

Resolution No. 1

BALI DECLARATION

The 17th ITUC-AP Regional General Council Meeting in Nadi, Fiji, 31 July - 2 August 2019:

- NOTES** that the survey carried by the ITUC-AP aims to measure the impact and the implementation process of the Bali Declaration, which was adopted at the 16th Asia and the Pacific Regional Meeting (APRM) of the International Labour Organization (ILO) held in Bali, Indonesia on 9 December 2019;
- REITERATES** labour governance, particularly in the form of tripartism and social dialogue, must be improved as this is a key to achieving priorities of the Declaration. To this end, a stable political climate must be created where the autonomy and independence of trade unions and employers' organisations are fully respected in compliance with Conventions 87 and 98;
- HIGHLIGHTS** that there is a lack of initiatives taken by the Government in terms of implementation of policies based on the priorities set by the Bali Declaration;
- that there has not been sufficient follow-up action by the ILO;
- the ITUC-AP survey report on Bali Declaration will be used by the ITUC-AP to inform ILO and suggest ways to improve ILO interventions in order that the priorities as outlined in the Declaration are fully implemented before the next APRM scheduled to be held in 2020;
- RECOMMENDS** that specific strategy must be developed for selected priorities, including a campaign for the ratification of fundamental Conventions, particularly Conventions 87 and 98;
- CALLS FOR** the establishment of a joint task force made up of the ILO Regional Office, the ACTRAV and the ITUC-AP with a view to developing strategies with effective allocation of ILO resources;
- REQUESTS** the ILO Governing Body for an intensive discussion in its next meeting in November 2019 on the implementation of the Bali Declaration in order that appropriate measures are taken in the next few months to effectively implement the Declaration before the next APRM in 2020;
- DEMANDS** International Labour Office to further strengthen its cooperation in order to promote the publicity and importance of the Declaration in the programmes and activities of the ILO, the ITUC-AP, Governments and the unions;
- the ACTRAV to further improve its role for capacity building programmes for unions to develop their capacity to organise, conduct collective bargaining effectively and participate in establishing and implementing process of economic, social and labour policies, including those identified as national priorities by the Declaration. Capacity building programmes on International Labour Standards and ILO supervisory mechanism must be strengthened.

Resolution No. 2

DEMOCRATIC FUTURE OF HONG KONG

The 17th ITUC-AP Regional General Council Meeting in Nadi, Fiji, 31 July - 2 August 2019:

- RECOGNISING** the struggle of the over two million Hong Kong people to protest against the Fugitives Offenders Ordinance Amendment Bill, demonstrating their determination to uphold democracy and freedom;
- ENDORSING** the Hong Kong people's demand that the Hong Kong Government withdraw the Fugitives Offenders Ordinance Amendment Bill in order to regain the confidence of the people on the status of Hong Kong under the "one country two system" arrangement;
- FURTHER ENDORSING** the Hong Kong people's demand to the Government to pledge to scrap the Bill unless the Chinese Judicial system proves to be independent of the Chinese Government and of international standards.
- RESOLVES** to urge the Hong Kong Government to stop arresting protesters and investigate cases of police brutality against them;
- CALLS UPON** the Chinese Government to honour its pledge under the Hong Kong Basic Law and restart Constitutional Reform in Hong Kong so that there will be a fair political system to address internal conflicts within the society through a democratic system;
- SUPPORTS** the demand of the Hong Kong Confederation of Trade Unions and their allies in the democracy movement for the implementation of universal suffrage in both the Hong Kong Chief Executive and the Legislative Council elections.

Resolution No. 3

REPUBLIC OF KOREA RATIFICATION OF FUNDAMENTAL CONVENTIONS WITHOUT REGRESSION

The 17th ITUC-AP Regional General Council Meeting in Nadi, Fiji, 31 July - 2 August 2019:

