

*THE CONTRIBUTION OF THE ILO TO THE DEVELOPMENT
OF INTERNATIONAL ORGANIZATION*

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*A dissertation Submitted in Partial Fulfilment
of the Requirements for the Degree of M. Phil
of the Jawaharlal Nehru University, School of
International Studies.*

NEW DELHI

1973

PREFACE

The International Labour Organization which was established to promote social justice, has been the most vigorous and successful pioneer of the Welfare approach to international organizations which subsequently broadened the vision of the Covenant of the League of Nations and that of the UN Charter.

The ILO always adjusted its structure, modified its programmes and reoriented its functions, to attune them to the need of the changing world. It has established itself as a dynamic institution embodying a spirit of adventure, experiment and innovation.

Some of the distinctive features of the ILO, which have broken new ground and have set a new pattern in the development of international organization are: the principles of universality, tripartism, building up a body of international labour legislation, inroads into national sovereignty.

The study begins with a brief introduction of the subject followed by a detailed account of the various factors that led to the establishment of the ILO. The

objectives, activities and structure of the Organization have been critically examined with a view to highlighting the features of the ILO, which are in themselves a great contribution to the development of international organization.

It is hoped that the present study would provide a critical appreciation of the Organization and its contribution to the development of international organization.

ACKNOWLEDGEMENTS

I am indebted to all my teachers who in spite of being busy had always spared time for me and had given me sufficient encouragement to complete this work. They are: Professor Harnam Singh and Mr. Frank Thakur Dass of Delhi University and Professor K.P. Saksena and Professor S.C. Gangal of S.I.S., Jawaharlal Nehru University.

My gratitude goes in full measure to my guide, Professor M.S. Rajan, I have been greatly benefited by his scholarship, advice, instructions and guidance. His counsel and example have been sources of pleasant awe and continuing inspiration to me, as they are to his other students.

My thanks are due to Mr. Parmod Kumar, who has typed the material to my satisfaction.

Also, I feel greatly obliged to the library staff of the ILO (Area Office) and the Joint Library of S.I.S., and I.C.W.A., and the Delhi University Library without whose gracious assistance this work would have not been completed.

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CHAPTER I

THE CONTRIBUTION OF THE ILO TO THE
DEVELOPMENT OF INTERNATIONAL ORGANIZATION

I N T R O D U C T I O N

Today in the late 20th century, after two disastrous global wars, international organization has assumed great importance. It is ever on the increase and its role ever increasing and changing, with the result that it has become rather difficult to classify the various organizations in a scientific manner.

There have been many attempts to classify international organizations on a functional basis. Some are labelled as "political" while others as 'administrative' and 'judicial'.¹ Accordingly, the United Nations is categorised as 'political' and the specialised agencies as 'functional', whereas the International Court of Justice is obviously 'judicial'. However, this classification cannot be rigid, as quite often inter-state relationships are not without their political element, whatever other functions it might be discharging. Further, avowedly "political" organizations like the United

1. D.W. Bowett, The Law of International Institutions
(London, 1963) p. 10

Nations, have amongst its organs, bodies like the Trusteeship Council which are primarily of a socio-economic character. Thus, no rigid distinction on the basis of functions can be made in practice.

Another method of classification of organizations is on a 'global' and 'regional' basis. This classification is not scientific in the sense that global institutions like the United Nations has within it organizations regional in nature, such as the Economic Commission for Asia and the Far East. Yet another classification is made on the basis of membership - 'inter-state organization' and 'inter-governmental organization'. The idea is that the Inter-State form embraces the totality of the states' institutions, its legislative and judicial machinery as well the administrative, whereas the inter-governmental form includes only the administrative. However, this distinction does not also seem to have any practical significance, as often the 'functions' of both types of organizations are the same. All these go to show that, as yet, there is no classification which can be taken as scientific, rational and of universal application.

International organizations have come into existence as a result of a "specific response to an evident need arising from international intercourse,"² and not due to

2. Bowett, n.l, p.1.

any philosophical or idealogical cause. The International Labour Organization, in the field of labour, the World Health Organization, in the field of health, the United Nations Education, Scientific and Cultural Organization, in the field of culture are only a few illustrations. Therefore, any attempt either to classify or to search for a common 'rationale' for their emergence will be found to be equally futile. International Organizations have specific objectives and in the wake of their fulfillment, bring about certain innovations which provide guide-posts for further progress, one such important contribution made by the growth of international organizations relates to the concept of sovereignty. The very 'entry' by a state "into an international organization" or the conclusion of a treaty 'involves' obligations 'tantamounting to' restrictions on sovereignty at least to certain extent. In fact, the word 'sovereignty' as it meant in the day of 'absolute' monarchy' has no application in the present state of international affairs. Inis Claude has rightly pointed out that the movement towards International Organization reflected that it had become necessary and possible to modify the free-wheeling irresponsibility of sovereign states to a great extent than had been under traditional international law. An equally important contribution is

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3. Inis. L. Claude, Swords into Plowshare (London, 1964) p.19

the effort made by international organization to achieve progressive emancipation from the tradition-based rule of equality and unanimity. Substitution of 'majority decision for the requirement of unanimity' in international organization is an important change. The International Organization from Universal Postal Union to the United Nations involves legal concepts, and different organizations have contributed substantially to the evolution of international law and organization. Among the various international organizations the International Labour Organization has been credited with pioneering efforts in many respects and the growing importance of this organization warrants a detailed examination. But before this (detailed examination) it is essential to note where this important international organization stands in the contemporary world.

ILO IN THE CONTEMPORARY WORLD

The ILO has been ceaselessly working for the establishment of universal peace through social justice for more than 50 years now and has earned universal appreciation for the valuable work it has done in this direction. It enjoys considerable prestige in the world because it has espoused high idealism mixed with an essentially pragmatic approach to social policies that are recognised to have universal validity. It has been rightly characterized as a school for co-operation where men and women of different backgrounds

and interests can learn and understand each other, to discover common problems and commonly held aspirations and principles, and to undertake joint and common action to promote the realization of these aspirations and principles.⁴ For an international organization to have survived the second world war, besides 50 years of stress and strain of industrial strife in the background of conflicting political ideology, is a rare achievement. Greater still is its formidable record of accomplishments in the field of social policy, under which the worker, through a process of evolution has acquired a status and dignity, coupled with freedom from governmental interference, to organise and bargain collectively.

Thus International Labour Organization is not the product of one day effort or the result of a few meetings but rather it evolved and ultimately emerged after the steady development of nearly 100 years, the study of which is taken up in the next chapter.

