government's obligations under article 13, paragraph 2 (a), of the ILO Constitution, in relation to the non-payment of the travel and subsistence expenses of the Workers' delegate (*Provisional Records* Nos. 4C and 25, 2007). The Government was requested to provide proof of the payment of the travel and subsistence expenses of the Workers' delegate at the same time it deposited the credentials of its delegation. Since this was not done, Mr Kari Tapiola, Executive Director of the Standards and Fundamental Principles and Rights at Work Sector of the ILO, sent a reminder to the Government in May 2008.

7. Noting the absence of the Government's action, the Committee invited the Government to provide clarification on this matter. The clarification requested was provided orally by Mr Mohammad Ghaus Basiri, Deputy Minister of Labour, Social Affairs, Martyrs and Disabled and Government delegate. He was accompanied by Mr Fazel Ahmad Bahrami, member of the Foreign Relations Department of the same Ministry and Government adviser at the Conference. The Deputy Minister indicated that the Ministry had submitted a request to the Presidential Office concerning the payment of travel and subsistence expenses of the Workers' and Employers' delegates which had been approved, including those of their advisers. Explaining why the Government did not respond to the ILO's communications regarding the follow-up from the previous session of the Conference, the Deputy Minister indicated that by the time the latest communication arrived, the delegations had already left for the Conference.
8. At the request of the Committee, Mr Ahmad Khan Raheen, the Workers' delegate, confirmed orally that his travel and subsistence expenses were fully paid. In previous years, such expenses had been covered by the National Union of Afghanistan Employees which represented some 150,000 workers. Stressing the current good relations between his organization and the Ministry, he referred to a number of ILO tripartite meetings which they attended and which were very useful for the workers. Finally, he indicated that there were also other workers' organisations in the country.
9. *The Committee is satisfied that this year the Government covered the payment of the travel and subsistence expenses of the Workers' delegate for this Conference. For this reason, the Committee decides not to recommend any monitoring for next year.*
10. *The Committee, however, regrets that the Government did not implement the decision that the Conference adopted last year and failed to react to the reminder sent by the International Labour Office. If the information had been provided as requested, the Committee would not have been obliged to deal with this matter again.*

Djibouti

11. At its 96th Session (2007), the Conference decided to renew the monitoring of Djibouti (*Provisional Record* No. 25, 2007) thereby requesting the Government to submit at the 97th Session of the Conference (2008), at the same time that it deposited its credentials for the delegation of Djibouti, a detailed report substantiated with relevant documentation on the procedure utilized to nominate the Workers' delegate and advisers, specifically, the organizations that had been consulted on the matter and according to which criteria, the date, time and place of these consultations; and the names of the individuals nominated by the organizations during these consultations. This request was made on the basis of a proposal of the Credentials Committee (*Provisional Record* No. 4C, 2007), which unanimously considered that the procedure relating to the composition of the Workers' delegation of Djibouti to the Conference should once again be monitored, by virtue of article 26bis, paragraph 7, of the *Interim Provisions of the Conference Standing Orders concerning the verification of credentials*. The International Labour Office reminded the Government of this request by the Conference in a letter on 15 May 2008. Another reminder was sent on behalf of the Committee on 28 May 2008.

-
12. Despite these reminders, the Government did not present the report requested by the Conference. Instead of this report the Government provided copies of letters in which the Director of Labour and Relations with the Social Partners requested the President of the *Association des employeurs de Djibouti*, the President of the *Union djiboutienne du travail* (UDT) and the Secretary-General of the *Union générale des travailleurs djiboutiens* (UGTD), respectively, to designate their representatives to the current session of the Conference, and to communicate these names before 20 April 2008. The Government also provided copies of their replies.
 13. *The Committee notes that the Government has limited itself to providing it with copies of the letters exchanged between the Director of Labour, on the one hand, and the Association des employeurs de Djibouti, the UGTD, and the UDT on the other, regarding the nomination of their delegates to the Conference. The Committee notes that these letters cannot be considered a report in the sense of article 26bis, paragraph 7, of the Interim Provisions of the Conference Standing Orders. Once again, it deeply regrets the lack of cooperation of the Government authorities, all the more since this year once again the nomination of the Workers' delegation to the Conference is the subject of an objection regarding the legitimacy of the Workers' representative accredited to the Conference (see paragraphs 25–37, below). In light of the foregoing and in view of the recurrent problems that affect the trade union movement in the country, the Committee proposes to the Conference, by virtue of the abovementioned provisions, to again request the Government of Djibouti to submit at the next session of the Conference, at the same time that it deposits its credentials for the delegation of Djibouti, a detailed report substantiated with relevant documentation on the procedure utilized to nominate the Workers' delegate and advisers, specifically the organizations consulted on the matter and according to which criteria, the date and place of these consultations; and the names of the individuals nominated by the organizations during these consultations. The Committee expects that the Government will make the nomination of the tripartite delegation of Djibouti to future sessions of the Conference in conformity with the requirements of article 3, paragraph 5, of the ILO Constitution.*

Myanmar

14. At its 96th Session (2007) the Conference decided, by virtue of article 26bis, paragraph 7 of the *Interim Provisions of the Conference Standing Orders* and based on the recommendation of the Credentials Committee, to monitor the procedure relating to the composition of the Workers' delegation of Myanmar to the Conference. The Government had been requested to submit for the 2008 session of the Conference, at the same time that it submitted the credentials for the delegation of Myanmar, a detailed report on the procedure utilized to nominate the Workers' delegate and advisers.
15. *The Committee finds that, since the Government failed to nominate a Workers' delegation, the Committee could not give effect to the decision of the Conference on monitoring.*

Objections

16. The Committee has received 16 objections this year. These relate both to the credentials of delegates and their advisers who are accredited to the Conference as reflected in the *Provisional List of Delegations* and to the failure to deposit credentials of an Employers' or Workers' delegate. The Committee has completed the examination of all objections, which are listed below in the French alphabetical order of the member States concerned.

Objection concerning the nomination of the Workers' delegation of Bangladesh

17. The Committee received an objection regarding the nomination of the Workers' delegation of Bangladesh submitted on behalf of 13 workers' organizations: Jatiya Sramik Federation – Bangladesh, Jatio Sramik League, Bangladesh Trade Union Kendro, Bangladesh Labour Federation, Jatiya Sramik Federation, Bangladesh Mukta Sramik Federation, Jatio Sramik Jote, Bangladesh Trade Union Sangha, Bangladesh Free Trade Union Congress, Samajtantric Sramik Front, Jatio Sramik Jote – Bangladesh, Bangladesh Jatiya Sramik Federation, and Bangladesh Jatiyatabadi Sramik Dal. The authors alleged that the Government had nominated a Workers' delegate and advisers without any consultation or in agreement with the most representative workers' organizations, in disregard of the provisions in article 3, paragraph 5, of the ILO Constitution.
18. In a written communication received by the Committee at its request, the Government provided a list of the major workers' organizations in the country, including the figures regarding their membership. Concerning the consultation process, it indicated that consultation meetings were held on 7 April and 25 May 2008 at the Ministry of Labour and Employment. It stated that past practices did not indicate any agreement on a specific system of rotation and that representatives normally came from the trade unions affiliated with the political party in power. It noted that two of the 13 workers' organizations who had filed the objection had been invited to the meeting on 7 April 2008. One did not attend and a representative of the other was chosen as an alternative member of the Workers' delegation, but he later declined. At the second meeting, a number of decisions were taken to improve the consultation process. The nomination of the Workers' delegate was also discussed at that meeting, and most of the trade union leaders who filed the objection were at that meeting and understood the situation behind the selection of Mr Kutubuddin Ahmed as Workers' delegate. It added that it is committed to following the principle of consultation with the most representative trade unions in the country.
19. Clarifications requested by the Committee were provided orally by Mr Mahfuzul Haque, Secretary-in-Charge, Ministry of Labour and Employment. He was accompanied by Mr Muhammed Enayet Mowla, Counsellor at the Permanent Mission in Geneva, Mr Azizur Rahman, Joint Secretary, Ministry of Labour and Employment, Mr Shyamal Kanti Ghosh, Director, Labour Department and Mr Shariful Alam, Deputy Secretary and Permanent Secretary to the Minister of Labour and Employment. As to the consultations carried out to nominate the Workers' delegate, he indicated that the consultation process took place in two phases: the first meeting was held on 7 April 2008 to which the organizations that were members of the Tripartite Consultative Committee (TCC) were invited, and the second meeting was held on 25 May 2008 to which some of the workers' organizations that were not part of the TCC were invited. The TCC is a consultative body appointed by the Minister. Some of the most representative workers' organizations were not members in the TCC, as they had strong political ties with certain political parties when the TCC's current composition had been decided – at a time when a state of emergency had been declared in connection with political turmoil in the country.
20. At the meeting of 25 May 2008, minutes of which were provided to the Committee, the decision on the composition of the Workers' delegation was discussed and although those workers' organizations which did not participate in the first meeting had reason to be unhappy, they did not formally disagree with the composition of the delegation. In light of this experience, the process had been started to integrate these organizations into the TCC and the Government was making efforts in improving social dialogue and in ending the exclusion of these workers' organizations. With regard to the general elections to be held at the end of 2008, he expressed the hope that the new Government would strengthen the role of the workers' organizations. Answering a specific question, he explained that at the

same time holding posts as either president or general secretary in five different workers' federations was not prohibited by law in Bangladesh and that such union functions were unpaid. As to the criteria used to choose the Workers' delegate, he indicated that although the delegate did not come from the most representative workers' organization, he was nominated by the organizations involved in the process and furthermore, had some experience of ILO matters by participating in ILO training programs and attending previous Conferences. Two advisers were also proposed, but they could not attend for financial reasons.

