



▶ Record of Proceedings

2B

International Labour Conference – 110th Session, 2022

Date: 10 June 2022

Reports on Credentials

Second report of the Credentials Committee

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Composition of the Credentials Committee

1. Since 2 June 2022, when the Credentials Committee adopted its first report ([ILC.110/Record No. 2A](#)), there has been a change in the composition of the Committee. The Worker Vice-Chairperson, Mr Jeff Vogt (Workers' delegate, United States of America) was replaced effective 8 June 2022 by Mr Magnús Norddahl (Workers' delegate, Iceland).

Composition of the Conference

2. At present, a total of **178** of the 187 Member States of the International Labour Organization (ILO) have accredited a delegation (one more than on 2 June 2022). There are 4,445 persons accredited to the Conference (as compared to 4,467 in 2021, 7,661 in 2019, 6,438 in 2018 and 6,092 in 2017). As in 2021, the difference in the number of accredited persons in comparison with pre-pandemic years is largely due to the fact that, because of the hybrid format of this session, categories of participants without active participation rights in the Conference, also referred to as "*persons without an institutional role at the Conference*", were not to be included in the credentials of the delegations. They were nevertheless able to follow the discussions as members of the general public (see [ILC.110/D.1](#)). The appendix contains more details on the number of delegates and advisers accredited.
3. The Committee wishes to indicate that 158 ministers, vice-ministers, and deputy ministers have been accredited to the Conference and that the overall proportion of women delegates and advisers remains at a low 36.5 per cent. The appendix contains more details on the proportion of women accredited in delegations.

Monitoring

4. The Committee was seized of three monitoring cases, pursuant to article 26 *quater* of the Standing Orders of the International Labour Conference then in force (current article 34), by virtue of a decision of the Conference taken at its 109th Session (2021).

Djibouti

5. At its 109th Session (2021), the International Labour Conference decided, by virtue of articles 26 *quater* and 26 *bis*(7) of the Conference Standing Orders, then prevailing, and upon the unanimous recommendation of the Credentials Committee, to renew the monitoring of the situation raised in an objection concerning the nomination of the Workers' delegation ([ILC.109/Record No. 3C](#), paragraph 14), and 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. Where more than one organization claims the same name, the report should also specify which organization was consulted and for which reasons.

6. The credentials of Djibouti for the current session of the Conference were submitted through the online accreditation system on 5 May 2022. Following a reminder by the Office, the Government submitted on 26 May 2022 a brief report to the secretariat of the Committee.
7. In the report, the Government reiterated information provided previously regarding the existence of three main representative organizations: the Union Générale des Travailleurs Djiboutiens (UGTD), the Union Djiboutienne du Travail (UDT), and the Confédération Nationale des Employeurs de Djibouti (CNED), following the latter's merger with the Fédération des Entreprises de Djibouti (FED). The Government stated that two Workers' organizations – the UGTD and the UDT – had been consulted before the credentials of the delegation of Djibouti had been submitted. Formal invitations to designate their representatives within the delegation were sent to the three employers' and workers' organizations by letters dated 11 April 2022. In two communications dated 14 April 2022, the UGTD designated its Secretary-General, Mr Said Yonis Waberi as Workers' titular delegate, and the UDT designated its President, Mr Mohammed Youssouf Mohamed as Workers' adviser.
8. As for concrete measures undertaken with respect to the establishment of criteria for the independent representation of workers in the country, the Government recalled that it had received, following its request for technical assistance, technical comments from the ILO concerning a draft decree prepared in 2013. This decree, which would be defining the various forms of trade union organizations and criteria to determine their representativeness, had been submitted in 2014 to the National Council for Labour, Employment and Social Security (CONTESS) for tripartite consultation but no consensus had been reached. The Government would keep the Office informed in the near future about the development around this draft text. In the meantime, a rotation system was being applied since 2017, which permitted the representatives of each one of the organizations in turn to be nominated as Workers' delegate to the Conference.
9. *The Committee regrets that the detailed report requested by the Conference was once again submitted 21 days after the Government had submitted its credentials. It further regrets that the Government's report does not provide satisfactory replies to some of the questions raised by the Conference. As in previous years, the Government does not address the allegations repeated every year by the objecting organizations concerning the duplication ("cloning") of the UDT and UGTD and usurpation of their names, to which the Committee has given credence in the past. In this regard, the Committee notes with concern that the Government failed to provide its last report regarding its application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) as well as information that the Committee of Experts on the Application of Conventions and Recommendations has been requesting for several years in connection with allegations of violations of that Convention, while according to the UGTD and UDT violations of the Convention persist.*
10. *The Committee regrets that, while it had noted at the last session of the Conference some progress with regard to the reform of the national legislation on the representativeness of workers' and employers' organizations (ILC.109/Records No. 3C, paragraph 12), the detailed report provided this year did not confirm either the progress or highlight any further steps in this direction.*
11. *Taking into account also the examination of the objection (see paragraphs 57–60 below), the Committee considers that the situation justifies the renewal of its monitoring under terms similar to those decided by the Conference at its last session. Consequently, by virtue of articles 32(7) and 34 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 the delegation of Djibouti, 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 claim the same name, the report should also specify which organization was consulted and for which reasons.*

Mauritania

12. At its 109th Session (2021), the International Labour Conference decided, by virtue of articles 26 *quater* and 26 *bis*(7) of the Conference Standing Orders then prevailing and upon the unanimous recommendation of the Credentials Committee, to renew the monitoring of the situation raised in an objection concerning the nomination of the Workers' delegation (ILC.109/Records No. 3C, paragraph 22), and 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 information:
 - (a) the progress made in relation to the organization of elections with a view to determine 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 the 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.*
13. According to the credentials deposited through the online accreditation system on 7 May 2022, 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 Confédération mauritanienne des Travailleurs) and three advisers (the respective Secretary-Generals of the Confédération Générale des Travailleurs de Mauritanie, of the Confédération Libre des Travailleurs de Mauritanie, and the President of the Conseil national du Dialogue social). By Note Verbale dated 27 May 2022, the Government also accredited a member of the Union des Travailleurs de Mauritanie as a substitute delegate and adviser.
14. In its report submitted on 1 and 2 June 2021 in response to the decision taken by the Conference at its last session and, in response to the Office's two reminders, the Government explained that, regarding the progress made in relation to the organization of elections, the Government had issued a decree instituting a national dialogue council, had put in place an entity entrusted with the financing of the electoral process, had organized a workshop with the 44 legally constituted trade unions and presented and adopted a communication of the

Council of Ministers regarding the holding of elections. Of the 44 legally constituted trade unions, the Government considered only some 10 of them to be well-established, but nevertheless provided all of them with subsidies. The 44 legally constituted workers' organizations had been consulted at a meeting on 5 May 2022 to determine the composition of the delegation at the Conference, but no consensus had been reached. For this reason, while it did not have exact statistics about the number of workers affiliated with each trade union, the Government had identified through an administrative survey five workers' organizations to be represented at the Conference. This inquiry used criteria such as the number of shop stewards, period of existence, geographical coverage, number of professional trade unions, number of individual or collective disputes brought by the organizations, etc. Following a request for clarification, the Government provided the minutes from the workshop held on 27 and 28 December 2021 with the legally constituted trade unions on the topic of representativeness, and the communication adopted in the Council of Ministers, which contained a detailed roadmap for the holding of elections to be completed in December 2022. The Government also indicated that the inquiry on the representativeness of trade unions had been undertaken by the Committee charged with subsidizing the trade unions, on the basis of the criteria listed in a decree from 2014.

15. *The Committee notes the information provided by the Government on the situation prevailing in Mauritania. It once again regrets that the process to determine the representativeness of the workers' organizations has still not been completed. It notes in this regard that the Government committed already ten years ago to organizing trade union elections (ILC.101/Records No. 4C, paragraph 69). Under decree 156-2014 of 2014, professional elections even became a necessary requirement for trade unions to be able to claim representativeness, yet none were organized. Nevertheless, the Committee takes note of the developments highlighted by the Government towards improved social dialogue and the holding of elections, and of the concrete roadmap adopted by the Council of Ministers. It urges the Government to follow through its commitment to organize elections at the end of 2022 with a view to determine the representativeness of trade unions and expects that this process will be completed in time to benefit the nomination of the Workers' delegation to the next session of the Conference.*
16. *The Committee further notes that the Government designated as members of the Workers' delegation to this session of the Conference the representatives from five organizations it deemed representative based on an administrative survey. It says it did so due to the absence of agreement among the workers' organizations regarding their participation. The Committee observes, however, that the consultations took place only on 5 May 2022, the same day on which the Minister of Foreign Affairs signed the credentials containing the designation of the Workers' delegation and one day before the date by which the credentials had to be deposited with the ILO. The Committee considers that this was manifestly too late for meaningful consultations and negotiations to take place, which could have resulted in widely agreed nominations. The Committee recalls in this respect that the Government had a duty to consult with all the workers' organizations which were likely to be among the most representative of the country in good faith and in good time.*
17. *As regards the criteria used by the Government in its administrative survey to determine five representative workers' organizations, the Committee notes that they are different from those provided in decree 156-2014 and that some raise questions, such as how the number of shop stewards could be determined in the absence of trade union elections for at least ten years. In addition, the Committee notes that, under decree 2021-012, the Conseil national du Dialogue social whose President is included in the Workers' delegation, is not a workers' organization but a national tripartite body created by the Government, and that the President himself is an independent experienced individual nominated by the Government.*

18. *Considering, on the one hand, the remaining doubts as to those nominations and, on the other hand, the commitments made by the Government, the Committee considers that the situation justifies the renewal of the monitoring under analogous terms to those decided by the Conference at its last two sessions. Consequently, by virtue of articles 32(7) and 34 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:*
- (a) *the progress made in relation to the organization of elections with a view to determine 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 the 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

19. At its 109th Session (2021), the International Labour Conference decided, by virtue of article 26 *quater* and 26 *bis*(7) of the Conference Standing Orders, then prevailing, and upon the unanimous recommendation of the Credentials Committee, to renew, for the fourth consecutive year, the monitoring measures first established in 2016 following an objection concerning the nomination of the Workers' delegation (ILC.109/Records No. 3C, paragraph 34). 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; 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.
20. In the report, which was submitted on 6 May 2022, the Government provided the affiliation data available from the National Trade Union Registry (NTUR) pertaining to six workers' organizations. The Government indicated that the *Central Bolivariana Socialista de Trabajadores y Trabajadoras de la Ciudad, el Campo y la Pesca* (CBST-CCP) remained the most representative organization, with 29 affiliate organizations and 1,221,987 workers, according to the latest update on 30 April 2019. It was followed by the *Alianza Sindical Independiente* (ASI) with 13 affiliate organizations and 87,264 workers, last updated on 30 March 2022; the *Confederación de Sindicatos Autónomos de Venezuela* (CODESA) with 10 affiliate organizations and 1,829 workers, last updated on 27 May 2005; the *Confederación de Trabajadores de Venezuela* (CTV) with 25 affiliate organizations and 574 workers, last updated on 5 June 2018; the *Confederación General de Trabajadores* (CGT) with 6 affiliate organizations and 37 workers, last updated on 29 April 2005; and the *Unión Nacional de Trabajadores de Venezuela* (UNETE) with one affiliate organization with seven workers, last updated on 16 May 2003.