4. David A. Morse, Origin and the Evolution of ILO and Its Role in the World Community (New York, 1969) p.114

CHAPTER II

EVOLUTION OF THE INTERNATIONAL LABOUR ORGANIZATION

There is a general belief that the ILO is the creation of the Paris Peace Conference of 1919. In fact, the Peace Conference took up the ideas which were already formulated in great detail by various agencies during the previous 100 years and it presented them in a form which could be acceptable to the Powers participating in the Conference.

The efforts made prior to the Paris Peace Conference can be traced conveniently in as many as four stages -

- a) Efforts of Individuals, Philanthropists and Economists.
- b) Inter-Governmental Efforts.
- c) The Role of International Association of Labour Legislation.
- d) The Role of International Trade Union Organizations.

Efforts of Individuals, Philanthropists and Economists:

Exactly 100 years before the Peace Conference of 1919 the need for international action to combat industrial exploitation and to regulate labour conditions with a view to bringing about their improvements, was realized and proposals were submitted for international action for the first time.

Robert Owen, a philanthropist of the United Kingdom, presented a memorial to the plenipotentiaries of the

Conference of European Powers, then meeting at Aix-La-Chappelle, in 1818 pleading for international regulation of legal limits of the normal working-day for the industrial workers of Europe. A similar pleas was taken by Villerme in 1839 in France. He drew the attention to the various malpractices and maltreatment of workers, and urged governmental legislation as a safe-guard against the exploitation of the workers. He argued that legislation was necessary, because manufacturers, however good their intentions, could achieve nothing by themselves. "What is needed," said Villerme, "is for all manufacturers, not only in the place where they live, but also in the countries where their goods are sold, to band themselves together in a holy alliance to put an end to the evil which we are discussing, instead of exploiting it for their own profit".

The views of Villerme were endorsed by the French economist Je'rone Blanqui, who proposed the conclusion of international treaties to regulate and improve the labour conditions which, he felt, otherwise was difficult for an individual employer to do, owing to the severity of international competition. No doubt, he admitted the difficulty of carrying out such a programme. At the same time, he firmly believed in its practicability. He held

5. Ernest Mahaim, "The Historical and Social Importance of International Labour Legislation" in James T. Shotwell, ed., The Origins of the International Labour Organization (New York, 1934), vol. I, p.4.

that there was no reason why men would not unite for the conservation of life. During the same period, Daniel Legrand, a Swiss national, approached the French, British, Russian and Swiss Governments to adopt international legal regulation for the protection of the working classes specially against the exploitation of child labour and long working-hours. In his note to these Governments, he maintained that an international law governing industrial activities was the only possible solution of the great social problem, of according to the working classes the desirable morale, and material benefits, without which industries suffered and the competition of manufacturers of different nations escaped the necessary restraint.

These efforts of philanthropists and economists, though sporadic and disjointed, had one good effect. They brought to the fore the urgent need for beneficial international legislation that could take care of the weaker section of the working class in the face of severe competition among industrialists and manufacturers who tended to ignore the basic human ideals and tried to subordinate every thing else to the profit motive. Humanitarian consideration for the working classes was the main motivating factor behind these efforts. Thus was laid the ground-work for the establishment of the ILO. These men of vision, it can be said, were the fore-runners of the hard-headed statesmen who gathered in 1919 at

Varsailles to create the conditions conducive to lasting peace.

Inter-Governmental Efforts:

The first official move towards international action in the field of labour was taken in the year 1855.

Professor James Shotwell has recalled that the Canton of Glarus in Switzerland which had, for the first time, elaborated its factory legislation as the result of an inquiry made by a commission, wrote to the Council of State of the Canton of Zurich, asking it to agree to a plan for labour protection upon an international basis. But nothing came of it and the idea languished in the category of vain wishes.

The second official move in the direction of international labour legislation was made in the year 1876 by the Swiss National Council. Colonel Frey, President of the Council, proposed that the Swiss Federal Council should enter into negotiations with the principal industrial states with a view to adopting a uniform policy in regard to working conditions in factories, by adopting suitable international legislation for the purpose. The proposal was accepted and the concerned governments were in fact consulted; but their replies were by no means encouraging. Nevertheless, efforts were continued to resume negotiations and in 1889, the Federal Council sent to the various governments an invitation to a preparatory

conference. The conference was to be held in 1890 at Berne. France, Belgium, Great Britain, and the Netherlands had accepted the invitation, while Germany did not reply. Before this Conference materialised, a dramatic development took place. The German Emperor, Kaiser William, instructed Chancellor Bismarck to approach foreign governments and invite the conference to meet in Berlin. The programme of the Conference was the same as that of the one which the Swiss Federal Council had proposed to call.

The Conference lasted for 15 days. It was attended by delegates from the then twelve chief industrial states of Europe. The Conference did not make much headway. The preparations were inadequate and the conference was, for the immediate purpose, a failure. The Conference covered practically all aspects of labour matters and attempted to discuss the whole field of labour legislation in force in the countries represented. Even though the outcome of the conference was very little, it gave wide publicity to the cause, which attracted the attention of all people and led them to a new way of thinking on the subject.

Besides these multinational efforts, some of the countries entered into bilateral agreements. In 1904 the French and Italian Governments entered into a treaty whereby equal benefits of legal protection and privileges were ensured to the workers of both the countries residing in either country. Similar agreements were signed between

Italy and Switzerland and Italy and Germany. Treaties were also signed between Germany, Austria and Hungary, guarantying reciprocity of protection of labour. Belgium and Luxemburg also entered into a bilateral treaty. Thereafter, international treaties of this nature were signed year after year, at least among three or four states.

From the foregoing discussion, it is clear that there was a growing realization that for any action on an international level, governmental involvement was necessary. Albert Thomas, the First Director-General of the ILO, compared the ILO to a locomotive in which governments were the motor, workers the acclerator and employees the brake. This indicates the importance given to the participation of governments.

The Role of International Association for Labour Legislation

The International Association for Labour Legislation took up the work left incomplete by the Berlin Conference. The Association was formed in 1960 as an off-shoot of the International Congress on Labour Legislation held at Brussels in 1897. The Association was composed of intellectuals and others. The Association was to be unofficial in character, but governments were invited to appoint a representative on the committee of the Association, which was the representative body through which the Association acted internationally. The credit of taking effective

steps in formulating international labour legislation goes to this Association. Unlike the Berlin Conference, which made an attempt to deal with a wide programme covering the whole of labour legislation all at once, the Association preferred to select a few subjects for intensive study. The Association set up an International Labour Office at Basle, and also decided to set up autonomous National Sections, besides convening the International Congress on Labour Legislation.⁶ The Association adopted two draft Conventions in Berne in 1906; one on the prohibition of the use of white phosphorous in the manufacture of matches, and the other on the prohibition of night work for women. Consequently, for the first time, the principle of international agreement for the regulation of labour conditions was accepted by a number of industrial states. The Association adopted two more draft Conventions in 1913. The first provided for the general prohibition of night work by young persons under sixteen years of age, and an absolute prohibition of employment of all young persons under fourteen. The second Convention concerned with the length of the working day for workers under sixteen and for women. These Conventions were to be placed before the diplomatic conference which was proposed to be convened in 1914. Unfortunately, with the out-break

6. This is not to be mistaken for the International Labour Office of ILO.

of the First World War, this did not materialise. However, the terms of these Conventions provided the basis for much of the deliberation at the Washington Conference of 1919.