21. *The Committee appreciated the openness and transparency of the information provided by the Government on the nomination process of the Workers' delegation of Bangladesh. However, the Committee expresses great concern at some of the information provided. It notes that some of the most representative organizations were not present at the TCC meeting at which the decision on the composition of the Workers' delegation was taken and that the second meeting, which took place only three days before the opening of the Conference – while the Government had already deposited the credentials of the Member's delegation with the ILO on 12 May 2008 – came too late to ensure meaningful consultation with the organizations that had initially been excluded from the process and to secure their agreement on the nomination of the Workers' delegate. In fact, some organizations present at this meeting informed the Committee that it was not a formal meeting and that no conclusions or decisions were adopted as an outcome of that meeting. Therefore the Committee finds that the nomination of the Workers' delegation to this session of the Conference was not done in agreement with the most representative workers' organizations of the country, as is required by article 3, paragraph 5 of the Constitution of the ILO.*
22. *The Committee considers that this situation could have justified the invalidation of the credentials of the Workers' delegate. However, it decides not to propose invalidation this year in view of the Government's assertion that it had initiated the process to integrate into the TCC the most representative organizations which are currently excluded from it and that it was making efforts in improving social dialogue, which could be further stepped up after the general elections to be held at the end of 2008. The Committee expects the Government to establish a transparent procedure based on objective and verifiable criteria, so that next year the Workers' delegation of Bangladesh to the Conference will be nominated in full compliance with the relevant provisions of the ILO Constitution.*

Objection concerning the nomination of the Workers' delegation of Cameroon

23. The Committee received an objection concerning the nomination of the Workers' delegation of Cameroon presented by Mr Gilbert Ndzana Olongo, Secretary General of the *Confédération des syndicats indépendants du Cameroun* (CSIC). Contesting the Committee's conclusions in 2007 (*Provisional Record* No. 4C, paragraph 13), the author objected to the presence of any person in the Workers' delegation who presents as coming from the ranks of the CSIC.
24. *To the extent that the credentials presented by the Government on 6 and 27 May 2008 did not include members of the organization concerned, the Committee considers that the objection has no cause of action.*

Objection concerning the nomination of the Workers' delegation of Djibouti

25. The Committee received an objection concerning the nomination of the Workers' delegation from Djibouti presented by Mr Adan Mohamed Abdou, Secretary General of the *Union djiboutienne du travail* (UDT) and Mr Kamil Diraneh Hared, Secretary General of the *Union générale des travailleurs djiboutiens* (UGTD). They alleged that, despite commitments made before the Committee in 2006 as well as the agreement undertaken during an ILO direct contacts mission to Djibouti in January 2008, the Government continued to nominate to the Conference persons who did not represent trade unions. They requested the invalidation of the credentials of the Workers' delegation.
26. In a separate communication, they alleged that the adviser to the Workers' delegate, Mr Mohamed Youssouf Mohamed, under orders from the Government misused the letterhead of the UDT with false signatures. They stated that the *Intersyndicale UDT/UGTD* had nominated Mr Adan Mohamed Abdou, Secretary General of the UDT and Mr Kamil Diraneh Hared, Secretary in charge of international relations of the UDT to this session of the Conference. They were not accredited at the Conference in the delegation of Djibouti and their presence at the Conference was made possible only by support from the International Trade Union Confederation (ITUC).
27. Having been made aware of documents alleging that Mr Adan Mohamed Abdou had been suspended from his union functions, the Committee asked him to send comments. In information he provided at the Committee's request, Mr Adan Mohamed Abdou affirmed that the documents concerning the suspension of his functions as Secretary-General – which he learned about on his arrival at the Conference – were false, signed by a so-called President of the UDT, Mr Mohamed Youssouf Mohamed, who is none other than a former head of a “clone” of the UDT, created specially in 1999 by the Government to harm the *Intersyndicale UDT/UGTD* which regrouped the two legitimate confederation trade unions. He added that the extraordinary meeting of the Executive Board, referred to in the false documents, never took place and that a good number of the signatories on these documents are unknown to the UDT and unknown in the trade union movement in Djibouti. According to him, the Government was trying to put obstacles in the way of normalizing the situation in Djibouti and to block the implementation of the latest tripartite agreements mentioned in the report of the January 2008 direct contacts mission.
28. In a written communication addressed to the Committee at its request, the Government limited itself to providing general information on the method used for designating delegates. It provided an exchange of correspondence to that end between the Government and the *Association des employeurs de Djibouti*, the UGTD, and the UDT.
29. The clarifications requested by the Committee were provided in the Government's name orally by Mr Guedi Absieh Houssein, Director of Labour and Relations with the Social Partners and Government adviser at the Conference. He was accompanied by Mr Djama Mahamoud Ali, Counsellor at the Permanent Mission and also Government adviser at the Conference. Mr Houssein indicated that, since social elections had not taken place in the country for a long time, he could not provide information about the numeric importance of the UDT and the UGTD. However, he emphasized that the two confederations were recognized by the Government, but not the *Intersyndicale UDT/UGDT*. He insisted on the fact that designation of the members of the Workers' delegation was in line with the recommendation of the direct contacts mission of January 2008 to include the UDT in Djibouti's delegation for the present session of the Conference pending the organization of social elections. As for the presence of Mr Mohamed Youssouf Mohamed in the Workers' delegation, Mr Houssein indicated that his nomination was the result of a normal written consultation procedure and that the Government merely took note of the name

communicated by Mr Mohamed Youssouf Mohamed as the President of the UDT. Mr Mohamed Youssouf Mohamed had met with the members of the direct contacts mission in his capacity as the President of the UDT and if his name was not in the mission report, it must have been an oversight. Mr Houssein indicated that he was not aware of the current union responsibilities of Mr Adan Mohamed Abdou. Nevertheless, he said he knew about the documents concerning the suspension of the latter in his functions as Secretary General but that it was not for him to comment on these out of respect for the principle of the non-interference in trade union activities.

30. Clarifications requested by the Committee were provided orally by Mr Adan Mohamed Abdou. He was accompanied by Mr Hassan Cher Hared, Secretary in charge of international relations of the UDT. Mr Adan Mohamed Abdou indicated that the UDT had been created in 1992, following a split in the UGTD, and that it was internationally recognized in 1994. He has been the Secretary General since the organization was founded. He stated that he is an ordinary member of a political party belonging to the *Union pour l'alternance démocratique (UAD)* and that incompatibility between carrying out a trade union mandate and that of a political party, as provided for in the new Labour Code, had been applied in a selective manner only against the UDT. He recalled that the *Intersyndicale UDT/UGTD* had been created in 1995 during a general strike and that from that time it has continued to hold activities. The *Intersyndicale*, recognized by the Government until 1999, was represented by two co-Presidents, coming from the UDT and the UGTD, with the spokesperson being Mr Adan Mohamed Abdou. Mr Hassan Cher Hared specified that the *Intersyndicale* did not have its own legal personality and that the two confederations had maintained their own legal status. It was indicated that Mr Mohamed Youssouf Mohamed had been appointed President of the “clone” UDT in 1999 following a Congress convened by the Government, the legitimacy of which is not recognized by the authors of the objection. Mr Mohamed Youssouf Mohamed was offered the post of Vice-President of the true UDT in order to repair the split but he was dismissed in May 2008. Concerning the documents produced relative to the suspension of his functions as Secretary General of the UDT, Mr Adan Mohamed Abdou provided a copy of the UDT’s Statute and affirmed that the extraordinary meeting of the Executive Board of the UDT never took place and that the President of the UDT did not have the authority to convene such a meeting, as this power rested with the Secretary General. He also made it known that Mr Mohamed Youssouf Mohamed had not met with the ILO direct contacts mission and that the members of the Workers’ delegation at this session of the Conference had been nominated by the Government without any consultation at all.
31. Mr Mohamed Youssouf Mohamed, adviser to the Workers’ delegation, was also heard by the Committee. He stated that he was the one who had received the direct contacts mission, as President of the UDT, in January 2008 at the headquarters of the electricity sector trade unions. His name should have been in the mission report, but instead that report referred to Mr Adan Mohamed Abdou, who spoke in the name of the *Intersyndicale* and not in the name of the UDT. In any event, this “*Intersyndicale*” did not really exist and was only used by Mr Adan Mohamed Abdou for his own interests. Mr Adan Mohamed Abdou was the spokesperson for an opposition political party. He provided a copy of the UDT’s Statute dated 1992, when the UDT was called the “*Union démocratique du travail*” before it became the “*Union djiboutienne du travail*” in 1995. Mr Mohamed Youssouf Mohamed indicated that he had become President of the UDT near the end of 2004, after his predecessor resigned. He regretted that Mr Adan Mohamed Abdou refused to take the hand extended by the Government in an effort at reconciliation, which was why Mr Adan Mohamed Abdou was relieved of his functions on 24 April 2008. He considered that there was only one UDT and that according to its Statute the president had the authority to convoke an extraordinary meeting of the Executive Board. He recognized the fact that the new Secretary General was among those who signed Mr Adan Mohamed Abdou’s suspension, even though the former was not elected to this function until early May 2008,

and that in fact he should have signed as the organization's Secretary of Legal Affairs. Concerning his presence in the Workers' delegation at the present session of the Conference, he said that he was invited by the Government – rather late he added – and that in the past the letters from the Government had been addressed to the Secretary General of the UDT. According to him, the UDT was the most representative organization but that the UGTD has been the representative organization at the Conference these past years because that organization had good relations with the Government.

32. *The Committee deeply regrets that the Government did not provide the detailed report requested by the Conference in 2007 as part of the monitoring process (see paragraphs 11–13 above) on the procedure used for designating the Workers' delegate and advisers.*
33. *The Committee notes that it has been given contradictory information about the members of the UDT, its Statute, Mr Mohamed Youssouf Mohamed's exact role in the organization and the conditions under which its Secretary General, Mr Adan Mohamed Abdou might have been relieved of his functions. It has reviewed documents of doubtful authenticity. Complementary information provided at the hearings did not help to clarify the procedure for convoking an extraordinary meeting of the Executive Board of the UDT. The Committee also notes that one of the persons who signed the decision of 24 April 2008 concerning the suspension of Mr Adan Mohamed Abdou had signed as Secretary General of the UDT, when in fact it is not established that he had already been elected at that date. Moreover, some of the signatures are different from signatures on the attendance list of members convoked to the meeting.*
34. *The Committee notes with interest that the recommendation of the direct contacts mission of January 2008 to include the UDT in the delegation of Djibouti for this session of the Conference resulted in the presence of the UDT in the Workers' delegation, which was represented for the last time in 2003. It regrets, however, that the procedure used to nominate the workers' representatives did not take place within a consultation process based on objective and verifiable criteria and in full independence. It is all the more surprising that the Government's correspondence regarding the nomination of the Workers' representatives to the Conference was addressed to the Secretary General of the UGTD while in the case of the UDT, it was addressed directly to its President. The Committee also received confirmation that Mr Mohamed Youssouf Mohamed never met with the direct contacts mission in January 2008 in a capacity as President of the UDT.*
35. *The information available to the Committee indicates that the representative of the UDT to the Conference was not chosen independently and without interference by the Government. The consequence of this should be for the Committee to propose to the Conference to invalidate the credentials of Mr Mohamed Youssouf Mohamed.*
36. *However, the Committee considers that the objection raises questions that go beyond those concerning exclusively the nomination of the Workers' delegation to the Conference. Some of these questions have already been presented before the different supervisory bodies of the ILO, and are at the origin of the direct contacts mission of January 2008. These questions reflect violations of the principle of freedom of association and interference of the Government in trade union matters. Furthermore, it now seems obvious that there is a question of the legitimacy of various persons allegedly representing the UDT.*
37. *Therefore, in light of the information before it, the Committee urges the Government to guarantee the implementation of a procedure based on objective and transparent criteria for the nomination of the Workers' representatives in future sessions of the Conference. It trusts that the nomination can be finally made in the spirit of cooperation between all the parties concerned, in a climate of confidence that fully respects the ability of the workers'*

