



NINETEENTH ITEM ON THE AGENDA

**Report of the Director-General**

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## I. Obituaries

### Mr. Edilbert Razafindralambo

1. The Director-General announces with deep regret the death, on 3 June 2006 in Antananarivo, Madagascar, of Mr. Edilbert Razafindralambo, former member and Reporter of the Committee of Experts on the Application of Conventions and Recommendations and former member of the ILO Administrative Tribunal.
2. Born on 3 October 1921 at Antananarivo, Madagascar, Mr. Razafindralambo entered university in Paris while still very young, graduating from the Sorbonne in 1949 before going on to study law. In 1955, he obtained his doctorate in law and was called to the Paris bar, of which he was a member from 1948 to 1960. He had a strong attachment to his country and returned to it in 1961 to take up the position of Substitute Prosecutor-General at the Court of Appeal, subsequently becoming Advocate-General and President of the Chamber of Cassation of the Supreme Court in 1962. For many years, he also taught at the Law Faculty of the University of Madagascar in Antananarivo and at the Malagasy Institute for Judiciary Studies (Institut d'Etudes Judiciaires Malgache). In the course of a brilliant career he assumed the highest positions of the judiciary in Madagascar, becoming a distinguished President of the High Court of Justice before his appointment as first President of the Supreme Court of Madagascar.
3. In addition to his activities at the national level, he travelled abroad on missions on several occasions in order to negotiate international agreements on behalf of his country. His remarkable legal talents combined with an exceptional perspicacity were quickly recognized at the regional and international levels and, as a result, he was called on to assume further responsibilities. Within the region, he was a distinguished judge at the Community Court of Justice of the Economic Community of West African States (ECOWAS) and Substitute President of the Staff Appeals Committee of the African Development Bank. His appointment in July 1964 as a member of the Committee of Experts on the Application of Conventions and Recommendations marked the beginning of a remarkable career as an international jurist which led him subsequently to take up senior positions at the International Centre for Settlement of Investment Disputes, at the International Civil Aviation Organization, as a member of the International Council of Commercial Arbitration, as a member of the International Court of Arbitration of the International Chamber of Commerce, as a judge on the ILO's Administrative Tribunal, and as Vice-President of the United Nations International Law Commission. He was appointed to lead a United Nations International Commission of Inquiry in Burundi, in which capacity he reported on his conclusions to the Security Council in July 1996.
4. Mr. Razafindralambo made a considerable mark on the work of the Committee of Experts, of which he was a member for some 40 years from July 1964 to June 2004 and Reporter for 35 years. Everyone who had the privilege of knowing him or serving with him on the Committee of Experts or Administrative Tribunal, on which he served from 1982 to 1992, will remember a brilliant and generous individual of profound humanity who worked tirelessly throughout his life for the causes in which he believed. A man of high intelligence and wide culture, he managed to remain close to his roots and to his country, where he chaired a number of forums right up until the end of his life.
5. *The Governing Body will no doubt wish to request the Director-General to convey its sympathy to the family of Mr. Edilbert Razafindralambo and to the Government of Madagascar.*