While the Berlin Conference only toyed with the ideas of international labour Conventions, the real credit for bringing this idea to fruition should go to the Berne Conference. The valuable work of the International Association for Labour Legislation proved to be of great assistance at a later date in drafting the Constitution of ILO. The need for organising periodical conferences, establishing a central office to provide information, ensuring through preliminary studies on subjects included for adoption of Conventions, are some of the valuable suggestions which the Association had made.

The Role of International Trade Union and Organizations

A major influence on the trend of thought which led to the ultimate creation of the ILO was exerted by the International Workers' Movement. The formation of International Working Men Association (known as the First Internationale) in London in 1864, ushered in the first International Workers' Movement. There was a split in 1872 in the Association, thus disrupting its activities. In 1889, the Second (Socialist) Internationale was constituted in Paris. One of its immediate aims was to unite the workers internationally to gain legal support for their demand for a eight-hour day. In addition to this, another Internationale was set up in 1898, viz., the International

Federation of Trade Union, since the Second Internationale concerned itself with the political aspirations of the workers, rather than with their trade union demands. This Federation adopted resolutions relating to those aspects of the improvement of conditions of labour, which had an international bearing. The International Workers' Conference held during the first World War in Leeds, Stockholm and Berne had urged and resolved that the terms of Peace should ensure the workers the minimum guarantees in regard to labour legislation and trade union right in recognition of the signal service rendered by the workers both in the factories and on the battle fields during the War. The last of the Pre-Peace-Treaty Conference of the International Workers Movement, namely 'International Labour and Socialists Conference' which was held in February 1919 in Berne, was the only conference which included representatives of labour both from Germany as well as from the Allied countries. They took effective steps to consolidate the position of the international socialist labour parties by reviewing the Second Internationale and giving it a distinctly socialist flavour and colouring. Among their immediate demands were "the incorporation of a Labour Charter in the peace treaty and the creation of permanent machinery in the shape of a League of Nations and an International Labour Office to conserve for all time the higher and more abiding interest of labour".

The achievement of the Conference lies in its adoption of a detailed Labour Charter which was later considered by the Labour Commission, appointed by the Labour Peace Conference. It has been observed that "if the International Association for Labour Legislation adumbrated the technical and diplomatic structure of the new machinery to be established after the War, the international Worker's movement helped to supply, directly or indirectly, the power necessary to set it in motion".⁸

The principal objective of the labour movement before the establishment of the ILO was to propagate the idea of a permanent organization for the promotion of international regulation of labour conditions. The major participants of this movement were all agreed that their aim would be effectively and durably secured only through negotiation and implementation of international Conventions. They urged that importance should be given to human values in preference to economic gains, and advocated the adoption of principles that mitigated human suffering and promoted peace. These hopes were not belied, and their aspirations were more than fulfilled in the establishment of the ILO.

8. G.A. Johnston, The International Labour Organization (London, 1970) p.10

The contributions of the earlier Conferences and of the various other organizations active in the field was recognised by the Peace Conference.

ESTABLISHMENT OF ILO

All these events stretching over a period of 100 years before 1919 had helped to build up such a strong public opinion in favour of international action to regulate labour conditions that one of the first acts of the Peace Conference was to appoint in 1919 a "Commission on International Labour Legislation"⁹ The Commission was required to enquire into the conditions of employment from the international aspect and to consider the international means necessary to secure common action on matters affecting condition of employment, and to recommend the form of a permanent agency to continue such enquiry and consideration in co-operation with, and under the direction of, the League of Nations.

The Commission was headed by Samuel Compers an American trade unionist. The Commission held in all 35 sittings and resolved many important issues. Mention may be made here of one of the amendments introduced and accepted concerning the wordings of the first paragraph of the Preamble. In the

9. Also known as Labour Commission and hereafter referred to as Commission.

original draft, the sentence commencing with the words, "whereas the League of Nations had for its object the establishment of universal peace, and such a peace can be established only if it is based upon the prosperity and contentment of all classes in all nations," the second clause was amended to read "and such a peace can be established only if it is based upon social justice". The significance of this amendment lies in the introduction of two words 'social justice' which symbolises ILO's main objective.

The Report of the Commission consisted of two parts: Part I containing the Constitution of the proposed permanent International Labour Organization, and Part II containing the Labour Clauses enumerating the principles to be incorporated in the Peace Treaty. These texts, after adoption by the Peace Conference in April 1919, were embodied in the Treaty of Versailles, as Part - XIII, commonly known as the Labour Section. The Constitution provided for the establishment of a permanent organization for the promotion of the object set forth in the Preamble. Thus the ILO came into being as the culmination of endeavours spread over a century.

CHAPTER III

OBJECTIVES, ACTIVITIES AND STRUCTURE OF THE ILO

The International Labour Organization was established in 1919 as an autonomous institution associated with the League of Nations. Its original Constitution formed part of the Treaty of Versailles. In 1946, an agreement between the United Nations and ILO was signed which recognized the ILO as a specialized agency responsible for the promotion of better labour and social conditions.

OBJECTIVES

ILO aims at contributing to the establishment of universal and lasting peace through the promotion of social justice.

Its tripartite structure is unique among the United Nations and the inter-governmental agencies associated with the United Nations. Representatives of workers, employers and governments join in determining ILO policies and supervising its activities.

The aims and objectives of ILO are indicated in its Constitution, which was drawn up in 1919. Among the questions to which ILO devotes itself are:

- a) hours of work, including a maximum working day and week;
- b) the regulation of the labour supply and the prevention of unemployment;

- c) the provision of an adequate living wage;
- d) the protection of the worker against sickness, disease and injury arising out of his employment;
- e) the protection of the interests of workers when employed in countries other than their own;
- f) recognition of the principle of equal remuneration for work of equal value;
- g) recognition of the principle of freedom of association; and
- h) technical assistance to underdeveloped countries.