**Objection concerning the nomination of the
Employers' delegation of the former Yugoslav
Republic of Macedonia**

38. The Committee received an objection from the Employers' Group at the Conference concerning the nomination of the Employers' delegation of the former Yugoslav Republic of Macedonia. The Employers' Group alleged that the appointment to the Employers' delegation was not made in accordance with article 3, paragraph 5, of the ILO Constitution. The President of the "Confederation of Employers of the Republic of Macedonia" (CERM), Mr Mile Boskov, informed the Employers' Group that his organization was not included in the consultation process leading to the composition of the Employers' delegation to the Conference. After registration in 2001 CERM started with activities in the field of labour and social legislation. CERM is a member of a joint European Economic Social Committee of Macedonia and a member of a Consultative National Body of CSR of Macedonia. It was also a founding member of the Adriatic Region Employers Centre (AREC). The Government unilaterally selected the Employers' delegate from only one organization and the Government applied different criteria for the selection of workers' representatives because two organizations sent their representatives to the Conference. It requested the Committee to call upon the Government to establish an appropriate mechanism for nominating the Employers' delegation and furthermore to remind it to fulfil its constitutional obligation.
39. In a written communication addressed to the Committee at its request, the Government, through the Permanent Mission in Geneva, replied that there were only three registered employers' organizations in the country. One represented only one sector and the other two represented more sectors and operated at the national level. Of these two, the Organization of Employers of Macedonia represented the interests of employers of more than 55,000 employees and the Confederation of Employers of Macedonia represented the interests of employers of less than 2,000 employees. According to the Labour Relations Law the most representative employers' association was the one that represents 33 per cent of employers who employ 33 per cent of the workers. The Employers' delegation came from the ranks of the Organization of Employers of Macedonia, which was in conformity with both article 3, paragraph 5 of the ILO Constitution and the Labour Relations Law. It added that it was in the process of reviewing the national labour legislation with a view to harmonizing it with labour law in the European Union. Concerning the comparison with the Workers' delegation, it noted that this delegation was represented by two trade unions because one was the most representative in the private sector while the other was the most representative in the public sector. It stressed that the Government was dedicated to effective and substantive social dialogue, actively participating with all the social partners.
40. The Committee, while appreciating the Government's comments, nevertheless requested some clarification and additional information, in particular: in relation to comments published in 2008 by the Committee of Experts on the Application of Conventions and Recommendations (CEOCR) regarding the threshold of representativeness established by the national law; which of the organizations satisfied the requirements of the law in relation to the number of employers it represents; what were the exact figures concerning the number of companies and the number of employees employed by those companies for the employers' organizations concerned; some questions on the consultation process; and on the implementation of the so-called "Twinning project" that was intended to begin in October 2007 aiming to review the labour legislation – including the issue of representativeness.

-
41. *The Committee regrets that the Government has not responded to its invitation to provide additional information. In the absence of a reply, the Committee decided to examine the matter in light of the information before it, regretting that it is incomplete.*
 42. *The Committee notes, in light of the comments of the CEOCR that the high threshold established by the national law (i.e., 33 per cent of employers and, in addition, employing 33 per cent of workers) makes it likely that no employers' organizations could be considered as the most representative. In such a situation, and in light of participation of the CERM in national and international activities regarding employers, it becomes unclear why it was not consulted by the Government during the nomination process. In the absence of clear pre-established, objective and verifiable criteria prepared in agreement with the most representative organizations, the Government should have enlarged the scope of consultations. However, in light of the information that it possesses, and in particular the fact that the credentials of the Employers' delegate have not been challenged, the Committee decides not to uphold the objection.*
 43. *Nevertheless, the Committee encourages the Government to make a genuine effort, in consultation with all the organizations concerned, to establish a system of evaluating their representativeness.*

Objection concerning the nomination of the Workers' delegation of Gabon

44. *The Committee received an objection presented by the *Confédération gabonaise des syndicats libres* (CGSL) concerning the nomination of the Workers' delegation by the Government. The objecting organization alleged that the *Congrès syndical du Gabon* (CSG), from which the Workers' delegate comes, and the *Union générale des salariés responsables* (UGSR), from which the substitute delegate comes, were not representative of workers. While bearing in mind the representativeness of trade union organizations remained only an approximation, the objecting organization alleged that the organizations in question did not have any presence at the national level. It considered that the nomination was not based on any objective criteria and that in reality corresponded to the wishes expressed by the former Minister of Labour not to always nominate the same workers representatives to participate at the Conference. In support of the objection, several agreements and letters were presented to the Committee. The objecting organization therefore contested the credentials of the titular delegate and the substitute delegate.*
45. *The Committee deeply regrets that the Government has not responded to its request for comments. In the absence of a reply, the Committee could decide to examine the matter and to give credence to the allegations of the objecting organization. The Committee, however, considers that the objection does not contain sufficient elements to allow it to proceed with its examination.*
46. *The Committee, however, notes that the objection raises some issues beyond those strictly related to the nomination of the Workers' delegation at the Conference and that some aspects of them have already been presented to the Committee on Freedom of Association of the Governing Body. The Committee, therefore, encourages the Government to ensure the establishment of objective and transparent criteria for determining the representativeness of workers' organizations, agreed by all organizations concerned. This could be achieved, for example, through an independent mechanism or body entrusted with the task of establishing those criteria. The Committee expects that the process of nominating the Workers' delegation at future sessions of the Conference will be conducted in a spirit of cooperation by all the parties involved.*

Objection concerning the nomination of the Employers' delegate of Guinea

47. The Committee received an objection concerning the nomination of the Employers' delegate of Guinea, presented by Mr Abdoulaye Dima Dabo, Secretary General of the *Conseil national du patronat guinéen*.
48. Pursuant to paragraph 1(c) of article 26bis of the Conference Standing Orders an objection is not receivable if the author of the objection is an adviser for the delegate against whom the nomination is contested. The Committee notes that the name of Mr Abdoulaye Dima Dabo, signatory of the objection, shows up on the Provisional List of Delegations published as a Supplement to the Provisional Record of 28 May 2008, as adviser to the Employers' delegate. Given the fact that he not only did not refuse that appointment and even more so that he personally registered at the Conference, the Committee decides that the objection is not receivable.

Objection concerning the nomination of the Employers' delegation of the Islamic Republic of Iran

49. The Committee received an objection from the Employers' Group at the Conference concerning the nomination of the Employers' delegation of the Islamic Republic of Iran. The Group recalled that last year's Conference considered an objection calling for the invalidation of the credentials of the Employers' delegation and expressed surprise that the Government had made no attempt to implement the recommendations made by the Committee. Once again the Government ignored the Iran Confederation of Employers' Associations (ICEA) by failing to notify the latter regarding the nomination process and instead it unilaterally nominated members of the Iranian Confederation of Employers (ICE). The Group also expressed its surprise that members of the ICE had been accredited in the Employers' delegation as being from the ICEA. Excluding the ICEA from consultations to nominate the Employers' delegation breached the requirement that the most representative employers' organization be in agreement with the nomination. In general, the Government continued to carry out actions undermining the work of the ICEA, which had led the latter to appeal to the national courts against the decision of the Ministry of Labour to dissolve it. The Group requested the invalidation of credentials and the nomination of delegates from the ICEA instead. It also requested the Committee to urge the Government to stop its harassment of the ICEA and to fully implement last year's recommendation of the Credentials Committee.
50. In a written communication received by the Committee at its request, the Government recalled its reply concerning the same allegations made at last year's Conference which it considered unfounded and indicated that it had been mindful of the observations made by the Committee in the nomination of this year's delegation. It stated that the First Appellate Branch of the Administrative Justice Tribunal decided, in Judgment No. 3061, against the ICEA; therefore it might be concluded that the ICEA did not exist de jure and may not be reasonably and legally consulted. The Government expressed its hope that this satisfied the request for clarification that the Committee had made last year. Cognizant of the shortcomings found in its Labour Law, it indicated that it had sought technical cooperation from the ILO to redress these shortcomings and to provide for the opportunity for a multiplicity of workers' and employers' confederations. It submitted that the Confederation of Iranian Employers (CIE, which is also known as ICE), being an umbrella organization of Iranian employers, enjoys the membership of 1,488 employers' associations. In terms of relevant importance, it surpassed that of the ICEA, its predecessor. As to the date and place of consultations, the Government stipulated that these were held on 12 May 2008 at the headquarters of the CIE. There was no rotational quota system for the appointment of delegates; instead the Iranian employer community had

delegated to the CIE the task of identifying and nominating the most qualified representatives to the Conference. The exclusion of the ICEA from the consultations to nominate the Employers' delegate conformed to the law of land, which did not recognize the ICEA as a legal representative of the Iranian employers. It added that many of the entities listed on the ICEA's membership list are either members of the CIE or are no longer legally recognized in the country. It alleged that the use of such false information calls into question other information provided by the ICEA. The support provided to the CIE was not unprecedented, the ICEA and workers' associations having benefited from the same assistance and support at their initial stage. The Government added that it had shown its goodwill and readiness to prepare the ground for employers to hold a new election for the Board of Directors of the CIE and in a meeting with the Secretary-General of the IOE, the Government underscored the impartial stance it had in respect of the employers' associations. It rejected the allegations of the IOE that it had been harassing the ICEA and that the CIE was treated as a Government entity.

51. *The Committee notes that there has been no progress on this matter, in spite of efforts deployed by the Secretary-General of the International Organization of Employers.*
52. *The Committee notes that the Government reiterates its argument that its action is in conformity with the principle of respecting the "law of the land". While the Committee cannot but confirm this well-established principle, it also recalls that the national law should not be in contradiction with international obligations of the State concerned. In particular, there should be no law of the land that could permit dissolution of the old and the registration of a new organization pending the final judgment of the court of law. However, this issue may be better addressed in the Committee on Freedom of Association of the Governing Body.*
53. *What is important for the Credentials Committee is the nomination of the Employers' delegation to the Conference. The Government created confusion by accrediting members of the ICE under the name of the "Iranian Confederation of Employers Associations". The word "associations" appears to be crucial to differentiate ICEA from ICE (which the Government also referred to as "CIE") and the correct terminology becomes essential in examining this objection. In any case, it is obvious that there are two management structures, and probably two organizations. Even if, for the sake of argument, one can assume that the judgment on the dissolution is not subject to any further appeal – which seems to be disputable – and that the ICEA does not exist de jure, it may still exist de facto. In such a case, it should have been consulted in the nomination process in accordance with article 3, paragraph 5, of the ILO Constitution, which refers simply to the existence of – not to the legal existence of – an organization that should be consulted. The criteria according to which the Government consulted the entities listed in its written comments are far from clear: individual associations are mixed with national associations, societies and federations.*
54. *Finding that the Government did not demonstrate any significant improvement, the Committee reiterates its recommendations from the 96th Session of the Conference (paragraphs 33 and 34, Provisional Record 4C, 2007), in particular that the Government's power to supervise the internal elections should not affect the autonomy and the very existence of employers' and workers' organizations, and that the Government cannot simply ignore the old structure, but has to have at its disposal verifiable and objective criteria to determine the representativeness of the two groups representing employers. The Committee also recalls that in 2007 it encouraged the Government to avail itself of the technical assistance of the Office in relation to various questions involving freedom of association in the country.*

-
55. *In light of the above and in view of the repeated objections based on serious and credible allegations concerning the nomination of the Employers' delegation, the Committee unanimously considers that the procedure relating to the composition of the Employers' delegation of the Islamic Republic of Iran to the Conference should be the subject of monitoring. By virtue of article 26bis, paragraph 7, of the Conference Standing Orders the Committee proposes that the Conference request that the Government of the Islamic Republic of Iran submit to the next session of the Conference, at the same time that it submits its credentials for the delegation of the Islamic Republic of Iran, a detailed report on the procedure utilized to nominate the Employers' delegate and advisers. Specifically, this report should indicate the organizations that will have been consulted on the matter; the date, time and place of these consultations; and the names of the individuals nominated by the organizations during these consultations.*

