

## Motivations of Migrants

Most Migration takes place between developing countries, as one of the root causes of migration is lack of development in the countries of origin. Migrants motivations are mainly economic; they do not normally intend to stay permanently or be fully integrated in the host communities. As a result, they maintain close links with their home bases and retain their cultural habits; they live in segregated areas, making assimilation with the host community difficult, and rarely become full members of their host communities. Migrants accumulate wealth and gain special skills which give them considerable economic advantage over local people. Generally, they repatriate their earnings and savings, only a few investing in the host economy.

## Illegal Migrants

On Christmas day on 24th December, in 1996, a ferry (Yiohan) loaded beyond capacity, carrying nearly five hundred illegal immigrants from India, Pakistan and Sri Lanka capsized in the icy, blue waters of the Ionian Sea, near Malta, killing nearly 300 young illegal migrants. These youth -mostly from low income families - had been lured by life in distant lands, far away from home. Not a single body was recovered, nor was any wreckage or debris sighted. This tragedy is a telling instance of the illegal slave trade, spanning several continents<sup>3</sup> So also, the plight of Vietnamese boat people which drew attention to the possibilities for illegal arrivals by sea. Vietnamese people - men, women and children - left their homeland, in 1975, in fragile boats and rafts on the high seas at the mercy of elements and pirate attacks, if they were lucky to have escaped from the hazards of the high seas, they sought asylum in Thailand, Malaysia, Indonesia, the Philippines, Singapore or Hong Kong.

Arrival by sea is a method now used regularly by illegal migrants all over the world - the open sea is the one highway which governments do not control.

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<sup>3</sup>"Back from Hell", India Today, February 15, 1997, p.58.

The trafficking of illegal migrants is sustained by a vast network of travel agents, manpower recruiting agents and their brokers. These shady travel agents thrive because of police patronage; the routes they follow depend upon the immigration laws and visa regulations. It has, for instance, been reported that the CIS states of the erstwhile Soviet Union are the major transit points for illegal migration in the Afro-Asian region, other transit points being Bangkok, Thailand, Hong Kong, Greece, Cyprus and Turkey. The international gangs take over the 'cargo' of human suffering at these transit points for onward shipments clandestinely.<sup>4</sup> It hardly needs to be mentioned that immigrants arriving illegally do risk getting returned.

While some efforts are being made by all countries in some way to control illegal immigration, the solution would be in taking steps towards mutual co-operation.

## Recruiting Agents

Generally, public and private sector recruiting agents facilitate the export of labour, in particular, from South Asia. The mode of operation and the regulations under which agents operate vary little throughout South Asia. The governments of Pakistan, India, Bangladesh and Sri Lanka each require agents to be licensed and to lodge deposits which may be forfeited if they indulge in illegal practices.

## Categories of Migrants

The process of migration and the problems created by it are varied and complex. Every year, approximately, one million people emigrate permanently. There appears to be general support for the proposal that inward and outward flows should be carefully put into five separate categories, namely -

- (a) settlers - people who enter another country to live permanently;
- (b) contract workers - people who are admitted on the understanding that they will work for a limited period, and their dependents;

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<sup>4</sup>"The Human Smugglers", India Today, February 15, 1997, p.63.

- (c) transient professionals and skilled workers and dependents - people who work in the skill-intensive jobs and they migrate frequently from one country to another;
- (d) illegal migrants - people who enter illegally or clandestinely overstay their visas or take jobs when they only have tourist visas. The attraction of higher wages is generally the major and most persistent reason for the flow of illegal migration; and
- (e) asylum seekers and refugees - which is a worldwide phenomenon, concerns people who escape from war, famine and drought, the weakness or absence of regulations protecting the human rights of refugees being a problem of increasing concern. The interplay between refugees and migrant workers has thrown international asylum systems into crisis<sup>f</sup>

In recent years, there has been a tendency not only for distinctions between 'types' of migrants to be blurred, but also for temporary workers, illegal and refugees to obtain quasi immigrant status in some countries (United Nations, 1982).