The Declaration of Philadelphia, adopted by the International Labour Conference in 1944 and later annexed to the ILO Constitution, reaffirms the principles on which the ILO is based, and maintains that "all human beings, irrespective of race, creed, or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security, and equal opportunity".

Among other principles, the Declaration reaffirms that:

- a) labour is not a commodity;
- b) freedom of expression and of association are essential to sustained progress;
- c) poverty anywhere constitute a danger to prosperity everywhere; and
- d) the war against want requires to be carried out with unrelenting vigour within each nation and by continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare.

ACTIVITIES

The work of the International Labour Organization may be summarized under three headings. In the first place, it gathers information, makes studies and issues publications. Since its beginning, it has issued the International Labour Review, Industry and Labour, the Legislative Series, the Yearbook of Labour Statistics, and a series called Studies and Reports. It includes such things as the Report on Forced Labour, a joint product with the United Nations Ad Hoc Committee on Forced Labour, and studies on Public Investment and Full Employment or International Survey on Social Security.

Probably the most important effort of the ILO is in securing the adoption and supervising the execution of Conventions and regulations. By the end of June 1973 a total of 138 Conventions and 146 recommendations had been adopted. These constitute the International Labour Code and cover all aspects of labour problems - such as employment, wages, general working conditions, holidays, employment of children, maternity protection, night work, migration, maritime labour, and the right to organize.

More recently, the ILO has been offering technical assistance on a large scale. It sends teams of experts, when invited, to demonstrate methods of work; it sets up training courses; it grants fellowships and conducts

seminars. It has regional offices for these purposes. The functions of the ILO can be summed up in three words "legislation, information and technical assistance."

PRINCIPAL ORGANS OF THE ILO

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The Conference:

The organization of the ILO, according to its constitution, was "to consist of: (1) a General Conference of Representatives of the Members and (2) an International Labour Office controlled by the Governing Body described in Article 393". The most distinctive and famous characteristic of the ILO is its method of tripartite representation, which is carried on even in committees. Each member has four delegates to the conference, of whom two represent the government, one the employers, and one labour; and each delegate is entitled to vote independently. All are designated by governments, but they must be "chosen in agreement with the industrial organisations, if such organizations exist, which are most representative of employers or work-people, as the case may be, in their respective countries". The conference can refuse to admit a delegate whom it deems not to have been nominated in accordance with this article. There have been some difficulties in working out this principle, for, in some countries, proper organizations do not exist, and in others, there have been disputes as to which organization

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should be consulted.

The ILO also broke new ground with regard to conference procedure and international legislative effort. The conference, voting by majority, may take action which results in a recommendation or a draft Convention. The former is submitted to members "for consideration with a view to effect being given to it by national legislation or otherwise"; the draft Convention is for ratification by members. Each member is obligated to bring the recommendation or draft convention within a year or eighteen months "before the authority or authorities within whose competence the matter lies" for legislative or other action. A special committee (which was reconstituted in 1946) examines and reports upon these actions by members and the effort to secure ratification is vigorously pushed. Where ratification has been given, the member is obligated to report to the ILO upon the measures taken to put it into effect. Complaints may be made by associations of employers or workers that a state is not observing its obligations. Various means of pressure are provided, and economic sanctions may ultimately be invoked against a member not living up to its obligations. The procedure of the conference, as a legislative process, is well worth study, as are its efforts to solve the problem of revision of treaties.

The International Labour Conference, thus is the supreme deliberative body of the ILO and acts as the legislative wing of the Organization. While the General Conference usually meets once a year, special sessions of the Conference are convened more often to deal with the specific questions. Because of its representative character, the Conference is more closely akin to a 'representative law making parliament' than the Assemblies¹⁰ either of the League of Nations or the United Nations.

The Governing Body:

The Governing Body of the International Labour Office, which is also tripartite in structure, functions as the executive wing of the Organization. It draws up the agenda of each session of the Conference and decides the specific action to be taken on the resolutions adopted, examines the application by member states of the Conventions and Recommendations adopted by the Conference; and coordinates the activities of the ILO with those of other members of the United Nations. The Governing Body, as at present constituted, consists of 48 members - 24 representing governments, 12 employers and 12 workers. In the beginning the Governing Body consisted of 24 members, no fewer than

10. Johnston, n.8, p.29

20 of whom came from European countries. The Constitution was thrice amended to make the Governing Body more fully representative. It is interesting to note as an illustration of the shift in the geographical balance of power in ILO that in each of the three groups European members are now in a minority. The Governing Body at its 182nd and 183rd sessions held in 1971 decided to include the question of enlarging the composition of the Governing Body. Today, of the 24 government seats, 10 are non-elective seats held by "countries of chief industrial importance". Since June 1922, India has been holding a non-elective seat as one of the countries of chief industrial importance.

Thus the Governing Body selects and directs the Director, prepares the budget and the agenda for the conferences, handles complaints and works upon specific problems of the organization, either directly or through committee of experts.

The International Labour Office:

The International Labour Office provides the secretariat for all Conferences and other meetings and is responsible for the day-to-day implementation of the administrative and other decisions of the Conference, the Governing Body etc., The office has its headquarters in

Geneva. An important aspect of its work relates to provision of technical assistance to member states. It also serves as a clearing house of information on all problems relating to labour. Apart from preparation of the documents for the ILO's Conferences and Committees and a wide variety of studies, reports etc., the office brings out the following regular publications -- the International Labour Review (Monthly), Official-Bulletin (Quarterly), Legislative Series (Bi-Monthly), Bulletin of Labour Statistics (Quarterly) and the Year Book of Labour Statistics (Annual).

ILO'S AUTONOMY

Under the League of Nations, the International Labour Organization was an autonomous partner forming, in the language of its Constitution, in its original form "part of the organization of the League".

The major links binding the ILO to the League were its over-lapping membership, its dependence on League funds, the League Council's authority to decide which were the states of "chief industrial importance" to occupy places on the Governing Body of the ILO and the League Secretary General's powers to appoint commissions of inquiry. However, it is interesting to note that, in reality, the ILO enjoyed independence from control by the League and, in a great measure, functioned as an autonomous

body. The ILO began to function before the League actually came into existence; its Constitution was not included in the Covenant of the League; and in course of years, its membership tended to be more universal than that of the League. The Labour section of the Treaty of Versailles had its own amendment-requirements which assured the autonomous and independent character of the Conference and the Organization which it controlled. Though technically, the ILO was an off-spring of the League of Nations, its association with the League of Nations was only a "formal piece of convenience to derive authoritative international status".¹¹ In a statement submitted to the Conference in 1944, by the International Labour Office, it was stated that the established autonomy of the International Labour Organization was not merely a historical accident, due to the creation of the Organization by a Constitution distinct from the Covenant and to the force of character of Albert Thomas, the first Director-General, but a reflection of underlying political realities of the first importance. It was further stated that while a close and organic relationship should be established between the International Labour Organization and the general international

11. S.R. Mohan Dass, "Fifty Years of I.L.O. - An Appraisal", Indian Labour Journal, vol. X, No.9 (September, 1969), p. 1199.

organization of the future, the contribution of the International Labour Organization to the co-ordination of international public policy should be made in a manner which did not involve the renunciation of the tradition of constitutional autonomy which had already contributed so much to the vitality of the Organization in the past and constituted a major safeguard for its continued capacity to weather the forms of the uncertain future.