**Mr. Abraham Julio Galer**

6. The Director-General announces with deep regret the death, on 22 July 2006 in Buenos Aires, of Mr. Abraham Julio Galer, former representative of the Government of Argentina on the Governing Body.
7. Born on 21 January 1925 in Córdoba, Argentina, Mr. Galer entered the Institute of Languages of the National University of Córdoba in 1939 and graduated from that institution in 1943. In February 1959, he joined the ILO as a member of the Editorial and Translation Division. After working from April 1962 to June 1968 in the Field Service Division responsible for technical cooperation, he became Deputy Director of the Regional Office in Lima, Peru, in July 1968, a move which marked a turning point in his very distinguished career with the ILO. For the next 15 years, in the senior capacity entrusted to him within the Organization, he made tireless efforts to strengthen relations between the ILO and his home region of Latin America.
8. Between August 1973 and April 1974, he was Departmental Programme Officer in the Conditions of Work and Life Department, before joining the Director-General's office on 1 May 1974 and assuming particular responsibility for relations with the ILO's constituents in Latin America, technical cooperation, decentralization and the International Programme for the Improvement of Working Conditions and Environment. On 17 November 1978, he took over the running of the Lima Regional Office in Peru as Assistant Director-General for Latin America and the Caribbean. On returning to Geneva, he acted as Special Adviser to the Director-General between September and December 1983 before being appointed, on 1 January 1984, to the post of Director of the International Centre for Advanced Technical and Vocational Training, Turin, with the grade of Assistant Director-General. During the five years of his mandate as Director of the Turin Centre, he made outstanding efforts to strengthen relations between the Centre and the ILO's member States.
9. On 31 July 1987, Mr. Galer retired, but immediately embarked on a new career working for the Government of Argentina in a manner very much in keeping with his previous activities at the international level. Between 28 September 1987 and 5 July 1989, he was Assistant Secretary for Labour and Social Security at the Ministry of Labour. In that capacity, he became a member of the National Peace Commission and of the Argentine Council for International Relations, as well as attending a number of meetings sponsored by the ILO in Latin America. It was also in that capacity that he represented the Government of Argentina on the ILO's Governing Body, of which he was a member for four sessions between February 1988 and March 1989, and at the International Labour Conference in June 1988. With a wealth of experience of the international scene and the world of work, he went on for many more years to contribute to various organizations such as the Industrial Relations Association in Argentina, and was the author of a number of publications<sup>1</sup> which showed his deep knowledge of the international environment.
10. His uncompromising commitment to the social values defended by the ILO, exceptional political acumen and rare sensitivity to human and historical situations, will long be remembered by all those who had the privilege of knowing him during his very distinguished career with the ILO or serving with him on the ILO's executive bodies. He was a man of humanity and talent, a gifted diplomat, and someone who, throughout his

<sup>1</sup> *La Intervención del Estado en las relaciones industriales en la década de los 80* (State intervention in industrial relations during the 1980s); *Necesidad y posibilidad de las Naciones Unidas: la organización de las Naciones Unidas* (Necessity and possibility of the United Nations: The organization of the United Nations); *La Argentina en la Organización Internacional del Trabajo* (Argentina in the International Labour Organization).

life, whether within the ILO or when representing the Government of Argentina in various international forums, sought competently, effectively and devotedly to find answers to the concerns of the ILO's constituents, especially in his home region of Latin America. The honours awarded to him by various countries<sup>2</sup> testify to the high regard and gratitude he inspired among all who came into contact with him.

- 11. *The Governing Body will no doubt wish to request the Director-General to convey its sympathy to the family of Mr. Abraham Julio Galer and to the Government of Argentina.***

## **II. Composition of the Organization**

- 12.** Article 1, paragraph 3, of the Constitution and article 27 of the Standing Orders of the International Labour Conference provide that a Member of the United Nations may become a Member of the International Labour Organization by communicating to the Director-General its acceptance of the obligations of the Constitution.

### **Entry of the Republic of Montenegro**

- 13.** After the Declaration of Independence adopted by the National Assembly of the Republic of Montenegro on 3 June 2006, the name "Republic of Serbia" is to be used instead of the name "Serbia and Montenegro".
- 14.** By a letter dated 11 July 2006 and received on 14 July 2006, the Government of the Republic of Montenegro, which has been a Member of the United Nations since 22 June 2006, communicated to the Director-General its formal acceptance of the obligations of the Constitution of the International Labour Organization.
- 15.** The Republic of Montenegro accordingly became the 179th Member State of the ILO on 14 July 2006.

## **III. Progress in international labour legislation**

### **Ratifications of Conventions and Protocols to Conventions**

- 16.** Since the preparation of the document submitted to the 295th Session of the Governing Body, the Director-General has registered the following 58 ratifications of international labour Conventions, bringing the total number of ratifications registered on 31 August 2006 to 7,415.<sup>3</sup> In addition, two ratifications of Protocols have also been registered.

<sup>2</sup> Grand Officer of the Order "El Sol de Perú", and Commander of the Order of the Italian Republic; Mr. Galer was also a member of the Brazilian Order of Merit of Labour.