### Impact of Migration

The impact of migration on both the sending and receiving countries varies according to the nature of the economies, the volume and composition of migration streams and the extent and disposition and remitted incomes. The social consequences of labour migration are manifold and varied, touching all aspects of the workers family and community life, and varying between countries (and regions within countries) on the basis of ethnicity, religion, family size and structure, class, skills and earnings. But not all professionals leave simply to earn more money. Many emigrate because there are simply no jobs available; developing countries are often producing more trained people than their countries can absorb, as, for example India, which has an oversupply of skilled workers. The developed countries also certainly gain from the

<sup>f</sup> The work of strangers: A survey of international labour migration by Peter Stalker.

arrival of skilled manpower. The form of international migration is also shaped by the policies of the receiving countries. Many now make efforts to attract skilled immigrants or at least make their entry easier.

Migration involves important financial benefits for migrant sending countries. Migrants save and send money to their countries of origin. For these countries remittances are a source of foreign exchange or a way of financing balance of payment deficits. For individual households this money is important as a source of income or even of subsistence. The largest single use of remittances is for housing<sup>g</sup>. This is common to most sending countries. Having seen the cleverness with which emigrants can avoid controls, many governments now try to find ways to encourage their overseas workers to use official channels. Bangladesh, for example, has a 'wage earners' scheme which allows returning migrants to sell their foreign exchange to importers at a premium over the official exchange rate. India and other countries now allow non-resident nationals to open foreign exchange accounts.

The success of a migrant worker is generally measured in terms of a material improvement in one's life style, i.e. a life of relative financial ease. It also means having a better opinion of oneself as a result of the overseas experience. Failure, on the other hand, comes from carelessness in handling ones' earnings due to indulgence in vices like gambling, drinking etc. It can also come from unwise spending on the part of the family left behind.

The latest wave of labour migration, particularly of skilled workers to the Gulf region and domestic servants and entertainers to the homes and night clubs of Asia and Europe, has generated controversy over the long run social and psychological implications of the outflow of labour, not to mention its impact on the country's culture, conscious and its international reputation. Further, it has created legal and illegal recruitment agencies which charge hefty rates or run away with the hopeful worker's money. It has also given rise to organized networks for evading immigration procedures and labour regulations in the host

<sup>g</sup> Asian Regional Programme on International Labour Migration Summary Report Enhancement of Household capacity in the Post - migration phase A case Study of India - by P.R. Gopinathan Nair.

country. The push factors embedded in the local and national economic structures and the demonstrative effect of successful migrations lure many to look for jobs outside the country even at the cost of extreme loneliness, cultural marginalization and being prey to illegal recruiters.

### **Regularising the Status of Non-Legal Worker**

The question still remains how the Status of a migrant non-legal worker can be regularised in the receiving country. Generally, non-legal migrant workers suffer the risk of being expelled from the host country. The tightening of immigration laws to make the entry of non-legal migrant workers difficult is not impossible, is possibly one of the remedies that is often applied. The remedy, that may reduce the sufferings of the non-legal workers to which they may be exposed in the host country lies in mutual cooperation among them.

### **Return**

Temporariness is one of the chief characteristics of migration, and it is expected both by the migrant and the home family that once his primary goals are fulfilled, the migrant will return. However, no fully satisfactory theory exists to explain why some workers return and others remain abroad. But it is generally believed that the migrants return because they find the security of home preferable to the bad social conditions or undesirable conditions of work in the host country, and even to economic benefit.

The problems that legal migrants face on their return, are different from those of nonlegal migrants. While legal migrants, on their return, may use the economic prosperity to find gainful self-employment and reintegrate themselves in the home country, the non-legal migrants expelled from the receiving countries for one or the other reason, on return, may even face prosecution and imprisonment. Return migrant workers, legal and non-legal, need assistance and legal protection.

## **How to Protect the Rights of a Legal Migrant Worker**

The protection of migrant workers i.e. people employed in a country other than that of their origin has, in recent years, assumed great importance. Separated from their homeland, faced with new ways of life and working conditions, and unprepared for the defence of their interests in a sometimes hostile environment, migrant workers more than any others are open to exploitation, especially when their own position has not been regularised.

Legal protection extends beyond the adoption of multilateral and bilateral agreements and the enactment of laws to protect migrant workers but includes the conscious provision of support mechanisms to ensure that the rights of migrant workers are adequately protected, taking into consideration international conventions on the protection of migrant workers where AALCC member States have participated. Some of the normative International Labour Instruments Conventions and Recommendations concern national workers, but they apply equally to migrant workers.