Now, let us consider the links of the ILO with the United Nations. The charter of the United Nations which was adopted in 1945, did not (unlike the Treaty of Versailles) define the place of the ILO in the system and in fact made no reference to it, probably because of the doubts expressed by some of the delegates to the San Francisco Conference whether the ILO would be able to disassociate itself from the League.

However, this technical difficulty was removed when the International Labour Conference, amended its Constitution, deleting the provision concerning relations with the League of Nations in respect of membership and finance, and adding similar provisions concerning relations with the United Nations. The ILO, then negotiated with the UN for institutional relationship, under Article 63 of the Charter and an agreement was arrived at, which was approved by the International Labour Conference and the

General Assembly in 1946. Article I of the agreement contains a provision whereby the United Nations recognise the ILO as a Specialised Agency responsible for taking such action as might be appropriate under its basic instrument for the accomplishment of the purposes set forth therein. The agreement was the first of its kind to be concluded between the United Nations and a Specialised Agency, and it served to a "large extent as the model for subsequent agreements".¹² Thus, it will be observed that the relationship of the ILO and the United Nations is not through organic integration, but only through an agreement,¹³ which in large measure was "an agreement to agree".

From the above analysis, it emerges that the ILO has its own independent identity and did not owe its birth or survival, either to the League of Nations or the United Nations. However, despite its autonomy, the ILO has always strived to function in close association with the community of nations and its contribution to labour welfare has been greatly appreciated. It has been

12. Morse, n.4, p.32.

13. Claude, n.3, p.360

observed that the "ILO was the most vigorous and successful pioneer of the welfare approach to international organization which consequently broadened the vision of the Covenant¹⁴ to that of the Charter".

14. Wilfred Jenks, The World Beyond the Charter (London, 1969) p.69

CHAPTER IV

THE CONTRIBUTION OF THE ILO TO THE DEVELOPMENT
OF INTERNATIONAL ORGANIZATION

The above analysis regarding the evolution and establishment of the ILO, its place in the contemporary world, its survival beyond the League with which it was initially associated and its link and autonomy in respect of the League and the United Nations go to show the place of the Organization in the scheme of International Organization.

Now, let us see what contribution the ILO has made towards the development of International Organization during the past decades of its existence. The ILO has certain distinctive features as an International Organization which are in themselves a great contribution to the development of International Organization.

DISTINCTIVE FEATURES OF THE ILO

Principle of Universality

One of the salient features of the ILO is the universality of its membership. Since its inception, the ILO aimed at the widest participation of governments, employees and workers. Though it was assumed that the membership of

the ILO and the League of Nations would be identical in practice, ILO's membership has always been wider than that of the League and the United Nations. Nations have been members of the ILO even when they were not members of the League. Germany and Austria were members since its inception, though not of the League. Brazil continued to be a member of the ILO, even after it resigned from the League in 1926. In fact, one of the major factors which had facilitated the United States to become a member of the ILO (while not being a member of the League of Nations) was the competence of the ILO to admit new members on its own by a vote of the General Conference.

The ILO always aspired for universality and was always willing to admit new members. One of the first acts of the many newly-independent countries of Asia and Africa has been to apply for membership in the ILO, and no time was lost by the ILO in admitting them. A recent illustration is the admission of Bangladesh to the ILO, while its application for the membership of the United Nations is still pending a decision. No sooner did it apply for membership than the International Labour Conference admitted it. Universality is thus a working principle of the ILO, and not merely a desirable goal.

The Principle of universalism is not confined to
 15
 'membership' alone. The standards set in the form of
 Conventions and Recommendations are for universal appli-
 cation. The Declaration of Philadelphia embodied in the
 Constitution as a statement of the aims and purposes of
 the Organization, solemnly affirmed that "all human beings,
 irrespective of race, creed or sex, have the right to
 pursue both their material well-being and their spiritual
 development in conditions of freedom and dignity, of
 economic security and equal opportunity". The Philadel-
 phia Conference further affirmed that the "principles set
 forth in that Declaration were fully applicable to all
 peoples everywhere" and recognized that their imple-
 mentation was a matter of concern to the whole civilised
 world.

Upholding this principle, the Conference adopted in
 1964 a Declaration condemning the policy of apartheid and
 also approved an amendment to the Constitution providing
 for powers of suspension or expulsion. B.K. Das, Minister

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15. David Morse, the then Director-General, while concluding
 the discussions of the Conference in 1953, stressed that
 universality was fundamental to the ILO's work. He
 pointed out that universality went beyond the question
 of membership and it meant, too, that the action of the
 ILO should be planned to meet the needs of all people. -
 International Labour Office, Record of Proceedings, 36th
 Session 1953, (Geneva, 1954) p.268

for Labour and Education, Government of Pakistan, in his presidential address to the 42nd session of the Conference, stated that in the progressively inter-dependent world, both peace and social justice had necessarily to be 'universal' in order to be real, and that universality was the greatest principle of the Organization. He further observed that while tripartism was only a tool for the realization of the end, universality was closely tied up
16
with the end itself.

Thus, we find that the ILO has made a pioneering effort in introducing the principle of universality. We find that this principle is so greatly cherished that other international institutions including the United Nations are striving hard for it.

Principle of Tripartism

The structural pattern of the ILO is no less unique and has been considered as original and of particular significance to the development of International Organization. The Constitution itself spells out the structure of the Organization. Article 2 envisages that the

16. International Labour Office, Record of Proceedings, 42nd Session 1958, (Geneva, 1959) p.6

Organization shall consist of (i) General Conference of Representatives of the Members (ii) a Governing Body, and (iii) an International Labour Office controlled by the Governing Body. The Members of the ILO are sovereign states and they meet at least once a year at the Conference. The Conference is composed of four representatives of the Members, of whom "two shall be Government delegates and the two others shall be delegates representing the employees and the work people of each of the Members". Each delegate would be entitled to vote individually on all matters which are taken into consideration by the Conference. ¹⁷ Thus the unique feature of the ILO structure is its tripartite nature.