Objection concerning the nomination of the Workers' delegation of Mali

56. The Committee received an objection concerning the nomination of the Workers' delegation of Mali, presented by the *Confédération syndicale des travailleurs du Mali* (CSTM) and signed by Mr Hammadoun Amion Guindo, Secretary General of the CSTM. The author of the objection alleged that since 1999, in a unilateral and continuous manner, the Government had nominated the Workers' delegate from among the ranks of the *Union nationale de travailleurs du Mali* (UNTM), to the detriment of the CSTM. It also indicated that this year the Government did not grant the request to pay for a second adviser coming from the CSTM.
57. In a written communication addressed to the Committee in response to its request, the Government indicated that the CSTM resulted from a split which occurred in the UNTM in 1998 and that since that time CSTM had participated side by side the UNTM at all sessions of the Conference. The Government continued nominating the titular Workers' delegate from among the ranks of the UNTM simply because of its seniority, but that it was for the two different organizations to decide the question amongst themselves. It added that the next professional elections held will decide definitively the question of the level of representativeness of trade union organizations in Mali. As for paying for an additional delegate, the Government said that budget constraints did not allow for it.
58. *The Committee examined first the receivability of the objection. Pursuant to paragraph 1(c) of article 26bis of the Conference Standing Orders, an objection is not receivable if its author is an adviser to the delegate against whom the objection is lodged. The Committee notes that the name of Mr Hammadoun Amion Guindo, signatory of the objection, shows up as adviser and substitute Workers' delegate on the Provisional List of Delegations published as a Supplement to the Provisional Record of 28 May 2008. It points out that not only did he not renounce his appointment as adviser, but even personally registered at the Conference. Therefore the Committee decides that the objection is not receivable.*

Objection concerning the failure to deposit credentials of a Workers' delegate by the Government of Myanmar

59. The Committee received an objection presented by the International Trade Union Confederation (ITUC) concerning the failure to deposit credentials of a Workers' delegate by the Government of Myanmar. Consequently the delegation is not in conformity with article 3, paragraph 1 of the ILO Constitution. The ITUC requested the Committee to ask the Government for explanations and to urge it to respect its obligations.

-
60. In a written communication addressed to the Committee at its request, the Government stated that workers' associations had been established in industrial zones in Myanmar and that the Myanmar Labour Organization (MLO) had been implementing measures towards the emergence of a Workers' Asiayone (workers' organization) for when the new State Constitution comes into effect. Last year ITUC objected to the nomination of the Workers' delegate even though the latter had been selected in accordance with an eleven-step standard selection process in Myanmar. Assuming that ITUC would make the same objection this year if a delegate was nominated using the same selection process, and because of the delays in establishing the Workers' Asiayone, the Government decided not to nominate any Workers' delegate.
61. *The Committee notes that the Conference has been dealing on numerous occasions with the nomination of the Workers' representatives of Myanmar and that the Committee, on two occasions, came very close to making a unanimous recommendation to the Conference to invalidate the credentials of the Workers' delegate, which is a measure that the Committee has considered only in the most serious of situations in the long history of the Conference. The Committee also notes that on some occasions in the past the Government chose not to nominate a Workers' delegate or withdrew the delegate's credentials during the Conference in order to avoid objections and possible invalidation.*
62. *The Committee recalls the obligation of member States under article 3, paragraph 1, of the ILO Constitution to nominate tripartite delegations to the Conference. Without the participation of Government, Employers' and Workers' representatives, the Conference cannot function properly or attain its objectives. To avoid weakening the unique system of verification of the genuine representation at the Conference by a deliberate failure of Members to nominate the Workers' or Employers' delegate, the Conference has recently extended the mandate of the Committee to enable it to consider objections relating to the failure to deposit credentials of an Employers' or Workers' delegate. Therefore, the only way a government could avoid facing repeated objections addressed to the Committee would be to allow workers to organize themselves without any interference from the government and elect their representatives to the Conference. The Committee urges the Government of Myanmar to take the necessary steps in that direction, so that a Workers' delegate who is truly representative of the workers of Myanmar can be appointed next year.*
63. *The Committee recalls that in March 2008 the Committee on Freedom of Association of the Governing Body requested the Government to recognize the Federation of Trade Unions of Burma as a legitimate trade union organization (Case No. 2591 before the Committee on Freedom of Association, 349th Report, paragraph 1093). The Credentials Committee considers that such recognition would be a step in the right direction towards the nomination of the Workers' delegate to the Conference in agreement with most representative workers' organizations.*
64. *Although this objection is based on the failure by the Government of Myanmar to nominate a Workers' delegate, the Committee considers that the particular circumstances of this case – namely that the Government admitted to having failed to nominate a Workers' delegate for the sole purpose of avoiding an objection concerning nomination – justifies the renewal of the monitoring adopted by the Conference at its last session in respect of Myanmar. Therefore, by virtue of article 26bis, paragraph 7 of the Conference Standing Orders, the Committee unanimously proposes that the Conference request the Government of Myanmar to submit for the next session of the Conference, at the same time that it submits its credentials for the delegation of Myanmar, a detailed report substantiated with relevant documentation on the procedure utilized to nominate the Workers' delegate and advisers, specifying the organizations consulted on the matter and according to which criteria, the percentage of workforce that the organizations consulted represent, the date*

and place of these consultations, and the names of the individuals nominated by the organizations during these consultations and positions they held within those organizations.

Objection concerning the nomination of the Workers' delegation of Nicaragua

65. The Committee received an objection filed by Mr Orlando Martínez Castrillo, from the *Confederación General de Trabajadores de la Salud* (CONGETRAS), Mr Gilberto Mújica Ruiz, from the *Confederación Renovación Sindical* (CONRES), Mr. Frank Jiménez Burgos, from the *Central Nicaragüense de Trabajadores* (CNT), Mr Guillermo González, from the *Confederación de Trabajadores Nicaragüenses de la Salud* (CONTRANICSA), and Mr Carlos Martínez Saavedra, from the *Confederación Unitaria Sindical Autónoma* (CAUSa), against the nomination of Mr Roberto Moreno Cajina, Secretary General of the *Confederación Unificación de Trabajadores* (CUT), as the Workers' delegate to the Conference.
66. The objecting organizations stated that Mr Moreno Cajina, who was neither economically nor politically independent from the Government, did not represent the real interests of the workers, and that his nomination had been imposed by the Government. He had not been democratically elected as the Workers' delegate. The Ministry of Labour had sent a letter dated 22 April 2008 to ATC, CST, CAUS, CUS, CTN(A), CGT(I), CTN, CNT and FNT, inviting them to a meeting in order to elect the Workers' delegation to the Conference. In that letter the Minister had also announced that nobody from the delegation would get financial support for budgetary reasons which, according to the objecting organizations, favoured the workers' organizations having the funds to take part in the Conference. Only four of the nine workers' organizations invited had actually attended the electoral meeting, which took place only the day after the letter of invitation was dated. Furthermore, as Mr Moreno Cajina was Secretary General of an organization which had not been invited to the electoral meeting, he could not have been elected as the Workers' delegate. Finally, Mr Moreno Cajina's nomination was also surprising because the pensions superintendent of the Social Security Institute of Nicaragua had singled him out for corruption and misuse of funds of that Institute, as indicated in the letter dated 25 January 2005, annexed to the objection. This had also been reported to the ILO by the Secretaries General of several workers' organizations on 13 July 2005, in a letter annexed to the objection. For these reasons, the objecting organizations requested the invalidation of Mr Moreno Cajina's credentials to the Conference.
67. In a written communication addressed to the Committee at its request, the Government indicated that it did not interfere at all in the nomination process of either the Workers' delegate or the Employers' delegate. The manner in which the designation of the Workers' delegate was carried out was established by the organizations concerned. The Ministry of Labour served simply as facilitator in order to make sure that the invitations to the consultation process were sent out in good form and in a timely manner. In fact, the workers' organizations requested the Ministry to do so because they were not able to organize themselves to send the invitations. Two invitations were sent, on 5 April 2008 and 22 April 2008, to the nine organizations registered with the Ministry. As for their numeric importance, the Government could not provide exact figures, although it was the organizations' duty, by virtue of article 6, paragraph 6, of the Regulations on Trade Unions, to submit to the *Departamento de Asociaciones Sindicales* every six months a list of affiliates. However, none of the workers' organizations complied with this obligation.
68. *The Committee notes with regret that the Government's response arrived well after the deadline established by the Committee. It failed to furnish any documentary evidence, in particular regarding the nomination of Mr Moreno Cajina (such as a letter proposing his*

nomination). The Government did not provide copies of responses received from the organizations invited to participate in the consultations nor indicated how the Government reacted to the competing nominations. The Government was also not able to indicate the numerical importance of the representative organizations. However, the objection itself did not contain information about the representativeness of the organizations concerned nor did it provide any proof that those organizations proposed an alternative candidate to the Ministry. The Committee considers that in these circumstances it cannot exercise its mandate in a useful manner.

69. *Nevertheless, the Committee encourages the Government to continue its efforts, in consultation with all the organizations concerned, towards establishing a system of evaluating their representativeness.*
70. *The Committee also notes that the invitation to the Conference that was extended to the workers' organizations indicated that the Government would not provide any financial support to the delegates. This surely discouraged the workers' organizations from pursuing the process of nomination. In this context, the Committee recalls the obligation under article 13, paragraph 2(a) of the ILO Constitution to at least cover the expenses of a complete tripartite delegation so as to enable its members to participate in the Conference.*

Objection concerning the nomination of the Workers' delegate of Paraguay

71. The Committee received an objection concerning the nomination of the Workers' delegate of Paraguay, presented by Mr Miguel Zayas, Secretary General of the *Central Nacional de Trabajadores* (CNT), Mr Jorge Alvarenga, President of the *Central Unitaria de Trabajadores* (CUT), Mr Juan Godoy, Chairperson of the *Central General de Trabajadores* (CGT), and Mr Bernardo Rojas, President of the *Central Unitaria de Trabajadores –Auténtica* (CUT–A), all grouped under the *Confederation Coordinadora de Centrales Sindicales del Paraguay* (CCSPy). The objecting organizations stated that the Ministry of Labour had requested all of them to nominate the Workers' delegation to this session of the Conference. The CCSPy proposed Mr Pedro Parra (CNT) as the titular delegate and Mr Marcial Martínez (CUT) and Ms Graciela Congo (CUT-A) as advisers. However, without any further consultation, the Ministry of Labour nominated Mr Reinaldo Barreto Medina from the *Central Sindical de Trabajadores del Paraguay* (CESITP) as the Workers' delegate. Mr Parra was included in the credentials as a Workers' adviser. Therefore, the objecting organizations requested the Government to modify the credentials in order to reflect the decision of the CCSPy.
72. In a written communication addressed to the Committee at its request, the Government informed the Committee that there are six federations recognized in the country. These are the CGT, the *Confederación Paraguaya de Trabajadores* (CPT), the CESITP, all three grouped under the *Confederation Comando Sindical de Trabajadores*, and CNT, CUT-A and CUT as part of the CCSPy. They had all been consulted in nominating the Workers' delegation to the Conference, as shown by copies of the invitation letter attached to the Government's reply. The Workers' delegation had been composed respecting the choices made by these federations. In particular, the note dated 30 April 2008 from the *Comando Sindical de Trabajadores* requested that Mr Barreto Medina be designated as titular delegate, and Ms Sonia Leguizamón (CGT) and Mr Jerónimo López (CPT) as advisers. The consultation process had taken place in April – well in advance – to allow the workers' organizations to communicate their choice to the Ministry. In previous years, the federations always applied a rotation system to designate their delegate to the Conference, without interference from the Government. The Government was surprised that the objection had been signed by Mr Godoy, who could not represent the CGT; according to the information received from the CGT its Chairperson was Ms Leguizamón. She had

requested that Mr Barreto Medina be titular delegate. Finally, while it was true that CCSPy – which covered CNT, CUT-A and CUT but not CGT – had sent a note proposing their candidates, it had done so after the deadline of 30 April 2008 established in the invitation letter. Therefore, as Mr Barreto Medina had been selected by the workers in accordance with article 3, paragraph 5 of the ILO Constitution, the Government requested the Committee to reject the objection.