### **International Labour Conventions\***

Some of the noteworthy International Labour Conventions, which are open to ratification by member States, are international treaties which are binding on the countries which ratify them. These are:

#### **Convention No. (97) concerning migration for employment (revised 1949)**

This convention seeks to provide assistance, information, protection and equality of treatment for migrant workers. The general protection provisions include (i) the establishment of free services to assist migrants for employment and provide them with information (article 1); (ii) the adoption of steps against misleading propaganda relating to emigration and immigration (article 3); (iii) the taking of measures to facilitate the departure, journey and reception of migrants for employment (article 4).

\* Summaries of International Labour Standards - Second edition, updated in 1990 - ILO Geneva.

(iv) the establishment of appropriate medical services (article 5); (v) the permission accorded to migrant workers to transfer their earnings and savings (article 9)

**Convention (No. 143) concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975.**

Part I of this convention deals with migrations in abusive conditions. It sets the general obligation to respect the basic human rights of all migrant workers. It requires of States for which is in force to seek to determine whether there are illegally employed migrant workers on its territory and whether they depart from, pass through, or arrive in its territory any movements of migrants for employment in which the migrants are subjected to conditions contravening international agreements or national legislation.

Part II of this convention, which is inspired by the provisions of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), requires that States for which the Convention is in force shall declare and pursue a policy designed to promote and to guarantee equality of treatment in respect of employment and occupation, social security, trade union and cultural rights and individual and collective freedoms.

Each state which ratifies this convention may, by a declaration appended to its ratification, exclude either one or the other part from its acceptance of the convention.

**Convention (No 118) concerning the equality treatment (social security), 1962.**

This very technical and complex convention seeks to promote an international system for the maintenance of rights to medical care and sickness benefit, maternity, invalidity, old-age survivors, employment injury, unemployment and family benefits in respect of persons working or residing outside their country. Thus, on a general level, it seeks to promote wide-ranging but flexible co-ordination between national social security schemes, taking account of the differences in their respective levels of development.

## **International Labour Recommendations**

International Labour Recommendations, which are not international treaties, set nonbinding guidelines which may guide national policy and practice. They may in themselves cover a particular subject or may supplement the provisions contained in conventions and spell them out in greater detail. These International Labour Recommendations are:

**Recommendation (No. 86) Concerning Migration Employment (revised 1949)**

This Recommendation includes a series of measures designed to complement the provisions of Convention No. 97, particularly with respect to information and assistance for migrants (Part II), recruitment and selection (Part IV), and equal treatment with respect to access for employment (Part V). It also comprises provisions aimed at protecting migrant workers against expulsion on account of their lack of means or the State of the employment market (Part VI)

**Recommendation (No 151) Concerning Migrant Workers 1975**

This Recommendation states the measures to be taken to ensure respect of the principle of equality of opportunity and treatment, as well as the fields in which such equality must be applied (Part I). It defines the principles of social polity designed to enable migrant workers and their families to share in the advantages enjoyed by nationals, which taking into account such special needs as they may have until they are adapted to the society of the country of employment. To this end, the Recommendation suggests a certain number of measures with regard to the reunification of families, protection of the health of the migrant workers, and the establishment of Social Services (Part II). Lastly, the Recommendation proposes the adoption of certain minimum standards of protection, especially in the case of termination of employment, expulsion and departure from the country of employment (Part III).

### **Recommendation (No 167) concerning the Maintenance of Social Security Rights 1983**

This Recommendation primarily suggests model provisions for the conclusion of bilateral or multilateral Social Security instruments.

### **Recommendation (No. 100) concerning the Protection of Migrant Workers in Underdeveloped Countries, 1955**

This Recommendation concerns the protection of migrant workers in underdeveloped countries and territories.

### **UN Convention on the Protection of Migrant Workers**

The UN General Assembly, with a view "to make further efforts to improve the situation ensure the human rights and dignity of all migrant workers and their families, adopted and opened for signature on the 18th of December 1990 the International Convention on the Protection of the Rights, of all migrant workers and members of their families.

The UN Convention has 93 articles which deal with various issues concerning migrant workers and their families.<sup>8</sup> Egypt, Morocco and Seychelles have ratified this Convention. Chile, Mexico and Philippines have signed this Convention. According to Article 87(1) of this Convention it would enter into force on the first day of the month following a period of three months after the date of deposit of the 20th instrument of ratification<sup>9</sup> or accession.