It is not by mere accident or coincidence that employers and workers' representatives have been associated along with the government representatives. The various endeavours leading to the evolution of the ILO, made during the Pre-Peace Treaty period show that isolated efforts, either of governments or workers or employers, in themselves, were inadequate for international action and that it was necessary to have the active collaboration of all the three

17. Para 2 of Article 4 of the Constitution lays down "If one of the Members fails to nominate one of the non-Governmental delegates whom it is entitled to nominate the other Non-Governmental delegate shall be allowed to sit and speak at the Conference, but not to vote".

interests. The principle of tripartism is also forcefully affirmed in the Declaration of Philadelphia which states that the war against wants requires to be carried out "by continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of Governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare".

The Conference adopted a resolution in 1964, affirming the principle of tripartism within the ILO. The resolution, while declaring that 'scrupulous observance of the tripartite structure of the ILO constituted the best means of ensuring that the work of the ILO, which was aimed at securing social justice in the world, was effectively pursued and developed, emphasized the need to maintain and strengthen tripartism in the activities of the Organization. A similar resolution was adopted as recently as in 1971. The resolution noted with satisfaction that the 'tripartite structure had been one of the essential elements for the survival of the ILO as a strong, viable and progressive organization'.

The fact that the Organization was designed to promote the interests of a part of the community 'within the State', as opposed to the "interests of the State" generally, had

led to a form of representation which is truly an innovation. Referring to this, James Shotwell observes:

For the first time in the history of international law, it was proposed to permit unofficial delegates, mere citizens of different countries representing home interests in labour and capital, to vote with similar representative citizens of other countries independently of the action of the representatives of their governments, and so to help actually bind those governments towards certain international policies and treaties.

The ILO is perhaps one of the best example of the representation of occupational interests in an inter-governmental organization, the only international forum in which there is an opportunity for the views of workers' and employers' organizations to be expressed by representatives of their own choosing on a footing of equality with those of their governments. One of the criticisms directed against the League of Nations was that it lacked a proper representatives body and was simply a 'League of Governments'. It has been held that the Commission which drafted the Covenant of the League of Nations could have silenced some of the criticism by the more definite and formal recognition of the principle of functional representation, for which the Labour Conference could have furnished a model.

18. James T. Shotwell, "Historical Significance of the International Labour Conference" in E. John Solano, ed. Labour as an International Problem (London, 1932) p. 50.

Thus, the principle of functional group representation opened new vistas in the development of international organization, by "gradually breaking the monopoly once enjoyed by States in representation in international organizations".¹⁹

David Morse has rightly observed that the ILO owed its vigour and vitality, and a large measure of its success, to the balanced co-operation of governments, managements²⁰ and labour in developing its policies and programmes.

However, this experiment of "functional representation" has not been without problems. The 'tripartite' membership of the ILO, giving equal representation to employers and workers' representatives, besides the governments, apparently seemed to conflict with the goal of 'universality' which has been the main motto of the ILO. When the Soviet Union and other Eastern European countries renewed their active participation in the work of the ILO in 1954, the organization was brought to the brink of crisis. It was widely felt in the employers' and workers' circles of the other members that the state control of industry in the Socialist countries of Eastern Europe was incompatible with membership in the ILO, and that the presence of these

19. Bowett, n.1, p.355.

20. Morse, n.4, p.9.

countries in the organization would shatter its very foundations. However, these doubts were soon set aside. The McNair Committee which was established to consider this constitutional problem, noted in a majority report, that representatives of private industry no longer enjoyed an exclusive title as defenders of the employees' point of view, due to the widespread development of State enterprise outside Eastern Europe, and that it would be a question fact, in each case, whether representatives were independent or merely docile instruments of government policy. The McNair Committee also reiterated the need to associate workers' and employers' representatives with the Conference, in the following words:

Anyone who is familiar with the events lying behind the Labour Part of the Peace Treaties concluded at the end of the First World War must be aware that there was a strong desire on the part of Labour in many countries that its voice should be heard in international discussions upon industrial conditions. In order to ensure a just equilibrium, it was necessary that the employers should likewise be represented.²¹

The Committee's report, and the discussion on it in the General Conference, were quite helpful in clearing the misunderstanding, that had arisen. Some adjustments made in the procedure and methods of work of the International

21. International Labour Office, Official Bulletin, McNair Committee Report, vol. XXXIX, No. 9 (Geneva, 1956) p.478.

Labour Conference, enabled tripartite delegation from the Socialist countries to participate effectively in the ILO's work. In fact, a representative of the trade unions of the Soviet Union was elected to the Governing Body in 1966, the first time that an East-European Socialist State was represented on the worker's benches of the Governing Body.

Thus, the ILO has been able to reconcile successfully the two essential, yet apparently conflicting, features of the ILO's structure i.e., tripartism and universality. ¹⁶

Towards International Labour Legislation

Yet another contribution of the ILO, which can be considered significant and original, relates to its building up of a body of international labour legislation, through successive conferences. Even though the ILO has no direct legislative power, it is an organization, one of the functions of which is the promotion of law-making treaties, and such treaties, though they can only come into force for states by virtue of individual acts of acceptance (known as ratification) "are the outcome of an organised legislative procedure in which occupational groups participate".²²

However, it cannot be said that the legislative function

22. Wilfred Jenks, The International Protection of the Trade Union Freedom (New York, 1959) p.558

of the ILO was never questioned and the concept of international labour legislation was always universally appreciated and welcomed. In fact, even at the time when the Commission was drafting the Constitution of the ILO, opinions were sharply divided, between Continental and Western Countries, on the point whether the Conference should assume legislative powers in the literal sense or not. The continental countries were fully in favour of adopting a bolder policy which would endow the "International Labour Parliament" with the power of a genuine legislature and bind the constituent countries to the carrying out of its decrees. The French and Italian delegation in particular supported the Workers' claims that the Conference should be a legislative assembly, in the fullest sense of the term, adopting laws which would be obligatory upon all the members of the Organization. However, Great Britain, the United States and Japan were reluctant even to consider such a revolutionary point of view, and stood out strongly against the notion that the time had come for the recognition of a world state, even where the impulse to common action was so strong. This issue posed a serious dilemma and a device had to be found out by which the "Parliament of Labour" should have sufficient authority to justify its existence in the eyes of labour as a real force for securing legislation, and

yet not set itself up as a super-government in opposition to existing governments.

