

INTERNATIONAL LABOUR OFFICE
BUREAU INTERNATIONAL DU TRAVAIL
OFICINA INTERNACIONAL DEL TRABAJO

GB.223/PV (Rev.)
223rd Session

GOVERNING BODY
CONSEIL D'ADMINISTRATION
CONSEJO DE ADMINISTRACION

Geneva,
May-June 1983

MINUTES OF THE 223RD SESSION

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GOVERNING BODY
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CONSEJO DE ADMINISTRACION

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MINUTES OF THE 223RD SESSION

The 223rd Session of the Governing Body of the International Labour Office was held in Geneva on Thursday, 26 May at 3 p.m. and on Friday, 27 May, and on Thursday, 23 June 1983.

The Governing Body was composed as follows;

Chairman: Mrs. GONZALEZ MARTINEZ (Mexico), followed by Mr. MBATHI (Kenya).

Government group:

<u>Australia:</u>	Mr. WATCHORN
<u>Bahrain:</u>	Mr. AL-MADANI
<u>Bangladesh:</u>	Mr. MORSHED
<u>Barbados:</u>	Mr. ROGERS
<u>Brazil:</u>	Mr. TARGINO BOTTO
<u>Bulgaria:</u>	Mr. PETROV
<u>China:</u>	Mr. LI YUNCHUAN
<u>Colombia:</u>	Mr. CHARRY SAMPER
<u>Ecuador:</u>	Mr. ALEMAN SALVADOR
<u>Egypt:</u>	Mr. EL REEDY
<u>France:</u>	Mr. VENTEJOL
<u>German Democratic Republic:</u>	Mr. HASCHKE
<u>Germany, Federal Republic of:</u>	Mr. HAASE
<u>India:</u>	Mr. DESHMUKH
<u>Italy:</u>	Mr. FALCHI
<u>Japan:</u>	Mr. MORI
<u>Kenya:</u>	Mr. MBATHI
<u>Mali:</u>	Mr. N'DIAYE
<u>Mexico:</u>	Mr. TELLO
<u>Mozambique:</u>	Mrs. FRANCISCO
<u>Netherlands:</u>	Mr. ALBEDA
<u>Nigeria:</u>	Mr. OLOWU

Philippines:
Senegal:
USSR:
United Kingdom:
United States:
Venezuela:

Mr. BRILLANTES
Mr. SENE
Mr. KOLESNIK
Mr. ROBINSON
Mr. SEARBY
Mr. LOPEZ OLIVER

Employers' group:

Mr. BANNERMAN-MENSON
Mr. FLUNDER
Mr. GEORGET
Mr. GHARBAOUI
Mr. GROVE
Mr. LINDNER
Mr. NASR
Mr. OECHSLIN
Mr. POLITES
Mr. TATA
Mr. VERSCHUEREN
Mr. VILLALOBOS
Mr. YLLANES RAMOS
Mr. YOSHINO

Workers' group:

Mr. BROWN
Mrs. CARR
Mr. DOLAN
Mr. GONZALEZ NAVARRO
Mr. ISSIFU
Mr. LLOYD
Mr. MASHASI
Mr. MEHTA
Mr. MUHR
Mr. PROKHOROV
Mr. SANCHEZ MADARIAGA
Mr. SOW
Mr. SVENNINGSSEN
Mr. TANAKA

The following regular members were absent:

Employers' group:

Mr. EURNEKIAN
The following deputy members, or substitute deputy members, were present at all or some of the sittings:

Government group:

<u>Algeria;</u>	Mr. BRIKI
<u>Angola;</u>	Mr. M'POLO
<u>Argentina;</u>	Mr. MARTINEZ
<u>Belgium;</u>	Mr. WALLIN
<u>Burma;</u>	Mr. GYI
<u>Cuba;</u>	Mr. SOLA VILA
<u>Denmark;</u>	Mr. ANDERSEN
<u>Ethiopia;</u>	Mr. BAYIH
<u>Ghana;</u>	Mr. WILSON
<u>Hungary;</u>	Mr. MARTON
<u>Indonesia;</u>	Mr. DARSA
<u>Madagascar;</u>	Mrs. RASAMUEL
<u>Mongolia;</u>	Mr. ERDEMBILEG
<u>Panama;</u>	Mr. MEDRANO
<u>Portugal;</u>	Mr. NASCIMENTO RODRIGUES
<u>Ukrainian SSR;</u>	Mr. OUDOVENKO
<u>Uruguay;</u>	Mr. FALCHETTI MIGNONE
<u>Zimbabwe;</u>	Mr. TSOMONDO

Employers' group;

Mr. AL-JASSEM¹
Mr. ARBESSER-RASTBURG²
Mr. CHAMBERS¹
Mr. DAJANI²
Mr. DECOSTERD²
Mr. DESCHAMPS¹
Mr. DIAZ GARAYCOA¹
Miss HAK²
Mr. von HOLTEN
Mr. KOUADIO²
Mr. LACASA ASO
Mr. MONTT BALMACEDA¹
Mr. MOUKOKO KINGUE¹
Mr. MUNGA-wa-NYASA¹
Mr. NAMATA²
Mr. OKOGWU²
Mr. OWUOR
Mr. PERIQUET¹
Mr. ROWE¹
Mr. SAID
Mrs. SASSO MAZZUFFERI
Mr. SUMBWE

¹ Present only at the sittings on 26 and 27 May 1983.

