

**FOR INFORMATION**

SEVENTH ITEM ON THE AGENDA

Ratification and promotion of fundamental ILO Conventions

1. On 25 May 1995, the Director-General launched the campaign to promote the fundamental ILO Conventions with a view to their universal ratification. Each year the Director-General submits a report for information to the Governing Body on progress made in the ratification of the fundamental ILO Conventions during the previous year and on the future prospects for the ratification of these instruments, based on information communicated by the member States.
2. As in previous years, on 27 July 2007, the Director-General sent a letter to governments of countries that had not ratified all the fundamental Conventions, asking them to indicate their position with regard to these Conventions and in particular whether or not their position had changed since their previous communication. The indications given in Part II below consolidate information from the replies received to the Director-General's letter, as well as information which had been reported to the Governing Body under this item previously. Part II also includes information provided by governments in the context of the annual review under the follow-up to the Declaration on Fundamental Principles and Rights at Work (the "Declaration") or to the International Labour Conference, as well as information obtained by the ILO in the course of technical assistance and technical cooperation activities.
3. This year, the Director-General also sought information from relevant member States regarding the prospects of having the application of fundamental Conventions extended to non-metropolitan territories where this has not yet been done. This information is summarized in Part III.
4. The information contained in this paper was up to date at 14 September 2007. Further developments will be communicated orally to the Committee during the examination of this document.

I. Overview of progress made towards universal ratification

5. The number of ratifications – or confirmations of previous commitments – since the beginning of the campaign has reached 508. Since the 297th Session (November 2006) of

the Governing Body, 17 new ratifications of fundamental Conventions have been registered.

	New ratifications	Total No. of ratifications
Convention No. 29	Montenegro, Viet Nam	172
Convention No. 87	Montenegro	148
Convention No. 98	Kuwait, Montenegro	158
Convention No. 100	Montenegro	164
Convention No. 105	Madagascar, Montenegro, Nepal, Qatar	170
Convention No. 111	Montenegro	166
Convention No. 138	Czech Republic, Estonia, Montenegro	150
Convention No. 182	Australia, Haiti, Montenegro	165

6. To date, 1,293 ratifications of fundamental Conventions have been registered. In order to achieve the goal of *universal ratification*, 1,448 ratifications,¹ or 181 per Convention, are needed.
7. Taking into account the ratifications – or confirmations of previous commitments – registered since November 2006, four additional countries joined those that have ratified all eight fundamental Conventions: *Czech Republic, Estonia, Madagascar* and *Montenegro*.
8. To date, of the Organization's 181 member States, 127 have ratified the eight fundamental ILO Conventions, 20 have ratified seven, seven have ratified six, and 11 have ratified five. By comparison, three have ratified only one or two fundamental Conventions and ten have ratified three or four fundamental Conventions. Four countries that joined the ILO only recently have not yet ratified any of the fundamental Conventions.

II. Position with regard to non-ratified fundamental Conventions

A. States having ratified none of the fundamental Conventions

9. *Brunei Darussalam* became a member of the Organization on 17 January 2007.
10. *Marshall Islands* became a member of the Organization on 3 July 2007.
11. *Samoa* became a member of the Organization on 7 March 2005. The Government stated in its first report submitted in 2005 under the Declaration that it intends to ratify all eight fundamental Conventions.
12. *Timor-Leste* became a member of the Organization on 19 August 2003. The Government indicated during the 93rd Session (June 2005) of the International Labour Conference that it was looking into the ratification of the eight Conventions concerned.

¹ 181 member States x eight fundamental Conventions.

B. States having ratified one fundamental Convention

13. The *Solomon Islands* has ratified Convention No. 29. The Government indicated in the context of the 2006 annual review under the Declaration that it intends to ratify the other fundamental Conventions soon.

C. States having ratified two fundamental Conventions

14. *Myanmar* has not yet ratified Conventions Nos 98, 100, 105, 111, 138 and 182. The Government reiterated in August 2007 that the ratification of these Conventions would be considered after the promulgation of the new Constitution.
15. The *United States* has not yet ratified Conventions Nos 29, 87, 98, 100, 111 and 138. The Government stated in the context of the 96th Session (June 2007) of the International Labour Conference that consideration of ratification of Convention No. 29 had been suspended because of concerns about its impact on prison labour practices involving the private sector. However, it was also stated that Convention No. 111 remained on the Government's list of treaties for priority attention. In September 2007, the Government stated that there were no further developments with regard to any of the other unratified fundamental Conventions.