73. Clarifications requested by the Committee were provided orally by Mr Eladio Silvera Marecos, Deputy Minister of the Ministry of Justice and Labour and Government delegate at the Conference, accompanied by Mr Juan Angel Delgadillo, Minister at the Permanent Mission in Geneva and Government adviser at the Conference. The Deputy Minister indicated that there existed six trade union federations, which were all of equal relevance from the Government's point of view because they represented different sectors of economic activities. They were grouped in two confederations, the *Comando Sindical de Trabajadores* and the CCSPy. Since the Government granted the greatest freedom to the organizations concerning internal trade union issues, it was not for the Government to determine which of them was the most representative. He could not provide exact figures regarding their representativeness. As to the consultations carried out to nominate the Workers' delegate, he indicated that all six trade union federations had been consulted separately because there was no general coordination body in the country. Although there was no formal decision to establish a rotation system, it had been applied in practice in recent years. The Government did not take into consideration the candidate proposed by one federation because it had missed the deadline of 30 April 2008. Although the credentials of the delegation of Paraguay had only been forwarded to the ILO on 14 May 2008, the Deputy Minister said that it was important to respect established deadlines. In fact, the Government had waited until the last minute before it forwarded its credentials and simply added the late nominations to the list. The designation in credentials submitted by the Permanent Mission of both Mr Barreto Medina and Mr Parra as titular delegates was an error as their roles were clearly indicated in the credentials submitted by the Ministry. In light of the numerous objections which had been lodged in recent years against Paraguay concerning the designation of its Workers' delegation, the Deputy Minister admitted that it was time to change the procedures. The Government will organize tripartite consultations to avoid future problems concerning the designation of the Workers' delegation. Although it would be difficult for the Government to find additional budgetary resources to carry out this process, the Government was ready to do so. In the future, the Government wanted to avoid any false impression that it was imposing the Workers' delegate.
74. *In line with its previous practice (see Provisional Record No. 22,1982, para. 10), the Committee notes that although the objection emanates from four organizations which have representatives accredited as Workers' advisers and registered as attending the Conference, the advisers themselves are not the authors of the objection. In these circumstances, the criterion of non-receivability laid down in article 26bis, paragraph 1(c), of the Standing Orders of the Conference, whereby an objection is not receivable "if the author of the objection is serving as adviser to the delegate to whose nomination objection is taken", does not apply. The fact that advisers from the objecting organizations are participating in the work of the Conference can be regarded as a positive step, which should not be construed as detracting from the organization's position of principle regarding the nomination of the Workers' delegate of Paraguay.*
75. *The Committee takes note with appreciation the detailed information provided orally by the Government. Although it considers that the Government should have made additional effort to reconcile the two proposals for the Workers' delegate, it notes that the Government eventually included all representatives in the delegation. In light of the*

commitment of the Government to improve the consultation process in agreement with all organizations concerned, the Committee decides not to uphold the objection.

Objection concerning the failure to deposit credentials of an Employers' and a Workers' delegate by the Government of Somalia

76. The Committee received an objection presented by the International Trade Union Confederation (ITUC) concerning the failure to deposit the credentials of an Employers' and a Workers' delegate by the Government of Somalia. The ITUC requested the Committee to ask the Government for explanations and to urge it to respect its obligations pursuant to article 3, paragraph 1, of the ILO Constitution.
77. In a written communication addressed to the Committee at its request, the Ministry of Labour and Social Affairs informed the Committee that due to the civil war in the country both the Workers' Union and the Employers' Association had collapsed. The Government had not deliberately come without an Employers' or Workers' delegation; neither currently exists in the country. The Transitional Federal Government that was established in 2004 had put into place measures for both organizations to be in place as soon as possible, but it could not appoint representatives without allowing the workers and employers to organize and carry out a democratic process of elections. As soon as both organized themselves the Government would include them in future tripartite meetings.
78. *The Committee notes that at the 2003, 2004 and 2005 sessions of the Conference, Somalia was represented exclusively by Government representatives, that in 2006 it was not represented at all and that in 2007 the delegation was incomplete as it included no Workers' delegate. The Committee notes the explanations given by the Government both in the form for credentials and in its written submission, namely as regards the difficulties due to the prolonged state of civil war and the measures taken recently to favour the reestablishment of Employers' and Workers' organizations. The Committee takes particular note of the Government's declared intention to send a complete delegation to future sessions of the Conference. The Committee expresses deep concern at the fact that this member State has not been represented by a complete delegation, which would include Employers' and Workers' representatives, for a number of years. The Committee recalls the obligation of member States under article 3, paragraph 1, of the ILO Constitution to nominate tripartite delegations to the Conference. Respect for the principles of tripartism requires a balanced representation of employers and workers so as to permit their effective participation at meetings. Without the participation of Government, Employers' and Workers' representatives, the Conference cannot function properly or attain its objectives. The Committee therefore hopes that the general security situation in Somalia will improve soon. The Committee expects the Government to ensure an environment in which freedom of association is respected and workers and employers are able to organize themselves, so that Somalia can be represented by full tripartite delegations at future sessions of the Conference.*

Objection concerning the nomination of the Workers' delegation of Sri Lanka

79. The Committee received an objection regarding the nomination of the Workers' delegation of Sri Lanka submitted by Adhikari Jayaratne, General Secretary of the Confederation of Public Service Independent Trade Unions (COPSITU). The objecting organization alleged that for the second year in a row the Ministry of Labour Relations and Manpower failed to include COPSITU's nominee in the delegation, thereby disregarding the written representation which had been submitted jointly by public sector trade unions. COPSITU

alleged that the root of their exclusion was the role it played in a “complaint” lodged with the International Labour Standards Department of the ILO in 2005. It therefore challenged the credentials of the Workers’ delegation.

80. One week after the expiry of the deadline fixed by the Committee, Mr Mahinda Madihahewa, Secretary, Ministry of Labour Relations and Manpower and Government titular delegate at the Conference, submitted a written communication on behalf of the Government. He indicated that all six public service trade unions, which had been represented in the Workers’ delegation since 2007, were consulted on 30 April 2008. They confirmed their own agreement from 2007 when they selected three organizations for the 2007 Conference and the remaining three for the 2008 Conference. COPSITU was not included in the delegation in 2007 as there were only two places available and COPSITU was listed as the third. In 2008, the organizations concerned confirmed their previous agreement and COPSITU was therefore not on the list.
81. The Committee regrets that the Government had not responded to its request in a timely manner. The Committee, nevertheless, appreciates the Government’s detailed information and explanation, which it was still able to take into account. The Committee notes that most of the facts are undisputed between the authors of the objection and the Government, in particular those related to the meeting in which the nominations from the public service were discussed. In light of that, the Committee considers that the objection does not contain sufficient elements to allow it to proceed with its examination. The objection consisted of a simple allegation and did not contain any proof of the reason according to which the agreement of the organizations concerned should be called into question, or that its own representativeness was such that it should have been included in the delegation contrary to that agreement. The Committee therefore decides not to uphold the objection.

Objection concerning the nomination of the Employers’ delegation from Ukraine

82. The Committee received an objection concerning the nomination of the Employers’ delegation of Ukraine presented by members of the General Assembly of national associations of employers’ organizations (hereinafter “General Assembly”) represented by S. Pritomanov from the Federation of Metallurgists, H. Diuba from the All Ukrainian Union of the Entrepreneur of Entertainment Industry, V. Bykovets, from the All Ukrainian Association of Employers, O. Sokolovsky from the Confederation of Employers of Ukraine, P. Tsyryl from the All Ukrainian Federation of the Employers in the Sphere of Tourism, and V. Pechaev from the Association of Organizations of Employers of Medical and Microbiology Industry of Ukraine. The authors of the objection alleged that the General Assembly provided to the Ministry of Labour and Social Policy a consolidated nomination on behalf of 15 out of the 17 existing national employers’ associations, representing the interest of employers with a total of approximately 5 million employees, but that their submission was ignored. Instead the Ministry had appointed a delegate who was neither a representative of the most representative organization of employers, nor the candidate supported by the majority of national employers’ organizations. They expressed deep concern for the non-transparency of the nomination procedure. Any position taken by the Employers’ delegation could therefore not be considered as discussed and agreed to by the other national associations of employers’ organizations. Moreover, because of the Government’s conduct, Mr V. Bykovets, Mr O. Miroshnychenko, Mr S. Pritomanov, Mr O. Shevchuk, who had been nominated as advisers to the Employers’ delegate, declined participation as advisers in this session of the Conference.
83. In a written communication addressed to the Committee in response to its request, the Government stated that it was guided by article 3, paragraph 5 of the ILO Constitution, pursuant to which the nomination of non-governmental delegates and advisers must be

made in agreement with the most representative organizations. The Government strictly adhered to the principles set out in the ILO Constitution concerning the non-interference in the activities of social partners. In the nomination of the Employers' delegation it was guided by the figures for persons covered by collective bargaining at the national level provided by the Federation of Employers of Ukraine (5.7 million employees), the All-Ukraine Employers' Association (250,000) and the Association of Lease-holders and Entrepreneurs of Ukraine (600,000). However, when the Ministry of Labour asked the other all-Ukraine employers' associations to provide the number of workers employed at the affiliated enterprises, the Confederation of Employers of Ukraine noted in a letter of 18 April 2008 that such information could not be obtained. The Government further took into account the associations' membership in the International Organization of Employers (IOE) as well as their active participation in social dialogue.

