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Reports on credentials

Second report of the Credentials Committee

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Composition of the Conference

1. Since 12 June 2019, when the Credentials Committee adopted its first report (*Provisional Record* No. 3B), there have been changes in the composition of the Conference and, therefore, at present a total of 178 member States are accredited at the International Labour Conference. In addition, since the adoption of its first report, Benin, Iraq, Kiribati, Libya, Sierra Leone and Somalia have regained the right to vote.
2. To date, there are 7,661 persons accredited to the Conference (as compared to 6,438 in 2018, 6,092 in 2017, 5,982 in 2016, 5,912 in 2015 and 5,254 in 2014), of whom 6,339 are registered (as compared to 5,238 in 2018, 4,941 in 2017, 4,875 in 2016, 4,842 in 2015 and 4,457 in 2014). The attached lists contain more details on the number of delegates and advisers accredited and registered.
3. The Committee wishes to indicate that 167 ministers, vice-ministers, and deputy ministers have been accredited to the Conference.

Monitoring

4. The Committee was seized of three monitoring cases, pursuant to article 26 quater of the Standing Orders of the International Labour Conference, by virtue of a decision of the Conference taken at its 107th Session (2018).

Djibouti

5. At its 107th Session (2018), the Conference decided, by virtue of article 26 quater and 26 bis(7) of the Conference Standing Orders, and upon the unanimous recommendation of the Credentials Committee, to renew, for the 13th consecutive year, the monitoring of the situation raised in an objection concerning the nomination of the Workers' delegation (*Provisional Record* No. 3C, 107th Session, 2018, paragraph 12). Consequently, it requested the Government to submit for the next session of the Conference, at the same time that it submitted its credentials for its delegation, a detailed report substantiated with relevant documentation:
 - (a) concerning the concrete measures undertaken with respect to the establishment of criteria for the independent representation of workers in the country, in conformity with freedom of association principles; and
 - (b) on the procedure followed for the nomination of the Workers' delegate and advisers, in consultation with representative workers' organizations, specifying the organizations consulted and according to which criteria, their numerical importance, the date and place of these consultations, the names of the individuals nominated by the organizations during these consultations and the positions they hold within those organizations.
6. The credentials of Djibouti for the current session of the Conference were submitted online on 15 May 2019. Following a reminder by the Office, the Government submitted on 10 June 2019 a brief report, dated 6 June 2019, to the secretariat of the Committee. In the report, the Government indicated that the rotation system agreed upon by the four main organizations of employers and workers and applied in previous years remained in effect. Under this system, the two main organizations on both the employers' and workers' side chose each year in turn either the delegate or one adviser.

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7. The Government reiterated that these four organizations – the *Union Générale des Travailleurs Djiboutiens* (UGTD), the *Union Djiboutienne du Travail* (UDT), the *Confédération Nationale des Employeurs de Djibouti* (CNED) and the *Fédération des Entreprises de Djibouti* (FED) – had all been consulted before the credentials were submitted. Formal invitations to designate their representatives within the delegation were sent to all workers’ and employers’ organizations by letters dated 26 March 2019. In a communication dated 14 April 2019, the UGTD designated its Secretary-General, Mr Said Yonis Waberi as the Workers’ delegate, while in a communication dated 28 April 2019, the UDT nominated its President, Mr Mohamed Youssouf Mohamed, as adviser. The Government concluded its report by requesting the ILO’s technical assistance in implementing the necessary reforms concerning the question of trade union representativeness.
8. *The Committee regrets that the detailed report requested by the Conference was only submitted more than three weeks after the Government had submitted its credentials. The Committee deeply regrets that the Government’s report, which is largely similar to its previous reports on the subject, does not provide satisfactory replies to the questions raised by the Conference. As in previous years, the Government does not address the allegations repeated year after year by the objecting organizations concerning the duplication (“cloning”) of the UDT and UGTD and usurpation of their names, which the Committee in the past has found to be credible. The Committee also notes with deep concern that no progress has been made with regard to the reform of the national legislation on the representativeness of employers’ and workers’ organizations.*
9. *The Committee notes, however, that the Government reiterated its request for ILO technical assistance with a view to implementing the necessary reforms concerning the question of trade union representativeness. Therefore, the Committee once again calls upon the Office to give due consideration to the Government’s request for technical assistance and expects that such a mission would facilitate the establishment of an institutional framework for settling the issue of representativeness of workers’ organizations, thus permitting the achievement of a reliable, comprehensive and up-to-date assessment of the situation of trade union movement and freedom of association in Djibouti.*
10. *Taking into account the examination of the objection (see paragraphs 25–30 below), the Committee considers that the situation justifies the renewal of the monitoring of the situation under terms similar to those decided by the Conference at its last session. Consequently, by virtue of articles 26 quater and 26 bis(7) of the Conference Standing Orders, the Committee unanimously proposes that the Conference request the Government of Djibouti to submit for the next session of the Conference, at the same time that it submits its credentials for its delegation, a detailed report, substantiated with relevant information:*
- (a) *concerning the concrete measures undertaken with respect to the establishment of criteria for the independent representation of workers in the country, in conformity with freedom of association principles; and*
 - (b) *on the procedure followed for the nomination of the Workers’ delegate and advisers, in consultation with representative workers’ organizations, specifying the organizations consulted and according to which criteria, their numerical importance, the date and place of these consultations, the names of the individuals nominated by the organizations during these consultations and the positions they hold within those organizations. Where more than one organization claims the same name, the report should also specify which organization was consulted and for which reasons.*

Mauritania

11. At its 107th Session (2018), the Conference decided, by virtue of article 26 quater and 26 bis(7) of the Conference Standing Orders, and upon the unanimous recommendation of the Credentials Committee, to ensure the monitoring of the situation raised in an objection concerning the nomination of the Workers' delegation (*Provisional Record* No. 3C, 107th Session, 2018, paragraph 82). Consequently, it requested the Government to submit for the next session of the Conference, at the same time that it submitted its credentials for its delegation, a detailed report substantiated with relevant documentation on:
 - (a) the trade union situation in the country, including the name(s) of the representative workers' organizations, their coverage, their numerical membership, and other objective and verifiable criteria; and
 - (b) the procedure utilized to nominate the Workers' delegation, specifically, the organizations that have been consulted on the matter and according to which criteria; the date, time and place of these consultations; information as to the measures taken by the Government to facilitate an agreement among the representative workers' organizations; and the names of the individuals nominated by the organizations during these consultations.
12. According to the credentials deposited electronically on 17 May 2019, the Workers' delegate for this year's Conference was the Secretary-General of the *Union des travailleurs de Mauritanie*, accompanied by one substitute delegate (the Secretary-General of the *Union mauritanienne du travail*), and two advisers (the Secretary-General of the *Confédération générale des travailleurs de Mauritanie*, and the Secretary-General of the *Confédération nationale des travailleurs de Mauritanie*).
13. In its report submitted on 28 May 2019 in response to last year's Conference decision, the Government recalled that freedom of association was respected in Mauritania, which had led to the creation of hundreds of trade unions and 34 union federations, and that the Government had initiated a process pertaining to the determination of the representativeness. In particular, Decree No. 2014-156 on the representativeness of the trade unions was adopted in 2014, and following an ILO mission to Mauritania in January 2017, a road map pertaining to the determination of the representativeness had been agreed upon among all stakeholders in March 2017. Nonetheless, as the workers' organizations failed to subsequently reach an agreement, a new road map was agreed upon during the last session of the Conference. The Government further indicated that the national social dialogue council – a tripartite body – had been entrusted with supervising the trade union elections, which would determine the representativeness of trade unions. In the meantime, the Government invited the 34 union federations to a meeting on 7 May 2019 to nominate their representatives to the present session of the Conference. In the absence of any agreement among the workers' organizations, the Government decided to nominate the Workers' delegation itself, which it did based on objective criteria, specifically their length of existence, presence in enterprises, and participation in national labour conciliation and mediation bodies.
14. *The Committee notes the evolution of the situation as described by the Government. It regrets that the process to determine the representativeness of the workers' organizations has still not been completed, despite the indications provided by the Government last year that the process would be completed at the latest by the first trimester of 2019. The Committee further notes that for this year's Conference, in the absence of agreement among the workers' organizations regarding their participation, the Government nominated the Workers' delegation itself, based on certain criteria. In this regard, the Committee wishes to recall that pursuant to article 3(5) of the ILO Constitution and the case law of this Committee, the criteria used to determine the most representative workers' organizations for the purpose of*

nominating the Workers' delegation to the Conference must not only be objective, but also verifiable. Therefore, in the absence of further details or any supporting documentation provided by the Government, lack of clarity remains as to how the criteria used by the Government have been applied in the absence of an established system of determination of the representativeness, in particular the criterion based on the trade unions' presence in enterprises. The Committee nevertheless notes that it has received no objection this year concerning the nomination of the Workers' delegation of Mauritania.