D. States having ratified three fundamental Conventions

16. *Afghanistan* has not yet ratified Conventions Nos 29, 87, 98, 138 and 182. The Council of Ministers approved the ratification of Conventions Nos 138 and 182. The Government indicated in the context of the 2006 annual review under the Declaration that the ratification of all outstanding fundamental Conventions was under preparation.
17. The *Lao People's Democratic Republic* has not yet ratified Conventions Nos 87, 98, 100, 105 and 111. The Government stated at the 95th Session (June 2006) of the International Labour Conference that it was examining these Conventions with a view to ratifying them as soon as possible. Subsequently, the Government set up a committee to prepare for the ratification of Conventions Nos 100 and 111, with a view to ratifying them in 2008.
18. *Somalia* has not yet ratified Conventions Nos 87, 98, 100, 138 and 182. It has not yet provided information within the ratification campaign.

E. States having ratified four fundamental Conventions

19. *Bahrain* has not yet ratified Conventions Nos 87, 98, 100 and 138. The Government indicated in September 2006 that it was still examining these Conventions in order to take the necessary measures.
20. *China* has not yet ratified Conventions Nos 29, 87, 98 and 105. In September 2007, the Government indicated that cooperation with the ILO was continuing regarding the ratification of Conventions Nos 29 and 105, which would be ratified when effective implementation was ensured. With regard to Conventions Nos 87 and 98, the Government indicated that it continued to promote capacity building for workers' and employers'

organizations as well as collective bargaining. It expressed interest in continued collaboration with the ILO on these Conventions.

21. *India* has not yet ratified Conventions Nos 87, 98, 138 and 182. At the 95th Session (June 2006) of the International Labour Conference, the Government stated that Convention No. 182 would be ratified when national laws and practice were in full conformity with its provisions, and indicated a number of measures being taken in this regard. With respect to Convention No. 138, the Government referred to the need to establish conditions ensuring that children are not being compelled by circumstances to seek work and an appropriate enforcement machinery. Previously, the Government stated that Conventions Nos 87 and 98 could not be ratified, as this would involve granting of certain rights to government employees which are restricted under national legislation in order to ensure their impartiality and political neutrality.
22. *Kiribati* has not yet ratified Conventions Nos 100, 111, 138 and 182. The Government indicated in the context of the 2006 annual review under the Declaration that a number of measures have been taken with a view to ratifying these Conventions.
23. The *Republic of Korea* has not yet ratified Conventions Nos 29, 87, 98 and 105. The Government stated in September 2003 regarding Conventions Nos 87 and 98 that the Minister of Labour had submitted a proposal for industrial relations reform to the Korea Tripartite Commission. Based on the outcome of the Commission's discussions, the Government would start preparations for the industrial relations reform bills. The Government has reactivated the examination of Conventions Nos 29 and 105 with a view to their ratification, and is discussing the scope of certain provisions with the Office through advisory services and requests for informal interpretations.
24. *Oman* has not yet ratified Conventions Nos 87, 98, 100 and 111. The Government stated in August 2006 that, following the amendments introduced by Decree 74/2006 of 8 June 2006 to the Labour Code, the Ministry of Manpower was in the process of issuing implementing regulations in conformity with international labour standards. Subsequently, the ratification of the remaining fundamental Conventions will be completed.

F. States having ratified five fundamental Conventions

25. *Canada* has not yet ratified Conventions Nos 29, 98 and 138. The Government stated in September 2007 that ratification of Convention No. 29 was being reviewed in the light of the General Survey on forced labour discussed at the 96th Session (June 2007) of the International Labour Conference. With regard to Convention No. 98, the Government indicated that in a June 2007 decision overturning previous jurisprudence, the Supreme Court of Canada found that freedom of association under section 2(d) of the Canadian Charter of Rights and Freedoms protects the right of employees to associate in order to achieve workplace goals through a process of collective bargaining. It indicated that this decision could have significant implications for industrial relations legislation in Canada and, ultimately, for Canada's position with respect to the ratification of Convention No. 98. With regard to Convention No. 138, the situation remained unchanged.
26. *Guinea-Bissau* has not yet ratified Conventions Nos 87, 138 and 182. The Government stated in September 2006 that Conventions Nos 138 and 182 have been submitted to the People's National Assembly for approval. Convention No. 87 has been forwarded to the Council of Ministers. An ILO mission to the country in August–September 2007 provided assistance to the Government with regard to these ratifications.