Part I outlines the scope of the Convention as to apply during the entire migration process of Migrant Workers and Members of their Families, which comprises preparation for migration, departure, transit and the entire period of stay and remunerated activity in the State of employment as well as return to the State of Origin or the State of habitual residence.

<sup>8</sup> For text of the Convention see UNGA Resolution 45/158, 18 Dec. 1990 p.262

<sup>9</sup> See Multilateral Treaties Deposited with the Secretary General (Status as at 3 December 1994)p.204.

Part II to VI deal with various aspects of human rights and other rights of migrant workers and members of their families. A significant feature of this convention is the provision made in Article 72 to review the application of the Convention through a Committee whose members will be elected by the States Parties. While nominating members to this Committee consideration will be given to equitable geographical distribution, including both States of origin and states of employment and to the representation of the principle legal systems.

The Convention, however, restrains from entering into policy domain of the States Parties. It provides in Article 79 that "nothing in the present convention shall affect the right of each State Party to establish the criteria governing admission of migrant workers and members of their families." The Convention, in Article 81 seeks not to affect more favourable rights of freedoms granted to migrant workers and members of their families by virtue of (a) the law or practice of a State Party; or (b) any bilateral or multilateral treaty in force for the State Party concerned.

### **Some Proposed Measures/initiatives suggested during the 35th Session of the AALCC.**

At the 35th Session held in Manila, H.E. Fidel V. Ramos, President of the Republic of Philippines, while calling for a 'more sensitive approach by governments in their host countries,' proposed, in order to facilitate a comprehensive programme of implementation and adherence to the international conventions and standards

- (a) survey of laws and mechanisms in receiving countries to protect migrant workers with a view to harmonizing them at a later stage;
- (b) bilateral arrangements;
- (c) system of legal assistance to migrant workers;
- (d) constitution of an impartial international or regional tribunal with petitioning mechanism and procedures - specific means and procedures by which an aggrieved migrant worker may seek redressal of his grievances.

These proposals are worthy of notice, and may be deliberated upon at length, in a spirit of mutual co-operation, so that a general consensus emerges among the AALCC member States and, in the end, a suitable mechanism or mechanisms are brought into existence for offering willing and effective legal assistance and protection to migrant workers, by both sending and receiving countries. These proposals hold an important key to reorienting policies both to make international migration more manageable and to promote efficiency in the world economy.

As a first step member States of the AALCC may consider the possibility of ratifying the UN Convention on the Protection of Migrant Workers (1990). The proposed basic rights tribunal, on the other hand, needs thorough consideration. As pointed out by the delegation of Philippines during the 35th Session of the AALCC, as a first step it would be worthwhile to examine laws and mechanisms in receiving countries to protect migrant workers with a view to harmonization at a later stage. For this purpose, member Governments may consider sending their comments on this proposed examination which may eventually tackle the establishment of such a tribunal with direct petitioning mechanisms from the Migrant Workers.

#### **Drafting of a Model legislation among Afro-Asian Member States for Protection of Rights of Migrants**

During the Teheran Session, the AALCC Secretariat felt that the Member States should give appropriate mandate to the AALCC to draft a model legislation among AALCC member countries so as to protect the rights of migrant workers, if not more, at least within the framework of International Labour Conventions and Recommendations. This will go a long way in facilitating the movement of the migrant workers, more particularly in the countries of the Asian African region.

## **IX. International Trade Law**

### **Legislative Activities of the United Nations and other Organizations Concerned with International Trade Law.**

#### **(i) Introduction.**

At the Thirty-third Session of the AALCC held in Tokyo in 1994 the Secretariat presented a report on the "Legislative Activities of the United Nations and other International Organizations concerned with International Trade Law". The purpose of preparing such reports is to keep the Member Governments informed about the current developments in the field of international trade law and such reports are normally considered by the Trade Law Sub-Committee. At its thirty-third Session the Committee, inter alia requested the Secretary General to continue to monitor the developments in the area and present the same to its thirty-fourth Session."