² Present only at the sitting on 23 June 1983.

Workers' group:

Mr. ABONDO
Mr. AHMED¹
Mr. BARNABO
Mr. BEN-ISRAEL Mr.
BLONDEL
Mr. BRIKI
Mr. CUEVAS
Mr. DAVID
Mr. MABUMO
Mr. MAIER
Mr. MENDOZA
Mr. SUDONO
Mr. TIMMER
Mr. VANNI
Mr. ZIMBA

The following deputy members were absent:

Employers' group:

Mr. ESCOBAR PADRON

Workers' group:

Mr. WALCOTT

The following representative of a State Member of the Organisation which has ceased to be a member of the Governing Body as a State of Chief Industrial Importance was present in accordance with the decision of the Governing Body at its 223rd Session (May-June 1983):

Canada:

Mr. PROTTI

The following representatives of States Members of the Organisation were present:

Austria:

Mr. MELAS

Byelorussian SSR:

Mr. GREKOV

Chile:

Mr. BUSTOS

Czechoslovakia:

Mrs. SLAMOVA

Democratic Yemen:

Mr. FARES

Finland:

Ms. RAIVIO

Gabon:

Mrs. NGOUYOU

Greece:

Mr. IVRAKIS

Iran, Islamic Republic of:

Mr. KAZEMI KAMYAB

¹ Present only at the sitting on 23 June 1983,

Mr. Brown (Worker, United States) supported the Committee's recommendations. In the case of Chile, the Committee had always been consistent in its position. A Commission of Inquiry had visited the country, and had shown how much could be done by such a body to help those suffering repression in their attempts to regain their basic rights, in particular freedom of association. The work of the ILO to help trade unionists in Chile over the past few years had been instrumental in helping them to reinforce their activities; despite the dictatorial regime, they had managed to retain a semblance of organisation, and in recent weeks had even been able to mobilise their supporters and demonstrate in the streets of Santiago to demand greater respect for freedom of association and for basic human rights. Sooner or later, they were certain to achieve improvements, and the Committee's recommendations would help them to reach their goal. Chile had been an outstanding example of what the ILO's mechanism for the supervision of standards could achieve, in this case through the appointment of a Commission of Inquiry.

The Governing Body adopted the recommendations in paragraphs 387 and 403 of the report.

TWO HUNDRED AND TWENTY-SEVENTH REPORT

Mr. Maier (Worker, Austria) fully supported the conclusions and recommendations of the report. However, it was disappointing that it had not been possible to close the case of Argentina, as 31 organisations were still prohibited, changes were still necessary in trade union legislation and a number of trade unionists remained in prison on account of their trade union activities.

The Governing Body adopted the recommendations in paragraph 19 of the report

TWO HUNDRED AND TWENTY-EIGHTH REPORT

Mr. Maier (Worker, Austria) stated that the Workers' group supported the conclusions and recommendations of the Committee in the case of Turkey. Although some changes had been made in the legislation, thanks to ILO action, there was still room for further improvement. As regards the current situation, a number of trade unionists remained in prison, some of them threatened with the death sentence. These people should either be released or brought to trial as soon as possible.

The Governing Body adopted the recommendations in paragraph 69 of the report.

TWO HUNDRED AND TWENTY-NINTH REPORT

Mr. Muhr (Worker, Federal Republic of Germany; Worker Vice-Chairman) recalled the detailed discussions on Poland at the November and March Sessions of the Governing Body. On both occasions there had been clear majorities in favour of adopting the Committee's report. In March the Governing Body had approved the Committee's proposal that a Commission of Inquiry be set up to deal with the case if by 15 April its recommendations were still not fully met. As the Government had not given effect to the recommendations, it followed from the decision taken in March that a Commission of Inquiry must now be set up. Further discussion of the case was pointless, as the result would be the same as at the last two sessions. He therefore proposed that the Governing Body adopt the recommendation forthwith and refrain from a discussion on the substance of the case.

Mr. Oechslin (Employer, France; Employer Vice-Chairman) agreed with Mr. Muhr. The Governing Body was now faced with no alternative but to follow the procedure provided for in article 26 of the Constitution and to set up a Commission of Inquiry.