<sup>3</sup> This figure includes the cancellation of the registration of the ratifications by Australia of the Hours of Work and Manning (Sea) Convention, 1936 (No. 57), the Wages, Hours of Work and Manning (Sea) Convention, 1946 (No. 76), the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (No. 93), and the Wages, Hours of Work and Manning (Sea)

## **Albania**

*Ratification registered on 18 January 2006:*

Social Security (Minimum Standards) Convention, 1952 (No. 102)

*Ratification registered on 4 August 2006:*

Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168)

## **Algeria**

*Ratifications registered on 6 June 2006:*

Workers' Representatives Convention, 1971 (No. 135)

Occupational Safety and Health Convention, 1981 (No. 155)

Safety and Health in Construction Convention, 1988 (No. 167)

Private Employment Agencies Convention, 1997 (No. 181)

*Ratification registered on 27 June 2006:*

Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)

## **Argentina**

*Ratification registered on 26 June 2006:*

Safety and Health in Agriculture Convention, 2001 (No. 184)

*Ratification registered on 31 July 2006:*

Home Work Convention, 1996 (No. 177)

## **Armenia**

*Ratifications registered on 27 January 2006:*

Weekly Rest (Industry) Convention, 1921 (No. 14)

Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)

Migration for Employment Convention (Revised), 1949 (No. 97)

Holidays with Pay Convention (Revised), 1970 (No. 132)

Minimum Age Convention, 1973 (No. 138)

Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

Convention (Revised), 1958 (No. 109), which were announced in the document submitted to the Governing Body at its 294th Session.

**Azerbaijan**

*Ratification registered on 17 July 2006:*<sup>4</sup>

Seafarers' Identity Documents Convention (Revised), 2003 (No. 185)

**Belize**

*Ratification registered on 9 November 2005:*

Maternity Protection Convention, 2000 (No. 183)

**Bosnia and Herzegovina**

*Ratification registered on 11 July 2006:*

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

**Brazil**

*Ratification registered on 18 May 2006:*

Safety and Health in Mines Convention, 1995 (No. 176)

*Ratification registered on 19 May 2006:*

Safety and Health in Construction Convention, 1988 (No. 167)

**Bulgaria**

*Ratification registered on 3 April 2006:*

Workers with Family Responsibilities Convention, 1981 (No. 156)

**Cambodia**

*Ratification registered on 14 March 2006:*

Worst Forms of Child Labour Convention, 1999 (No. 182)

**Central African Republic**

*Ratifications registered on 5 June 2006:*

Hygiene (Commerce and Offices) Convention, 1964 (No. 120)

Employment Policy Convention, 1964 (No. 122)

<sup>4</sup> Prior to this ratification, the Director-General registered, on 10 April 2006, a notification of provisional application of Convention No. 185, communicated by the Government of Azerbaijan, in accordance with Article 9 of the Convention.

Minimum Wage Fixing Convention, 1970 (No. 131)

Human Resources Development Convention, 1975 (No. 142)

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

Labour Administration Convention, 1978 (No. 150)

Occupational Safety and Health Convention, 1981 (No. 155)

Termination of Employment Convention, 1982 (No. 158)

## **China**

*Ratification registered on 12 January 2006:*

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

## **Latvia**

*Ratifications registered on 2 June 2006:*

Forced Labour Convention, 1930 (No. 29)

Minimum Age Convention, 1973 (No. 138)

Worst Forms of Child Labour Convention, 1999 (No. 182)

## **Lebanon**

*Ratification registered on 26 April 2006:*

Chemicals Convention, 1990 (No. 170)

## **Liberia**

*Ratification registered on 7 June 2006:*

Maritime Labour Convention, 2006

## **Lithuania**

*Ratifications registered on 14 July 2006:*

Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)

Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976



**Republic of Moldova**

*Ratifications registered on 28 August 2006:*

Maternity Protection Convention, 2000 (No. 183)

Seafarers' Identity Documents Convention (Revised), 2003 (No. 185)

**Netherlands**

*Ratification registered on 17 January 2006:*

Medical Care and Sickness Benefits Convention, 1969 (No. 130)

**Norway**

*Ratification registered on 27 April 2006:*

Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976

**Pakistan**

*Ratification registered on 6 July 2006:*

Minimum Age Convention, 1973 (No. 138)

**Portugal**

*Ratification registered on 2 June 2006:*

Part-Time Work Convention, 1994 (No. 175)

**Qatar**

*Ratification registered on 3 January 2006:*

Minimum Age Convention, 1973 (No. 138)

**Saint Vincent and the Grenadines**

*Ratification registered on 25 July 2006:*

Minimum Age Convention, 1973 (No. 138)

**Slovenia**

*Ratification registered on 2 February 2006:*

Collective Bargaining Convention, 1981 (No. 154)

## **Suriname**

*Ratifications registered on 12 April 2006:*

Private Employment Agencies Convention, 1997 (No. 181)

Worst Forms of Child Labour Convention, 1999 (No. 182)