Pursuant to the mandate of the thirty third Session the Secretariat prepared for the thirty fourth Session of the AALCC a brief of documents on the Marrakesh Agreement concluded in 1994. At its thirty-fourth Session held at Doha, Qatar (1995), the Committee considered the Secretariat brief on, "The New GATT Accord : An Overview with Special Reference to World Trade Organization (WTO), Trade-Related Investment Measures (TRIMS) and Trade-Related Aspects of Intellectual Property Rights (TRIPS)"

The Secretariat brief besides outlining the major policy initiatives which had actually shaped the Final Agreement, called for a closer scrutiny of the implications arising out of the agreements in the light of the practices that they may establish. It also focussed on the salient features of this Agreement on three crucial areas, viz., WTO, TRIPS AND TRIMS

The Committee at its 34th Session, requested the Secretary General to continue to monitor the developments in this area, and to report there on to the thirtyfifth Session of the Committee Pursuant to that mandate, the Secretariat at the thirty fifth Session at Manila (1996), prepared a comprehensive brief of documents on "WTO as a Framework Agreement and Code of Conduct for the World Trade"

During the course of the deliberations on this item a view was expressed that the issues raised in the Secretariat brief were extremely important and complex and that not enough time was left to give in-depth consideration to such issues. It was observed that such matters were earlier discussed in the Trade Law Sub-Committee, which was the right forum. It was proposed that the Secretariat should concentrate on some select issues arising from the WTO and prepare studies for discussion either by a group of experts or in the Trade Law Sub-Committee. One delegate drew attention to the Ministerial Conference of the WTO that was scheduled to be held at Singapore at the end of 1996.

The Committee at its 35th Session *inter alia* acknowledged "the importance and complexity of the issues raised in the Secretariat study for the Member States for which adequate time was not available" and requested the Secretary General to "consider convening a meeting of an ad hoc, working group of experts to examine the issues raised by the Secretariat study and to report the outcome thereof to the next session." The Committee at its Manila Session directed the Secretariat, "to continue to monitor the developments related to the code of conduct for the world trade," and decided to place the item on the agenda of its thirty-sixth Session.

During the intervening period, while it was not feasible largely owing 'to financial constraints, to convene the meeting of the *ad hoc* working group, the Secretariat, has however, in partial fulfillment of its mandate, prepared a brief of documents (reproduced in this chapter) which seeks to provide an overview of the WTO Agreement including its Annexes, and its impact on developing countries. It also reflects some major developments, including the WTO Ministerial Conference held at Singapore, since the thirty fifth Session held in Manila.

The Deputy Secretary General, Dr. Wafik Zaher Kamil, introduced the "Report on Legislative Activities of the United Nations and other international Organizations concerned with International Trade Law." He recalled that the main objective of this report was to keep the member Governments abreast of the legislative developments in the field of international trade law. On the work of the UNCITRAL at its 29th session, he drew the attention of the delegates to its accomplishment in the field of Electronic Data Interchange (EDI) and the Draft Notes on Organizing Arbitral Proceedings. As regards the activities of UNCTAD, he underscored the significance of the 'Midrand Declaration as adopted at its Ninth Session. The Declaration calls for a 'true partnership for development' between developed and developing and least developed countries. The Conference also adopted a final document, which expressed optimism about the rule based systems of the WTO; set priorities for development action in a globalizing world economy and also aimed at restructuring and streamlining the institutional structure of UNCTAD. Elaborating on the activities of UNIDO he made specific reference to the recent initiatives of preparing Guidelines for Infrastructure Development through BOT Projects and the UNIDO Manual on Technology Transfer Negotiations. Finally, he described the current work programme of UNIDROIT which includes, viz., international aspects of security interests in mobile equipment; franchising; civil liability connected with carrying out of dangerous activities, and organization of data bank on uniform law.

The Deputy Secretary General, introducing the primary aim of this work was to broadly outline the level of obligations that devolve upon the members of WTO and the flexibility guaranteed by the WTO Agreements to the developing and least developed countries. He elaborated the outcome of the Ministerial Conference of WTO held at Singapore in December 1996. Calling for focussed deliberations on the working of the dispute Settlement Body (DSB), he stressed that an analysis of the procedural aspects and monitoring of the panel reports would go a long way in enabling states to mutually solve disputes without jeopardizing their trade interests. Hence, a general discussion on the issues identified by the Secretariat brief he stated, would help in identifying the difficulties that arise in the course of implementation of the obligations of Member States.