21. As in previous years, the Government conceded again that the data contained in the NTUR was in many cases not up-to-date. In this regard, the Government stated again that most organizations did not comply with article 388 of the Organic Labour Law, which established that each workers' organization must submit within the first three months of each calendar year a completed list of its workers affiliates and information related to its internal administration. This year again, the Government extended, through a Circular, the annual registration and updating period for trade union organizations by 60 days. However, some organizations had not carried out the update. The Government pointed out that the objective and verifiable criteria used to determine the representativeness of the workers' organizations included a review of the number of collective bargaining negotiations and the number of collective agreements signed. With respect to the organizations that promoted such agreements, it was found that the CBST-CCP had achieved the highest number of these.
22. In its report, the Government also detailed the different initiatives undertaken for the purposes of designating the Workers' delegation to the present session of the Conference. It indicated that it had sent two communications to all workers' organizations (CBST-CCP, ASI, CTV, CGT, CODESA and UNETE), urging them to come up with a proposal for the composition the Workers' delegation to this session of the Conference. This call was reiterated during the Social Dialogue Forum held in Caracas from 25 to 28 April 2022 with the technical assistance of the ILO. On 3 May, the Government received a proposal for the composition of the Worker's delegation from the CBST-CCP, which according to this organization was the result of an agreement that it had reached with ASI, CTV and CGT in the framework of the Social Dialogue Forum. The following day, the Government received from CODESA a proposal for the inclusion if its members into the Workers' delegation. The Government subsequently urged CODESA to coordinate with the other workers' organizations in the country with a view to reaching consensus on a broad and inclusive Workers' delegation. The Government indicated that it had accredited the Workers' delegation respecting the trade union reality of the country and the proposals received from the majority trade unions.
23. The Government recalled, once again, that it had continuously and repeatedly requested the Office's technical assistance with the determination of representativeness of employers' and workers' organizations. It pointed to the fact that it had again reiterated its request during the recent Social Dialogue Forum which had been attended by an ILO technical team. This assistance would contribute not only to improving the criteria and methods used for the designation of the tripartite delegations to ILO meetings, but also to improving the social dialogue within the country.
24. *The Committee notes that, while the Government took steps to promote agreement among the workers' organizations on the designation of the Workers' delegation to the present session of the Conference, once again, the composition of the Workers' delegation had not been agreed upon by all the workers' organizations. The Committee recalls that, in the absence of agreement among the organizations, in order to ensure that the designation of the Workers' delegation is carried out in accordance with article 3, paragraph 5 of the ILO Constitution, it is essential that the Government establish and apply objective and verifiable criteria and provide adequate means to determine objectively which of the organizations concerned are the most representative. The Committee notes in this regard that the figures from the NTUR used by the Government to assess the representative nature of the existing workers' organizations are mostly the same it provided last year and are in many cases so old that their reliability must to questioned. As regards the registration of workers' organizations in the NTUR, the Committee recalls that the Commission of Inquiry appointed under article 26 of the ILO Constitution to examine the observance by the Government of 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), recommended, in consultation with the representative organizations, “the adoption of the necessary measures to ensure in law and practice that registration is a mere administrative formality and that in no event can it imply previous authorization” as well as “in general, the elimination in law and practice of any provisions or institutions that are incompatible with freedom of association, including the requirement to provide detailed information on members, taking into account the conclusions of the Commission and the comments of the ILO supervisory bodies” (see [Report of the Commission of Inquiry](#), paragraph 497(2)(i) and (v)).

25. *The Committee further notes that, pursuant to the Plan of Action of the Social Dialogue Forum in the Bolivarian Republic of Venezuela (see [GB.345/INS/5/1\(Rev.1\)](#), Appendix II) which serves as the minutes of the Forum held in Caracas from 25 to 28 April 2022, the ILO constituents in the country recognized “the progress made in compliance with Conventions Nos 26, 87 and 144, and the will to continue social dialogue with all guarantees, pursuant to the decisions of the Governing Body of the ILO” and committed themselves to “consider ILO assistance from July 2022 onwards concerning: the determination of representativeness; training on social dialogue; methods for setting the minimum wage; and consultation on the preparation of reports to be submitted to the Committee of Experts on the Application of Conventions and Recommendations.” It was further agreed that the ILO would “prepare, in consultation with the constituents, a cooperation programme to enable progress in the implementation of the adopted timetable of technical assistance.” The ILO constituents in the country also agreed to “hold, with technical assistance from the ILO, a follow-up session of the Social Dialogue Forum in September 2022 to monitor compliance with Conventions Nos 26, 87 and 144, and in the interim continue to hold bipartite meetings with the social partners on the remaining outstanding issues concerning the application of the relevant Conventions.”*
26. *The Committee considers that the holding of the Social Dialogue Forum with the participation of social partners represented a step in the right direction in terms of furthering social dialogue in the country. It notes, however, that two of the workers’ organizations (CODESA and UNETE) invited to Social Dialogue Forum did not subscribe to the terms of the Plan of Action adopted by the forum, and had filed an objection concerning the nomination of the Workers’ delegation of the Bolivarian Republic of Venezuela (see paragraphs 84–87). It expects that the commitments entered into by the Government will be fully honoured, especially as regards the acceptance by the Government of ILO assistance on the determination of representativeness. At this early stage of the process, the Committee considers it still necessary to remain automatically seized of the matter at the next session of the Conference by renewing the monitoring measures. Consequently, it unanimously recommends to the Conference that it request the Government of the Bolivarian Republic of Venezuela, by virtue of articles 32(7) and 34 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) *steps taken by the Government to obtain 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

27. The Committee has received and dealt with 16 objections. 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 on 30 May 2022 and in the revised provisional list of delegations of 3 June 2022. The Committee has completed the examination of all objections, which are listed below.

Objection concerning the nomination of the Workers' delegation of Angola

28. The Committee received an objection presented by the International Trade Union Confederation (ITUC) concerning the nomination of the Workers' delegate and adviser of Angola. The author of the objection challenged the exclusion from the Workers' delegation of the *União Nacional dos Trabalhadores de Angola – Confederação Sindical* (UNTA-CS), the country's most representative workers' organization which had always been included in the tripartite delegation. The Government had unilaterally decided to replace it with a representative of another trade union, the *Força Sindical – Confederação Sindical* (FS-CS), and refused to pay for the travel and subsistence expenses of the UNTA-CS representative to the Conference. This exclusion came at a time when a UNTA-CS representative had been accused of colluding with foreign forces, after criticizing another government during the last session of the Conference, and in a general context of increased violence against trade unionists and workers. In particular, a social movement led by the *Sindicato Nacional do Médicos de Angola* (SINMEA), an affiliate union of the UNTA-CS, had resulted in threats by the Government of dismissal, suspension of salaries, strike breaking and other forcible actions. In April 2022, the Deputy Secretary-General of the SINMEA had been found dead in suspicious circumstances. In this context, the exclusion of the UNTA-CS, following years of representation, appeared intentional. In addition, the Government had reportedly threatened to deregister the UNTA-CS. Contrary to the Government's statements, the UNTA-CS had not attended any meeting and had not agreed to any rotation system. The ITUC noted that the UNTA-CS was the only worker's organization, out of the three members of the National Committee for the ILO, not accredited in the Workers' delegation which, together with the manifestly unbalanced nature of the delegation, raised concerns as to the exclusion of the UNTA-CS.
29. In three written communications addressed to the Committee in response to its request, the Government indicated that it had nominated the Workers' delegation following a meeting of the National Committee for the ILO. This Committee, created in 1990, was a tripartite body under the purview of the Ministry of Public Administration, Labour and Social Security, composed of the most representative, legally constituted, employers' and workers' organizations. Its current composition had been established by a Ministerial order in February 2022 and included representatives of three trade unions, the UNTA-CS, the CGSILA and the FS-CS. This Committee held a virtual meeting on 31 March 2022 which, contrary to what the ITUC stated, was attended by the Deputy Secretary-General of the UNTA-CS. In addition to providing the minutes of the meeting, the Government informed the Committee that this kind of online meetings are recorded. In that meeting, the composition of the delegation to the Conference was approved and it was unanimously decided that the participation of members of the Committee to the sessions of the Conference would be determined on a rotational basis. The decision took into account that for the past 15 years, Angolan worker participation at the Conference had been ensured exclusively through the UNTA-CS and its sole representative, thus excluding other organizations members of the National Committee for the ILO. This system would henceforth give every member the opportunity to participate, unless for specific reasons continuity of presence at the Conference was necessary. The Government recalled that it had recently ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

30. On the question of the travel and subsistence expenses, the Government indicated that Ms M. Francisco of the UNTA-CS was not part of the delegation to the Conference but a regular Workers' member of the ILO Governing Body and that the travel and subsistence expenses related to her participation to the Governing Body were to be covered in accordance with Annex IV to the Standing Orders of the Governing Body. Otherwise the Government had complied with the obligation of payment for every member of the national tripartite delegation to the Conference. The Government expressed its indignation at the accusation relating to the SINMEA, recalled that it had responded to this matter in a letter to the International Labour Standards Department of the Office, and concluded that the matter did not fall within the purview of the Committee.
31. The Government additionally produced a letter, signed by the Secretary-General of the UNTA-CS and addressed to the ITUC, which stated that the UNTA-CS had elected its Deputy Secretary-General as a new member to the National Committee for the ILO during its VIth Congress in August 2021. The letter further stated that the Secretariat of the National Executive Committee of the UNTA-CS had not been instructed to file an objection and complaint, and that, since the organs of the UNTA-CS did not endorse it, the National Executive Committee would expect its resolution. The ITUC expressed surprise in receiving a letter from one of its own affiliates through the Government, and reported that Ms Francicsco, member of the ILO Governing Body and member of the Confederal Council of the UNTA-CS, had no knowledge of the letter presented by the Government. It was thus suspected that the Government was interfering in the affairs of the UNTA-CS.
32. *The Committee notes that the Government uses the mechanism of the National Committee for the ILO to obtain the designation of the Employers' and Workers' delegation to the Conference. The Committee wishes to stress, however, that the existence of a national tripartite body does not absolve the Government from its obligation to undertake full consultations with all the most representative employers' and workers' organizations in the country.*
33. *The Committee notes that, although it addressed several requests for clarification to both the objecting organization and the Government, the information provided is too contradictory to permit the Committee to reach conclusions on the conformity of the nomination of the Angolan Workers' delegation with the requirements of article 3, paragraph 5 of the ILO Constitution. The decisive question before the Credentials Committee – whether the alleged rotation system, whose application purportedly resulted in the exclusion of the UNTA-CS from the delegation to this session of the Conference, was approved by it or not – remains open. It hinges on whether the Deputy Secretary-General of the UNTA-CS attended, in fact, the virtual meeting of the National Committee for the ILO on 31 March 2022 – a crucial fact on which the objecting organization and the Government differ. More generally, the information provided by both parties makes the Committee believe that the situation described by the objecting organization would merit further investigation for which the Committee lacks jurisdiction. The Committee considers that this could best be done by referring the case to the Committee on the Freedom of Association of the Governing Body, it being understood that this does not limit the receivability of objections based on the same facts or allegations that the same or other organizations may submit to the Committee at future sessions of the Conference.*
34. *The Committee unanimously considers that the objection before it raises issues which relate to violations of the principles of freedom of association which have not already been examined by the Committee on the Freedom of Association of the Governing Body. It proposes that the Conference refer the question to that Committee, in accordance with article 32, paragraph 6, of the Conference Standing Orders.*