- 84.** *The Committee considers that the objection is receivable. With regard to paragraph 1(c) of article 26bis of the Conference Standing Orders, the Committee was able to confirm that the signatories of the objection who appeared as Employers' advisers in the credentials submitted by the Government were not present at the Conference when the Permanent Mission of Ukraine in Geneva, which had initially collected their Conference badges, returned them to the Committee's secretariat. The Committee was therefore satisfied that those persons had effectively declined their nomination as advisers to the Employers' delegate and that they could therefore validly lodge the objection concerning the nomination of the Employers' delegate. In this connection, the Committee notes, however, that the practice of allowing Permanent Missions of member States in Geneva to register all members of the country's official delegation, including the Employers' and Workers' representatives, has not facilitated its verification of the conditions of receivability of this objection. It recommends that this practice be reviewed (see also the Committee's general observation on this question below).*
- 85.** *As regards the substance of the objection, the Committee notes that it was not provided with any document that would explain the legal nature of the General Assembly and the possibility for this Assembly to make claims on its own. It appears that the General Assembly is represented by several organizations and not its own organs, and in this context, the Committee also notes that only six sectoral and branch organizations out of an alleged 15 members signed the objection.*
- 86.** *The Committee further notes that it was provided with incomplete and incompatible figures regarding the number of workers covered by the different employers' organizations of the country. On the one hand, the objecting organizations indicate that the 15 employers' associations that form the General Assembly represent approximately 5 million workers, but they do not specify the origin of this figure or its breakdown among the individual members of the General Assembly. On the other hand, this information seems to be contested by the Government who quotes different figures provided by three employers' organizations according to which the Federation of Employers of Ukraine alone accounts for 5.7 million workers.*
- 87.** *The Committee considers that it does not have sufficient information to be able to reach conclusions concerning the merits of the objection. It recalls that it is in the first place for the author of the objection to substantiate the allegations on which the objection is based. The objecting organizations do not compare their representativeness with that of other representative organizations. It is possible to imagine that 15 organizations may be less representative than two major organizations. Furthermore, they do not explain whether or not they tried to agree with the other two organizations about the composition of the Employers' delegation. If the Government receives three competing nominations, it is not wrong to give preference to the nomination presented by the most representative organization. It would appear that the nominations of the General Assembly had been*

taken into consideration in nominating advisers to the Employers' delegate. The Committee, therefore, decides not to uphold the objection.

88. The Committee, however, wishes to make a comment regarding the information presented to it. The Government indicated that it was not able to gather the factual information necessary to apply criteria for assessing the representative character of employers' organization – that is, the number of territorial-level organizations and the number of workers employed by affiliated enterprises. It seems that some of this information was not provided by the organizations concerned. The Committee invites all parties involved to provide the factual information needed to establish the representative character of the organizations of employers.

Objection concerning the nomination of the Employers' delegation of the Bolivarian Republic of Venezuela

89. The Committee received an objection presented by the Employers' Group of the Conference, concerning the nomination of the Employers' delegation of the Bolivarian Republic of Venezuela. The Employers' Group stated that three advisers, Mr David Peñalver Hernández (CONFAGAN) as well as Mr Alejandro Uzcátegui and Ms Keyla de la Rosa, both from EMPREVEN, did not represent the organizations of employers that could be considered representative according to the criteria recognized by the ILO. Evidence of the Government's interference in these organizations was presented to the Committee on Freedom of Association of the Governing Body in Case No. 2254, and to the Conference in 2007. Furthermore, the financial contribution of the Government to these two organizations was referred to in the 2007 financial report of BANDES (Bank of Economic and Social Development). CONFAGAN, apart from being closely linked to the Government, had a smaller membership than the authentic representative organization of rural enterprises, the *Federación Nacional de Ganaderos* (FEDENAGA). Moreover, the only representative employers' organization of the country, FEDECÁMARAS, did not accept the nomination of those three advisors. Finally, while the Government was covering the costs for 16 persons in its delegation, it did not for Mr de Arbeloa, Mr Guevara and Ms Maruri, from FEDECÁMARAS.
90. In a written communication addressed to the Committee at its request, the two Government delegates at this session of the Conference stated that all the representative employers' organizations of the country (FEDECÁMARAS, FEDEINDUSTRIA, CONFAGAN and EMPREVEN) had been convened to designate the Employers' delegation at two meetings held at the Ministry of Labour on 15 and 20 May 2008, in such a way that they could choose their delegation in a free and independent manner, without any interference and without the presence of any Government official. It was left to the organizations themselves to define whom to select, how many people and in which capacity. It was agreed that the travel and subsistence expenses would be paid for the titular delegate, Ms Muñoz, and for Mr Sánchez, both from FEDECÁMARAS, while Mr de Arbeloa, Mr Guevara, and Ms Maruri, from the same organization, would just be accredited by the Ministry. The Government had also provided for the payment of the travel and subsistence expenses of Mr Valderrama (FEDEINDUSTRIA) Ms de la Rosa, (EMPREVEN) and Mr Peñalver Hernández (CONFAGAN). The Government denied that FEDECÁMARAS had not accepted the nomination of Mr Peñalver Hernández (CONFAGAN), of Mr Uzcátegui and of Ms de la Rosa (EMPREVEN), as shown by the minutes of the above-mentioned meetings. Concerning the non-payment of the travel and subsistence expenses of Mr de Arbeloa, Mr Guevara and Ms Maruri, the Government respected the agreement reached at the meeting of 20 May that those members "would just be accredited by the Ministry of Labour". They were in the same situation as Mr Celano from FEDEINDUSTRIA. Finally, the Government denied it had paid the expenses for 16 Government representatives, as the

delegation of the Ministry of Labour only included 9 people, including the Minister himself; as evidence the payment order was attached to the reply.

91. The Committee also received an unsolicited submission from CONFAGAN aimed at proving its autonomy, independence and representativeness. The Committee took note of the information provided but considered that it should be raised in the internal procedure suggested below.
92. *The Committee notes that the situation has not substantively changed with respect to 2007. In its recommendations regarding a similar objection lodged against the composition of the Employers' delegation of the Bolivarian Republic of Venezuela last year, the Committee concluded that "the participation of various organizations regardless of their representativeness or their genuine character as employers' organizations in the nomination of non-governmental delegates to the Conference is not in accordance with article 3, paragraph 5, of the ILO Constitution. The Government has to establish, in consultation with the organizations concerned, objective and verifiable criteria to determine their representativeness." (Provisional Record 4C, 2007, para. 86) This year, although FEDECÁMARAS signed the minutes of 20 May 2008, the very character of three organizations has been challenged on behalf of the Employers' Group at the Conference. By all evidence, the criteria suggested by the Committee have not been established and it cannot but confirm its recommendations one more time. The Committee also recommended in 2007 that the Government avail itself of the technical assistance that the Office may offer in that respect. It is encouraging that the Government in its reply welcomes this recommendation. The Committee therefore invites the Government to take initiative in discussing with the Office the modalities of such technical assistance.*
93. *The Committee cannot but confirm and re-state its final recommendation in 2007: "The Committee therefore recalls that the nomination of the Employers' delegation should be made in agreement with the most representative employers' organizations, on the basis of pre-established, objective and verifiable criteria. The Committee emphasized that consultations should be undertaken in such a manner so as to respect their genuine character as employers' organizations and their ability to act in absolute independence from the Government or any other state bodies. The Committee expects that the Government will ensure, with the assistance of the Office, that the nomination of the non-governmental delegations at future sessions of the Conference will be in full compliance with article 3, paragraph 5, of the ILO Constitution."*

Objection concerning the nomination of the Workers' delegation of the Bolivarian Republic of Venezuela

94. The Committee received an objection regarding the nomination of the Workers' delegation of the Bolivarian Republic of Venezuela, presented by Mr Manuel Cova, on behalf of the *Confederación de Trabajadores de Venezuela* (CTV). It was stated that, for the sixth consecutive year, the nomination of the Workers' delegation had not been done in accordance with the ILO Constitution. During the preparatory meetings organized to establish the Workers' delegation to the Conference, the Ministry of Labour had once again refused to nominate the Workers' delegate from the CTV, despite the fact that it was the most representative workers' organization. The minutes of the meetings proved that three of the five union centers (CTV, CODESA and CGT) agreed that Mr Cova should have been the Workers' delegate. However, the Government had imposed a member of the UNT, a very small and not even registered organization, whose only merit was to be close to the Government. He also stated that the Government had once again ignored the recommendations of the Credentials Committee. The objecting organization attached a copy of the minutes of the meetings, held on 15 and 19 May 2008 at the Ministry of Labour, to elect the Workers' delegate, as well as a copy of the letter Mr Cova, on behalf

of his organization, sent to the Ministry refusing his nomination or that of any other member of his organization as adviser. Accordingly, it was requested that the credentials of the Workers' delegation in the present session of the Conference be invalidated.

95. In a written communication addressed to the Committee at its request, the Government stated that the following representative workers' organizations existed in the country: the *Confederación de Sindicatos Autónomos* (CODESA); the *Unión Nacional de Trabajadores* (UNT) (according to the archives of the Ministry it had 444 member organizations); the *Confederación de Trabajadores de Venezuela* (CTV) (which had only 123 member organizations); the *Confederación Unitaria de Trabajadores de Venezuela* (CUTV), and the *Confederación General de Trabajadores* (CGT). Concerning the consultation process, it was stated that two meetings were held in the Ministry. The first meeting held on 15 May 2008 ended without consensus because the CTV, supported by the CGT and allegedly CODESA (which was not present), requested that Mr Cova be nominated as titular delegate, while the CUTV and the UNT were opposed to that and proposed the nomination of Mr Stalin Pérez from the UNT. At the second meeting, held on 19 May 2008, the CTV, the CUTV and the UNT maintained their position, while CODESA put forward the name of Ms Caridad Rondón, in case the CTV decided to withdraw its candidate. The Government reiterated its request to unions to agree on the composition of the delegation and expressed its readiness to cover travel and subsistence expenses for ten workers' representatives at the Conference. As the Government respected the autonomy of the unions, it did not have any information on any agreed rotation system. Finally, the Government recalled that the Labour Chamber of the Supreme Court of Justice, considering the request of the CTV to be declared the most representative workers' organization, stated in 2004 that a trade union referendum would be required to determine the most representative organization in the country. The CTV's pretensions are therefore not founded.
96. In response to additional written questions sent to it by the Committee, the Government failed to provide numbers concerning the comparative importance of the organizations which had been consulted. Concerning the steps taken by the Government to ensure compliance with the 2004 decision of the Supreme Court, the Government stated that this decision could not be interpreted as an order to hold a referendum. The Government welcomed the offer of technical assistance and would appreciate if the ILO would reiterate it. The criterion to determine the composition of the Workers' delegation was that of representativeness, according to the ILO Constitution, as shown by the minutes of the meetings held on 15 and 19 May 2008. Finally, Mr Cova had been included at the very end of the credentials sent by the Government not because he was meant to be the last on the list. There was actually no order of preference. The Government had provided for the payment of his travel and subsistence expenses, even though he later refused to be included in that delegation.
97. *The Committee notes first that there has been no progress in relation to the procedure for nominating the Workers' delegation and that the Committee has to deal again – for the sixth consecutive time – with an objection concerning the nomination of the Workers' delegation.*
98. *The Committee notes that the Government again accredited Mr Cova in spite of his specific and written refusal stated in the letter of 23 May 2008 addressed to the Minister. If last year the Government tried to provide a justification for such an inclusion, this year and in light of the Committee's comments in 2007, it reflects the Government's bad faith. The Government again put Mr Cova on the ninth place on the list of the Workers' advisers, while this year – as in 2007 – only eight advisers are admissible. This cannot be considered as a coincidence. The Government stated that there was no order of preference in drawing up the list, but it is unclear what could have been the criteria for such an order*

of names: it does not appear to be alphabetical and even less so that of numeric importance of the organizations concerned.