15. *The Committee urges the Government to follow through its new road map for the determination of the representativeness and expects that this process will be completed in time, so as to ensure a nomination process to the next session of the Conference that is in full compliance with article 3(5) of the ILO Constitution.*

16. *In these circumstances, the Committee considers that the situation justifies the renewal of the monitoring under analogous terms to those decided by the Conference at its last session. Consequently, by virtue of articles 26 quater and 26 bis(7) of the Conference Standing Orders, the Committee unanimously proposes that the Conference request the Government of Mauritania to submit for the next session of the Conference, at the same time that it submits its credentials for its delegation, a detailed report, substantiated with relevant information on:*
 - (a) *the progress made in relation to the road map pertaining to the determination of the representativeness of the workers' organizations;*
 - (b) *the trade union situation in the country, including the name(s) of the representative workers' organizations, their coverage, their numerical membership, and other objective and verifiable criteria; and*
 - (c) *the procedure utilized to nominate the Workers' delegation, specifically, the organizations that have been consulted on the matter and according to which criteria; the date of these consultations, and the names and titles of the representatives consulted; information as to the measures taken by the Government to facilitate an agreement among the representative workers' organizations; and the names of the individuals nominated by the organizations during these consultations.*

Bolivarian Republic of Venezuela

17. At its 107th Session (2018), the Conference decided, by virtue of article 26 quater and 26 bis(7) of the Conference Standing Orders, and upon the unanimous recommendation of the Credentials Committee, to renew, for the second consecutive year, the monitoring measures first established in 2016 following an objection concerning the nomination of the Workers' delegation (*Provisional Record* No. 3C, 107th Session, 2018, paragraph 29). Consequently, it requested the Government to submit for the next session of the Conference, at the same time that it submitted its credentials for its delegation, a detailed report substantiated with relevant documentation on:
 - (a) objective evidence regarding the representativeness of all workers' organizations in the country, including copies of all up-to-date information available from the National Trade Union Registry (NTUR) regarding affiliation of the various workers' confederations and membership of their respective trade unions, including the number of workers affiliated; and
 - (b) the procedure followed to attempt to reach an agreement among the most representative workers' organizations and, if such an agreement was not reached, the objective and verifiable criteria established for the nomination of the Workers' delegation.

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18. In the report, which was submitted at the same time as the credentials of the Bolivarian Republic of Venezuela to the present session of the Conference, on 31 May 2019, the Government provided detailed information on the different initiatives undertaken for the purpose of designating the Workers' delegation.
19. *In light of the fact that the credentials of the Workers' delegate have again this year been the subject of an objection before the Committee, and that the Government's reply to the issues raised in the objection includes the elements contained in the monitoring report, the Committee has considered the substance of the monitoring report under the objection concerning the nomination of the Workers' delegate (paragraphs 66–72 below).*
20. *In light of the conclusions reached by the Committee on the objection concerning the nomination of the Workers' delegate and the fact that a Commission of Inquiry has been established pursuant to article 26 of the ILO Constitution in order to examine a complaint concerning non-observance by the Bolivarian Republic of Venezuela of the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), the Committee considers that it is necessary to renew the monitoring measures pending the outcome of that process. Consequently, it unanimously recommends to the Conference that it request the Government of the Bolivarian Republic of Venezuela, by virtue of article 26 quater and 26 bis(7) of the Conference Standing Orders, to submit for the next session of the Conference, at the same time that it submits its credentials for its delegation, a detailed report substantiated with relevant documentation on:*
- (a) objective evidence regarding the representativeness of all workers' organizations in the country; and*
 - (b) the procedure followed to attempt to reach an agreement among the most representative workers' organizations and, if such an agreement was not reached, the objective and verifiable criteria established for the nomination of the Workers' delegation.*

Objections

21. The Committee has received 12 objections this year. These relate both to the credentials of delegates and their advisers who were accredited to the Conference, as reflected in the *Provisional List of Delegations* published as a *Supplement to the Provisional Record* of 10 June 2019 and the *Revised Provisional List of Delegations* published on 14 June 2019, as well as to incomplete delegations. The Committee has completed the examination of all objections, which are listed below.

Objection concerning the nomination of the Workers' delegation of Comoros

22. The Committee received an objection presented by the *Confédération des travailleuses et des travailleurs des Comores* (CTTC) concerning the nomination of the Workers' delegation. The objecting organization indicated that upon the Government's invitation, it designated its delegation to the present session of the Conference on 17 May 2019, listing its Secretary-General as the delegate and four other persons as advisers. The CTTC alleged that the Government made unilateral modifications to the delegation, without any explanation, including removal of the Secretary-General.

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23. In a written communication addressed to the Committee at its request, the Government indicated that the CTTC had at first to be represented by its Treasurer given that the Secretary-General was out of the country. The Secretary-General had, however, subsequently been inserted into the delegation as the delegate upon his return. The Government further indicated that the social partners could not attend the Conference due to visa issues.
24. *The Committee requested further information from the CTTC as regards the visa issues, but received no reply. The Committee notes that the Secretary-General of the CTTC is now accredited as the delegate of the Workers' delegation. Under these conditions, the objection has become moot and calls for no further action.*

Objection concerning the nomination of the Workers' delegation of Djibouti

25. The Committee received an objection concerning the nomination of the Workers' delegation 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). The authors of the objection alleged that the Government had, once again, nominated representatives from fake unions ("clones") to participate in the present session of the Conference and which continued to usurp the name of the UDT and the UGTD. They argued that this situation demonstrated the Government's continued ignorance of the Committee's repeated conclusions. They also once again referred to a commitment that had yet to be respected that had been made by the Ministry of Employment, Insertion and Vocational Training to the Committee and to the Office concerning the respect of trade union rights, the reintegration of trade unionists and the payment of their wage arrears. They requested the Committee to take an effective and definitive decision with respect to the Workers' delegation of Djibouti.
26. The UDT and UGTD annexed to their objection a report concerning the trade union situation in Djibouti which reiterates most of the information provided on the occasion of the 107th Session (2018) of the Conference. The report provided, among others, that a mission to Djibouti had been organized by the Government for one representative of the International Trade Union Confederation (ITUC), but that the mission had been cancelled by the Government when the number of invited representatives went from one ITUC representative to additional trade unions' representatives. The report further indicated that the Government still prohibited the holding of congresses by the UDT and the UGTD, and that their affiliate unions were relentlessly repressed, leaving many to close down. The objecting organizations also annexed two communications from the *Confédération générale du travail – Force ouvrière* (CGT-FO) and the *Confédération générale du travail* (CGT), dated February and March 2019 respectively, drawing the attention of the French Government to the violation of trade union rights in Djibouti.
27. In a written communication addressed to the Committee at its request, the Government merely indicated that the UDT and the UGTD were the two trade union confederations in the country, that there was no *Intersyndicale* UDT-UGTD and that the authors of the objection possessed no legitimate union mandate. The Government reiterated that pending the determination of clear and objective criteria on representativeness allowing transparent social elections, the rotation mechanism agreed upon by the four main organizations of employers and workers – allowing social partners to be represented at the Conference through alternating the designation of either the delegate or the adviser – remained in effect. The Government expressed its concern at the allegations brought before the Committee on a yearly basis, which took the form of extremely virulent pamphlets. It renewed its request for ILO technical assistance, with a view to implementing the necessary reforms concerning the issue of trade union representativeness.

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28. *The Committee, once again, observes with serious concern that, notwithstanding its repeated and consistent conclusions and the monitoring measures renewed by the Conference at its previous sessions, for the 17th consecutive year an objection was lodged against the Government of Djibouti by the UDT and the UGTD concerning the nomination of the Workers' delegation.*
 29. *The Committee remains extremely concerned by the confusion that continues to reign regarding the situation of the Djiboutian trade union movement and, particularly, by the phenomenon of "clone unions" that continues to persist. It also notes with serious concern that the objecting organizations, supported by certain French trade union confederations, portray a trade union situation that continues to deteriorate, while the Government does not provide any satisfactory answer to the questions raised. Therefore the Committee once again expresses most serious doubts as to the representative nature of the Workers' delegation to the present session of the Conference. While deeply regretting that the proposed in-country mission organized by the ITUC in 2017 with the participation of other confederations had been cancelled by the Government, the Committee notes that the Government reiterated its request for technical assistance of the Office regarding the issue of trade union representativeness in Djibouti.*
 30. *In view of the above, the Committee once again calls upon the Government to facilitate a new in-country mission, in a very near future. It trusts that it will benefit from the full support of the Government and all the parties involved, and take due account of the observations and recommendations of the Credentials Committee as well as those of the ILO supervisory bodies. The Committee trusts that an assessment of the trade union movement will be made possible, in a climate of confidence, and in a framework that fully respects the capacity to act of the genuine workers' organizations in Djibouti, in total independence from the Government.*

Objection concerning the nomination of the Workers' delegation of India

31. The Committee received an objection presented by Mr Chandrasekharan, Vice-President of the Indian National Trade Union Congress (INTUC) and an ILO Governing Body member, concerning the nomination of the Workers' delegation. The objecting organization submitted that it had been excluded by the Government from participating in the present session of the Conference, as had already been the case at the two preceding sessions. It contended that INTUC was the largest trade union organization in the country, although the Government considered it was the Bharatiya Mazdoor Sangh (BMS). Under the ongoing membership verification process to determine the numerical strength of trade unions in the country as at 2011, INTUC had claimed a membership of 33.3 million workers, whereas BMS, the organization of the accredited Workers' delegate, claimed only 17.5 million members. This was, according to the author of the objection, the reason why the Government had continued to delay the release of the results of the verification process.
32. In a written communication addressed to the Committee at its request, the Government recalled its reply to the similar objection raised by INTUC at the last session of the Conference. It stated that it had nominated the Workers' delegate from BMS as the most representative workers' organization and advisers for other workers' organizations on the basis of the membership figures of the respective organizations as they resulted from the last two membership verification rounds. As regards INTUC, the Minister of State for Labour and Employment had in February 2018 invited the three factions of INTUC to resolve their internal leadership dispute. But as none of the factions accepted to give up their claim to representation of the original INTUC, it was decided to not give representation to INTUC in meetings held by the Ministry for Labour and Employment. The Government further clarified that, as last year, the legal dispute concerning factional disputes within INTUC

remained unresolved and was scheduled for further proceedings on 17 October 2019 before the High Court of Delhi.