Objection concerning the nomination of the Workers' delegation of Barbados

35. The Committee received communications, dated 4 May 2022 and 31 May 2022 that taken together represent an objection, presented by the Congress of Trade Unions and Staff Associations of Barbados (CTUSAB), concerning the failure of the Government of Barbados to consult it in connection with the designation of the Workers' delegation to the present session of the Conference or to include it in the Workers' delegation. The objecting organization considered that it had been overlooked, once again, by the Government and despite repeated requests had received no notice or information regarding the Conference even though it was a national level trade union, was a member of the tripartite Social Partnership of Barbados and had been included in the Workers' delegations for the 2013, 2014 and 2017 sessions of the Conference. It considered these actions inconsistent with the commitment to tripartism.
36. In a written communication addressed to the Committee in response to its request, the Government acknowledged that the representative workers' organizations in the country were the Barbados Workers' Union (BWU) and the CTUSAB with a respective declared membership of 20,000 and 11,088. No consultations took place with the workers' organizations, as it was clear that the BWU was the most representative organization both in terms of numbers and sectors represented, including both public and private sector workers. By comparison, the CTUSAB represented only public sector workers drawing its members from several services and agencies. The latter's role and work were recognized by the Government, who had annually subsidized it since 2014.
37. *The Committee notes that the CTUSAB does not call into question the representativity of the BWU or object to the nomination of the Workers' delegate from the BWU, but only that it was not consulted and thus was absent from the Workers' delegation. The Committee also notes that it relies on its past presence in the Workers' delegation, existence as a national level trade union and membership in a tripartite body, but does not provide any figures regarding its own respective membership.*
38. *The Committee notes that the Government considers both the BWU and the CTUSAB to be representative workers' organizations and that no consultations took place with them regarding the composition of the delegation to the Conference. In this regard, the Committee recalls that article 3, paragraph 5 of the ILO Constitution, as interpreted by the Advisory Opinion No. 1 of the Permanent Court of International Justice (PCIJ) of 1922, requires that where several representative workers' organizations exist in a particular country, the Government must take all of them into consideration when it is proceeding to the nomination of the Workers' delegate and advisers. This requires consultations in good faith with all of them with a view to obtaining the agreement of the most representative workers' organizations on the composition of the Workers' delegation. The Committee finds that the Government has failed to fulfil those requirements. It trusts, however, that the Government will take all necessary measures to ensure that the nomination of the Workers' delegation to future sessions of the Conference will be made in compliance with article 3, paragraph 5 of the ILO Constitution.*

Objection concerning the nomination of the Workers' delegate of Cabo Verde

39. The Committee received an objection presented by the International Trade Union Confederation (ITUC) concerning the nomination of the Workers' delegate of Cabo Verde. According to the objection, the *União Nacional dos Trabalhadores de Cabo Verde – Central Sindical (UNTC-CS)*, the country's most representative workers' organization, had traditionally designated the Workers' delegate. For the 110th session of the Conference, however, the Government had unilaterally decided to nominate for that position a representative of another trade union, the *Confederação Cabo-verdiana dos Sindicatos Livres (CCSL)*, while the

representative of the UNTC-CS was nominated as Workers' adviser. The author of the objection requested the Committee to call upon the Government to provide clarifications.

40. In a written communication addressed to the Committee in response to its request, the Government indicated that the UNTC-CS and the CCSL were the two main workers' organizations of Cabo Verde, representing over 90 per cent of the organized workers in the country. Nonetheless, due to the lack of precise data, it was impossible to ascertain the representativeness of each organization. To ensure the representative character of the workers' and employers' delegations, the composition of Cabo Verde's delegations to the Conference had for several years been determined on a rotational basis, following a decision consensually adopted by the Government, the UNTC-CS, the CCSL and two employers' associations. Since an arrangement had been agreed to by the UNTC-CS, the objection was unreasonable and devoid of any merit.
41. *While noting the Government's reply, the Committee regrets that it does not provide details regarding the alleged system of rotation between the UNTC-CS and the CCSL or regarding the circumstances in which these organizations have agreed to such rotation. The Committee recalls that a system of rotation can only serve as a method for nominating the Workers' delegation if the most representative organizations in the country have so decided in agreement among themselves. Although the Government claims in its reply that the system of rotation has existed for several years, the Committee notes that since 2004, the overwhelming majority of nominations for the position of Workers' delegate have been of individuals deriving from UNTC-CS. This and the fact that the nomination of the representative of the CCSL is the subject of an objection raises doubts as to the existence of a rotation system that is accepted by the most representative workers' organizations.*
42. *The Committee recalls that, in the absence of an agreement amongst most representative organizations on the nomination of the Workers' delegation, the Government must assess, based on objective and verifiable criteria, which of the workers' organizations is the most representative. At the 93rd session (2005) of the Conference, the Committee noted with satisfaction that the Government had in the previous year evaluated the representative character of the two organizations, which had led to the assessment that the UNTC-CS was the most representative organization (see ILC.93/Record No. 4D, paragraphs 13–19).*
43. *In light of the above, the Committee considers that there exist doubts that the Workers' delegate has been nominated in full conformity with article 3, paragraph 5 of the ILO Constitution. It urges the Government to ensure that the Workers' delegation of Cabo Verde to the next session of the Conference be nominated in agreement with the most representative workers' organizations of the country.*

Late objection concerning the nomination of the Workers' delegation of Cabo Verde, Chad and Gabon

44. The Committee received an objection concerning the nomination of the Workers' delegation of Cabo Verde, Chad and Gabon presented by the Organisation of African Trade Union Unity (OATUU) on behalf of the União Nacional dos Trabalhadores de Cabo Verde – Central Sindical (UNTC-CS), the Union des syndicats du Tchad (UST) and the Confédération des syndicats du Gabon (COSYGA).
45. *The objection, dated 6 June 2022, was received by the Credentials Committee the same day, at 2:22 p.m., well after the expiry of the time limit established by article 32, paragraph 1(a) of the Standing Orders of the Conference (i.e., Wednesday, 1 June, at 10 a.m. for this session of the Conference). The Committee considers that the objection is time-barred and thus not receivable.*

Objection concerning the nomination of the Workers' delegate of Cameroon

46. The Committee received an objection, concerning the nomination of the Workers' delegate of Cameroon presented by Mr Eugène Makembe, Président confédéral of the Confederation of Cameroon Trade Union (CCTU) (*Confédération Syndicale des Travailleurs du Cameroun* – CSTC). The author of the objection claimed that Mr Abraham Baboule, President of the CCTU, had not been nominated in agreement with the CCTU's properly elected executive committee, and should therefore not be allowed to participate in the Conference. The author of the objection recalled that following internal conflicts between CCTU factions, and a refusal to intervene by the Ministry of Labour and Social Security, the CCTU factions had agreed to turn to an independent mediator. A congress of the CCTU was to be held on 18 February 2021, but was suspended by a court order. A few days later, a group of individuals, including Mr Baboule fabricated an executive committee. In August 2021 however, a duly constituted CCTU congress – which had not been suspended by the courts despite having been requested by Mr Baboule – elected a new executive committee, including the author of the objection. Mr Baboule and his group were considered usurpers and yellow unionist. Appended to the objection were two letters of September and December 2021 from the independent mediator to the Ministry of Labour and Social Security transmitting his report, which indicated the resolution of the internal conflict and the newly elected executive committee, with full supporting documentation such as in pertinent part court orders, communications with the Ministry, and minutes of meetings of the CCTU congress. The author of the objection contended that the Ministry of Labour and Social Security had not applied judicial decisions with respect to Mr Baboule and his group and was interfering in the functioning of the CCTU by choosing to interact with them, a matter that the CCTU had already raised with the Ministry in a letter dated 22 December 2021. Consequently, the author of the objection requested the Committee not to admit Mr Baboule to the Conference as the CCTU's representative.
47. In a written communication addressed to the Committee in response to its request, the Government indicated that it had nominated the Workers' delegation based on a consultation process undertaken with the most representative workers organizations. Through a letter dated 19 April 2022 to the President of the CCTU, the Ministry of Labour and Social Security had requested its nomination of a CCTU representative to the Conference, to which it had received a reply dated 22 April 2022, designating Mr Baboule. On 28 April 2022, a first preparatory meeting and consultation was held between the Ministry and the social partners, which Mr Baboule attended as President of the CCTU, and in which the Ministry called upon the social partners to urgently designate their representatives. Mr Baboule had been additionally designated as the Workers' delegate in a letter dated 23 May 2022 from the Cameroon Workers Forum, which groups together eight out of the 12 confederations in Cameroon.
48. *The Committee notes that the objection does not call into question the representativity of the CCTU but rather the person representing it, Mr Abraham Baboule, accredited as the Workers' delegate. The Committee further notes that the objection arises from an internal conflict in the CCTU. While recalling that the Committee has no jurisdiction to adjudicate on internal conflicts in trade union, the Committee notes that, in this case, according to the information provided by the author of the objection, the internal conflict has been resolved through an extraordinary congress of the CCTU and a court order finding that Mr Baboule did not have legal standing to bring a claim in the CCTU's name. The Committee further notes that the supporting documentation to the objection shows that the Ministry of Labour and Social Security had received at the end of 2021 all the relevant documentation as to the resolution of the internal conflict and the newly elected CCTU leadership. The Committee notes that the Government has not disputed the facts stated in the objection and*

deriving from the supporting documents attached to it. The Committee considers that the Government, on its part, has failed to explain on which basis it considered Mr Baboule to be considered a legitimate representative of the CCTU.