99. The Committee observes that the Government failed to explain how the various roles in the *Workers' delegation* were decided in the face of clearly divergent positions received from the organizations that the Government invited for consultation.
100. *In the absence of any rotation agreement, the method of determining representativeness of the organizations becomes crucial for the nomination of the Workers' delegation. The Committee recommended in 2007, and it renews its recommendation now, that the Government avail itself of any advice or technical assistance in that respect that the Office can provide. The Committee regrets that the Government had not asked for the technical assistance of the Office following the Committee's previous recommendations.*
101. *The lodging of objections at each session of the Conference by both the Employers' and Workers' Groups indicates that the nomination process is not being done correctly. Thus, the Committee finds itself in the situation, once again, of recalling that the nomination of the Workers' delegation should be made in agreement with the most representative workers' organizations, on the basis of pre-established, objective and verifiable criteria regarding a genuine character and representativeness of the organizations concerned and undertaken in such a manner as to respect the capacity of the workers' organizations to act in absolute independence from the Government. This could include, for instance, setting up an independent body enjoying the confidence of all workers' organizations and entrusted with the mandate of determining the representativeness of these organizations. The Committee expects that the Government will ensure, with the assistance of the Office, that the nomination of the non-governmental delegations at future sessions of the Conference will be in full compliance with article 3, paragraph 5, of the ILO Constitution.*

Complaints

102. The Committee also received and dealt with four complaints, which are listed below in the French alphabetical order of the member States concerned.

Complaint concerning the non-payment of the travel and subsistence expenses of the Workers' delegation of the Gambia

103. The Committee received a complaint presented by Mr Kebba M. Cessay, Secretary-General of the Gambia Labour Congress, Mr Demba D. Sonko, Secretary-General of the Medical Research Workers Union (MRCWU) and Mr Musa Sambou, Vice-Chairman of the MRCWU. The authors alleged that the Government did not cover their travel and subsistence expenses.
104. In a written communication received by the Committee at its request, the Government replied that it was unable to fund the participation of social partners due to budgetary constraints.
105. *The Committee regrets the brevity of the Government's reply and recalls the obligation under article 13, paragraph 2(a) of the ILO Constitution to at least cover the expenses of a complete tripartite delegation so as to enable its members to participate in the Conference for the duration of its work. The Committee also notes with regret that the Gambia did not send a tripartite delegation – there being no Employers' delegation at the Conference. The Committee trusts that the Government will honour its obligation and that the Gambia will be represented with a full tripartite delegation at future sessions of the Conference.*

Complaint concerning a serious and manifest imbalance between the number of Employers' and Workers' advisers whose expenses have been covered by the Government of Paraguay

106. The Committee received a complaint presented by Mr Hugo Cataldo Fernández, Employers' delegate at this session of the Conference, alleging a manifest imbalance between the number of Employers' advisers and the number of Workers' advisers whose travel expenses had been paid by the Government. Despite a specific request, the expenses of his adviser were not paid. However, the Government had paid the travel and subsistence expenses of one Workers' adviser and only the subsistence expenses for three other Workers' advisers.
107. In a written communication addressed to the Committee in response to its request, the Government stated that, by decision No. 326/08 dated 14 May 2008, a copy of which was provided to the Committee, the Ministry of Justice and Labour had authorized the payment of the expenses for the Employers' and the Workers' delegate. The Government was not responsible for any arrangement to ensure that the Workers' delegation had a larger presence at the Conference.
108. *The Committee notes that the Government has decided to cover the travel and subsistence expenses of only the respective titular delegates of Employers' and Workers' delegations. It finds therefore that the Government has respected its obligation to bear the expenses of, at least, a complete tripartite delegation, and that there is no imbalance between the number of Employers' advisers and the number of Workers' advisers whose expenses were paid. The Committee therefore decides not to uphold the complaint.*

Complaints concerning the non-payment of the travel and subsistence expenses of the Employers' and Workers' delegations of the Democratic Republic of Congo

109. The Committee received a complaint on 31 May 2008, presented by the International Trade Union Confederation (ITUC), alleging the non-payment of the travel and subsistence expenses of the Workers' delegate, Mr Dunia Mutimanwa Lubula, as well as some of his advisers. For this reason, they were not able to come to Geneva and participate at the present session of the Conference.
110. A similar complaint was received on 3 June 2008 from the Employers' Group at the Conference on behalf of the Employers' delegate, Mr Mark Atibu Saleh Mweke who was allegedly prevented from travelling to Geneva due to non-payment of his expenses.
111. In two written communications received by the Committee at its request, Mr Boniface Bola Bolailoko, Secretary General of the Ministry of Employment, Labour and Social Security and Government adviser at the Conference, indicated that the non-payment did not concern only employers and workers, but the whole delegation and, although the funds were committed, a delay in payment was caused by the Ministry of Budget, which was responsible for making funds available to all participants. According to him, the funds were to be made available by 4 June 2008 and the delegation should be complete by 5 June 2008.
112. *The Committee observes that this is not the first time it has been presented with a complaint concerning the non-payment of expenses of the delegates of the Democratic Republic of Congo. For example, in 2005, the Workers' delegate complained about it,*

while in 2006 it was the turn of the same Employers' delegate as today. In both cases, the Government did not provide any written comments to the Committee.

- 113.** *The Committee wishes to recall that article 13, paragraph 2(a), of the ILO Constitution requires member States to bear the expenses of, at least, a complete tripartite delegation, i.e., including the titular delegates of Employers' and Workers', for the duration of the Conference. This obligation belongs to the Government as a whole, and not of a particular Ministry within the Government. The Committee therefore, finds that the argument presented by the Government cannot justify the non-payment of the expenses. By withholding funds, the Government prevented both Employers' and Workers' delegates, although included in the official credentials of the member State, to attend a major part, if not all, of the work of this year's Conference. The Committee, therefore, urges the Government to meet its duty to cover the travel and subsistence expenses of both the Employers' and the Workers' delegate for the entire duration of the present session of the Conference and trusts that, in the future, the Government will comply strictly with its constitutional obligations in this respect.*

Communications

- 114.** The Committee also received one communication.

Communication concerning the Employers' delegation of Australia

- 115.** The Committee received a communication on 31 May 2008 presented by the International Organization of Employers (IOE), drawing the attention of the Committee to the way the second adviser to the Employers' delegate of Australia had been nominated by the Government. Considering that the consultation process was irregular, the IOE noted the understanding between the Australian Chamber of Commerce and Industry and the Government to continue a dialogue at the national level in order to avoid problems at future sessions of the Conference.
- 116.** *The Committee notes the information provided and considers that this communication does not call for any action on its part.*

General observations

- 117.** The Committee notes with satisfaction that the Governing Body evaluated favourably the *Interim Provisions of the Conference Standing Orders concerning the verification of credentials*, and that, on the recommendation of its Standing Orders Committee, the Conference adopted on a permanent basis the content of the Interim provisions by introducing them as amendments to the Conference Standing Orders.
- 118.** One objection (see paragraphs 82–88 above) raises questions which prompt the Committee to make a general comment regarding the registration of participants at the Conference. The Committee notes a practice that has gradually developed over the years which consists of allowing the Permanent Missions of member States in Geneva to collect the Conference badges for the whole tripartite delegation, in order to facilitate the arrival of participants. The Committee notes, however, that this practice creates difficulties affecting the discharge of its mandate. There are situations in which the Committee needs to know whether or not certain delegates or advisers who have been accredited are in attendance at the Conference. When a participant's badge is collected, that participant is at the same time registered in the electronic Conference management system as present at the Conference.

Therefore, if badges can be collected for others, the Committee cannot fully rely on the registration information available in the system. Most importantly however, the Committee recalls that its mandate includes the determination of the voting quorum which is based on the number of delegates attending the Conference, as provided in article 17, paragraph 3 of the Constitution. If delegates who are in fact not present at the Conference are registered as attending, the basis for calculating the quorum becomes inaccurate and the probability of a vote failing for lack of quorum increases. This is the reason why the Committee regularly appeals to the delegates to the Conference to register in person upon their arrival and to give timely notice of their departure date. Since the practice of collecting badges for other participants contradicts this request by the Committee, it recommends that the practice be restricted. At a minimum, representatives from the Permanent Missions should be requested not to collect badges for the Employers' and Workers' delegation, unless they have been specifically authorized in writing by the employers and workers concerned.

- 119.** The Committee notes that the new structure of the Conference has, as a consequence, the presence of many high Government officials only during the last week. As the efficiency of the Committee's work depends on the cooperation of the Government in responding to the requests of the Committee both in writing and in person, the Committee wishes to request the Governments to take necessary measures so that the communication between the Committee and the Governments can always be done through persons with full authority to collaborate with the Committee, and preferably, who are present throughout the Conference.

* * *

- 120.** The Credentials Committee adopts this report unanimously. It submits it to the Conference in order that the Conference may take note of it and adopt the proposals contained in paragraphs 13, 55, and 64.

Geneva, 10 June 2008.