33. *The Committee notes that this is the third objection lodged against the Government regarding the same situation and is disappointed that neither the question concerning the representativeness of the workers' organizations nor the leadership dispute within INTUC have been resolved. It is particularly concerned at the fact that the process of general verification of membership of central trade union organizations, based on figures of 2011, is still ongoing and has not yet yielded results, so that the only source of information on membership of those organizations remains the results of the previous membership verification process based on 2002 figures. The Committee calls upon the Government to step up its efforts to complete the ongoing verification process and to expeditiously release its results.*
34. *As regards the absence of INTUC representatives from the Indian delegation to the Conference, the Committee notes the reasons provided by the Government for INTUC's exclusion from participation in national and international tripartite fora. The Committee notes, however, that unlike last year, the Government has apparently not undertaken any new efforts this year to seek agreement between the three INTUC factions. In view of INTUC's uncontested status as one of the most representative workers' organizations, the Committee is of the view that the Government could have sought the factions' specific agreement on the designation of a common representative for inclusion in the Workers' delegation to this session of the Conference. Recalling that internal leadership issues within workers' organizations do not fall within the scope of its mandate, falling instead within the jurisdiction of national courts, the Committee expresses the hope that the legal dispute before the country's courts will be resolved in time for the consultations on the nomination of the Workers' delegation to the next session of the Conference. It trusts that the Government will ensure that the nomination of the Workers' delegation to future sessions of the Conference will be in full compliance with article 3(5) of the ILO Constitution.*

Objection concerning the nomination of the Workers' delegate of Libya

35. The Committee received an objection presented by the General Federation of Workers of Libya concerning the nomination of the Workers' delegate. The objecting organization alleged that the Government had nominated a person who had not been elected and was not affiliated to any trade union. It further indicated that no invitation to attend the Conference had been extended to it, and alleged that this was linked to the Government's recent attempts to interfere in trade union affairs.
36. In a written communication addressed to the Committee at its request, the Government mentioned that it had always collaborated with the workers' organizations in nominating the Workers' delegation to the Conference. The Government stated that the pluralism of workers' unions in the country created obstacles for themselves and that it had attempted to unify those unions, but it could not interfere with their processes. It noted that different Arab and international legal texts dealing with the representation of workers at international conferences referred to the principle of the most representative organization.
37. *The Committee notes the succinct indications contained in the Government's response. It recalls that the Government must, pursuant to the terms of article 3(5) of the ILO Constitution, nominate the non-governmental delegations in agreement with the most representative employers' and workers' organizations in the country. Several most representative organizations may exist in one country and, in such cases, the Government must aim to effect an agreement among them.*

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38. *Consequently, where several representative organizations exist, governments must take them all into consideration when proceeding to the nomination of a delegation and, ideally, obtain the agreement of all the most representative among them. However, while both the government and the organizations concerned should strive to achieve such an agreement, where agreement cannot be reached among the most representative organizations, the government must assess, based on objective and verifiable criteria, which organization (or group of organizations submitting a common proposal) is the most representative. The Employers' and Workers' delegates and advisers will have to be chosen in agreement with such most representative organization.*
39. *The Committee notes that the Government has not replied to the Committee's specific questions as to the consultations undertaken with the most representative organizations for the purpose of nominating the Workers' delegate to the Conference. It must therefore assume that the Government has entirely ignored its obligations under article 3(5) of the ILO Constitution. While these facts would justify the invalidation of the credentials of the Workers' delegate, the Committee will not propose such invalidation this year, taking into account that this is the first time that the situation has been brought to the attention of the Committee in the case of Libya, and trusting that the Government will take account of the Committee's conclusions and nominate the Workers' delegation to the next session of the Conference in full conformity with the terms of article 3(5) of the ILO Constitution.*

Late objection concerning the nomination of the Workers' delegation of Libya

40. The Committee received an objection concerning the nomination of the Workers' delegation of Libya presented by the Organization of African Trade Union Unity (OATUU) on behalf of the *Union nationale des travailleurs de Libye* (UNTL), alleging the lack of consultation on the nomination of the Workers' delegation to the present session of the Conference.
41. *This objection, dated 11 June 2019, was not received by the Credentials Committee until 13 June 2019, at 12.55 p.m., well after the expiry of the time limit established for the present session of the Conference (48 hours from 10 a.m. of the first day of the Conference (Provisional Record No. 1, paragraph 7), i.e. 12 June 2019 at 10 a.m.). The Committee notes that this objection would have been late even had the usual 72-hour time limit established by article 26 bis(1)(a) of the Standing Orders of the Conference been applicable (this deadline would have expired on 13 June at 10 a.m.). The Committee considers that the objection is time-barred and thus not receivable.*

Objection concerning the nomination of the Workers' delegation of Madagascar

42. The Committee received an objection presented by the *Confédération générale des syndicats des travailleurs de Madagascar* (FISEMA) concerning the nomination of the Workers' delegation. The objecting organization alleged that they had expressly informed the Government that a person named Florine Razanarisoa is usurping the name of FISEMA and must not be accredited. Despite this information, the Government accredited Ms Razanarisoa as a Workers' adviser.
43. In a written communication addressed to the Committee at its request, the Government explained that on 19 April 2019, it had invited the most representative workers' organizations to designate their representatives. The SEKRIMA – one of the most representative organizations – responded the same day indicating that according to the internal procedure of their federation – through the Conference of the Malagasy Workers (CMT) – it is the SEKRIMA's turn to designate the delegate supported by the Government.

Acting on behalf of the CMT, the SEKRIMA informed the Government verbally of the names of the Worker representatives. That included Ms Razanarisoa as a representative of FISEMA. The Government explained that given the urgency, it accredited the Workers' delegation as nominated by the SEKRIMA. It had subsequently received an objection letter from FISEMA, but the credentials of the delegation had already been submitted. The Government, however, decided to cancel the travel of Ms Razanarisoa. It considered that this person was no longer part of the Malagasy delegation and pointed out that she was not attending the Conference. The Minister supposed that the issue related to an internal conflict within FISEMA.

44. *The Committee notes the explanations provided by the Government. The Committee further notes that the Office has received on 14 June 2019 a Note Verbale instructing it to remove the name of Ms Razanarisoa from the delegation of Madagascar. As Ms Razanarisoa is no longer accredited, the objection has become moot and calls for no further action.*

Late objection concerning the nomination of a Workers' adviser of Madagascar

45. The Committee received an objection presented by Mr Razafindraibe Harinony Lucien on behalf of the National Council of the *Syndicat général maritime de Madagascar* (SYGMMA). The author of the objection alleged that the Workers' adviser, Mr Basola Ful Soma Nomenjanahary, was not the Secretary-General of the SYGMMA and had recently been convicted of the offence of usurping title and functions. He refers to a previous communication on this issue, dated 19 April 2019.
46. *This objection was received by the Credentials Committee on 17 June 2019 at 7.22 p.m., well after the expiry of the time limit established for the present session of the Conference (48 hours from 10 a.m. of the first day of the Conference (Provisional Record No. 1, paragraph 7), i.e. 12 June 2019 at 10 a.m.). The Committee notes that this objection would have been late even had the usual 72-hour time limit established by article 26 bis(1)(a) of the Standing Orders of the Conference been applicable (this deadline would have expired on 13 June at 10 a.m.).*
47. *The Committee however notes that the objection refers to a previous communication from Mr Razafindraibe Harinony Lucien received by the Office on 19 April 2019, opposing in a general manner and preventatively any nomination of Mr Basola to the present session of the Conference, as well as to any other activity of the ILO. In this regard, the Committee wishes to recall, as it did in the past (see Provisional Record No. 5C, 2015, 104th Session, paragraph 118), that for objections to be receivable, they must contest either the inclusion/exclusion of a particular person's or persons' name(s), or their function(s), as published in the Provisional List of Delegations or Revised Provisional List of Delegations or, at least, in a preliminary list published by the Office before the opening of the Conference. The Committee cannot examine an objection submitted preventatively before any credentials have been deposited and published, in the eventuality that a particular person may or may not be nominated. The Committee therefore considers that the communication of 19 April 2019 was not receivable as an objection; and that the present objection is time-barred and thus not receivable.*

Objection concerning the nomination of the Employers' delegation of Nicaragua

48. The Committee received an objection presented by the Employers' group of the Conference concerning the nomination of the Employers' delegation. The authors of the objection submitted that the Government had unilaterally nominated a representative of the *Asociación*

de Promoción al Desarrollo y Sostenibilidad de Nicaragua (APRODESNI) as Employers' delegate and a representative of the Consejo Nicaragüense de la Micro, Pequeña y Mediana Empresa (CONIMIPYME) as adviser without the agreement of the Consejo Superior de la Empresa Privada (COSEP), which was the most representative organization of employers in Nicaragua. The Government had failed to fulfil its obligations under article 3(5) of the ILO Constitution to nominate non-governmental delegates and advisers in agreement with the most representative employers' and workers' organizations, respectively. The Employers' group alleged that the Government's decision to exclude COSEP was taken in retaliation to the position taken by the country's employers' denouncement of serious human rights violations committed in the context of social protests in Nicaragua in 2018.