The Delegate of the Islamic Republic of Iran stated that as a member of the UNCITRAL, his country was fully conscious of the importance of work being carried out by UNCITRAL, and pledged to continue supporting the Commission for the attainment of its lofty goals.

Commenting on the projects currently under consideration by UNCITRAL, he hailed the work on the Model Law on Electronic Commerce as a necessary and timely initiative which was a new topic to many legal systems. The draft convention on Receivable Financing was aimed at removing obstacles to receivable arising from the uncertainties existing in various legal systems as to the validity of the assignments in which the assignor, assignee and the debtor are not in the same country and the effect of such assignments on the debtor and other third parties. Recalling that the draft Model Legislation on Cross-Border Insolvency was in its final stages, he expressed hope that the adoption of the Model Legislation would be a major step towards judicial cooperation among states, as it would pave the way for recognition of foreign insolvency cases, court access and recognition of foreign administrators. He elaborated on the provisions of the Draft Model Legislation on Insolvency Law, and expressed the view that it could particularly be very useful for developed as well as developing countries in resolving the problems ensuing from cross-border insolvency proceedings. Stressing the utility of this project towards safeguarding the insolvent and property and the interests of the creditors, he called for alignment of national commercial codes to accord with the UNCITRAL Model Legislation on Cross-Border Insolvency. He recalled that Tehran had hosted the UNCITRAL Seminar in 1995, and wished to place on record his delegation's appreciation for the outstanding work of the UNCITRAL for sponsoring these seminars and other activities in the field of trade law.

The Delegate of Singapore reiterated that his country had always been in favour of free trade and fair competition. The establishment of the World Trade Organization was, in his view, an important milestone in the march towards achieving a liberalized and truly intergrated global economy. He recalled with pride the role played by his country in this direction, in hosting the First WTO Ministerial Meeting at Singapore, in December 1996.

## (ii) Decision on the "International Trade Law"

### (A) Legislative Activities of the United Nations and Other International Organizations Concerned with International Trade Law

(Adopted on 7.5.1997)

*The Asian-African Legal Consultative Committee at its Thirty-Sixth Session*

*Having taken note of the Report concerning the Legislative Activities of the United Nations and other International Organizations concerned with International Trade Law contained in Doc. No. AALCC/XXXVI/Tehran/97/S. 12.*

*Having heard the statement of the Observer for UNIDROIT and views of Member delegations;*

1. *Expresses* its appreciation for the brief of documents prepared by the Secretariat on the recent developments in the field of International Trade Law.
2. *Also expresses* its appreciation for the continued cooperation with the various international organizations competent in the field of international trade law and hopes that this cooperation will be intensified in the future.
3. *Urges* the Member States to consider the UNCITRAL Model Law on Electronic Commerce as they reform or enact their legislation on alternatives to paper based forms of communication and storage of information.



4 *Also Urges* Member States to consider adopting, ratifying or acceding to the other texts prepared by the United Nations Commission on International Trade Law (UNCITRAL); and

5 *Requests the Secretary-General* to continue to monitor the developments in the area of international trade law and present a report thereon to its thirty-seventh Session.

**(B) WTO as a Framework Agreement and Code of Conduct for the World Trade**

**(Adopted on 7.5.1997)**

*The Asian-African Legal Consultative Committee at its Thirty-Sixth Session*

*Having taken note* of the Secretariat study on "WTO as a Framework Agreement and Code of Conduct for the World Trade" contained in Doc. No. AALCC/XXXVI/Tehran/97/S. 13;

*Having heard* the comprehensive statement of the Deputy Secretary-General;

*Realizing* the importance and complexity of the issues raised in the Secretariat study for the Member States for which adequate time was not available at the present Session;

1. *Requests* the Secretary General to consider convening an *ad hoc* working group of experts meeting to examine the issues raised by the Secretariat study and to report the outcome thereof to the next Session;

2. *Directs* the Secretariat to continue to monitor the developments related to the code of conduct for the world trade, particularly, the relevant legal aspects of dispute settlement machinery;

3. *Decides* to reconvene the Trade Law Sub-Committee during the Thirty-seventh Session, and

4. *Decides* to place the item on the agenda of its thirty seventh Session.