27. The *Islamic Republic of Iran* has not yet ratified Conventions Nos 87, 98 and 138. The Government indicated in the context of the 2006 annual review under the Declaration that it was studying the possibility of ratifying Convention No. 138. With respect to Conventions Nos 87 and 98, the Government stated that a number of obstacles continued to exist.
28. *Malaysia* has not yet ratified Conventions Nos 87 and 111, and it denounced Convention No. 105 in 1990. In August 2006, the Government stated that its position regarding ratification of these instruments remained unchanged.
29. *Qatar* has not yet ratified Conventions Nos 87, 98 and 100. The Government stated in August 2007 that no new developments had occurred. In the context of the 2006 annual review under the Declaration, the Government had indicated that ratification of Convention No. 100 was being prepared.
30. *Saudi Arabia* has not yet ratified Conventions Nos 87, 98 and 138. The Government indicated in August 2007 that no new developments had occurred. It had previously stated that it was in the process of examining the possibility of ratifying Convention No. 138 in the light of the provisions of the new Labour Code.
31. *Singapore* has not yet ratified Conventions Nos 87 and 111, and it denounced Convention No. 105 in 1979. In August 2006, the Government stated that major changes to existing laws and practices would be required to allow for ratification. It nonetheless continued to engage with relevant government agencies, employers' organizations and trade unions to review the remaining Conventions with a view to ratifying them where possible. In 2007, the Office and the Government held technical consultations with a view to exploring options regarding re-ratifying Convention No. 105.
32. *Suriname* has not yet ratified Conventions Nos 100, 111 and 138. Regarding Convention No. 138, the Government indicated in August 2006 that the Ministry of Education was undertaking consultations regarding a total revision of the compulsory education system. With respect to Conventions Nos 100 and 111, the Government stated that a tripartite committee had been established in April 2006 to advise the Minister of Labour regarding possibilities for implementing a minimum wage system.
33. *Thailand* has not yet ratified Conventions Nos 87, 98 and 111. According to information received from the Government in September 2006, a number of laws and practices, which may not be in conformity with Convention No. 111, still needed to be examined. With regard to Conventions Nos 87 and 98, the Government indicated that a number of laws, regulations and other measures were currently not in conformity with the Conventions. In August 2007, the country adopted a new Constitution that enshrines freedom of association principles, providing the basis for a continued examination of the ratification prospects of both Conventions.
34. *Uzbekistan* has not yet ratified Conventions Nos 87, 138 and 182. In the initial phase of the campaign, the Government stated that the documents relating to the ratification of Convention No. 87 had been submitted to the National Assembly. More recently, the Government indicated in the context of the 2006 annual review under the Declaration that a proposal for ratification of Conventions Nos 138 and 182 had been submitted to the *Oliy Majlis* in May 2005 and that a bill on ratification would also be introduced.
35. *Viet Nam* has not yet ratified Conventions Nos 87, 98 and 105. The Government indicated that the feasibility study concerning Convention No. 105 had been conducted in August 2007. It continued to examine the prospects for ratification in consultation with the Office through a series of consultations and workshops, most recently in September 2007.

Regarding Conventions Nos 87 and 98, the Government indicated that research was under way on the consistency between the two Conventions and the draft law on associations. Ratification of both Conventions would be considered following adoption of the law.