A solution was found in limiting the power of the "International Parliament" to secure the submission of its legislation to the legislatures or other competent authorities of the participating states. All that the "World Parliament" could do was to lay its conclusions before the highest tribunal of public opinion in each country, and leave it to that body to decide whether it would adhere to them or not. Beyond that, it was felt, international compulsion could not go in securing the adherence of the participating Powers. Adherence to international standards, it was argued, could only be achieved by the force of public opinion in the countries. The idea of enlisting support of public opinion at the national level for international labour standards was indeed unique. Each member state was free to accept or decline the Conventions and Recommendations of the International Labour Conference, when these were submitted for approval to its national parliament - thus preserving fully the principle of the independence of each member state. Yet, the acceptance by member states of the institution of international enquiry, coupled with the obligation to report the reasons for non-implementation of the Conventions approved by the ILO, was a distinct step in the direction of effective

international legislation. The International Conventions and Recommendations that make up the bulk of International Labour Law, ²³ have been codified and the International Labour Code has become for labour lawyers throughout the world what the "Corpus Juris Civilis" is for civilians or the works of authority of the common law for common ²⁴ lawyers. Thus in the formation of ILO, the principle of international labour legislation was at last established.

Inroads into National Sovereignty

The adoption of international labour standards and their formal acceptance by a growing number of countries could not have, by themselves, added to the stability of inter-state relations, unless there also existed some degree of assurance that the contracting parties really complied with their treaty obligations. The ILO Constitution envisages an elaborate enforcement machinery whereby

23. Istvan' Szaszzy has observed that the designation of 'International Labour Law' has been used, in literature for two wholly different branches of law. This designation has been given to the section of labour law in public international law, i.e. the sum total of the rules of public international law which regulate international legal relations in the sphere of labour law. Secondly, this term 'international labour law' is used to denote the sum total of rules of law which govern the international aspects of labour law as it is in force within a given country. The Conventions approved by the Conference of the ILO and ratified by the member states, belong to the former category. - Istvan Szaszzy, International Labour Law (Budapest, 1968) p.12

24. Wilfred Jenks, Social Justice in the Law of Nations (London, 1970) p.80

industrial associations may make 'representations' to the Governing Body which will call for an explanation of the defaulting government. In the absence of a proper explanation from the concerned government, the Governing Body will have the right to publish the complaint, as also the explanation itself, where one is offered but found unconvincing. The complaint against non-enforcement by a state of a Convention ratified by it can also be instituted by the Governing Body itself or by another member government. Further the Governing Body may appoint a "Commission of Inquiry" composed of persons of independent standing to consider a complaint and to report thereon. The Commission prepares its report and recommendations, which, in the event of refusal or acceptance by the defaulting government, are subject to affirmation, modification or reversion by the International Court of Justice to which the complaint has been referred.

The implementation mechanism adopted by the ILO demonstrates the way to reconcile the legal sovereignty of the national state with the minimum needs of international order and co-operation, which has been the "root of the continuing
25
debate on the reality" of international law.

25. Wolfgang Freidmann, The Changing Structure of International Law (London, 1964) p.81

It is pertinent to ask whether international action could go so far as to interfere in the internal affairs of a sovereign state and pronounce upon the success or failure of its administration? Would it not amount to the recognition of a World State in the most sensitive part of government machinery, the power to enforce law? Would it be fair to allow bodies of private individuals in one state to pass judgement on the way in which the laws of another state were being carried out, and to interfere in order to secure better enforcement, thus going a long way towards the breakdown of the concept of 'absolute sovereignty'? Yet, the international situation warranted such an action. It was realised that unless some provision was made to ensure the carrying out of the proposed legislation, the whole enterprise would have been rendered nugatory through the failure of those states to apply it for which it was specially designed. However, the time was not ripe for any radical action which might have been deemed as encroachment on "national sovereignty".²⁶ A cautious approach was called for, and the credit goes to the ILO for adoption of measures which made imperceptible

26. E.A. Landy, The Effectiveness of International Supervision (London, 1966) p.160

erosions in the concept of 'absolute sovereignty'.

International Supervisory Machinery

It is a well known fact that any legislation will prove ineffective unless there is an appropriate machinery for the supervision of its implementation. It has been observed that when a motion was brought before the German Reichstag in 1885 in favour of the international regulation of labour questions, Bismarck' opposed it' on the ground that the application of such regulations could not be uniformly supervised in all countries. The system of supervision built up by the ILO, which has pioneered the way internationally, is considered one of the most advanced of its kind. Therefore, it will be worthwhile to consider it at some length.

Though setting up of an international supervisory machinery involves problems of respect for national sovereignty, the framers of the Constitution of the ILO took the bold step of including in the Constitution itself provisions for supervision of the application of ratified Conventions. A member is required 'to make an annual report to the International Labour Office on the measures it has

27. Pillai, n.7, p.163.

taken to give effect to the provisions of Conventions to
 which it is a party".²⁸ But mere submission of annual
 reports does not guarantee implementation of the provisions
 of the Convention. The first few years' experience showed
 that summary of reports placed before the Conference, as
 envisaged in Article 23, "failed to provide an automatic
 stimulus for supervision through discussions".²⁹ Therefore,
 in 1926, the Conference recommended that each session of
 the Conference should appoint a special committee to examine
 the reports presented under the Constitution. It also
 recommended that a Committee of Experts be appointed to
 carry out a preliminary study of the reports. The pro-
 cedure was put into practice from 1927 and is followed
 till today.

The members of the Committee are 19 in number, and are
 chosen for their special experience and competence in the
 sphere of international and labour laws, administration and
 who have personal independence. The reports submitted by
 the various Governments are examined by this Committee,³⁰

28. Article 22.

29. Landy, n.26, p.17.

30. It was renamed as the 'Committee of Experts on the
 Application of Conventions and Recommendations', in 1949
 when it was also entrusted with the examination of
 information and reports on unratified Conventions and
 on Recommendations, supplied under Article 19 of the
 Constitution.

in order to determine whether their law and practice appear to satisfy the requirements of the Conventions which they are bound to implement. The observations of the Committee are submitted to the Governing Body. These observations, along with the reports of the governments prepared by the Office, are considered by the Conference Committee on the Application of Conventions and Recommendations. The Conference Committee consisting of workers, employers and government representatives, is set up by every general session of the Conference. The report of this Conference Committee which has been called the "conscience of the ILO"³¹ is then submitted to the Conference.