49. In a written communication addressed to the Committee at its request, the Government indicated that, on 26 April 2019, it had invited for consultations all employers' and workers' organizations, including APRODESNI, CONIMIPYME and COSEP. The Government provided a copy of COSEP's acknowledgment of receipt of invitation. On 29 April 2019, the consultations took place but were not attended by COSEP. The Government stated that the medium-sized enterprises, which were the majority of enterprises in the country, were affiliated to APRODESNI and CONIMIPYME and one other organization, while the employers' chambers affiliated to COSEP, represented other enterprises, but no majority.
50. *The Committee notes that it has not received clear information as to the criteria used by the Government to determine the representativeness of the employers' organizations. The Government has limited itself to stating that COSEP group's enterprises are not the majority in the country. The Committee observes that the nomination of the Employers' delegate at previous sessions of the Conference does not provide any more indications. At the 107th Session (2018) of the Conference, the Employers' delegate was nominated from an organization not represented in the current Employers' delegation; from 2013–16 the Government failed to nominate any Employers' delegate; and, in the four preceding years (2009–12), the Employers' delegate to the Conference was nominated from COSEP.*
51. *In light of the foregoing, the Committee highlights the importance of possessing sufficiently clear and objective criteria and data on representativeness and, in this regard, wishes to recall that whenever several most representative organizations exist in one country, the government must, pursuant to the terms of article 3(5) of the ILO Constitution, aim to effect an agreement among them.*
52. *The Committee notes that the Government does not deny that COSEP is one of the most representative employers' organizations of the country, even if it may not be the single most representative one. It considers that the obligation of a government to seek to effect agreement among the most representative organizations on the appointment of the Employers' delegation to the Conference is not limited to issuing a single invitation to a consultation meeting. The Government should have undertaken additional efforts to ensure that the appointment of the Employers' delegation to the Conference was effected through agreement among the most representative employers' organizations. The Committee trusts that, in the future, the Government will actively seek agreement among the most representative employers' organizations to ensure a nomination process that is fulfilled in compliance with article 3(5) of the ILO Constitution.*

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

53. The Committee received an objection presented by the International Trade Union Confederation (ITUC) concerning the nomination of an incomplete delegation on the Employers' and the Workers' side by the Government of Tajikistan. The ITUC submitted

that the Government had not fulfilled its obligation under article 3(1) of the ILO Constitution to accredit a complete delegation to the Conference. It requested the Committee to call upon the Government to provide explanations about this situation and that it recommend to the Government that it fulfil its constitutional obligations.

- 54.** *The Committee deeply regrets that the Government has, as last year, not responded to its request for information, nor has it accredited a fully tripartite delegation. The Committee recalls that at the 2006, 2008, 2009, 2011, 2012, 2015 and 2018 sessions of the Conference, Tajikistan was exclusively represented by the Government, while at the 2010, 2013, 2014, 2016 and 2017 sessions of the Conference, Tajikistan was not represented at all. At the present session of the Conference, Tajikistan is represented exclusively by two Government delegates and one adviser from the Permanent Mission in Geneva. In this regard, the Committee recalls that, while a government has the ability to assure its representation through its diplomatic mission, this is not the case for the Employers' or Workers' delegations. While noting that the Government stated in 2015 (Provisional Record No. 5C, 104th Session, 2015, paragraph 69) that it had failed to accredit a tripartite delegation due to financial constraints, the Committee must express its deepest concern at the fact that Tajikistan has not been represented by a complete delegation – or not seen represented at all – for a period of 12 consecutive years and deeply regrets its apparent lack of engagement in addressing this situation.*
- 55.** *The Committee reminds member States of their obligation under article 3(1) of the ILO Constitution to nominate tripartite delegations to the Conference. To this end, it calls on member States to make serious efforts and to ensure that fully tripartite delegations are accredited to sessions of the Conference. By sending a delegation that is exclusively governmental, a government deprives the employers and workers of the country of their right of being represented in the highest policymaking body of the ILO and to participate in its work. Without the participation of government, employer and worker representatives, the Conference cannot function properly or attain its objectives.*
- 56.** *The Committee deplores the Government's continued failure to fulfil its constitutional obligations and expects it to send a fully tripartite delegation to the Conference next year.*

Objection concerning the nomination of the Employers' delegate of Tonga

- 57.** The Committee received an objection presented by the Employers' group of the Conference concerning the nomination of the Employers' delegate from Eastern District Council, Inc. The authors of the objection alleged that in making this nomination, the Government had ignored the Tonga Chamber of Commerce and Industry (TCCI), which was the most representative organization of independent employers on social and labour issues. In support, it stated that the TCCI had been incorporated in 1996 and provided documents for the purpose of demonstrating the TCCI's legal status, structure and functioning. Moreover, the TCCI had been included in the delegation of Tonga to the Conference in 2016 and it met all the requirements of the Pacific Islands Private Sector Organization (PIPSO) for recognition as the most representative employers' organization. Despite several requests from the TCCI, the Government had unilaterally and without prior consultation replaced the TCCI with an organization that represented only a small part of enterprises in the country. The Employers' group considered that the Government had failed to nominate non-governmental delegates and advisers in agreement with the most representative industrial organizations, as required by article 3(5) of the ILO Constitution.
- 58.** In a written communication addressed to the Committee at its request, the Government explained that since it had become an ILO member State in 2016, it had attended the Conference twice (2016 and 2017). On the first occasion, its tripartite delegation included

an Employers' delegate from the TCCI as it was considered the more visible employers' organization. On the second occasion, following the establishment of the first Tonga National Tripartite Consultation Committee (TNTCC), the designation of representatives of employers and workers was referred to it and the TCCI was once again nominated. In 2019, as part of ongoing labour regulatory reforms, a new legal tripartite body had been proposed that aimed at strengthening the inclusion of social partners, including by widening the scope of representation to both those in the informal and formal sectors. In view of those ongoing reforms, the Government had selected the Eastern District Council, Inc., as it represented and supported over 200 growers and handicraft producers in 22 communities (villages) in the Eastern District of Tongatapu and as it provided employment for a significant number of men, women and youths from these communities. As a significant percentage of the country's economic activities were in the informal sector and the Government's priorities were focused on its development with a view to enabling growth and transition to formality, this year's nomination was intended to permit the establishment of networks and awareness-raising on international labour issues. The nomination was also aimed at permitting the rotation of participants from social partners of different sectors so as to facilitate the promotion of ILO activities at the national level.

59. *The Committee recalls the obligation that all governments have, under article 3(5) of the ILO Constitution, to nominate non-governmental delegates and advisers chosen in agreement with the most representative employers' or workers' organizations, as the case may be, in their respective countries. The Committee observes that despite two prior nominations of TCCI representatives as Employers' delegate, no consultations took place this year with TCCI for the purpose of nominating the Employers' delegate. Rather, the Government without consultation unilaterally nominated a representative of another entity, on the basis that the Government had sought to permit it networking opportunities and increase its exposure to international labour issues. While the Committee notes these explanations, it wishes to stress that there can be no proper nomination of an Employers' delegate without consultation with the most representative organizations in the country. In this connection, the Committee notes that the TCCI's representative character has not been called into question by the Government. The Committee further recalls that a system of rotation cannot be imposed unilaterally by governments and can only serve as a method for nomination if the most representative organizations in the country have so decided in agreement among themselves.*
60. *The Committee concludes that the Government's process for nomination has been incompatible with its obligations set forth under article 3(5) of the ILO Constitution and that the nomination of the Employers' delegate is flawed. It therefore expects that the nomination of the Employers' delegation to future sessions of the Conference will be made in full compliance with article 3(5) of the ILO Constitution and recalls that the Office's technical assistance is at the Government's disposal.*

Objection concerning the nomination of the Workers' delegation of Tunisia

61. The Committee received an objection presented by the *Confédération générale tunisienne du travail* (CGTT), challenging its exclusion from the Workers' delegation for an additional consecutive year. The objecting organization submitted that, notwithstanding the conclusions of the Credentials Committee at the 107th Session (2018) of the Conference, it had not been consulted on the nomination of the Workers' delegation, contrary to article 3 of the ILO Constitution. The organization further stated that it had not only been excluded by the Government from participating in the Conference, but also referred to a number of long-standing issues such as its exclusion from collective bargaining and social dialogue, which constituted manifest violations of freedom of association and trade union pluralism. The objecting organization also indicated that in February 2019, the Administrative Appeal

Court of Tunis had recognized trade union pluralism and granted the CGTT the rights and benefits related to its status as a trade union organization.

- 62.** In a written communication addressed to the Committee at its request, the Government submitted that there were eight representative workers' organizations (UGTT, UTT, CGTT, OTT, LTT, FT, USTT and UTJT). The Government stated that, in May 2019, it had received representatives of the CGTT as well as of the *Union des travailleurs tunisiens* (UTT) and the *Union syndicale des travailleurs tunisiens* (USTT), and that the participation in the work of the present session of the Conference was on the agenda of the meetings. The Government, however, stated that it regretted the position of some trade union organizations that had refused to participate in the consultations held in May 2018 on the elaboration of criteria for trade union representativeness. In the absence of consensus between the workers' organizations attending the meetings for the participation of the present session of the Conference, the Government had no choice but to apply the principle of the most representative trade union organization. The Government further indicated that the organizations that were not part of the Workers' delegation had only recently been created and had a poor geographic and sectoral coverage. The refusal of some of them to participate in consultations on trade union representativeness was due to the fact that they were convinced that any objective criteria that might be agreed upon would not work in their favour, at least for the time being. Moreover, these organizations were facing internal divisions, as evidenced by the problem of leadership within the CGTT.
- 63.** *The Committee notes the Government's statement that given the lack of agreement among the trade union organizations, it decided to apply the criteria of the most representative organization and thus to nominate representatives from the Union générale tunisienne du travail (UGTT). However, the Committee observes that the Government did not provide precise information concerning the conduct of the consultations and the organizations invited to participate, which could give credit to the allegations of lack of consultation put forward by the objecting organization. When several representative organizations exist, a government has to seek the agreement of all of them by ensuring the establishment of genuine consultation procedures. Only when such procedures do not bring about agreement among the organizations, the government must decide, in good faith, and based on objective and verifiable criteria, which organizations should be considered as the most representative.*
- 64.** *The Committee also observes that, even if some consultations took place in May 2018 concerning the elaboration of criteria for trade union representativeness, the process has not been completed and therefore there is still no evidence that the UGTT is the only most representative workers' organization and that the other organizations have limited coverage and cannot represent significant currents of opinion and sectors.*
- 65.** *In any event, the Committee emphasizes, as it did at the preceding two sessions of the Conference, the importance of clarifying the situation of representativeness among the workers' organizations in the country. In this respect, the Committee wishes to recall the long-standing recommendation by the Committee on Freedom of Association to the Government to set clear and pre-established criteria for trade union representation in consultation with the social partners (see ILO: Committee on Freedom of Association, 378th Report, Case No. 2994, paragraphs 773 and 774(b)). The Committee therefore expects that the Government will continue its efforts towards the development of objective and verifiable criteria, so that a true picture of the trade union situation in the country may emerge. The Committee expects that the Government will actively seek agreement among the workers' organizations to ensure a nomination process for the next session of the Conference that is transparent and fully consultative, in compliance with article 3(5) of the ILO Constitution.*