The Employers' group therefore fully supported the Committee's recommendation, and agreed that it was not necessary to repeat previous discussions on the substance of the case.

However, the application of article 26 of the Constitution should in no way be regarded as a condemnation; on the contrary, it was a procedural matter aimed solely at establishing the facts. That would be in the interests of all concerned, including the Polish Government, and indeed of all those throughout the world who were concerned at the situation in Poland. He therefore hoped that the Government would appreciate the spirit in which the procedure was being applied and would co-operate fully with the Commission of Inquiry. Commissions had been set up in previous cases and had produced satisfactory results. The decision to appoint a Commission should not be a matter for controversy, as it was the only way of achieving the improvements desired by everybody.

Mr. Kolesnik (Government, USSR) felt that a discussion on the substance of the case had already begun. He therefore reserved his right to speak on the matter at a later stage.

Mr. Rouskov (Government, Bulgaria) stated that the Governing Body had been provided with ample evidence that the issues involved in Case No. 1097 lay beyond the scope of the ILO's activities as defined in its Constitution and in Conventions Nos. 87 and 98. As these issues were purely domestic in character, there was no reason why they should be considered by the Governing Body. His Government therefore regretted the submission to the Governing Body of a further report on the case. The socio-economic situation in Poland was improving constantly now that Poland was resolving its domestic problems and rapidly setting up new trade unions. Recent legislation had recognised ahead of schedule the right of workers to decide on the type of national organisation they wished to set up; this decision had been taken in view of the rapid development of the new trade union movement, which numbered among its three million members many former members of Solidarity. It was unfortunate that at its last meeting the Committee had laid down a set of conditions to be met by the Polish Government; that constituted interference in the internal affairs of the country and had proved an obstacle to a visit by a representative of the Director-General. The way the situation was described in the report was inaccurate, and he therefore proposed that the Committee's recommendation be put to the vote. His delegation intended to vote against its adoption.

Mr. Kolesnik (Government, USSR) regretted that the so-called Polish question was once again before the Governing Body. His Government had already expressed its position on the matter at previous sessions of the Governing Body, and he therefore agreed with Mr. Muhr's proposal that previous statements should not be repeated. Once again, however, the Committee was considering questions that were beyond the competence of the Organisation and related to the internal development of Poland. The Western mass media, together with certain organisations and government circles, were again using the ILO in a propaganda campaign against Poland. That was incompatible with both the letter and the spirit of the ILO Constitution, and indeed with the fundamental principles of international law. The insistence with which such claims were promoted in the Governing Body was evidence of the loss of a sense of political realism on the part of the instigators of the campaign. The ILO's involvement was detrimental to its international status and to the confidence it enjoyed among its member States. By its actions the Governing Body had seriously impaired the prospects of co-operation between Poland and the ILO. The issue of an ultimatum and threats to the Polish Government was unlikely to improve the situation, and could only be interpreted by the Government as provocation. Furthermore, it brought into question the continued participation of Poland in the work of the Organisation, a point that had been made by the Polish Vice-Minister of Labour. The proposal now before the Governing Body to set up a Commission of Inquiry could only worsen the situation, and the Soviet Government was therefore strongly opposed to the proposal, which was an abuse of the procedure

provided for by the Constitution. The issue in Poland had nothing to do with freedom of association; trade unions there in fact enjoyed extensive rights that were denied to trade unions in countries that were now accusing Poland of violating trade union rights. But these rights belonged to the trade unions, and not to the political opposition that was attempting to overthrow the socialist structure of Polish society, which the Government and people of Poland were entitled to defend. Nor could valid comparisons be drawn between the situation in Poland and that in Chile.

The Committee on Freedom of Association was not alone in attacking Poland; the Committee of Experts on the Application of Conventions and Recommendations had also seen fit to involve itself in the question. Both Committees were politically hostile to Poland, and it was reasonable to ask who was responsible for such an orchestrated attack on that country. The ILO would gain no advantage by supporting that attack. Nor had either Committee made any reference to the extensive evidence of the resumption of trade union activities in Poland or to the new legislation granting extensive rights and liberties as part of the normalisation of the economic situation in Poland, even though ample information had been provided. In view of this distortion and the general handling of the case, his Government did not intend to take part in any discussion of the so-called Polish question, and was opposed to adoption of the report. He seconded the proposal to put the matter to the vote.

Mr. Muhr (Worker, Federal Republic of Germany; Worker Vice-Chairman) reiterated his appeal that no discussion should be held on the substance of the matter, and urged that a vote be taken without delay.

Mr. Oechslin (Employer, France; Employer Vice-chairman) observed that the vote should be on whether or not to set up a Commission of Inquiry; the Committee's recommendation made it necessary for the Governing Body to take a decision on that proposal and also on the manner in which effect should be given to it.