G. States having ratified six fundamental Conventions

36. *Japan* has not yet ratified Conventions Nos 105 and 111. The Government reiterated in September 2007 that further study regarding the relation between national legislation and these Conventions was required. It also drew attention to amendments made in May 2007 to the Part-time Work Law.
37. *Liberia* has not yet ratified Conventions Nos 100 and 138. The Government announced at the 95th Session (June 2006) of the International Labour Conference that Convention No. 100 was in the process of being submitted to the legislature. In the context of the 2006 annual review under the Declaration, the Government stated that Convention No. 138 was before Parliament for final approval.
38. *Mexico* has not yet ratified Conventions Nos 98 and 138. The Government stated in August 2007 that no change had occurred regarding its position with respect to the ratification of Convention No. 98, recalling that it continued to have reservations in relation to Article 1, paragraph 2(b), of the Convention. Further, the existence of national legislation that is incompatible with the Convention continued to prevent ratification of Convention No. 138.
39. *New Zealand* has not yet ratified Conventions Nos 87 and 138. The Government stated in August 2006 that no further decisions have been made concerning Convention No. 87. However, the Government was continuing to monitor both national and international developments including ILO jurisprudence, with a view to future ratification. With regard to Convention No. 138, a proposal was currently being prepared describing possible reforms that might ensure compliance of New Zealand law, practice and policy with the Convention.
40. *Sierra Leone* has not yet ratified Conventions Nos 138 and 182. In the context of the 2006 annual review under the Declaration, the Government stated that the ratification of Convention No. 182 was still in process and that the ratification of Convention No. 138 had already been submitted to the House of Parliament.
41. *Turkmenistan* has not yet ratified Conventions Nos 138 and 182. The instrument of ratification concerning Convention No. 138 was received in 1997 but without the declaration required under Article 2, paragraph 1, of the Convention. Information available to the ILO indicates that the Parliamentary Commission on Social Affairs and Employment has unanimously recommended the ratification of Convention No. 182 to the National Assembly.
42. The *United Arab Emirates* has not yet ratified Conventions Nos 87 and 98. The Government stated in August 2006 that amendments to the labour law concerning the establishment of workers' organizations had been submitted to the Council of Ministers for approval.

H. States having ratified seven fundamental Conventions

43. *Australia* has not yet ratified Convention No. 138. In August 2007, the Government informed the Office that there were no further developments concerning this Convention. It had previously indicated that Australian law and practice met the Convention's objectives, but for technical reasons Australia was unable to ratify.
44. *Bangladesh* has not yet ratified Convention No. 138. The Government stated in September 2005 that the socio-economic and cultural conditions of the country would not allow ratification of this Convention at that time.
45. *Brazil* has not yet ratified Convention No. 87. The Government indicated in the context of the 2006 annual review under the Declaration that the reform proposals agreed upon during the National Employment Forum (2003–04) would not allow ratification of the Convention.
46. *Cape Verde* has not yet ratified Convention No. 138. While Parliament adopted the law approving ratification of the Convention in January 2006, signature by the President and publication in the *Official Journal* were still pending.
47. *Cuba* has not yet ratified Convention No. 182. The Government stated in August 2006 that it was continuing to study the possibility of ratification and that child labour did not exist in the country.
48. *Eritrea* has not yet ratified Convention No. 182. The Government stated in the context of the 2006 annual review under the Declaration that the Convention was still being considered by the National Assembly for possible ratification.
49. *Gabon* has not yet ratified Convention No. 138. In reply to the 2006 campaign letter, the Minister of Labour and Employment indicated that the Convention had been submitted to Parliament a number of times, most recently in April 2005. Efforts were currently under way to draw Parliament's attention to the importance of this matter.
50. *Ghana* has not yet ratified Convention No. 138. The Government announced its intention to ratify this Convention very soon in the context of the 2005 annual review under the Declaration.
51. *Haiti* has not yet ratified Convention No. 138. The Government indicated at the 93rd Session (June 2005) of the International Labour Conference that the necessary measures would be taken to ratify the Convention.
52. *Iraq* has not yet ratified Convention No. 87. The Government stated in the context of the 2006 annual review under the Declaration that it intends to ratify this Convention after the adoption of the new Labour Code.
53. *Jordan* has not yet ratified Convention No. 87. The Government explained in August 2007 that the work of the joint committee set up to propose amendments to the labour legislation was an effort towards bringing the legislation in line with the Convention.
54. *Kenya* has not yet ratified Convention No. 87. The Government reiterated in August 2007 that the Labour Advisory Board agreed in September 2005 that research be undertaken to determine the implications of ratification on the industrial relations system. The Office is currently examining a request by the Ministry of Labour to support such research.