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

66. The Committee received an objection concerning the nomination of the Workers' delegate, presented by Mr José Elías Torres, Secretary-General of the *Confederación de Trabajadores de Venezuela* (CTV). The author of the objection alleged that the CTV continued to be the most representative workers' organization in the country and that by unilaterally nominating the Workers' delegate from the ranks of a pro-Government organization, the *Central Bolivariana Socialista de Trabajadores y Trabajadoras de la Ciudad, el Campo y de la Pesca* (CBST), the Government had violated its obligations under article 3(5) of the ILO Constitution. The author of the objection recalled the criticism expressed since 2003 by the Committee with regard to the nomination of the Workers' delegation and noted that the Government had thus far failed to provide the information requested by the Committee with respect to the representativeness of all workers' organizations in the country and the procedure followed to attempt to reach an agreement among such organizations. The author of the objection alleged that this year again, the Government limited itself to simply calling a meeting to appoint a Workers' delegate based on its own interests, in which the CTV decided not to participate. The author of the objection recalled that as the most representative organization, the CTV had, until the coming to power of the current regime, participated in the sessions of the Conference and in the Governing Body meetings. The author of the objection requested the Committee to urgently recommend to the Conference that it invalidate the credentials of the Workers' delegate at the earliest opportunity.
67. In a written communication addressed to the Committee at its request, the Government reiterated the information submitted in the monitoring report on the different initiatives undertaken for the purpose of designating the Workers' delegation to the present session of the Conference. The Government provided copies of its communication of 18 February 2019 seeking an agreement among the workers' organizations. The Government indicated that only two organizations, the CBST and the *Central Unitaria de Trabajadores de Venezuela* (CUTV) acknowledged receipt of this communication. The Government provided copies of a second call which was issued to all the organizations on 22 April 2019, but which remained unanswered. It also provided copies of the proposal received from the CBST on 14 May 2019, including, in addition to the CBST, representatives of the *Central de Trabajadores y Trabajadoras Alianza Sindical Independiente* (ASI), the CTV, the CUTV, the *Confederación General de Trabajadores* (CGT), the *Confederación de Sindicatos Autónomos de Venezuela* (CODESA) and the *Unión Nacional de Trabajadores de Venezuela* (UNETE). The Government mentioned that, in a telephone conversation, Mr Wills Rangel, the President of the CBST indicated that in drawing up the proposal, the ASI, CUTV and CTV had been consulted and that, while it had been impossible to reach the representatives of the CGT, CODESA and UNETE, the other organizations had been in favour of their inclusion in the delegation. The Government provided copies of a subsequent communication convening a meeting on 22 May 2019 with all the workers' organizations included in the proposal of the CBST in order to confirm the composition of the Workers' delegation. The Government also provided copies of the attendance record and minutes of that meeting attended by the CBST, ASI and CUTV and indicated that no objections were raised with regard to the CBST's proposal. In its report, the Government further stated that its subsequent attempts to meet with Mr José Elías Torres, the Secretary-General of the CTV, as well as with the Legal Adviser of the CGT and the Executive Secretary of CODESA, proved unsuccessful. The Government provided copies of its communication of 28 May 2019 informing all the workers' organizations of the accreditation of the Workers' delegation based on the single proposal received from the CBST and noting its readiness to proceed to any modifications should an objection be raised.
68. The Government emphasized that Mr José Elías Torres from the CTV, who had been accredited as Workers' adviser, had not opposed the composition of the Workers' delegation

only to request his removal therefrom once the credentials had been submitted. The Government noted that Mr Torres had operated in the same way last year which suggested that he acted with political interest and bad faith. In this regard, it recalled that in 2001, the CTV had organized illegal protests together with the *Federación de Cámaras y Asociaciones de Comercio y Producción de Venezuela* (FEDECAMARAS) in order to overthrow the democratically elected Government. More recently, in March 2019, Mr Torres met Mr Juan Guaidó with a view to organizing mass strikes in the public sector. The Government suggested that by not responding to the Government's communications concerning the appointment of the Workers' delegation to the present session of the Conference, the CTV had sought to demonstrate its disregard for the Government of Mr Maduro.

- 69.** As regards representativeness, the Government noted that according to the NTUR, as at 30 April 2019, the CBST had 29 affiliate federations and was comprised of 1,221,987 workers. It was followed by CODESA with ten affiliates (federations and trade unions) and 1,829 workers, last updated on 19 May 2006; the CUTV with 11 affiliates (federations and trade unions) and 1,569 workers, last updated on 21 January 1987; the CTV with 25 affiliates (federations and trade unions) and 574 workers, last updated on 31 March 2017; the CGT with six affiliates (federations and trade unions) with 37 workers, last updated on 29 April 2005; and UNETE with one affiliate (a federation) with seven workers, last updated on 5 April 2003. It noted that the data regarding these organizations was not up to date for failure of these organizations to abide by section 388 of the Basic Labour Act requiring each workers' organization to submit within the first three months of each calendar year a completed list of its workers' affiliates and information related to its internal administration. In light of the conclusions of the Credentials Committees of the last session of the Conference and of the 19th American Regional Meeting (Panama City, 2–5 October 2018), the Government had informed each of the organizations of the process of registration and updating of information in the NTUR, and had extended the deadline for the submission of the required information by 30 days, but to no avail. The Government therefore believed that by not updating their information in the NTUR and at the same time bringing cases before the Credentials Committee, the workers' organizations acted in bad faith. The Government also noted that currently, there were internal leadership issues within the CTV that had led Mr Torres to initiate legal proceedings before the Supreme Court of Justice and that the internal elections within the CTV ordered by the Court had yet to take place. The Government disagreed with the qualification of the CBTS as pro-governmental and denied that it had unilaterally appointed the Workers' delegation.
- 70.** *The Committee notes that, while the Government undertook steps with a view to seeking agreement among the workers' organizations on the appointment of the Workers' delegation to the present session of the Conference, only the CBST submitted a proposal to that effect. The Committee regrets that dialogue between the Government and several workers' organizations has entirely broken down and that, once again, the composition of the Workers' delegation is not the result of a consensus among all the workers' organizations. This could not be healed by the unilateral nomination of a Workers' adviser without his and his organization's consent. The Committee recalls that, in the absence of an agreement between organizations, in order to ensure that the nomination of the Workers' delegation is made in accordance with article 3(5) of the ILO Constitution, it is essential that the Government establish and apply objective and verifiable criteria and provide adequate means to objectively determine the most representative nature of the organizations concerned.*
- 71.** *The Committee regrets that this year again, the Government has failed to provide verifiable and up-to-date information regarding the representativeness of the organizations concerned. While under section 388 of the Basic Labour Act, it is the obligation of each workers' organization to provide updated information to the NTUR, the Committee notes that the same provision also requires unions to provide the list of their members to the*

NTUR. In this regard, the Committee refers to the comments repeatedly made by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) concerning the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), by the Bolivarian Republic of Venezuela and recalls that the Government may request technical assistance from the Office on this matter.

72. *In light of the foregoing and of the considerations set out in paragraph 20, the Committee decides to recommend the renewal of the monitoring measures as set out in the same paragraph.*

Complaints

73. The Committee also received and dealt with five complaints, which are listed below.

Complaint concerning the non-payment of travel and subsistence expenses of the Workers' delegation by the Government of Afghanistan

74. The Committee received a complaint in accordance with articles 5 and 26 ter of the Standing Orders of the Conference, submitted by the International Trade Union Confederation (ITUC) concerning the non-payment of travel and subsistence expenses of the Workers' delegate, Mr Maroof Qaderi from the National Union of Afghanistan Workers and Employees (NUAWE). The complainant organization alleged that the presidential order issued for the participation of Mr Qaderi to the Conference stated that the NUAWE would have to pay for Mr Qaderi's costs. The Workers' delegate had arranged his own travel to Islamabad for visa processing purposes and he had not received any financial assistance from the Government. Further, according to the complainant organization, the NUAWE's bank account was still frozen since the forced closure of its offices in April 2018, despite the commitment expressly undertaken last year by the Government to resolve these issues. The complainant organization urged the Committee to call upon the Government to provide clarifications and to immediately cover the travel and subsistence expenses of the Workers' delegate. The ITUC further alleged that the Government had refused to accredit the adviser to the Workers' delegate requested by the NUAWE and had thus failed to comply with its obligations under article 3(5) of the ILO Constitution. Finally, the complainant organization alleged a serious and manifest imbalance between the number of Government and Workers' advisers, which resulted in the inability for the Workers' delegation to cover the different items of the agenda.
75. Clarifications on the complaint were provided orally at the request of the Committee by representatives of the Permanent Mission of Afghanistan in Geneva. The Government stated that after meeting with ITUC, a Government decree was promulgated authorizing the payment of travel and subsistence expenses for all members of the tripartite delegation, including the Workers' delegate. The payment and the travel arrangements were processed by the Ministry of Labour and Social Affairs, which had provided the air tickets, but no information was available as to the form in which the payment of the other expenses were effected or the date of payment. The Government stated that the travel and subsistence expenses were covered for all members of the tripartite delegation in the same amount, but, due to financial constraints, only for a period of three days. Therefore, the Government's participation at the Conference was also limited. The Government apologized for not having provided a written response to the Committee's request and reassured the Committee that it took its constitutional obligations seriously. It committed to providing documentary evidence to support its statements. In a written communication addressed to the Committee, the Permanent Mission added that the Government was aware that the current leadership of the NUAWE was contested by certain union members before the judicial authorities. There

was an agreement with Mr Qaderi to seek a long-term solution involving a congress at which a new leadership would be elected. For that purpose, the bank accounts would be unblocked. Both parties also agreed to seek ILO assistance to support a process of transformation of the NUAW. As regards the payment of expenses of the Workers' delegation, in the communication it was regretted that a difference of interpretation of the relevant presidential decree may have been at the origin of the complaint. The Government was completing the necessary administrative steps to implement its commitment to equally reimburse the expenses of the entire delegation.