- TAKES NOTE** that the government of Republic of Korea initiated the official process for the ratification of 3 of outstanding ILO fundamental conventions, namely C87, C98 and C29, aiming to submit a motion for the ratification at the upcoming regular session of the National Assembly;
- EXPRESSES DEEP CONCERNS** at the same time, that the government made it clear this process will be combined with a retrogressive revision of the existing legislation, reflecting the unacceptable demands from the employers' organisations to put further restriction on the exercise of right to bargain collectively and right to strike, in exchange for the ratification itself;
- REITERATES** that the Government of Korea has already an obligation arising out of the very fact of membership of the ILO to respect, promote and realise the principles, including the freedom of association, concerning the fundamental principles and rights at work according to the ILO 1998 Declaration. At the same time, all the member countries of the ILO in the Asia Pacific region defined the ratification and application of the ILO conventions 87 and 98 as a top priority in Bali Declaration adopted in December 2016 at the 16th Regional Meeting;
- URGES** the government to promptly complete the necessary procedure for the ratification of the ILO fundamental conventions and to withdraw the proposed revision bill which further restrict trade union rights, recalling the principle of non-regression under Article 19.8 of the ILO Constitution;
- CALLS UPON** the National Assembly to pass the ratification without imposing any conditions. The revision of the TULRAA should be made only for the purpose of the full implementation of the conventions based on the recommendations by the ILO CFA, not for deterioration of existing law.

Resolution No. 4

AFGHANISTAN

The 17th ITUC-AP Regional General Council Meeting in Nadi, Fiji, 31 July - 2 August 2019:

EXPRESSES deep concern on the attack of the head office of the National Union of Afghanistan Workers, Employees (NUAWE) and its other 16 properties on 21 April 2018 by the Afghanistan Government with heavily armed police and security forces pursuant to a presidential decree, confiscation of all properties, assets, equipment and others, cancellation of the legal license and freezing union bank accounts;

NOTES WITH CONCERN that such undermining the operations and activities of NUAWE is intended to pressurise the union by expropriating legitimately acquired properties; these actions, taken without any judicial authorisation or law and breaching the constitution of Afghanistan, are a serious interference in legitimate trade union activities contrary to the provisions of ILO Convention No. 87. The union movement has no way to collect membership fees from its members and utilise the bank accounts for its day-to-day functions. The government had instructed the Ministry of Justice not to renew the license if the union does not hand over the properties to the government. This violates the commitment of the government to facilitate the registration of trade union organisations without prior authorisation and to protect the rights of the union.

NUAWE's main office in Kabul and all its branches in 16 districts are still closed and are under occupation by the Government. The attack on the NUAWE has generated a climate of fear and intimidation among trade unions and prevent the full exercise of the functions of NUAWE and its 175,000 members;

RECALLS That the ILO/ITUC/ITUC-AP joint delegation visited Afghanistan in March 2019 and met with the Labour Minister and other officials. The Minister promised to revoke the suspension of license of NUAWE and unfreeze its bank accounts. Similar promise by the Minister was reiterated during the ILC June meeting but did not make any progress on the promises and position of union movement remains the same as was in April 2018;

DEMANDS that the Government of Afghanistan:

- (a) Return all properties to NUAWE;
- (b) Un-freeze the union bank accounts;
- (c) Renew immediately the legal registration license of NUAWE;
- (d) Non-interference by Government in the internal democratic affairs of NUAWE; and
- (e) Recognition of NUAWE as free and democratic trade union movement of Afghanistan in accordance with the principles of ILO Convention 87 and 98;

EXTENDS full support to the NUAWE and the working people of Afghanistan in their struggle for existence;

REQUESTS (a) all affiliates to send protest letters to the Government of Afghanistan with copies to Afghan mission in their respective

countries;

- (b) to invoke further the ILO supervisory mechanism on the complaint against the Government of Afghanistan; and
- (c) lodge complaint against Government of Afghanistan with IMF, World Bank, Asian Development Bank, European Union, the USA (particularly on GSP status of Afghanistan) and UN or other donor agencies for invoking the jurisdiction of the aids preference to Afghanistan vis-à-vis its non-compliance with basic fundamental rights guaranteed under ILO Core Conventions (87 and 98).