49. *Since the internal conflict within the CCTU appears to have been resolved and the Government consulted individuals lacking the capacity to represent the CCTU, the Committee has serious doubts that the nomination of the Workers' delegate of Cameroon has been made in with accordance article 3, paragraph 5, of the ILO Constitution. As the Committee has stressed in the past, governments must accept the most representative organizations' choice regarding the persons to be nominated as the Workers' delegates. The Committee urges the Government to strictly adhere to its obligations under the ILO Constitution when nominating the Workers' delegation for the next Conference.*

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

50. The Committee received an objection concerning the nomination of the Workers' delegation of Chad presented by the Union des Syndicats du Tchad (UST).
51. *The objection, dated 24 May 2022, was received by the Credentials Committee on Thursday, 2 June 2022, at 3 p.m., well after the expiry of the time limit established by article 32, paragraph 1(a) of the Standing Orders of the Conference (i.e., Wednesday, 1 June, at 10 a.m. for this session of the Conference). The Committee considers that the objection is time-barred and thus not receivable.*

Objection concerning the nomination of the Workers' delegation of Chile

52. The Committee received an objection presented by the Unión Nacional de Trabajadores (UNT) concerning the nomination of the Workers' delegation of Chile. The objecting organization contended that it had been unilaterally excluded from participating in the Conference and that, despite multiple requests for information including during a meeting with the Government on 28 March 2022 and through a letter dated 17 May 2022, the Government had failed to provide the method and criteria used for nominating the Central Unitaria de Trabajadores (CUT) and the Confederación de la Producción y el Comercio (CPC), as the sole and exclusive representatives of workers and employers. The objecting organization explained that it had been formed in 2004 and complied with all legal requirements, and that it had the right to participate in fora where the needs of workers were discussed. It stated that, at a regional level, such questions of representation had been resolved through systems of rotation and proportional representation, concepts that the Government had not entertained thus denying it justice and the promotion of the trade union movement and the strengthening of plurality. It considered that the arbitrary, discriminatory and unilateral manner in which the Government had proceeded had violated its rights and requested that the Credentials Committee clarify the situation and resolve it in a manner aligned with the concepts that had been applied at the regional level.
53. In a communication addressed to the Committee at its request, the Government stressed that the nomination of the Workers' delegation had been effected in accordance with the law. It provided information regarding the numerical strength of the workers' organizations indicating that the CUT, as the most representative organization, had a membership of 414,303 members, followed by the CTC with 28,886 members, the CAT, with 26,823 members, and UNT with 8,386 members. The Government stated that it respected the principle of non-intervention in the activities of workers and employers and recalled that, in accordance with the Advisory Opinion No. 1 of 1922 of the Permanent Court of International Justice (PCIJ), when an agreement cannot be reached among the most representative organizations, it is not

incumbent upon the Government to impose a plurality of organizations, even while a such plurality of organizations may better represent the views of the workers. In this connection, while numbers are not the only test of representative character and other criteria may also be borne in mind, everything else being equal the most numerous organization, or group of organizations, will be the most representative. The UNT did not challenge the fact that the CUT was the most representative organization, but only contended that the Government had ignored the procedure and principles applicable to the nomination of the tripartite delegation.

54. *The Committee takes note of the elements contained in the Government's late response. It observes that the Government provided figures evidencing the numerical strength of the CUT but 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' delegation to the Conference.*
55. *The Committee recalls that, in accordance with the Advisory Opinion No. 1 of 1922 of the PCIJ and subsequent jurisprudence of the Committee, 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. Failing an agreement among most representative organizations the Government must assess, based on objective and verifiable criteria, which organization is the most representative. The first and foremost obligation of the Government is therefore to make all efforts to foster an agreement between workers' organizations as regards the nomination of the delegation.*
56. *While neither the UNT nor the Government dispute that the CUT remains the most representative workers' organization, the Committee has not been provided with sufficient elements to conclude that the nomination of the delegation took into consideration all representative organizations and made its best efforts to obtain agreement between the organizations concerned. It cannot therefore conclude that the Government has fully complied with its obligations under article 3(5) of the ILO Constitution. The Committee trusts that the Government will make all efforts to ensure that the process of consultation aimed at arriving at a nomination of the Workers' delegation at future sessions of the Conference will be completed taking into consideration all representative workers' organizations.*

Objection concerning the nomination of the Workers' delegation of Djibouti

57. The Committee received an objection concerning the nomination of the Workers' delegation of Djibouti presented by Mr Adan Mohamed Abdou, Secretary-General of the UDT, and Mr Kamil Diraneh Hared, Secretary-General of the UGTD. The authors of the objection alleged that the Government had, once again, nominated representatives from fake unions to participate in the present session of the Conference, and continued to usurp the name of the UDT and of 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, 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.
58. In a written communication addressed to the Committee at its request, the Minister of Labour, Formalization and Social Protection noted that the objection contained once again an incorrect reference to the title of the Minister of Labour, which was evidence that the signatories were out of touch with the social reality of Djibouti. The Government referred to the report it had

submitted to the Committee in 2017, as regards the existence and numerical importance of organizations of workers and employers and reiterated that there was no *intersyndicale* UDT-UGTD and that the authors of the objection possessed no legitimate union mandate. In order to close definitively this issue, the Minister recalled that it had accepted the terms of an evaluation mission by the ILO and international observers. Finally, the Government reiterated its wish for the normalization of its relations with the ILO, specifically on the question of freedom of association as the continued lack of cooperation was penalizing the world of work in Djibouti in terms of knowledge and training on international labour standards. In addition, it reiterated once again its request for the ILO's technical assistance in implementing the necessary reforms concerning the question of social dialogue. Such technical assistance, to be carried out in coordination with other United Nations entities, should be made available to all tripartite stakeholders of Djibouti, without exclusion.

59. *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, an objection has been lodged against the Government of Djibouti by the UDT and the UGTD concerning the nomination of the Workers' delegation for the 19th consecutive session. The Committee considers that the lack of progress in this case is due, among others, to the continued failure on both sides to provide the Committee with sufficient relevant information and evidence to support their respective claims. As regards the objecting organizations, the Committee reiterates its regret that the objection merely repeats, every year, the same allegations without clarifying the facts of the case. It wishes to recall that it is in the interest of the objecting organizations to present specific allegations, supported by relevant documentation in relation with the mandate of the Committee (ILC.102/Records No. 4D, paragraph 44). As regards the Government's comments on the objection, the Committee regrets that the Government has, once again, not addressed the allegations repeated every year by the objecting organizations concerning the duplication ("cloning") of the UDT and UGTD and usurpation of their names, other than by stating flatly that the authors of the objection had no legitimate union mandate, without any explanation as to how, in particular, Mr Mohamed Abdou might have lost the leadership of the UDT, which he has been undoubtedly holding in the past (ILC.98/Records No. 4C, paragraph 51). The Committee also regrets that the Government reply does not provide details regarding the legitimacy of the UDT and UGDT representatives, members of the delegation, although it had, at the last session, considered that the mandate of the UDT leadership had expired and noted that the UGDT had been planning a new congress to renew its leadership. Finally, the Committee regrets that the Government did not provide more information regarding the urgent and priority three-year project relating to the reinforcement of social dialogue presented to the Committee at the last session of the Conference.*
60. *Consequently, the Committee once again expresses serious doubts as to the representative nature of the Workers' delegation to the present session of the Conference. The Committee notes that the Government stated having accepted the terms of technical assistance to be provided by the Office. The Committee expects that relevant, effective and concrete actions would continue to be taken regarding the issue of trade union representativeness, and more generally social dialogue, in Djibouti. In this respect, the Committee once again calls upon the Government to facilitate tangible measures by the ILO, in a very near future. It trusts that such action 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 Ecuador

61. The Committee received an objection presented by the President of the *Confederación Ecuatoriana de Organizaciones Sindicales Libres* (CEOSL), on behalf of the Frente Unitario de Trabajadores (FUT) and the President of the *Federación Nacional de Servidores Universitarios y Politécnicos del Ecuador* (FENASUPE) on behalf of Public Services International – Ecuador (PSI-Ecuador). According to the authors of the objection, FUT was a de facto organization that groups several legally recognized trade unions, and PSI-Ecuador was a national coordinating body for public service workers' organizations affiliated to the Public Services International (PSI). The objecting organizations contended that they had been arbitrarily excluded from the election process of workers' representatives to the Conference. The Workers' delegation derived from the representatives of the Consejo Nacional de Trabajo y Salario (CNTS) on the basis of criteria that breached the requirement of the ILO Constitution to nominate those designated by the most representative workers' organizations. The rules regulating the election of representatives to the CNTS (Acuerdo Ministerial MDT-2015-0240) admitted only legally recognized organizations to participate in that election, which excluded de facto organizations such as the FUT. Moreover, the applicable rules allowed its President (the Minister of Labour) to pre-approve the list of organizations invited to participate in that election. In practice, this pre-approval process had been used to favour pro-government workers' organizations, such as the Central Unitaria de Trabajadores (CUT) and the Confederación de Trabajadores del Ecuador (CTE), disregarding the rights of more representative organizations that are critical of the Government, such as the FUT, which represented 400,000 workers; and the organizations coordinated by PSI-Ecuador, which include the majority of public service unions, representing around 400,000 public servants.
62. In a written communication addressed to the Committee in response to its request, the Government stated that, in application of the Acuerdo Ministerial, the most representative organizations of workers and employers were invited to designate their electors for the selection of representatives of the CNTS. The matter of representativeness had been considered in accordance with the information on numerical membership registered with the Ministry of Labour, which had been communicated to the President of the CNTS for the purpose of conducting the election of titular and substitute workers' representatives. The election meeting, which took place on 22 September 2021, was held with the participation of 17 organizations, five of which left the session, alleging that the process was being carried out in an undemocratic manner and without including all workers' organizations. The Government contended that the nomination had been completed with due regard to the current composition of the CNTS that was comprised of the most representative workers' organizations in the country. The Government had also held frequent meetings with all workers' organizations, including those that comprised the FUT.
63. *Based on the information provided, the Committee notes that the objecting organizations were not included in the list of electors of the representatives of the CNTS, which as the objecting organizations state without being contradicted by the Government is due to the fact that de facto organizations and coalitions without a legal recognition are not eligible for inclusion in the list. The Committee further notes that, four organizations belonging to either FUT or PSI-Ecuador left the election of representatives to the CNTS and expressed their opposition to the procedure (CEOSL, CEDOCUT, UGTE and FETMYP). Adding the membership numbers of those attending organizations provided by the Government – without considering the membership of the other organizations represented by the FUT and the PSI-Ecuador – the total is 53,319, which exceeds the numbers communicated for the CUT (32,327) and the CET (18,611). While incomplete, these numbers make it appear probable that the objecting organizations enjoy a significant aggregate membership. In this regard, the*

Committee recalls its case-law based on the Advisory Opinion No. 1 of the Permanent Court of International Justice (PCIJ) of 1922, according to which failing an agreement between all the most representative organizations, the nomination a proposed Workers' delegate by a coalition of organizations whose membership numbers are, taken together, larger than those of the most numerous organizations, can prevail. The Committee observes that, insofar as the exclusion of coalitions from the list of electors of the representatives of the CNTS makes it impossible for the voice of such coalitions to be heard in the process of nomination of the Workers' delegate, the nominations made through this system may not always fulfil the requirements of article 3(5) of the ILO Constitution.