- 76.** *The Committee regrets that the Government has not responded timely to its request for written information or fulfilled its commitment to provide documentary evidence to support its statements. The Committee considers that such lack of cooperation with the Committee casts doubts on the Government's willingness to put an end to the recurrent issues concerning the payment of the expenses of its Workers' delegation, considering that this is the third consecutive year it receives a complaint relating to the failure of the Government to fulfil its obligation to pay travel and subsistence expenses of the Workers' delegate and adviser.*
- 77.** *The Committee takes note of the Government's declaration that it covered the payment of travel and subsistence expenses of all members of the tripartite delegation, including that of the Workers' delegate, but that such expenses were paid only for a period of three days. The Committee recalls that it has clarified at the two preceding sessions of the Conference, when it examined complaints concerning Afghanistan, that article 13(2)(a) of the ILO Constitution requires governments to bear the expenses necessary for a member State's tripartite delegation to be present in Geneva for the whole duration of the Conference. The Committee takes note of the Government's statement regarding the limited capacity of its own delegation to participate in the work of the Conference. It recalls, however, that even in the event of limited participation of some of its delegates from the capital, the Government still has the ability to assure its representation through a diplomatic mission. The same cannot be said for employers' and workers' organizations. To the extent that the Government has failed to meet its obligations to cover the Workers' delegate's subsistence expenses for the whole duration of the current session of the Conference, the Committee decides to uphold the complaint and expects that the Government will remedy the situation swiftly in this regard and comply at least with its minimal constitutional obligations to cover the expenses of a complete tripartite delegation for the full duration of the Conference.*
- 78.** *Insofar as the complaint alleges inobservance by the Government of its obligations under article 3(5) of the ILO Constitution by failing to nominate the Workers' adviser requested by the NUAW, the Committee recalls that while this provision obliges the Government to seek the agreement of the most representative workers' organization(s) on the nomination of Workers' adviser(s), the Government has no obligation to nominate such adviser(s), as follows from article 3(2) of the Constitution, under which delegates "may" be accompanied by advisers.*
- 79.** *Insofar as the complaint alleges a serious and manifest imbalance between the number of Government and Workers' advisers, the Committee recalls that it considers that there is a general principle, deriving from the very principle of tripartism and the composition of delegations to the International Labour Conference as envisaged by article 3 of the ILO Constitution, which requires governments to send delegations to the Conference which do not present a serious and manifest imbalance as between its three parts, so that Government, Employers and Workers have a comparable ability to actively participate in the work of the Conference. The Committee observes that according to the Revised Provisional List of Delegations of 14 June 2019, the Government has accredited six advisers (including three from the Permanent Mission in Geneva) as opposed to one for the Workers' delegate. In consequence, in the absence of any justification from the Government for this composition*

of the Afghan delegation, the Committee considers that a manifest imbalance exists in this delegation between the number of accredited Government and Workers' advisers. It hopes that the Government will at future sessions nominate more Workers' advisers so as to permit the workers of Afghanistan to more actively participate in the work of the Conference.

Complaint concerning partial payment of the travel and subsistence expenses of the Workers' delegate by the Government of Armenia

80. The Committee received a complaint presented by the International Trade Union Confederation (ITUC) alleging the partial payment of the travel and subsistence expenses for the Workers' delegate, in breach of article 13(2)(a) of the ILO Constitution. The ITUC submitted that the Government only covered the accommodation costs of the Workers' delegate for a two-day duration. The ITUC further alleged a serious and manifest imbalance in the composition of the delegation, as the Government delegation included six advisers and substitute delegates while the Workers' delegate had no adviser.
81. *The Committee regrets that the Government has not responded to its request for information. In the absence of a reply, the Committee may decide to examine the complaint giving credence to the allegations of the complainant organization.*
82. *The Committee recalls that payment of subsistence expenses of non-governmental delegates for less than the entire length of the Conference is incompatible with article 13(2)(a) of the ILO Constitution, which requires the government to cover the expenses of a tripartite delegation for the entire duration of the Conference. To the extent that the Government has failed to meet its obligations to cover the Workers' delegate's expenses for the whole duration of the current session of the Conference, the Committee decides to uphold the complaint and urges the Government to meet its obligations for this and for future sessions of the Conference.*
83. *Insofar as the complaint alleges a serious and manifest imbalance in the composition of the delegation, the Committee recalls that it considers that there is a general principle, deriving from the very principle of tripartism and the composition of delegations to the International Labour Conference as envisaged by article 3 of the ILO Constitution, which requires governments to send delegations to the Conference which do not present a serious and manifest imbalance as between its three parts, so that government, employers and workers have a comparable ability to actively participate in the work of the Conference. The Committee observes that the Government has accredited six advisers and substitute delegates (including four from the Permanent Mission in Geneva) for its part, but none for the Workers' delegate. The Committee also notes that the situation appears to be the same for the Employers' delegate. In the absence of any justification provided by the Government for this composition of the delegation, the Committee considers that a manifest imbalance exists in the delegation between the number of accredited Government advisers on one side, and the Workers' and Employers' delegates on the other side. It hopes that the Government will at future sessions nominate a tripartite delegation that is more balanced, so as to permit the workers and employers of Armenia to more actively participate in the work of the Conference.*

Complaint concerning the non-payment of travel and subsistence expenses of the Workers' delegate by the Government of Kyrgyzstan

84. The Committee received a complaint presented by the International Trade Union Confederation (ITUC) alleging the non-payment of travel and subsistence expenses of the

Workers' delegate in breach of article 13(2)(a) of the ILO Constitution. The ITUC alleged that while the Government had invited the Federation of Trade Unions (FTU) to nominate a Worker representative, it had informed the FTU that it would be unable to pay for the Workers' delegate's travel and subsistence allowances. Consequently, the Workers' delegate was participating at the present session of the Conference at his own expense. The ITUC requested that the Committee call upon the Government to provide further clarifications and to fulfil its constitutional obligations.

85. *The Committee regrets that the Government has not responded to its request for information and recalls that, in the absence of a reply, the Committee may decide to examine the complaint giving credence to the allegations of the complainant organization. The Committee notes that of the preceding six sessions of the Conference, the Government has only once (2017) accredited a fully tripartite delegation (in 2013 and 2014 its delegation was exclusively governmental; in 2015, 2016, and 2018 it failed to accredit any delegation). While the Committee notes the Government's present efforts to accredit a fully tripartite delegation, it recalls the Government's obligation under article 13(2)(a) of the ILO Constitution and article 26 ter(1)(a) of the Conference Standing Orders to cover at least the expenses of the titular delegates of the employers and workers. The Committee trusts that the Government will continue to fulfil its constitutional obligations to send full delegations to future sessions of the Conference. The Committee further trusts that the Government will meet its duty to cover the travel and subsistence expenses of the Workers' delegate for the entire duration of the present session of the Conference and, in the future, the Government will comply with its constitutional obligations in this respect.*

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

86. The Committee received a complaint presented by two Employers' advisers and four Workers' advisers alleging that the Government had not covered the travel and subsistence expenses for the Employers' and Workers' delegations.
87. Clarifications on the complaint were provided orally at the request of the Committee by Mr Jean Masasu Lufufu, Secretary-General of the Ministry of Labour, Employment and Social Welfare, and Government delegate at the Conference. He was accompanied by Ms Thérèse Tshibola Tshia Kadiebwé, Minister Counsellor at the Permanent Mission in Geneva, and by several Government advisers. While admitting that the payment was delayed, he indicated that the expenses of the persons involved had been covered and that the Government would submit documentary evidence to the Committee confirming that it had fulfilled its constitutional obligations in this respect.
88. *The Committee regrets that the Government did not provide timely information in writing on the allegations in reply to its initial communication, particularly in view of the seriousness of the allegations, even more considering the statement of the Government in its form for depositing credentials that it would cover the expenses of nine employers and nine workers. The Committee also regrets that the allegations of the complaint lacked precision, as it was not clear whether the complaint referred to the whole Employers' and Workers' delegations, or only to the situation of advisers or to some of them, and as the complaint had only been signed by six advisers representing only a few organizations whose members were accredited at the Conference.*
89. *The Committee notes that the two Government delegates are accompanied by 16 advisers, who have all registered. The Employers' delegate and the Workers' delegate are respectively accompanied by eight advisers who have also registered. The Committee notes*

that the Government confirmed orally that it had covered the travel and subsistence expenses for the whole tripartite delegation and that it would submit the corresponding documentary evidence the day after the hearing before 10 a.m. It regrets that the Government was not able to meet the commitment made to the Committee during the hearing and limited itself to indicate in a brief communication received after the deadline that the relevant documentation would be provided upon the return of the delegation to their country. The Committee regrets that due to the lack of documentary evidence, doubts remain as to the effective payment of the expenses of the delegations. It expects that the Government will promptly confirm that the payment has been made and will ensure that the financial means available for the participation of a tripartite delegation to future sessions of the Conference will be distributed in due time between the Government, the Employers' and the Workers' delegations, in order for them to participate in the work of the Conference in the best possible conditions.