Resolution No. 5

PAKISTAN

The 17th ITUC-AP Regional General Council Meeting in Nadi, Fiji, 31 July - 2 August 2019:

- NOTES** the decision of the High Court of Balochistan (a province of Pakistan), C.P. No. 669 of 2013 and C.P. No. 400 of 2015, banning union existence in civil service of Balochistan. The Court decision is based on certain anomalies of the labour laws of the province where civil service and its connected departments have been excluded from right of unionism and collective bargaining;
- DEPLORES** that the Provincial Labour Department of Balochistan simultaneously has while crossing the limitation and jurisdiction given by the High Court decision, ultimately cancelled 62 unions not only of civil service but of semi-Governments and non-governmental institutions. The union movement in Balochistan has only been left to unionise in mines and industrial sectors;
- RECALLS** that Pakistan has ratified ILO Conventions 87 and 98 on Freedom of Association and Collective Bargaining. Pakistan is also beneficiary of GSP Plus by European Union with the condition that the basic fundamental conventions of 87 and 98 will be honored. Pakistan is also beneficiary of IMF, World Bank and Asian Development Bank grants and packages where right to organise and collective bargaining cannot be denied;
- DEMANDS** that Governments of Pakistan and Balochistan should immediately amend the related labour laws of Balochistan particularly the definitions of establishment, industry and workmen so that they conform with the provisions of ILO conventions 87 and 98 ratified by Pakistan and anomalies, deficiencies and defects identified by Balochistan High Court are removed and unions are accordingly restored;
- EXTENDS FULL SUPPORT TO** the legitimate existence of 62 unions of Balochistan in Pakistan;
- DECIDES**
- (a) to request all affiliates to send protest letters to the Government of Balochistan in Pakistan;
 - (b) to invoke further the ILO supervisory mechanism on the complaint against Government of Pakistan with emphasis on ban of ILO technical assistance in the province of Balochistan; and
 - (c) to lodge complaint against Government of Pakistan with IMF, World Bank, Asian Development Bank and European Union particularly on GSP status of Pakistan.

Resolution No. 6

PAKISTAN - KESK

The 17th ITUC-AP Regional General Council Meeting in Nadi, Fiji, 31 July - 2 August 2019:

- NOTES** that complaint No. 2902 with the ILO Committee on Freedom of Association on Karachi Electricity Supply Corporation (KESC) is pending since over eight years. The complaint carries on allegations of the refusal of the KESC management to implement a Tripartite Agreement dated 26 July 2011. The management instead ordered to open fire on peacefully protesting workers with one dead and injuring nine and filing fabricated criminal cases against 30 office bearers of KESC Labour Union. The lack of proper action by the Government of Pakistan has been reported and none of the terminated office bearers has been reinstated;
- FURTHER NOTES** that Industrial Relations Act in Pakistan under section 19(2) has a mandatory provision for secret ballot to determine the Collective Bargaining Agent to be held in 30 days. The statutory body, the National Industrial Relations Commission (NIRC), has miserably failed to perform its statutory role stipulated in the above article of the Act. The Government of Pakistan Ministry of OP & HRD in reply to the ILO Committee on Freedom of Association (CFA) vide dated 2 October 2018 has committed that an authorised election officer has been appointed at Karachi to start election proceedings to hold secret ballot within thirty days so that the newly elected CBA union is able to engage with the management new social dialogue to solve the long pending issues. But the authorised election officer even failed to get authenticated employees list from the KESC Management in the last nine months. The Government has failed to implement the ILO Governing Body (March 2019) decisions. The NIRC has totally failed to implement the recommendation of CFA, particularly during the last two years. These are blatant violations of ILO conventions 87 & 98 by the Government, its statutory departments, the NIRC and KESC management;
- RECALLS** that Pakistan has ratified ILO Conventions 87 & 98 on Freedom of Association and Collective Bargaining. Pakistan is also beneficiary of GSP Plus by European Union with the condition that the fundamental conventions 87 and 98 will be honored. Pakistan is also getting IMF and World Bank grants and aid packages where right of unionism and collective bargaining cannot be denied to KESC Labour Union in accordance with Pakistan Industrial Relations Law;
- DEMANDS** that Government of Pakistan should immediately honour its commitments to hold secret ballot by NIRC in the case of KESC and fulfill its further commitments before the ILO CFA in the last eight years;
- EXTENDS** full support to the KESC Labour Union in their fight for legitimate rights to be determined through secret ballot by NIRC. Further decides to monitor implementation of the recommendation of the CFA with further lodging complaint to European Union and IFC/World Bank to invoke jurisdiction of GSP and grants to Pakistan on non-compliance of fundamental rights of workers of the KESC under ILO Conventions 87 and 98.