64. *The Committee further observes that the required approval by the Minister of Labour of the list of electors of the representatives of the CNTS potentially provides the Government with the possibility to interfere in the election process, which should be undertaken in such a manner as to respect the capacity of the workers' organizations to designate the Workers' delegation to the Conference in absolute independence from the Government.*
65. *The Committee invites the Government to address these flaws in the system that leads to the nomination of the Workers' delegates, with the technical assistance of the Office, if requested, so as to ensure that in future sessions of the Conference the Workers' delegation will be nominated in full compliance with article 3, paragraph 5, of the ILO Constitution.*

Objection concerning the nomination of the Workers' delegation of Gabon

66. The Committee received an objection concerning the nomination of the Workers' delegation of Gabon presented by Mr Aymar Kissengori, President of the *Confédération syndicale des Travailleurs du Gabon* (CSTG). The author of the objection, an adviser of the Workers' delegation of Gabon, contested the exclusion by the Government of one other member of the CSTG from the delegation. On 29 March 2022, the author of the objection had informed the Government that two CSTG representatives would attend the Conference. Since the Workers' delegation had to be composed of one delegate and 12 advisers, he could not understand why the Government had only accredited one delegate and nine advisers, and why another organization was allowed to be represented by two persons, whereas the CSTG only by one. Finally, it was surprised that it had not been listed in the credentials submission form as one of the organizations consulted, considering that the CSTG was part of the delegation.
67. In a written communication addressed to the Committee at its request, the Government indicated that it had initially decided to limit the size of the country's delegation, based on financial constraints, the sanitary situation and the space limitations mentioned in the ILO Director-General's convocation letter to the Conference. The delegation was thus supposed to include 12 Government representatives, and nine representatives each for the Employers and Workers. This was discussed during the consultations undertaken with 17 workers' organizations and 10 employers' organizations, including the CSTG, on 7 and 15 March 2022. The Minutes of the second consultation showed that the participants had agreed to this system, with each trade union being represented by one person, which also required the nomination of one substitute per trade union. Each group determined the composition of their delegation. Nevertheless, the Government had subsequently made efforts to accredit more workers' representatives, reaching the maximum of 12 Workers' advisers. Accordingly, the Government was surprised at the baseless objection of the CSTG, which aimed at discrediting the nomination process. The Government also noted with regret that, a week after the beginning of the Conference, the author of the objection had yet to travel to Geneva, although the Government had made arrangements to facilitate it.

68. *The Committee observes that the objection does not challenge the representative nature of the Workers' delegation or claim that the objecting organization is more representative than other organizations included in the delegation. Nor does it allege that the Government failed to consult all the most representative workers' organizations in the country on the nomination. Even though it observes that the objecting organization is not amongst the organizations consulted that appears on the credentials form through which the Government has deposited its credentials, it does not claim that it has not been consulted. The Committee has therefore doubts that this communication qualifies as an objection and considers that it could decline jurisdiction.*
69. *In any event, the Committee also notes that the objection is unfounded. The Government has shown that it has consulted with a considerable number of workers' organizations and has included their representatives in the delegation, including one from the objecting organization. While the Government does not explain why it has not included the second representative of the objecting organization rather than one of the representatives of another organization, it cannot be criticized for having limited the size of the Workers' delegation to 12 representatives, i.e. one delegate and 11 advisers. The objecting organization's claim that there is an obligation for governments to nominate 12 Workers' advisers is erroneous. Twelve is the maximum number of Workers' advisers a government could nominate at this session in accordance with article 3(2) of the ILO Constitution. The Committee therefore decides not to uphold the objection.*

Objections concerning the nomination of the Workers' delegate of Guinea-Bissau

70. The Committee received two objections concerning the nomination of the Workers' delegate of Guinea-Bissau submitted by the *União Nacional dos Trabalhadores da Guiné – Central Sindical* (UNTG-CS) and the International Trade Union Confederation (ITUC). According to the UNTG-CS, the Government nominated the Workers' delegate without the agreement of the most representative workers' organizations of Guinea-Bissau. The UNTG-CS, which was the largest organization, bringing together 54 associations and more than 13,000 workers from the public and private sector, had not been consulted. The UNTG-CS had been deliberately excluded by the Government and was therefore prevented from defending the interests of the workers of Guinea-Bissau at the Conference. According to the ITUC's objection, the unilateral nomination by the Government of a representative of the *Confederação Geral dos Sindicatos Independentes da Guiné-Bissau* (CGSI), without consultation of the most representative Workers' organizations, had followed certain acts directed against the UNTG-CS. After the UNTG-CS had called for a nationwide strike, the Government made radio announcements instructing delegates to boycott the UNTG-CS Congress scheduled for 10 May 2022, otherwise they would face severe consequences. The Congress started but had to be interrupted to avoid escalation when police officers and bailiffs arrived on the site and a judicial order was issued to suspend the meeting.
71. In a written communication addressed to the Committee in response to its request, the Government indicated that the information received by the Committee was factually incorrect. There were two main workers' organizations in Guinea-Bissau. The Government assumed that the UNTG-CS, despite being the oldest of the two, represented less workers than the CGSI, which had a considerable number of affiliated unions. The Government would nonetheless take steps in due course to ascertain the importance of each organization. The CGSI had been invited to nominate a representative only because the mandate of the UNTG-CS's governing bodies was expired pending the conclusion of a congress to elect a new leadership. The Government regretted the accusations levied against it and noted that it would not pronounce itself on matters falling within the purview of judicial organs, due to the principle of the separation of powers. As the UNTG-CS was a good partner, the Government intended to have a frank and serious relationship with it, characterized by partnership.

72. *The Committee notes that, although the Government assumes that the UNTG-CS represents less workers than the CGSI, it states that the only reason for which it invited the latter to nominate the Workers' delegate was that the term of office of the UNTG-CS leadership had expired. The Government, therefore, does not deny that the UNTG-CS is one of the most representative workers' organization in the country, if not the most representative one. The Committee takes note of the Government's justification for not consulting the UNTG-CS on the nomination of the workers' delegate. Insofar as the UNTG-CS congress that is to elect a new leadership of the UNTG-CS has been suspended by court order, the Committee observes that it lacks jurisdiction to examine a dispute concerning a trade union election which is pending before national courts.*
73. *Insofar as the ITUC objection alleges that the suspension of the UNTG-CS congress was preceded by Government interference with the organization of the congress and police intimidation of congress delegates, the Committee observes that it has no jurisdiction to investigate and examine allegations of violations of freedom of association that go beyond the question concerning the nomination of the Workers' delegation to the Conference and for which the Committee on Freedom of Association is competent. In this regard, the Committee recalls that it has the power under article 32(6) of the Standing Orders of the Conference to recommend to the Conference to refer such a matter to the Committee on Freedom of Association. However, in this case, the Committee notes that it has not been presented with any documentary evidence, from either party, in support of their allegations. It therefore considers that the matter before it is not ripe for such referral and leaves it to the objecting organizations to submit a complaint to the Committee on Freedom of Association as they see fit.*

Objection concerning the nomination of the Workers' delegate of Liberia

74. The Committee received an objection presented by Mr John Nyemah Natt, Deputy Secretary General of the Liberia Labour Congress (LLC) concerning the nomination of the Workers' delegate. According to the objection, despite having received from the LLC the names of the genuinely elected Workers' delegate and advisers, the Minister of Labour unilaterally nominated Mr Obadiah D. Tarlue, the LLC's former Acting Secretary General. The Government feared having workers' representatives in the delegation who could defend the discriminated public sector workers and had interfered in the LLC's affairs. The objection was supported by the ITUC, which added that the nomination decision was taken against the background of a dispute in relation to violation of freedom of association of public sector workers, against which the current leadership of the LLC had been very outspoken. The Committee was provided with a copy of a ruling of a Civil Law Court, dated 20 May 2022, on a case brought by several individuals including Mr Tarlue, that sought to enforce a judgment against the Elections Committee of the LLC which had invalidated the LLC elections held in February 2020, on the basis that the Civil Servants Association (CSAL) was not a labour union or trade union within the meaning of the Decent Work Act of 2015, and could therefore not join the LLC nor participate in its elections. Although the LLC had subsequently amended its statutes in order to enable membership by the CSAL and the National Teachers' Association (NTAL) and had held new elections in March 2022, the Court also invalidated those elections on the ground that associations of public civil servants could not be members of any labour or trade unions under the applicable labour laws. It further ruled that organizations or associations that were not recognized by the Labour Ministry as a labour union should not participate in the elections. The author of the objection considered that the judgment was discriminatory and indicated that it would be appealed.
75. In a written communication addressed to the Committee at its request, the Government explained that the nomination of the Workers' delegate was an oversight that had since been communicated to the Committee through the Permanent Mission in Geneva. This oversight

was due to the Ministry of Labour being unaware of the internal dispute within the LLC. The Government indicated that, now that it had been informed of the Court ruling, ordering it to resolve the matter, it had requested both parties to nominate a member of the Workers' delegation. The Government indicated that it would communicate these nominations to the Committee once they had been received. It attached an internal communication of 25 May 2022 addressed by the Ministry of Labour to the Ministry of Foreign Affairs, requesting assistance with an issuance of a note verbale for the purpose of facilitating visas for six members of the Liberian delegation to this session of the Conference. The name of the accredited Workers' delegate, Mr Tarlue, did not appear in the list of the delegation which contained the names of two different individuals from the LLC.