90. *In light of this case, the Committee wishes to emphasize that the allegations by complainants should be drafted clearly and precisely and that it is important that governments make every effort to respond to allegations swiftly and completely, when so requested by the Committee.*

Complaint concerning the non-payment of the travel and subsistence expenses of the Workers' advisers of the Bolivarian Republic of Venezuela

91. The Committee received a complaint filed in accordance with articles 5 and 26 ter of the Standing Orders of the Conference presented by the *Unión Nacional de Trabajadores de Venezuela* (UNETE), a member of the *Alternativa Sindical de las Americas* (ADS). The UNETE alleged that the Government had again failed to pay the travel and subsistence expenses of the Workers' advisers, with the exception of those from within the ranks of the pro-governmental *Central Bolivariana Socialista de Trabajadores y Trabajadoras de la Ciudad, el Campo y la Pesca* (CBST) and whose members were disproportionately represented in the Workers' delegation. The authors of the complaint submitted that the Government had thereby limited the participation of the accredited Workers' advisers from organizations other than the CBST to the present session of the Conference. They considered that the Government's systematic failure, for more than two decades to comply with its obligations under the ILO Constitution and the Standing Orders of the Conference, indicated that it lacked political will to correct its actions.
92. In a written communication addressed to the Committee at its request, the Government stated that it had covered the payment of the travel and subsistence expenses of the Employers' delegate and the Workers' delegate and of the three members of the Government delegation from the capital. The Government submitted that the decision to cover the travel and subsistence expenses of only a part of the tripartite delegation was due to the political and economic difficulties its country faced. It noted that the presence of the three members of the Government delegation from the capital had been rendered necessary by the preparations for the forthcoming visit of the Commission of Inquiry as well as by the fact that the country was on the preliminary list of member States invited to appear before the Committee on the Application of Standards. The Government noted that insofar as the other members of the Government delegation came from the Permanent Mission, no travel and subsistence expenses had been incurred in their respect. The Government denied that the CBST was pro-governmental and recalled that all the registered workers' organizations had been invited by the Government to reach agreement on the composition of the Workers' delegation to the present session of the Conference.
93. *The Committee notes that the Government has complied with its minimum obligation under article 26 ter(1)(a) of the Conference Standing Orders to cover the travel and subsistence expenses of its titular delegates. With regard to paragraph 1(b) of the same article, the*

Committee notes that according to the Revised Provisional List of Delegations of 14 June 2019, the Government has accredited an Employers' delegate and a Workers' delegate, both with seven advisers and substitute delegates. However, it has only paid for the travel and subsistence expenses of the Employers' delegate and the Workers' delegate. According to the Government, the non-payment of participation costs of the full tripartite delegation is due to financial difficulties. However, the Committee observes that the Government delegation is composed of two delegates and four advisers and substitute delegates. While noting that three members of the Government delegation come from the Permanent Mission in Geneva and that they therefore did not incur travel and subsistence expenses, the Committee observes that article 26 ter(1)(b) of the Standing Orders compares the number of Employers' or Workers' advisers whose expenses have been covered with the number of advisers appointed for the Government delegates, no matter whether they incur travel and subsistence expenses. Moreover, unlike governments, employers' and workers' organizations do not have the ability to assure their representation through a diplomatic mission. The Committee therefore finds that there is a serious and manifest imbalance in this case between the number of Workers' advisers whose expenses have been covered and the number of advisers appointed for the Government delegates.

- 94.** *The Committee wishes to recall that the ability of the social partners to actively participate in the work of the Conference depends to a large extent on the number of advisers that accompany their delegates to the Conference. To expect that the Employers' and Workers' advisers attend the Conference at their own or their organizations' expense while the Government pays for the travel and subsistence expenses of the Government advisers is incompatible with article 13(2)(a) of the ILO Constitution which requires member States to pay the travel and subsistence expenses of the delegates and their advisers nominated to the Conference. Therefore, the Committee urges the Government to act accordingly so as to meet its obligations.*

Communications

- 95.** The Committee received six communications this year.

Communication concerning the Workers' delegation of Chile

- 96.** The Committee received a communication presented by the *Central Autónoma de Trabajadores de Chile* (CAT) concerning the nomination of Mr Caceres, a Worker representative of CAT accredited as "other person attending the Conference". The CAT submitted that the Government designated the Worker representative unilaterally, without consulting it.
- 97.** In a written communication addressed to the Committee at its request, the Government denied the CAT's allegations and stated that it had consulted the CAT before nominating the Workers' delegation. The Government submitted a letter dated 17 May 2019, bearing the signature of the President of the CAT, designating Mr Caceres as the CAT's representative for the Conference.
- 98.** *The Committee recalls that according to article 5(2) of the Conference Standing Orders, it is competent to examine any objection relating to the credentials of delegates and their advisers. As this communication concerns the nomination of a representative accredited as "other person attending the Conference", it falls outside the scope of the Committee's mandate in respect of objections. Nonetheless, the Committee wishes to recall that the nominations of representatives of the social partners, even those that do not have an official*

function under the Standing Orders of the Conference, must in no case be made unilaterally, without consulting the social partners.

Communication concerning the Workers' delegation of Colombia

99. The Committee received a communication presented by the *Confederación de Trabajadores de Colombia* (CTC), the *Confederación del Trabajo* (CGT), and the *Central Unitaria de Trabajadores* (CUT) on behalf of one of its affiliated organizations, the *Asociación Colombiana de Aviadores Civiles* (ACDAC), regarding the status of Mr Juan Manuel Giraldo Angel in the delegation. The authors of the communication sought clarifications from the Government regarding the role and function of Mr Giraldo Angel whose name appeared as both an Employer and Worker representative within the country's tripartite delegation as per the *Provisional List of Delegations* that was published on 10 June 2019. Within the Employers' delegation, Mr Giraldo Angel was listed as a labour committee member of the *Asociación Nacional de Empresarios de Colombia* (ANDI) and within the Workers' delegation he was listed as a representative of SINTRAVA – both times under the category of “other person attending the Conference”. The Minister of Labour's resolution on the configuration of the tripartite delegation to the present session of the Conference indicated that he was the President of the *Asociación de Pilotos de Avianca* (ADPA) and should have been included in the Workers' delegation as “support staff”. As it was incompatible for an individual to possess dual functions as a representative of both Employers and Workers, the authors of the communication submitted that such a designation was neither in good faith nor in conformity with the rules of the Conference. They also questioned whether Mr Giraldo Angel was a genuine Worker representative, as he was not a member of SINTRAVA, as the ADPA was not affiliated with any federation or confederation, and as until recently he had been a representative of his employer (Avianca).
100. In a written communication addressed to the Committee at its invitation, the Government provided detailed explanations. It stated that on the occasion of the ILO's Centenary, many employers' and workers' organizations had expressed their interest in participating at the Conference, bringing its total accredited delegation to more than 270 persons, among which 220 were workers. Unfortunately, each organization had transmitted its list separately, thus creating confusion that led to the multiple accreditation of the same person. The Government therefore sent a request for correction of its error, dated 11 June 2019. In respect of the ADPA, the Government submitted its official registration for the purpose of demonstrating that the ADPA was a workers' organization of which Mr Giraldo Angel was the President. The Government rejected allegations of having failed to comply with its obligations under the ILO Constitution and rather considered that it had been generous with those workers' organizations that had expressed their interest in this historic session of the Conference.
101. *The Committee notes that revisions to the credentials of the Colombian delegation were made on no less than ten occasions since their initial deposit on 20 May 2019 and despite the Committee's repeated recommendation to keep such last-minute modifications to their delegations to a minimum (see, at this session, First report of the Credentials Committee, Provisional Record No. 3B, paragraph 5). The Committee further notes that through a communication dated 11 June 2019 and received by the secretariat on 12 June, the Government corrected its credentials. Thus, while the Revised Provisional List of Delegations of 14 June 2019, indicates that Mr Giraldo Angel's name no longer appears on the list, he remains accredited within the Workers' delegation as support staff with the indication, President, Asociación de Pilotos de Avianca (ADPA). The Committee considers that greater care should have been taken to avoid an individual from appearing in two different groups creating a situation that appeared to be incompatible with tripartism and impeding the free and independent functioning of the groups. As the error has been corrected and, as in accordance with article 5(2) of the Conference Standing Orders, the Committee's*

competence is limited to the examination of objections relating to the credentials of delegates and their advisers – among which Mr Giraldo Angel has never been accredited – the Committee considers that this communication calls for no action on its part.