(Signed) Isaiah B. Kirigua
Chairperson

Lidija Horvatić

Ulf Edström

- 1) Government delegates
- 2) Government advisers
- 3) Employers' delegates

- 4) Employers' Advisers
- 5) Workers' delegates
- 6) Workers' Advisers

List of registered delegates and advisers

		1) 2) 3) 4) 5) 6)	1) 2) 3) 4) 5) 6)	1) 2) 3) 4) 5) 6)	1) 2) 3) 4) 5) 6)
Afghanistan.....	2 6 1 1 1 2	Ecuador.....	1 4 1 3 1 2	Luxembourg.....	2 8 1 3 1 6
Albania.....	2 5 1 3 1 1	Egypt.....	2 8 1 3 - 5	Madagascar.....	2 5 1 - 1 -
Algeria.....	2 11 - 5 - 4	El Salvador.....	2 1 1 - 1 -	Malawi.....	2 3 1 - 1 -
Angola.....	2 3 - 2 1 2	Equatorial Guinea.....	- - - - -	Malaysia.....	2 14 1 1 1 3
Antigua and Barbuda.....	- - - - -	Eritrea.....	2 2 1 1 1 1	Mali.....	2 11 1 1 1 2
Argentina.....	2 7 1 8 1 8	Estonia.....	2 1 1 - 1 -	Malta.....	2 3 1 5 1 4
Armenia.....	2 3 1 - 1 -	Ethiopia.....	2 2 1 - 1 1	Marshall Islands.....	- - - - -
Australia.....	2 1 1 2 1 2	Fiji.....	2 - 1 - 1 -	Mauritania.....	2 11 1 2 1 8
Austria.....	2 6 1 1 - 2	Finland.....	2 7 - 4 1 3	Mauritius.....	2 4 1 1 1 -
Azerbaijan.....	2 3 1 7 1 2	France.....	2 14 1 5 1 8	Mexico.....	2 13 1 8 1 8
Bahamas.....	1 2 1 - 1 1	Gabon.....	2 6 1 2 1 2	Republic of Moldova.....	2 1 1 1 1 1
Bahrain.....	2 7 - 3 1 2	Gambia.....	2 - - - 1 2	Mongolia.....	2 3 1 1 1 1
Bangladesh.....	2 4 1 1 1 -	Georgia.....	2 1 1 8 1 4	Morocco.....	2 7 1 4 1 8
Barbados.....	2 2 1 1 1 -	Germany.....	2 10 1 5 1 8	Mozambique.....	2 3 1 - 1 -
Belarus.....	2 4 1 3 1 7	Ghana.....	2 12 1 6 1 6	Myanmar.....	2 6 1 - - -
Belgium.....	2 13 1 5 1 8	Greece.....	2 16 - 6 - 8	Namibia.....	2 7 1 1 1 1
Belize.....	- - - - -	Grenada.....	- - - - -	Nepal.....	2 4 1 - - 5
Benin.....	2 6 1 1 1 7	Guatemala.....	2 6 1 - 1 2	Netherlands.....	2 10 1 3 1 4
Bolivia.....	2 - 1 - 1 -	Guinea.....	2 10 - 8 1 8	New Zealand.....	2 5 1 2 1 2
Bosnia and Herzegovina.....	2 4 1 - 1 1	Guinea-Bissau.....	1 1 - - 1 2	Nicaragua.....	2 1 - - - 1
Botswana.....	2 5 1 1 1 -	Guyana.....	1 - - - - -	Niger.....	2 6 1 3 1 6
Brazil.....	1 12 1 7 1 7	Haiti.....	2 2 1 - - -	Nigeria.....	1 15 1 3 1 8
Brunei Darussalam.....	2 6 1 - 1 1	Honduras.....	2 2 1 - 1 -	Norway.....	2 6 1 5 1 8
Bulgaria.....	2 9 1 6 1 1	Hungary.....	2 8 1 6 1 6	Oman.....	2 13 1 8 1 7
Burkina Faso.....	2 13 1 1 1 5	Iceland.....	2 4 1 1 1 1	Pakistan.....	2 3 1 - 1 -
Burundi.....	2 2 1 - 1 2	India.....	2 8 1 8 1 7	Panama.....	2 4 1 3 1 2
Cambodia.....	2 3 1 - 1 2	Indonesia.....	2 16 1 8 1 8	Papua New Guinea.....	2 2 - - 1 -
Cameroon.....	2 4 1 1 1 1	Islamic Republic of Iran.....	2 13 1 3 1 4	Paraguay.....	2 4 1 - 1 5
Canada.....	2 10 1 4 1 6	Iraq.....	2 8 1 2 1 -	Peru.....	2 5 1 - 1 1
Cape Verde.....	2 2 1 1 1 -	Ireland.....	2 8 - 1 1 1	Philippines.....	2 14 1 8 1 8
Central African Republic.....	2 4 1 1 1 2	Israel.....	2 5 1 3 1 6	Poland.....	2 7 1 5 1 6
Chad.....	2 7 1 1 1 1	Italy.....	2 4 1 2 1 3	Portugal.....	2 7 1 6 1 5
Chile.....	2 7 1 6 - 7	Jamaica.....	- 10 1 1 1 1	Qatar.....	2 16 1 3 1 -
China.....	2 15 1 7 1 8	Japan.....	2 16 1 5 1 8	Romania.....	2 4 1 8 1 8
Colombia.....	2 13 - 7 1 4	Jordan.....	2 6 1 1 1 2	Russian Federation.....	2 13 1 1 1 6
Comoros.....	2 - - 1 1 -	Kazakhstan.....	2 3 1 2 1 1	Rwanda.....	2 2 1 - 1 -
Congo.....	2 12 1 3 1 8	Kenya.....	2 7 1 6 1 8	Saint Kitts and Nevis.....	2 1 1 - 1 -
Costa Rica.....	2 1 1 - 1 -	Kiribati.....	2 1 1 - 1 -	Saint Lucia.....	- - - - -
Côte d'Ivoire.....	2 12 1 7 1 8	Republic of Korea.....	2 14 1 6 1 7	Saint Vincent and the Grenadines.....	1 - 1 - 1 -
Croatia.....	2 8 1 2 1 4	Kuwait.....	1 15 1 3 1 4	San Marino.....	2 3 1 3 1 1
Cuba.....	2 3 1 1 1 5	Kyrgyzstan.....	- - - - -	Sao Tome and Principe.....	- - - - -
Cyprus.....	2 6 1 5 1 7	Lao People's Dem. Republic.....	2 - 1 1 1 1	Saudi Arabia.....	2 6 1 3 1 3
Czech Republic.....	1 9 1 4 1 3	Latvia.....	2 - 1 - 1 2	Senegal.....	2 4 1 2 1 1
Democratic Republic of the Congo.....	1 13 1 5 1 4	Lebanon.....	2 5 1 2 1 8	Serbia.....	2 9 1 - 1 6
Denmark.....	2 6 1 2 1 4	Lesotho.....	2 7 1 - 1 -	Montenegro.....	2 6 1 3 1 1
Djibouti.....	2 2 1 - 1 1	Liberia.....	2 4 1 2 1 4	Seychelles.....	- - - - -
Dominica.....	- - - - -	Libyan Arab Jamahiriya.....	2 6 1 1 1 7	Sierra Leone.....	- - - - -
Dominican Republic.....	2 8 - 3 1 6	Lithuania.....	2 4 1 - 1 -	Singapore.....	2 12 1 2 1 8
Ecuador.....	2 6 1 1 1 2	Egypt.....	2 8 1 3 - 5	Slovakia.....	2 5 1 4 1 4
El Salvador.....	2 1 1 - 1 -	Equatorial Guinea.....	- - - - -	Samoa.....	1 - 1 - 1 -
Eritrea.....	2 2 1 1 1 1	Estonia.....	2 1 1 - 1 -	Slovenia.....	2 12 1 1 1 1
Ethiopia.....	2 2 1 - 1 1	Ethiopia.....	2 2 1 - 1 1	Solomon Islands.....	2 1 1 - 1 -
Fiji.....	2 - 1 - 1 -	Finland.....	2 7 - 4 1 3	Somalia.....	1 4 - - - -
Finland.....	2 7 - 4 1 3	France.....	2 14 1 5 1 8	South Africa.....	2 3 1 6 1 6
France.....	2 14 1 5 1 8	Gabon.....	2 6 1 2 1 2	Spain.....	2 4 1 8 1 8
Gabon.....	2 6 1 2 1 2	Gambia.....	2 - - - 1 2	Sri Lanka.....	2 8 1 - 1 8
Gambia.....	2 - - - 1 2	Georgia.....	2 1 1 8 1 4	Sudan.....	2 6 1 2 1 7
Georgia.....	2 1 1 8 1 4	Germany.....	2 10 1 5 1 8	Suriname.....	2 - 1 - 1 -
Germany.....	2 10 1 5 1 8	Ghana.....	2 12 1 6 1 6	Swaziland.....	2 9 1 2 1 1
Ghana.....	2 12 1 6 1 6	Greece.....	2 16 - 6 - 8	Sweden.....	2 4 1 3 1 4
Greece.....	2 16 - 6 - 8	Grenada.....	- - - - -	Switzerland.....	1 9 1 3 1 6
Grenada.....	- - - - -	Guatemala.....	2 6 1 - 1 2	Syrian Arab Republic.....	2 2 1 3 1 3
Guatemala.....	2 6 1 - 1 2	Guinea.....	2 10 - 8 1 8	Tajikistan.....	1 - - - - -
Guinea.....	2 10 - 8 1 8	Guinea-Bissau.....	1 1 - - 1 2	United Republic of Tanzania.....	2 12 1 8 1 4
Guinea-Bissau.....	1 1 - - 1 2	Guyana.....	1 - - - - -	Thailand.....	2 16 1 8 1 7
Guyana.....	1 - - - - -	Haiti.....	2 2 1 - - -	The FYR Macedonia.....	2 2 1 - 1 1
Haiti.....	2 2 1 - - -	Honduras.....	2 2 1 - 1 -	Democratic Rep. of Timor-Leste... ..	2 3 - - - -
Honduras.....	2 2 1 - 1 -	Hungary.....	2 8 1 6 1 6	Togo.....	2 2 1 5 1 7
Hungary.....	2 8 1 6 1 6	Iceland.....	2 4 1 1 1 1	Trinidad and Tobago.....	2 4 1 3 1 1
Iceland.....	2 4 1 1 1 1	India.....	2 8 1 8 1 7	Tunisia.....	2 4 1 8 1 4
India.....	2 8 1 8 1 7	Indonesia.....	2 16 1 8 1 8	Turkey.....	2 12 1 6 1 5
Indonesia.....	2 16 1 8 1 8	Islamic Republic of Iran.....	2 13 1 3 1 4	Turkmenistan.....	- - - - -
Islamic Republic of Iran.....	2 13 1 3 1 4	Iraq.....	2 8 1 2 1 -	Tuvalu.....	- - - - -
Iraq.....	2 8 1 2 1 -	Ireland.....	2 8 - 1 1 1	Uganda.....	2 3 1 4 1 1
Ireland.....	2 8 - 1 1 1	Israel.....	2 5 1 3 1 6	Ukraine.....	2 5 1 8 1 8
Israel.....	2 5 1 3 1 6	Italy.....	2 4 1 2 1 3	United Arab Emirates.....	2 10 1 2 1 2
Italy.....	2 4 1 2 1 3	Jamaica.....	- 10 1 1 1 1	United Kingdom.....	2 10 1 3 1 8
Jamaica.....	- 10 1 1 1 1	Japan.....	2 16 1 5 1 8	United States.....	2 15 1 5 1 8
Japan.....	2 16 1 5 1 8	Jordan.....	2 6 1 1 1 2	Uruguay.....	2 4 1 3 1 2
Jordan.....	2 6 1 1 1 2	Kazakhstan.....	2 3 1 2 1 1	Uzbekistan.....	- - - - -
Kazakhstan.....	2 3 1 2 1 1	Kenya.....	2 7 1 6 1 8	Vanuatu.....	- - - - -
Kenya.....	2 7 1 6 1 8	Kiribati.....	2 1 1 - 1 -	Venezuela (Bolivarian Rep).....	1 10 - 5 1 8
Kiribati.....	2 1 1 - 1 -	Republic of Korea.....	2 14 1 6 1 7	Viet Nam.....	2 4 1 1 1 2
Republic of Korea.....	2 14 1 6 1 7	Kuwait.....	1 15 1 3 1 4	Yemen.....	2 3 1 1 1 3
Kuwait.....	1 15 1 3 1 4	Kyrgyzstan.....	- - - - -	Zambia.....	2 15 1 6 1 4
Kyrgyzstan.....	- - - - -	Lao People's Dem. Republic.....	2 - 1 1 1 1	Zimbabwe.....	2 11 1 1 1 1
Lao People's Dem. Republic.....	2 - 1 1 1 1	Latvia.....	2 - 1 - 1 2		
Latvia.....	2 - 1 - 1 2	Lebanon.....	2 5 1 2 1 8		
Lebanon.....	2 5 1 2 1 8	Lesotho.....	2 7 1 - 1 -		
Lesotho.....	2 7 1 - 1 -	Liberia.....	2 4 1 2 1 4		
Liberia.....	2 4 1 2 1 4	Libyan Arab Jamahiriya.....	2 6 1 1 1 7		
Libyan Arab Jamahiriya.....	2 6 1 1 1 7	Lithuania.....	2 4 1 - 1 -		
Lithuania.....	2 4 1 - 1 -				

	1)	2)	3)	4)	5)	6)
Total	317	1049	148	442	154	565

CONTENTS

	<i>Page</i>
<i>Reports on Credentials</i>	
Second report of the Credentials Committee	1
Composition of the Conference	1
Monitoring	1
Objections	3
Complaints	24
Communications	26
General observations.....	26