- 76.** *The Committee regrets that the Government's reply lacks detail and supporting documents and does not respond to most of the Committee's questions. The Committee considers that it is not the representativeness of the LLC that is called into question, but the quality of the person representing it – in this instance Mr Tarlue – accredited as the Workers' delegate to the Conference. The Committee notes that the issue before it arises out of a dispute concerning the LLC membership of associations of public civil servants and the validity of the elections of the LLC leadership, which has been referred to and adjudicated by the national courts. Whether or not the most recent ruling on the matter is appealed, the Committee has no jurisdiction to question the determination of the matter made by the relevant judicial bodies.*
- 77.** *The Committee notes that this objection also raises questions of freedom of association. The Committee of Experts on the Application of Conventions and Recommendations (CEACR), in its most recent report submitted to this session of the Conference (ILC.110/III (Part A), p. 220) referred to its earlier comments regarding the fact that the Decent Work Act of 2015 "excluded from its scope of application work falling within the scope of the Civil Service Agency Act" and recalled that "all workers, with the sole possible exception of the police and the armed forces, are covered by the Convention." The Government has also been invited to provide information to the Committee on the Application of Standards (CAN) of the present Session of the Conference on the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). Having noted this, the Committee observes that it has no jurisdiction to examine questions of freedom of association that go beyond the question concerning the nomination of the Workers' delegation to the Conference.*
- 78.** *The Committee notes that, in order to consult the LLC on the nomination of the Workers' delegate to the Conference, the Government had to choose between consulting the LLC leadership whose mandate had expired or the new leadership whose election had been invalidated by judicial decision, or both of them. The Committee notes the Government's assertion that the initial nomination has been made by error and is to be changed, but that no new credentials have been received. In view of the confusing information submitted to the Committee by the Government, which the Committee regrets, as well as the limitation of its mandate with respect to the freedom of association aspects involved, the Committee is unable to reach further conclusions on this case.*

Objection concerning the nomination of the Workers' delegate of Mauritania

- 79.** The Committee received an objection presented by the Secretary General of the *Confédération générale des Travailleurs de Mauritanie* (CGTM), concerning the nomination of the Worker's delegate of Mauritania.
- 80.** *Pursuant to article 32, paragraph 1(c), of the Conference Standing Orders, an objection is not receivable if the author of the objection is serving as an adviser to the delegate to whose nomination the objection is made. The Committee notes that the name of the author of the objection appears on*

the Provisional list of delegations published on 30 May 2022, as adviser to the Workers' delegate as well as on the Revised provisional list of delegations published on 3 June 2022. Given the fact that the author of the objection has confirmed his email address to be able to exercise his participation rights, received videoconference links and other necessary information, and is registered as Workers' deputy member of the Committee on the Application of Standards, he is deemed to have accepted the capacity of adviser to the Workers' delegate. Consequently, the Committee decides that the objection is not receivable.

Objection concerning the nomination of the Employers' delegation of Nicaragua

- 81.** The Committee received an objection presented by the Employers' group of the Conference concerning the nomination of the Employers' delegation of Nicaragua. The authors of the objection contended that the Government had breached its constitutional obligations under article 3(5) of the ILO Constitution. The lack of consultations and agreement with the Consejo Superior de la Empresa Privada (COSEP) has already been the subject of several objections submitted by the Employers' group in previous sessions of the Conference and of a communication during its 109th session, resulting in the Credentials Committee recognizing that the Government had failed to comply with its obligations. The Employer's group contended that the systematic violation of the ILO Constitution and the denial of the right of the most representative employers' organization to nominate its representatives to the Conference has taken place in an environment contrary to public freedoms, and particularly, to the freedom of association. It recalled the communication submitted by the International Organisation of Employers (IOE) to the Committee of Experts on the Application of Conventions and Recommendations (CEACR) which summarized serious violations of Conventions Nos 87 and 144 by the Government, including persecution, intimidation, and repression of the social partners.
- 82.** *The Committee deeply regrets that the Government neither furnished the information requested nor provided an explanation as to its inability to do so. Such a lack of cooperation curtails the Committee's ability to discharge its mandate under the Conference Standing Orders. As the Committee has often recalled, in the absence of a reply, the Committee can decide to examine the objection on the basis of the allegations presented by the objecting organization.*
- 83.** *The Committee notes that the allegations contained in the objection are similar to those contained in the objection received at the 108th Session (2019) and in the communication received at the 109th Session (2021) of the Conference. It regrets the absence of any progress which appears from the objection, particularly in view of the seriousness of the other allegations presented by the objecting organization, which portray a deteriorating situation for actors of the civil society, including persecution, intimidation and repression. The Committee strongly urges the Government to undertake all necessary efforts to ensure that the appointment of the Employers' delegation to the Conference is effected in agreement with the most representative employers' organizations and to ensure 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, with the technical assistance of the Office, if requested.*

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

- 84.** The Committee received an objection concerning the nomination of the Workers' delegation of the Bolivarian Republic of Venezuela, submitted by the leaders of the UNETE and of the CODESA. The authors of the objection submitted that the UNETE's proposal concerning the composition of the Workers' delegation, sent by email of 4 April 2022 directly to the Minister

of the People's Power for the Social Process of Labour, had remained unanswered. The CODESA, after sending on 4 May 2022 its proposal to the Government, had been invited by the latter to coordinate with the workers' organizations (CBST-CCP, ASI, CTV and CGT) that had submitted a consensus proposal. The authors of the objection noted that, contrary to the organizations that had reached the consensus proposal, the UNETE and the CODESA had not supported the Plan of Action of the Social Dialogue Forum in the Bolivarian Republic of Venezuela adopted on 28 April 2022. They alleged that their organizations' lack of support to the Plan of Action had led to the exclusion of their representatives from the Workers' delegation. Therefore, once again, the designation of the Workers' delegation, favouring the pro-Government CBST-CCP, had been imposed by the Government to "suit itself." The authors of the objection recalled that several objections and complaints had been presented to the Committee in past years regarding the designation of delegates and advisers from the ranks of the CBST-CCP, justifying the renewal of monitoring measures. They also recalled the findings of the Commission of Inquiry which in its Report had pointed to the close relations of collaboration and involvement between the CBST, the Government and its political party and to the lack of true separation between them (see the [Report of the Commission of Inquiry](#), paragraph 471).

85. In a written communication addressed to the Committee at its request, the Government reiterated the information provided in its monitoring report. In addition, it indicated that it was unaware of the existence of the email allegedly sent by the UNETE directly to the personal email address of the former Minister of People's Power for the Social Process of Labour. It noted that, in any case, the proposal should have been communicated to the email address of the Directorate of International Relations and Liaison with the ILO, which was the appropriate official channel for such communications, and not to the personal email address of the former Minister. The Government further indicated that despite bilateral and tripartite meetings subsequently held with the UNETE, it had not been informed of the submission of the said proposal. The Government also denied having accredited a Workers' delegation to "suit itself" insofar as the accredited delegation was based on the agreement between trade union organizations that had been communicated to it. Moreover, the Government categorically denied the qualification of the CBST-CCP as pro-Government or directly linked to or dependent on the Government. The Government emphasized that its relationship with the CBST-CCP was strictly of trade union nature, as with the rest of the trade union organizations in the country.
86. *The Committee notes that, while the Government took steps to promote agreement among the workers' organizations on the designation of the Workers' delegation to the present session of the Conference, once again, the composition of the Workers' delegation has not been agreed upon by all the workers' organizations. The Committee recalls that 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, and while a plurality of organizations may better represent the views of employers and workers in a country, such a plurality cannot be imposed by the Government. Failing an agreement amongst most representative organizations, the Government must assess, based on objective and verifiable criteria, which organization (or group of organizations that have agreed on a common proposal) is the most representative. As regards the establishment and application of such criteria by this Government, the Committee refers to its conclusions on the monitoring of the situation of the Bolivarian Republic of Venezuela (paragraphs 24–26).*
87. *The Committee hopes that the Government will be able to establish, with the assistance of the ILO and in consultation with workers' organizations, a system based on objective and verifiable criteria*

that will enable it to assess the representativeness of workers' organizations and, eventually, to nominate the Workers' delegates to the Conference in agreement with the most representative of them, in full conformity with the requirements of article 3(5) of the ILO Constitution.

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

88. The Committee received an objection presented by the International Trade Union Confederation (ITUC) concerning the failure to deposit credentials of a Workers' delegate by the Government of Yemen. The ITUC requested that the Committee call upon the Government to provide explanations about this situation.
89. *The Committee regrets that the Government has not responded to its request for information nor has it accredited a fully tripartite delegation. It notes that in response to two previous objections, the Government explained that it had failed to accredit a tripartite delegation as, despite its request, it had not received any nominations, either from the worker's or the employers' side, and because of the armed conflict in the country (ILC.104/Record No.5C, paragraph 89; ILC.106/Record No. 5C, paragraph 147). The Committee regrets that the Government has failed again to send a fully tripartite delegation to the present session of the Conference.*
90. *The Committee stresses that the Government, in accordance with article 3(1) of the ILO Constitution, remains under the obligation to nominate a tripartite delegation to the Conference, which it has not met. By sending a delegation that is exclusively governmental, the 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. The Committee strongly urges on the Government to make serious efforts and to ensure that a fully tripartite delegation is accredited to future sessions of the Conference.*

Complaints

91. The Committee also received and dealt with four complaints, which are listed below.

Late complaint concerning the non-payment of travel and subsistence expenses of the Workers' delegation by the Government of Comoros

92. The Committee received a complaint concerning the non-payment of travel and subsistence expenses of the Workers' delegation by the Government of Comoros presented by the Confédération des Travailleuses et Travailleurs des Comores (CTTC).
93. *The complaint, dated 3 June 2022, was received by the Credentials Committee the same day, at 1:06 p.m., well after the expiration of the deadline established by article 33, paragraph 3(a) of the Standing Orders of the Conference (i.e., Wednesday, 1 June, at 10 a.m. for this session of the Conference). Therefore, the complaint is irreceivable by virtue of this provision of the Standing Orders.*

Complaint regarding the non-payment of travel and subsistence expenses of the Workers' delegation of Costa Rica

94. The Committee received a complaint presented by the Confederación de Trabajadores Rerum Novarum (CTRN), the Central del Movimiento de Trabajadores Costarricenses (CMTTC), the Central General de Trabajadores (CGT), the Central Unitaria de Trabajadores (CUT) and the Bloque Unitario Sindical y Social Costarricense (BUSSCO), concerning the non-payment of

travel and subsistence expenses of the Workers' delegation. According to the complainants, the Government refused to pay the travel and subsistence expenses of the Workers' delegation, invoking the "hybrid" format of the Conference and a lack of financial resources. The complaint was supported by the International Trade Union Confederation (ITUC).