- 102.** *The Committee notes excessively large delegations, such as the one of Colombia with 275 individuals as of 19 June 2019, may not only lead to confusion with respect to the accreditation of participants, but as highlighted in the Committee's First Report (see, Provisional Record No. 3B, paragraphs 28 and 29) may also create challenges to the efficient functioning of the Conference.*

Communication concerning the Workers' delegation of Iraq

- 103.** The Committee received a communication from the General Federation of Iraqi Trade Unions (GFITU) concerning the Workers' delegation. The GFITU stated that it did not represent all trade unions and federations in the country, and encouraged the participation of other active Iraqi trade unions to the Conference to consolidate trade union rights and freedoms in Iraq.
- 104.** The Government has not provided any comment on the substance of the communication.
- 105.** *The Committee notes that the Workers' delegate is from the GFITU, as well as, it seems, other members of the Workers' delegation, and that no objection has been filed concerning the Workers' delegation of Iraq. The Committee therefore considers that the communication calls for no further action on its part.*

Communications concerning the Employers' delegation of the Bolivarian Republic of Venezuela

- 106.** The Committee received two communications concerning the Employers' delegation, presented separately, one by Mr Orlando Camacho, President of the *Federación de Artesanos, Micros, Pequeñas y Medianas Industrias y Empresas* (FEDEINDUSTRIA) and the other by Ms Eloína Pérez Di Giácomo, the Employers' delegate to the present session of the Conference. Mr Camacho alleged that the *Federación de Cámaras y Asociaciones de Comercio y Producción de Venezuela* (FEDECAMARAS) had excluded the representatives of FEDEINDUSTRIA from the Employers' delegation on the basis of the alleged lack of representativeness of that organization. He recalled that the determination of representativeness was a matter for the Government to decide and that, in the absence of such a determination, it was only fair that the Employers' delegation be composed of representatives of both organizations. He requested the Committee to proceed to the accreditation of two representatives of FEDEINDUSTRIA to the present session of the Conference. The Employers' delegate, a representative of FEDECAMARAS, confirmed that her organization, which was the most representative employers' organization in the country, had indeed refused to include representatives of FEDEINDUSTRIA because of the lack of representativeness of that organization owing to its scarce membership and its political ties to the Government.
- 107.** *The Committee notes that, insofar as neither communication objected to the credentials of any delegate or adviser of the Employers' delegation or alleged the failure by the Government to deposit credentials of an Employers' delegate, and did not therefore call into question the compliance by the Government with its constitutional obligations to accredit a fully tripartite delegation and to nominate the Employers' delegate and advisers in agreement with the most representative organizations, the matter falls outside of the*

Committee's mandate as set forth in article 5 of the Standing Orders of the Conference. It is equally beyond the competence of the Committee to proceed to any accreditations to the Conference. Therefore, the Committee considers that the communications call for no further action on its part.

Communication concerning the delegation of the Bolivarian Republic of Venezuela

- 108.** The Committee received on 14 June 2019 a diplomatic communication addressed to the secretariat of the International Labour Conference by the Permanent Mission of the United States to the United Nations and other international organizations in Geneva. In this communication, the Government of the United States stated that the United States had joined more than 50 nations in recognizing Interim President Juan Guaidó as the only legitimate President of the Bolivarian Republic of Venezuela. The members of the delegation of the Bolivarian Republic of Venezuela at the 108th Session (2019) of the International Labour Conference represented the illegitimate regime of Nicolás Maduro and thus did not speak on behalf of the Venezuelan people. It further stated that the participation of representatives of the former Maduro regime at the 108th Session (2019) of the Conference did not imply, and should not be considered, as a tacit acknowledgement of that regime nor of its appointed representatives.
- 109.** *The Committee notes that, insofar as the communication challenges the legitimacy of the representatives of the Bolivarian Republic of Venezuela at the Conference, no objection to the credentials of any delegates or advisers has been filed pursuant to article 5(2)(a) of the Standing Orders of the Conference within the 48-hour time limit from 10 a.m. of the first day of the Conference provided for under article 26 bis(1)(a) of the Standing Orders as modified by the Conference at its first sitting (Provisional Record No. 1, paragraph 7). The Committee considers, therefore, that the communication calls for no action on its part.*

Communication concerning imbalanced delegations, non-represented member States and incomplete delegations

- 110.** The Committee received a communication submitted by the Employers' group of the Conference concerning imbalanced delegations, non-represented member States and incomplete delegations. The Employers noted with concern that several delegations showed imbalance between the number of Employers' and Workers' advisers, that two Members had accredited an exclusively governmental delegation and one Member a delegation comprising a Workers' delegate but no Employers' delegate. In addition, the Employers' group noted that 11 Members had not accredited any delegation. It considered that at its Centenary, the ILO should dispose of means to encourage governments to fully respect the spirit of the Constitution of the ILO and the Standing Orders of the International Labour Conference, as well as tripartism in general. It was suggested that this could be achieved through a revision of the Standing Orders of the Conference and restrictions to voting rights of governments that do not respect their obligations.
- 111.** *The Committee recalls that the issues raised by the Employers' group have been long-standing concerns for the Committee and, more generally, for the Conference as the ILO's supreme tripartite governance organ. Over the years, these issues have been thoroughly examined, mainly by the Governing Body, and measures have been adopted, often at the initiative of the Credentials Committee.*
- 112.** *Regarding the question of imbalanced delegations, the Committee recalls that, at the 98th Session (2009) of the Conference, it examined cases of delegations which comprised a*

considerable number of Government advisers but no Workers' adviser, which made them fall outside of the scope of complaints under article 26 ter(1)(b) of the Standing Orders. The Committee considered that the very principle of tripartism and the composition of delegations to the International Labour Conference as envisaged by article 3 of the ILO Constitution required Members to accredit delegations which did not present a serious and manifest imbalance as between its three parts and, through the Conference, requested the Governing Body to consider possible measures to improve the situation in this regard. The Governing Body examined the question at its 307th (March 2010), 309th (November 2010) and 312th (November 2011) Sessions, including the possibility of extending the Committee's mandate to specific submissions based on alleged tripartite imbalance in a delegation, which was favoured by the Committee. It eventually did not approve any amendments to the Standing Orders of the Conference but requested the Office to continue awareness-raising activity with governments on the question, to keep the question under review and to report relevant future developments to the Governing Body, keeping in mind, as the developments may justify, the possibility of amending the Conference Standing Orders in order to extend the mandate of the Credentials Committee to submissions alleging tripartite imbalance.

- 113.** *As regards the question of incomplete delegations, the Committee recalls that its mandate was extended, at its initiative, in 2004, to permit it to examine objections relating to a government's failure to deposit credentials of an Employers' or Workers' delegate (article 5(2)(a) of the Standing Orders). The purpose was to facilitate more effective monitoring, during the sessions of the Conference, of the reasons for a government's failure to comply with its obligation to send a full tripartite delegation to the Conference. The Committee notes that it has since then been seized of objections under this provision at almost each session of the Conference and has reached conclusions stressing the fundamental importance of the accreditation of fully tripartite delegations for the proper functioning of the Conference. In addition, under decisions taken in 1971 and 1978, as follow-up to the 1971 Conference, the resolution concerning the strengthening of tripartism in the over-all activities of the ILO, the Governing Body requested the Director-General to carry out inquiries concerning the extent of, and the reasons for, failure to send complete tripartite delegations to sessions of the General Conference, Regional Meetings and Industrial Committees, as well as other tripartite meetings of the ILO, and to report to the Governing Body. The results of the last inquiry carried out under this mandate were submitted to the Governing Body at its 323rd Session (March 2015) together with a thorough analysis of the issues and trends, and figures for the period June 2014 to June 2017 were presented at its 331st Session (November 2017).*
- 114.** *As to the Employers' group's suggestion that compliance with the obligation to nominate fully tripartite and balanced delegations to the Conference could be enforced through restrictions to the right to vote of governments that do not respect their obligations, the Committee considers that this matter falls outside its mandate.*
- 115.** *In spite of the different discussions held and measures adopted over the years, as recalled above, the Committee remains concerned that there is still no universal compliance by Members with respect to their obligation to accredit fully tripartite and balanced delegations to the Conference. In particular, the continued occurrence of incomplete delegations, which negates the most basic principle of ILO tripartite governance, warrants perseverance in the search of possible solutions. Therefore, while the Committee appreciates the measures taken and other attempts made in the past to monitor and improve the situation, it calls upon the Office to keep the question under review, with a view to facilitating further reflection on it in the Credentials Committee and, as developments may justify, in the Governing Body.*

Other matters

- 116.** The Committee recalls that, in accordance with paragraph 2(g)(ii) of the resolution concerning the strengthening of tripartism in the over-all activities of the International Labour Organisation adopted by the Conference at its 56th Session (1971), member States are requested, when depositing the credentials of their delegations, to confirm that the travel and subsistence expenses of the Employers' and Workers' delegates and their advisers are in fact being borne by the member State. The information provided by Members this year shows that 27 governments have not undertaken to pay any of the expenses of their Employers' or Workers' delegations and 30 governments cover the expenses partially. Moreover, in a considerable number of the cases of partial payment, an important imbalance is evident between the Government delegates and advisers, on the one hand, and the Employers' and Workers' delegates and advisers, on the other hand, whose expenses are covered. Sometimes the imbalance reaches extreme proportions, for example, in one case, 63 Government representatives, one Employer and two Workers.
- 117.** The Committee is gravely concerned at the lack of compliance by governments with their obligation to cover the costs of their delegations pursuant to article 13(2)(a) of the Constitution, as it transpires from this information. At the same time, it recalls that its mandate to examine complaints, while limited, fully addresses the type of situations highlighted above. In fact, under article 26 ter(1)(a) and (b) of the Conference Standing Orders, the Committee examines cases where a government has not undertaken to pay the expenses of a tripartite delegation composed of at least two Government delegates, an Employers' delegate and a Workers' delegate; or where there exists a serious and manifest imbalance between the number of Employers' or Workers' advisers whose expenses have been covered and the number of advisers appointed for the Government.
- 118.** In light of the above, the Committee draws attention to the fact that it has received only five complaints this year. It considers that the information on governments' commitments to cover the expenses of their delegations collected under the 1971 Conference resolution should in the future be shared with the secretariats of the Employers' and Workers' groups of the Conference at the beginning of the Conference so that they may examine it and, in appropriate cases, take action under articles 5(2)(b) and 26 ter of the Conference Standing Orders on the basis of article 13(2)(a) of the ILO Constitution.

- 119.** 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 10, 16 and 20.

Geneva, 20 June 2019

(Signed) Mr Isaiah Kirigua,
Chairperson

Mr Fernando Yllanes Martínez

Ms Amanda Brown

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

| | 1) | 2) | 3) | 4) | 5) | 6) |
|--------------|------------|------------|------------|-------------|------------|------------|
| Total | 340 | 154 | 160 | 1242 | 476 | 667 |