## **Syrian Arab Republic**

*Ratification registered on 14 June 2006:*

Chemicals Convention, 1990 (No. 170)

## **Ukraine**

*Ratifications registered on 1 March 2006:*

Minimum Wage Fixing Convention, 1970 (No. 131)

Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173)

## **Vanuatu**

*Ratifications registered on 28 July 2006:*

Equal Remuneration Convention, 1951 (No. 100)

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Seafarers' Identity Documents Convention (Revised), 2003 (No. 185)

*Ratifications registered on 28 August 2006:*

Forced Labour Convention, 1930 (No. 29)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Abolition of Forced Labour Convention, 1957 (No. 105)

Worst Forms of Child Labour Convention, 1999 (No. 182)

## **Declaration concerning the application of a ratified Convention**

The Director-General registered on 26 January 2006 the declaration communicated by Sweden, pursuant to Article 16, paragraph 2, of the Labour Statistics Convention, 1985 (No. 160), according to which the Government accepts the obligations in respect of Article 11 of the Convention. This new declaration implies the acceptance of all the Articles of Part II of the Convention.

## Notification

The Director-General registered on 12 January 2006 the following notification from the Government of China concerning the application of the international labour Convention to the Hong Kong Special Administrative Region:

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

*Not applicable.*

## Denunciations of Conventions

### ***Australia***

The Director-General registered on 20 January 2006 the denunciation by Australia of the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85).

The text of the communication concerning the denunciation by Australia of Convention No. 85 reads as follows:

In 1997, the International Labour Conference adopted a Constitutional amendment which would allow the abrogation or repeal of any ILO Convention that had “lost its purpose” or that “no longer made a useful contribution” to attaining ILO objectives. While this amendment has not yet come into effect, Australia accepted it in October 2001. In this context, the Australian Government decided to review the ILO Conventions ratified for Australia with a view to identifying those that were obsolete. Analysis revealed that Convention No. 85 fell into this category.

Australia’s ratification of this Convention has had no practical effect, as the Convention was subsequently declared by Australia to be inapplicable to Norfolk Island, and therefore Australia has not been required to report to the ILO on its implementation. If at some future date the subject of this Convention (labour inspection) was to become applicable to Norfolk Island, consideration would be given to amending the declaration relating to Norfolk Island under ILO Labour Inspection Convention, 1947 (No. 81) (which has been ratified by Australia).

There are only four other ratifying States of Convention No. 85, and the ILO no longer promotes ratification of Convention No. 85.

#### *Consultation*

In accordance with the provisions of ILO Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), the Australian Government consulted with representative organizations of employers and of workers concerning the proposal to denounce Convention No. 85. The Australian Chamber of Commerce and Industry and the Australian Council of Trade Unions both indicated support for the proposal.

### ***Netherlands***

The Director-General registered on 17 February 2006 the denunciation by the Netherlands of the Dock Work Convention, 1973 (No. 137).<sup>5</sup>

<sup>5</sup> Under its 2004 report on the application of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), the Government of the Netherlands indicated that the organizations of workers and employers were consulted in written form on the proposal to denounce Convention No. 137.

## Declaration concerning the application of a Convention regarding a non-metropolitan territory (article 35 of the Constitution)

The Director-General registered on 10 May 2006 the following declaration from the Government of the Netherlands concerning the application of an international labour Convention to Aruba:

Dock Work Convention, 1973 (No. 137)

### *Termination of the acceptance of the obligations of the Convention*

The text of the communication concerning the termination of the acceptance of the obligations of Convention No. 137 reads as follows:

There has been no change in the situation concerning Aruba in practice as well as rule of law. Aruba has reported on Convention No. 137 in 1992 and there have been no changes since.

Aruba does not comply with the provisions of Article 3 of the Convention regarding the registration of employees and privileged status and keeps no registration of dockworkers. All employees working in the harbour of Aruba are either government employees or full-time employees of a private company. There are no seasonal workers. Furthermore, there are no plans for modernization of the harbour as stated in the Convention.

Regardless of the denunciation of Convention No. 137, there are other Conventions providing protection for dockworkers as is the case in Conventions Nos. 2, 17, 42, 81, 95, 105, 106, 118, 121, 122, 131 and 135.

As per Article 5, paragraph 1(e), of Convention No. 144, consultation of the social partners is needed when debating the possibility of denouncing a Convention. Please be advised that said consultation has taken place and that a majority of the members of the Committee on International Affairs have agreed with the denunciation of Convention No. 137.