95. In a written communication addressed to the Committee in response to its request, the Minister of Labour acknowledged that the Government unlike previous years had been unable to cover the travel and subsistence expenses of the tripartite delegation due to the financial situation of the country, aggravated by the COVID-19 pandemic. Due to those financial difficulties, none of the members of the tripartite delegation would attend the Conference in person. Moreover, in accordance with the Operational Arrangements adopted by the Conference for this session (ILC.110/D.1), the limitation of in-person attendance to the Conference was necessary owing to the remaining sanitary and travel restrictions due to the COVID-19 pandemic and a shortage of meeting rooms in Geneva due to renovation works of the United Nations conference facilities. She indicated that the financial constraints would be dealt with immediately in order to guarantee the participation of the tripartite delegation in future sessions of the Conference.
96. *The Committee notes that this session of the Conference is held in a "hybrid" format combining in-person attendance and remote participation by videoconferencing technology. To operationalize this format, the Conference has adopted the Operational Arrangements, including the suspension of certain provisions of the Standing Orders of the Conference that are necessary to implement the arrangements. The Committee notes that as articles 8(2) and 33 of the Standing Orders regarding complaints are not among them, the obligation of Governments to pay for the traveling and subsistence expenses of a minimum delegation including an Employers' and a Workers' delegate and to refrain from creating a manifest imbalance between the number of advisers in the three parts of the delegation whose costs are covered remains fully applicable notwithstanding the hybrid format of the Conference.*
97. *The Committee recalls that, before the COVID-19 pandemic, by accepting their nomination, delegates and advisers to the Conference have been obliged to travel to Geneva to attend the Conference in person. It considers that this obligation generally continues to apply to a "hybrid" International Labour Conference, and so does the Governments' corresponding obligation to cover the traveling and subsistence expenses of the tripartite delegations. The use of the remote access should be limited to situations where extraordinary circumstances, such as public health-related restrictions linked to the pandemic, make travelling or in-person attendance impossible.*
98. *The Committee notes that paragraph 6 of the Operational Arrangements, which expects that "Member States will ensure the presence in Geneva of national delegations that are fully tripartite and balanced as regards the number of advisers accompanying the respective tripartite delegates", implies that, although the possibility exists for delegates and advisers to fully exercise their participation rights in the Conference by connecting remotely to the sittings, remote participation cannot be considered to be fully equivalent to in-person participation. For example, this year's Conference schedule does not accommodate time zone differences for participants working remotely, which in effect disadvantages participants working in distant time zones, such as in Costa Rica. The Committee is also convinced that direct in-person contacts facilitate consensus-building.*
99. *The Committee notes that the Government in the instant case does not justify its refusal to send a delegation to Geneva by the existence of specific travel restrictions linked to the pandemic, rather it puts forward budgetary restrictions linked to the financial situation of Costa Rica. The Committee acknowledges the difficult financial situation that Member States may be facing and understands the financial burden that the participation of a full tripartite delegation to the Conference implies in*

an era marked by sanitary and other international crises. However, as the Committee has often stated, most governments can rely on the support of their respective Permanent Missions in Geneva to ensure participation of a governmental delegation, whereas the social partners cannot rely on such a system. Financial constraints have not only had an impact on governments, but an even greater impact on the social partners and their ability to cover their own expenses. This remains true also in the hybrid format. In this case, the Committee notes that one of the delegates and one of the advisers in the Government delegation of Costa Rica are diplomats from the Permanent Mission in Geneva. According to the records of the Conference, they both have registered to participate in committees of the Conference and collected access badges to the Conference premises, contrary to the Government's assertion that none of the members of the national tripartite delegation would attend the Conference in person.

- 100.** *In light of the above, the Committee finds that the decision not to cover the expenses of at least the Workers' delegate, if she had expressed her intention to participate in person at the Conference, is incompatible with the Government's obligation under article 13, paragraph 2(a), of the ILO Constitution to cover the expenses of a fully tripartite delegation. Therefore, the Committee trusts that the Government will fulfil its commitment to send a fully tripartite and balanced delegation to the next session of the Conference.*

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

- 101.** The Committee received a complaint filed by the Secretary General of the Central Organization of Trade Unions Kenya (COTU-K), the Workers' delegate, in accordance with article 33(1)(a) of the Conference Standing Orders. The author of the complaint alleged that, over the past five years, the Government had not paid the travel and subsistence expenses of the Employers' and Workers' delegates to tripartite ILO meetings, including the current session of the Conference. The reason invoked by the Government for the non-payment was either the absence of cash or delays in processing the cash. The author of the complaint noted with concern that, at the same time, the Government had fully paid the travel and subsistence expenses of over 24 Government delegates and advisers to the current session of the Conference.
- 102.** In a written communication addressed to the Committee at its request, the Government stated that the travel and subsistence expenses of all eligible Employers' and Workers' delegates to the present session of the Conference would be reimbursed upon their return to Kenya, subject to the submission of relevant travel documents and in accordance with the procedures laid down by the Government, which applied to all ministries and agencies. The Government assured that it was committed to honouring the travel and subsistence expenses of the Employers' and Workers' representatives as previously agreed, after the relevant meetings.
- 103.** *The Committee notes that the complaint alleges that the Government has failed to pay the travel and subsistence expenses of the Employers' and Workers' delegates to the Conference for the last five years. While the Committee is competent to deal with this situation only with respect to the current session of the Conference, it notes that this is a very serious allegation to which the Government has not responded. At the same time, it notes that it has not received corresponding complaints in previous years. The Committee notes that, according to the Government, the eligible Employers' and Workers' representatives would be reimbursed only after the Conference, upon their return to Kenya in accordance with the procedures laid down by the Government. However, the Committee recalls that the obligation under article 13, paragraph 2(a), of the ILO Constitution requires governments not only to bear the expenses necessary for a Member State's tripartite delegation to attend the Conference but to make sure that the necessary financial means are made available to the participants concerned sufficiently in advance, so that the participation of delegates*

who cannot afford to advance expenses is not jeopardized. The Committee accordingly expects that the Government of Kenya will promptly reimburse the travel and subsistence expenses of the Workers' delegation to this session of the Conference and that it will take the necessary steps to ensure that in the future payments of travel and subsistence expenses of the Employers and Workers' delegation occur in advance of the travel, so as to permit participation by the members of those delegations for the full duration of the Conference.

Late complaint concerning the non-payment of travel and subsistence expenses of an adviser of the Workers' delegation by the Government of Mexico

- 104.** The Committee received a complaint presented by Mr Hector Solano Cid, accredited as an adviser from the Unión Nacional de Trabajadores (UNT) in the Workers' delegation, concerning the non-payment of his travel and subsistence expenses by the Government of Mexico.
- 105.** *The Committee notes that the complaint had been received by the Committee's secretariat on Thursday, 2 June 2022, 10 a.m., which was one full day after the expiration of the deadline established by article 33, paragraph 3(a) of the Standing Orders of the Conference. Therefore, the complaint is irreceivable by virtue of this provision of the Standing Orders.*

Communications

- 106.** The Committee also received two communications.

Communications concerning the composition of the delegation of the International Trade Union Confederation

- 107.** The Committee had before it a communication dated 31 May 2022, addressed to the Director-General of the ILO and signed by Mr Win Shein, "Deputy Minister, Ministry of Labour", entitled "Objection to the representatives from IWFM to attend the 110th International Labour Conference". The author objected to the participation in the Conference of one of the representatives of the International Trade Union Confederation (ITUC), the Chairman of the Industrial Workers' Federation Myanmar (IWFM) on the ground that this person was being prosecuted in Myanmar for criminal charges. The Committee also received a communication from the Permanent Mission of Myanmar in Geneva objecting to the participation of the Chairman, IWFM as representative of the ITUC, as the IWFM was affiliated to the Committee Representing Pyidaungsu Hlutaw (CRPH) and the National Unity Government (NUG), both of which had been declared unlawful organizations and terrorist groups by the State Administration Council (SAC) of Myanmar.
- 108.** *With respect to the author of the communication, the Committee recalls its conclusions on the question of the representation of Myanmar (ILC.110/Record No. 2A, paragraphs 20–29).*
- 109.** *The Committee notes that in responding to similar communications dated 1 June 2022, received from the same authority, the International Labour Office indicated that it had no authority to prevent the participation, or otherwise interfere with the selection, of representatives nominated by the international non-governmental organizations invited to participate in the Conference.*
- 110.** *The Committee recalls once again, as it did when it received similar communications from the Government of Myanmar in 2001 and 2002 and from the military authorities in 2021, that under article 8(2) (former article 5(2)) and article 32 (former article 26bis) of the Conference Standing Orders, objections may only relate to nominations of the delegates or advisers of the tripartite delegations of Member States which are alleged not to have been made in accordance with the provisions of article 3 of the ILO Constitution. The Constitution and the Standing Orders do not*

provide for a procedure to challenge the nomination of other participants to the Conference, such as representatives from non-governmental international organizations with which standing arrangements for their participation in the Conference have been made (article 2(2)(j) of the Standing Orders). As it is in the latter capacity that the ITUC participates in the Conference, these communications call for no action on the part of the Committee.

Other matters

- 111.** The Committee observes that Advisory Opinion No. 1 of the Permanent Court of International Justice (PCIJ) of 1922, is marking its centenary this year. The Committee considers that Advisory Opinion No. 1 carries as much weight today as it did when it was rendered. In this regard, the Committee observes that it has received various objections that call into question the methods and mechanisms for undertaking the consultative process at the national level by governments for the purposes of obtaining designations of the Employers' and Workers' delegations to the Conference. The Committee recalls that article 3, paragraph 5 of the ILO Constitution, as interpreted by the PCIJ in Advisory Opinion No. 1, requires that where several representative employers' and workers' organization exist in a particular country, the government in question must take all of them into consideration when it is proceeding with the nomination of the Employers' and Workers' delegations. This requires consultations in good faith with all of them with a view to obtaining their agreement on the composition of their respective delegations. The nomination must invariably be done in agreement with the most representative employers' and workers' organizations.
- 112.** The Committee further observes that the 110th Session of the International Labour Conference (2022) is taking place in a challenging environment due to its hybrid nature and the post-pandemic environment. It considers that such challenges should not be an obstacle to in-person participation by fully tripartite and balanced delegations in the highest policymaking body of the ILO and hopes that such challenges will continue to dissipate for future sessions of the Conference.
- 113.** The Committee also notes that various cases brought before it did not contain essential and relevant information. Moreover, a certain number of cases continue to be filed after the expiry of the time-limits or are not receivable for other reasons. The Committee considers that the Office could examine methods for providing guidelines and tools to constituents that could increase the quality of submissions, thus facilitating the Committee's work.
- ***
- 114.** 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 11, 18, 26 and 34.