Mr. Timmer (Worker, Hungary) voiced his approval for the proposal to put the matter to the vote.

Mr. Tello (Government, Mexico) explained that, in the event of a vote, his Government would abstain, as it considered that referral of the case to a Commission of Inquiry would endanger the co-operation it wished to establish between the Government of Poland and the ILO. Greater efforts should be made to establish a constructive dialogue, which was indispensable in the present case.

Mr. Deshmukh (Government, India) stated that his Government would vote against the setting up of a Commission of Inquiry on the ground that the Polish Government had shown willingness to co-operate with the ILO by agreeing to receive a visit by a representative of the Director-General, and also by supplying detailed information to the Committee. It had also reported the resumption of some activities by Solidarity leaders.

POINT OF ORDER

Mr. Muhr (Worker, Federal Republic of Germany; Worker Vice-chairman) felt that the normal procedure would be for those wishing to explain their vote to do so afterwards. It was impossible for a prior explanation of a vote to avoid reference to the substance of the case.

The Chairman considered that delegations had the right to explain their vote either before or after the vote itself.

SEVENTH ITEM ON THE AGENDA

Reports of the Committee on Freedom of Association (cont.)

TWO HUNDRED AND TWENTY-NINTH REPORT (cont.)

Mr. Deshmukh (Government, India) felt that a Commission of Inquiry would be unlikely to achieve any significant results without the co-operation of the Polish authorities. Such a proposal was premature, and the outcome of the debate in the Conference Committee on the Application of Standards should be awaited.

Mr. Sene (Government, Senegal) stated that his delegation had always held the view that it was necessary to maintain a dialogue between the ILO and the Polish Government. The proposal to set up a Commission of Inquiry was a purely procedural matter, and his Government therefore intended to vote in favour of the Committee's recommendation in the hope that the Polish authorities would co-operate with the Commission.

POINT OF ORDER

Mr. López Oliver (Government, Venezuela) requested clarification on how the present state of the proceedings corresponded with the procedure required by the Standing Orders of the Governing Body. There seemed to be no justification for denying any Government the right to state its point of view; each Government was sovereign, and had the right to explain its vote.

The Chairman explained that no Government was being denied the right to speak in order to explain its vote, but in the present state of the proceedings, only such explanations were permitted.

SEVENTH ITEM ON THE AGENDA

Reports of the Committee on Freedom of Association (cont.)

TWO HUNDRED AND TWENTY-NINTH REPORT (cont.)

Mr. Haschke (Government, German Democratic Republic) agreed with the position adopted by the Government representative of Bulgaria. He intended to vote against the adoption of the report because the recommendation constituted an abuse of article 26 of the Constitution in order to interfere through the Organisation, in the domestic affairs of Poland.

POINT OF ORDER

Mr. Haase (Government, Federal Republic of Germany) contended that the Standing Orders made no provision for explanations to be given before a vote was taken. Such a procedure was pointless, for if all members explained their votes beforehand, the vote itself would then become unnecessary.

The Chairman explained that the Standing Orders stipulated only how a vote was to be taken, and not the procedures leading up to the taking of the vote, which was left to the discretion of the Chairman.

SEVENTH ITEM ON THE AGENDA

Reports of the Committee on Freedom of Association (cont.)

TWO HUNDRED AND TWENTY-NINTH REPORT (cont.)

Mr. Muhr (Worker, Federal Republic of Germany; Worker Vice-Chairman) observed that the full implications of the Committee's recommendation should be considered before the vote was taken. The Governing Body was being asked to take a decision on the recommendation to set up a Commission of Inquiry. Presumably, if such a decision was taken, the Director-General could be expected to make proposals concerning the membership of the Commission before the end of the present session, in other words, at the sitting following the Conference at the end of June.

Mr. Oechslin (Employer, France; Employer Vice-chairman) agreed that a decision should be taken first on the principle of setting up a Commission. The details could be discussed later, once the principle had been accepted.

The Chairman invited the Governing Body to vote by show of hands on the recommendation in paragraph 53 of the Committee's report to refer the examination of Case No. 1097 (Poland) as a whole to a Commission of Inquiry in accordance with article 26.3 of the Constitution.

By 44 votes to 6, with 5 abstentions, the Governing Body adopted the recommendation in paragraph 53 of the report.

Mr. Oechslin (Employer, France; Employer Vice-chairman) asked whether the Director-General was in a position to make proposals for the membership of the Commission.

The Director-General stated that he would not be able to do so until after the Conference. That would give him time to make the necessary consultations, which he would carry out as quickly as possible.

EIGHTH ITEM ON THE AGENDA

Reports of the Programme, Financial and Administrative Committee

FIRST REPORT

Mr. Muhr (Worker, Federal Republic of Germany; Worker Vice-chairman) stated that the Workers' group supported all the points for decision in the report.