## Ratifications/acceptances of the Instrument for the Amendment of the Constitution of the International Labour Organization, 1997

Since the preparation of the document submitted to the 295th Session of the Governing Body, the Director-General has received the following ratifications and acceptations of the instrument:

Benin	ratification	15 February 2006
Guinea-Bissau	acceptance	18 August 2006
Guyana	ratification	11 May 2006
Mauritania	acceptance	25 January 2006
Philippines	ratification	26 January 2006
Suriname	acceptance	12 April 2006
Viet Nam	acceptance	15 May 2006

The total number of ratifications and acceptances is now 89, including six by States of chief industrial importance.

## IV. Internal administration

**17.** Article 4.2(d) of the Staff Regulations states:

Vacancies in the Director and Principal Officer category shall be filled by the Director-General by transfer in the same grade, promotion or appointment. Such promotions or appointments, other than to vacancies in technical cooperation projects, shall be reported to the Governing Body with a short statement of the qualifications of the persons so promoted or appointed.

**18.** The following appointments and promotions are accordingly reported to the Governing Body:

**Ms. Azita Berar Awad (Islamic Republic of Iran)**

Appointed Director of the Employment Policy Department with effect from 1 April 2006. Promotion to D.1 was reported to the Governing Body in November 1999.

**Mr. Duncan Campbell (United States)**

Appointed Director of the Policy Integration Department with effect from 1 April 2006. Promotion to D.1 was reported to the Governing Body in March 2005.

**Mr. Giuseppe Casale (Italy)**

Appointed Chief of the Social Dialogue, Labour Law and Labour Administration Branch with effect from 15 May 2006. Promotion to D.1 was reported to the Governing Body in November 2002.

**Ms. Christine Evans-Klock (United States)**

Appointed Director of the Skills and Employability Department in the Employment Sector with effect from 1 September 2006. Promotion to D.1 was reported to the Governing Body in March 2001.

**Mr. Michel Gozo (Togo)**

Appointed Special Adviser for the Great Lakes in the ILO Regional Office for Africa with effect from 1 June 2006. Promotion to D.1 was reported to the Governing Body in November 2001.

**Mr. José Ricardo Hernandez Pulido (Mexico)**

Appointed Chief of Official Relations and Documentation in the Relations Meetings and Document Services Department with effect from 15 May 2006. Promotion to D.1 was reported to the Governing Body in March 2003.

**Mr. Mpenza Kabundi (Democratic Republic of the Congo)**

Appointed Director of the ILO Subregional Office for Central Africa in Yaoundé with effect from 1 August 2006. Promotion to D.1 was reported to the Governing Body in November 2001.

**Ms. Alice Ouedraogo (Burkina Faso)**

Appointed Director of the ILO Subregional Office for East Africa in Addis Ababa with effect from 1 June 2006. Promotion to D.1 was reported to the Governing Body in November 1999.

**Ms. Elizabeth Tinoco Acevedo (Bolivarian Republic of Venezuela)**

Appointed Chief of the Sectoral Activities Branch and promoted to D.1 with effect from 15 May 2006. Born in 1953.

Ms. Tinoco Acevedo graduated from the Central University of Venezuela and the Simón Bolívar University in Caracas, with diplomas in sociology and a Masters degree in political science. She has published two books on the political history of the Bolivarian Republic of Venezuela.

Ms. Tinoco Acevedo joined the ILO in 1991 as Workers' Education and Training Specialist in the Bureau for Workers' Activities. From 1997 to 2000, she held the functions of Senior Specialist in Workers' Activities in the Multidisciplinary Team in San José, Costa Rica. She was then appointed Senior Relations Specialist and Desk Officer for the Americas Region in the Bureau for Workers' Activities in Geneva.

Prior to joining the ILO, Ms. Tinoco Acevedo held the positions of Social Investigator in the Venezuelan National Council of Culture, and then of National Coordinator for Education in the Social Planning Department (CORDIPLAN). During the 1980s, Ms. Tinoco Acevedo was professor in political history and socio-cultural history at the Central University of Venezuela. Subsequently, she held the positions of Director of International Cooperation in the Institute of High Trade Union Studies in Caracas, and Coordinator of the School of Art at the Central University of Venezuela.

Geneva, 17 October 2006.

*Points for decision:* Paragraph 5;  
Paragraph 11.