10 June 2022

(Signed) Ms Cheryl Daytec
Chairperson

Mr Fernando Yllanes Martínez

Mr Magnús Norddahl

Appendix II

Proportion of women accredited in Conference delegations

	G				E				T				Tot				%		
	G	E	T	Tot	G	E	T	Tot	G	E	T	Tot	G	E	T	Tot			
Afghanistan.....	0,0	0,0	0,0	0,0	Denmark.....	30,0	66,7	20,0	33,3	Lesotho.....	84,6	100,0	0,0	76,5	Samoa.....	0,0	50,0	100,0	54,5
Albania.....	75,0	0,0	50,0	50,0	Djibouti.....	33,3	100,0	0,0	44,4	Liberia.....	66,7	0,0	0,0	40,0	San Marino.....	66,7	50,0	14,3	42,1
Algeria.....	6,7	38,5	0,0	15,8	Dominican Republic.....	43,5	28,6	38,5	39,5	Libya.....	28,6	0,0	16,7	20,0	Sao Tome and Principe.....	0,0	0,0	0,0	0,0
Angola.....	33,3	50,0	-	37,5	Ecuador.....	35,7	0,0	25,0	30,0	Lithuania.....	70,0	50,0	0,0	61,5	Saudi Arabia.....	28,6	40,0	0,0	23,5
Antigua and Barbuda.....	33,3	100,0	0,0	40,0	Egypt.....	45,5	25,0	23,1	31,3	Luxembourg.....	45,5	0,0	28,6	31,8	Senegal.....	31,8	0,0	46,2	35,1
Argentina.....	46,2	23,1	23,1	34,6	El Salvador.....	52,2	25,0	23,1	37,5	Madagascar.....	57,1	66,7	15,4	42,4	Serbia.....	55,6	75,0	66,7	62,5
Armenia.....	50,0	11,1	66,7	33,3	Eritrea.....	0,0	0,0	0,0	0,0	Malawi.....	25,0	42,9	33,3	32,0	Seychelles.....	66,7	0,0	0,0	40,0
Australia.....	73,3	50,0	50,0	65,2	Estonia.....	83,3	100,0	100,0	88,9	Malaysia.....	61,1	23,1	7,7	34,1	Sierra Leone.....	0,0	0,0	0,0	0,0
Austria.....	61,5	50,0	28,6	50,0	Eswatini.....	0,0	0,0	0,0	0,0	Maldives.....	87,5	16,7	50,0	55,0	Singapore.....	43,8	0,0	55,6	40,0
Azerbaijan.....	28,6	50,0	50,0	40,6	Ethiopia.....	37,5	0,0	0,0	21,4	Mali.....	19,2	33,3	33,3	22,9	Slovakia.....	71,4	25,0	50,0	53,3
Bahamas.....	62,5	50,0	28,6	51,9	Fiji.....	0,0	0,0	66,7	20,0	Malta.....	53,8	33,3	0,0	37,5	Slovenia.....	85,7	0,0	0,0	54,5
Bahrain.....	57,1	33,3	8,3	34,5	Finland.....	80,0	75,0	60,0	73,7	Mauritania.....	9,1	0,0	16,7	10,0	Solomon Islands.....	25,0	50,0	0,0	25,0
Bangladesh.....	17,4	25,0	11,1	17,5	France.....	40,0	60,0	50,0	46,8	Mauritius.....	38,5	0,0	0,0	33,3	Somalia.....	25,0	0,0	0,0	12,5
Barbados.....	50,0	100,0	100,0	80,0	Gabon.....	35,3	18,2	8,3	22,5	Mexico.....	41,7	23,1	30,8	31,6	South Africa.....	43,8	66,7	66,7	53,6
Belarus.....	50,0	0,0	46,2	37,0	Georgia.....	66,7	50,0	25,0	44,4	Mongolia.....	60,0	33,3	0,0	40,0	South Sudan.....	62,5	0,0	0,0	45,5
Belgium.....	50,0	66,7	15,4	41,5	Germany.....	57,1	80,0	50,0	60,0	Montenegro.....	100,0	0,0	100,0	83,3	Spain.....	46,7	40,0	53,8	47,4
Belize.....	50,0	80,0	40,0	56,3	Ghana.....	50,0	46,2	23,1	38,9	Morocco.....	31,6	20,0	38,5	32,4	Sri Lanka.....	44,4	0,0	14,3	29,4
Benin.....	43,8	77,8	69,2	60,5	Greece.....	66,7	30,0	83,3	58,1	Mozambique.....	30,0	0,0	0,0	23,1	Sudan.....	42,9	0,0	-	37,5
Bolivia (Plurinational State of).....	42,9	25,0	0,0	23,5	Grenada.....	0,0	0,0	0,0	0,0	Namibia.....	54,5	50,0	50,0	53,3	Suriname.....	0,0	0,0	0,0	0,0
Bosnia and Herzegovina.....	100,0	0,0	100,0	75,0	Guatemala.....	77,8	40,0	0,0	50,0	Nepal.....	25,0	0,0	0,0	5,9	Sweden.....	88,9	40,0	80,0	73,7
Botswana.....	58,3	60,0	8,3	37,9	Guinea.....	26,9	14,3	50,0	31,1	Netherlands.....	52,6	16,7	46,2	44,7	Switzerland.....	46,7	0,0	37,5	38,5
Brazil.....	25,0	30,8	23,1	26,0	Guinea-Bissau.....	50,0	0,0	0,0	25,0	New Zealand.....	66,7	0,0	50,0	50,0	Syrian Arab Republic.....	20,0	0,0	0,0	7,7
Brunei Darussalam.....	33,3	0,0	0,0	27,3	Guyana.....	0,0	0,0	0,0	0,0	Nicaragua.....	75,0	50,0	50,0	58,3	Tajikistan.....	100,0	0,0	0,0	50,0
Bulgaria.....	63,6	66,7	0,0	55,0	Haiti.....	37,5	0,0	0,0	21,4	Niger.....	16,0	25,0	8,3	16,3	Thailand.....	42,3	46,2	38,5	42,3
Burkina Faso.....	42,1	25,0	0,0	31,0	Honduras.....	14,3	0,0	0,0	9,1	Nigeria.....	34,6	23,1	23,1	28,8	Timor-Leste.....	40,0	0,0	0,0	33,3
Burundi.....	0,0	0,0	0,0	0,0	Hungary.....	58,3	75,0	33,3	54,5	North Macedonia.....	80,0	100,0	0,0	71,4	Togo.....	18,8	40,0	45,5	31,3
Cabo Verde.....	80,0	100,0	50,0	75,0	Iceland.....	83,3	50,0	50,0	66,7	Norway.....	55,6	66,7	46,2	54,8	Trinidad and Tobago.....	81,0	33,3	30,8	57,5
Cambodia.....	6,3	40,0	14,3	14,3	India.....	19,0	30,8	46,2	29,8	Oman.....	25,0	7,7	15,4	15,8	Tunisia.....	41,7	33,3	18,2	31,0
Cameroon.....	27,3	60,0	0,0	30,0	Israel.....	66,7	50,0	50,0	61,5	Pakistan.....	14,3	0,0	0,0	12,0	Türkiye.....	26,9	30,8	7,7	23,1
Canada.....	76,5	33,3	40,0	60,7	Indonesia.....	38,5	30,8	15,4	30,8	Panama.....	33,3	25,0	25,0	29,4	Turkmenistan.....	60,0	50,0	50,0	57,1
Central African Republic.....	0,0	50,0	25,0	15,4	Iran (Islamic Republic of).....	12,5	23,1	8,3	15,2	Papua New Guinea.....	50,0	100,0	0,0	37,5	Uganda.....	0,0	38,5	38,5	33,3
Chad.....	41,2	0,0	0,0	29,2	Iraq.....	35,0	0,0	25,0	24,3	Paraguay.....	33,3	0,0	33,3	27,8	Ukraine.....	25,0	0,0	50,0	33,3
Chile.....	50,0	16,7	40,0	40,7	Ireland.....	44,4	100,0	50,0	50,0	Peru.....	28,0	30,8	36,4	30,6	United Arab Emirates.....	33,3	33,3	33,3	33,3
China.....	45,5	25,0	33,3	38,5	Italy.....	56,3	14,3	61,5	50,0	Philippines.....	47,8	61,5	50,0	52,1	United Kingdom.....	58,8	100,0	50,0	63,0
Colombia.....	48,0	20,0	38,5	39,6	Jamaica.....	55,6	0,0	0,0	45,5	Poland.....	80,0	66,7	16,7	63,0	United Republic of Tanzania.....	38,5	57,1	15,4	34,8
Comoros.....	37,5	20,0	33,3	31,6	Japan.....	28,0	20,0	50,0	31,6	Portugal.....	53,3	37,5	36,4	44,1	United States of America.....	46,2	71,4	60,0	52,6
Congo.....	12,0	0,0	27,3	13,6	Jordan.....	18,8	0,0	33,3	19,0	Qatar.....	33,3	28,6	0,0	29,2	Uruguay.....	60,0	0,0	33,3	41,2
Cook Islands.....	100,0	100,0	100,0	100,0	Kazakhstan.....	25,0	16,7	16,7	18,8	Republic of Korea.....	42,3	37,5	41,7	41,3	Uzbekistan.....	28,6	0,0	0,0	18,2
Costa Rica.....	70,0	50,0	50,0	64,3	Kenya.....	26,9	46,2	15,4	28,8	Republic of Moldova.....	75,0	33,3	16,7	38,5	Venezuela (Bolivarian Republic of).....	44,0	23,1	30,8	35,3
Côte d'Ivoire.....	19,2	18,2	38,5	24,0	Kiribati.....	100,0	0,0	100,0	80,0	Romania.....	40,0	0,0	28,6	25,0	Viet Nam.....	44,4	50,0	0,0	40,0
Croatia.....	50,0	100,0	100,0	66,7	Kuwait.....	20,0	0,0	0,0	12,5	Russian Federation.....	16,7	22,2	18,2	18,8	Yemen.....	0,0	-	-	0,0
Cuba.....	57,1	0,0	33,3	41,7	Kyrgyzstan.....	50,0	33,3	50,0	42,9	Rwanda.....	25,0	50,0	25,0	30,0	Zambia.....	32,0	23,1	30,0	29,2
Cyprus.....	83,3	22,2	30,0	40,0	Lao People's Democratic Repub... ..	27,3	50,0	33,3	31,3	Saint Kitts and Nevis.....	100,0	0,0	100,0	75,0	Zimbabwe.....	26,1	50,0	33,3	29,7
Czechia.....	55,6	100,0	25,0	53,3	Latvia.....	50,0	66,7	50,0	54,5	Saint Lucia.....	0,0	0,0	50,0	20,0					
Democratic Repub. of the Congo.....	34,6	23,1	0,0	23,1	Lebanon.....	25,0	44,4	15,4	26,7	Saint Vincent and the Grenadines.....	100,0	100,0	40,0	62,5					

G	E	T	Tot
41,5%	33,1%	29,8%	36,5%