55. *Kuwait* has not yet ratified Convention No. 100. The Government stated in September 2006 that ratification was still under consideration.
56. *Lebanon* has not yet ratified Convention No. 87. The Government stated in the context of the 2006 annual review under the Declaration that it is interested in ratifying the Convention. Technical assistance from the Office had been requested to review the draft Labour Code in the light of the Convention's provisions.
57. *Morocco* has not yet ratified Convention No. 87. The Government informed the Office in August 2007 that ratification would not be possible before certain aspects of national legislation concerning freedom of association of civil servants had been harmonized with the international standards in this area.
58. *Namibia* has not yet ratified Convention No. 100. According to the Government's report submitted for the 2005 annual review under the Declaration, ratification is not being considered at this stage.
59. *Nepal* has not yet ratified Convention No. 87. In the context of the 96th Session (June 2007) of the International Labour Conference, the Government announced that the ratification of Convention No. 87 would soon be submitted to Parliament for final approval.
60. *Saint Lucia* has not yet ratified Convention No. 138. The Government stated, in reply to the 2001 campaign letter, that it had initiated consultations on the ratification of the Convention and intended to submit it to the Cabinet for consideration.
61. *Sudan* has not yet ratified Convention No. 87. The Government stated in the context of the 2006 annual review under the Declaration that ratification of this Convention was under consideration.
62. *Vanuatu*. In August 2006, the Office received the instrument of ratification in respect of Convention No. 138. However, the ratification could not be registered in the absence of the declaration required under Article 2, paragraph 1, of the Convention. The Office is in contact with the authorities on this matter.

III. Non-metropolitan territories

63. A review of the status of fundamental Conventions with regard to non-metropolitan territories shows that in several instances the application of these Conventions has not yet been extended to such territories. The appendix provides an overview of the current situation.
64. As indicated above, the Director-General has therefore sought information from the member States concerned as to the prospects of having the application of fundamental Conventions extended to the respective territories.
65. The Government of *Australia* indicated that the consultations with the government of Norfolk Island in relation to Convention No. 111 had not yet been completed, while those in relation to Convention No. 182 had not yet commenced.
66. The Government of *China* stated that it would consult with the authorities of the Hong Kong Special Administrative Region concerning Conventions Nos 100 and 111.

67. The Government of *Denmark* stated that it had contacted the Home Rule authorities of the Faeroe Islands and Greenland regarding the possible extension and application of the fundamental Conventions and had received positive responses.
68. The *Netherlands* explained that the Netherlands Antilles were in a transition period, as the territory would be dismantled as of 15 December 2008. The islands of Curaçao and St. Maarten will achieve the same status as Aruba, while Bonaire, St. Eustatius and Saba will be a part of the Netherlands. The Government stated that it would continue to pursue this matter and assist the governments of Aruba, Curaçao and St. Maarten to ratify the fundamental Conventions.
69. The Government of the *United Kingdom* indicated that serious attention was being given to the matter. Relevant information was currently being collected from the territories concerned which would be communicated as soon as possible.
70. The Government of the *United States* indicated that no steps have been taken to extend Conventions Nos 105 and 182.

Geneva, 20 September 2007.

Submitted for information.

Appendix

Status of fundamental Conventions in respect of non-metropolitan territories

Member concerned	Non-metropolitan territory	Ratified Conventions not yet extended
Australia	Norfolk Island	111, 138, 182
China	Hong Kong SAR	100, 111
Denmark	Faeroe Islands Greenland	100, 111, 138, 182 98, 100, 111, 138, 182
France	French Guiana, French Polynesia, Guadeloupe, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon	138, 182
	French Southern and Antarctic Territories	29, 100, 105, 138, 182
Netherlands	Aruba Netherlands Antilles	98, 100, 111, 182 98, 100, 111, 138, 182
New Zealand	Tokelau	87, 98, 138, 182
United Kingdom	Anguilla, Bermuda, British Virgin Islands, Falkland Islands, Isle of Man, Jersey, Montserrat, St. Helena	100, 111, 138, 182
	Gibraltar	111, 138, 182
	Guernsey	100, 111, 138
United States	American Samoa, Guam, Northern Mariana Islands, Puerto Rico, United States Virgin Islands	29, 87, 98, 100, 105, 111, 138, 182