It is interesting to note that even at the stage of proposal for appointment of a 'Committee of Experts', in 1926, some of the member states expressed fears about its work. It is reported that the Belgian Government delegate warned:

You appoint innocuous experts and they easily become inspectors -- I would consider it extremely dangerous to organize here an improvised tribunal, a council of war, as it has been called. 32

31. Johnston, n.8, p.101.

32. Landy, n.26, p.20.

However, it is gratifying to note that the work of the Committee had belied the fears and it has, as the Czechoslovakian Government's representative put it in 1963, "became one of the most important organs of the Organization". Landy has observed that it was to these two bodies - the Committee of Experts and the Conference Committee on the Application of Conventions and Recommendations that Mrs. Lionaes referred in her Nobel Peace Prize presentation speech when she said that the ILO had "pioneered in the international sphere, creating organs which carry out the work of supervising the implementation of the Convention adopted by member states, and their embodiment in national law and practice".

Side by side with these general procedures of supervision, a special procedure was introduced in 1950 to deal with cases involving freedom of association. Separate machinery was set up to examine complaints which may be submitted either by governments or by employers' and workers' organizations and may be lodged even against states that have not ratified the Conventions on freedom of association. The machinery comprises of two bodies -

33. E.A. Landy, "The Influence of International Labour Standards; possibilities and performances," International Labour Review vol. 101, No. 6 (1970) pp. 579-580.

The Committee on Freedom of Association and the Fact-Finding and Conciliation Commission on Freedom of Association. Reference may also be made to 'formal complaints procedure', provided for in Article 26 of the Constitution. The provision was virtually unused during the first forty years of the Organization's existence. As the procedure of last resort, it seemed to play the part assigned in ancient history to the 'Sword of Damocles' rather than an alternative method for use in the most serious cases. However, for the first time in 1961, the provision was made use of when two complaints received from two states, concerning the application of Convention on 'forced labour', were submitted to the Commission of Enquiry. Recently, more and more use of this provision is made use of.

A further development in this steady evolution in procedures of supervision and implementation was the appointment of a 'study group' by the Governing Body at the request of the Spanish Government composed of independent members, to examine the labour and trade union situation in that country. Thus, we see that to meet the variety of situations and needs encountered in the implementation of international labour standards, the

supervisory procedures themselves have developed and diversified. The superiority of the ILO's supervision procedure has been attributed to its distinctive features, i.e., firmness of the principles and obligations involved, intellectual honesty, insistence on accuracy in assessment of the cases, a sense of measure, and emphasis on a constructive approach leading to a settlement.

The experience gained by the ILO over the past several decades illustrates the impact of a regular system of supervision on the behaviour of governments.

Though unique in some respects, the ILO experience holds useful lessons for other spheres of world organizations where efforts are being made to frame and implement law-making treaties for promotion of technical progress, the protection of human rights and perhaps even, the control of armaments.

The ultimate aim of any international organization is to secure international peace, harmony and co-operation, and this cannot be achieved unless there is true social and economic freedom which presupposes certain basic liberties. Hence, these basic liberties have assumed tremendous importance and more so in today's world of interdependence.

The International Labour Organization has made a great contribution in this important field of Human Rights.

ILO AND THE HUMAN RIGHTS

The ILO's work in the field of human rights aims at the safeguarding of freedom of association, abolition of forced labour, elimination of discrimination in employment and promotion of the principle of equal-pay-for-work-of equal value. Often, these rights have been considered as 'basic', as they form the basis for any social progress and for the establishment of social justice.

The preamble to the ILO Constitution affirms that "recognition of the principle of freedom of associations", and "recognition of the principle of equal remuneration for work of equal value" are means of improving the condition of workers and establishing universal peace. The Declaration of Philadelphia, 1944, further reaffirmed the fundamental principles on which the organization was based, and emphasized, in particular, that "the freedom of expression and of association are essential to sustained progress". Wilfred Jenks has observed that on the international plane, the process of historical development (namely, attaining civil liberties through revolutions) has been reversed" and the Constitution of the ILO, which

proclaimed social justice and objective of international policy and established permanent machinery for pursuing it, anticipated by almost thirty years the Universal
 34
 Declaration of Human Rights.

Commemorating the tenth anniversary of the Universal Declaration of Human Rights in 1958, the ILO adopted a resolution pleading its continued co-operation with the United Nations in observance of human rights and their universal application.

THE ILO AND WORLD PEACE

Now let us consider ILO's role as an instrument for peace. Because the ILO has been a part of the United Nations system since the end of the second world war, "it is fully committed to the fundamental objective of the United Nations, which is to preserve and strengthen the foundations of world peace. Hence, it has a role to play, within the framework of the United Nations system in the
 35
 attainment of this objective".

 34. Wilfred Jenks, A New World of Law (London, 1971) p.53

35. Morse, n.4, p.102.

No doubt, "the ILO does not, of course, have any responsibility for peace-keeping and international security operations, which are the sole responsibility of the United Nations. Nor can it attempt to resolve political differences among States", yet it can do much with regard to world peace.

The ILO is a very useful instrument for peaceful co-operation and an effective international tool which deals with the social and economic causes of unrest and with those elements of social disintegration which directly threaten world peace.

Moreover, "The ILO makes it possible for the nations of the world to concentrate their attention on problems and issues which are common to them all, rather than just those which divide them."³⁶

The ILO by associating the employers and workers in the process of international co-operation, instills the spirits of co-operation, not only among diplomats but also among the representatives of the major economic and social forces of every nation.³⁷

36. Morse, n.4, p.103.

37. Ibid., p.103.

The ILO with its tripartite structure, and with the principle of universality, works more as the 'market place of ideas' than any other international organization. ILO influences and strengthens international co-operation by offering opportunities for the channelling the development assistance from the industrialised nations to the developing countries. This helps towards world peace. The general feeling among the experts is that, "poverty-stricken nations represent a continuing serious danger and threat to
38
peace".

38. Morse, n.4, p.110.

CHAPTER V
CONCLUSION

It was nearly fifty four years ago, on January 18, 1919, that a Peace Conference was convened to settle problems arising out of world war I. The League of Nations Covenant was an integral part of the Versailles Treaty. It was a laudable plan initiated in the belief which was shared by many countries that international cooperation for survival and welfare was a compelling necessity. However, it is a well known fact that, as a political organization, the League of Nations failed to achieve the influence and prestige that it was expected to, by its founders.

Fortunately, against this background of failure of the League of Nations, the statesmen of the leading countries in the world who drafted the terms of the Treaty of Versailles had the wisdom and foresight to bring into existence another organization, namely the International Labour Organization, intended to ensure universal and lasting peace. This organization has established itself as a dynamic institution embodying a spirit of adventure, experimentation and innovation. It has made a significant contribution to the development of International Organization in the long and arduous path of universal peace through social justice. The achievements of the

ILO have been recognized befittingly by the award to it ↙
of the Nobel Prize for Peace in 1969.

The ILO has been the most vigorous and successful pioneer of the 'functional approach' to international organization. The functional approach to international organization centres round the possibilities and the scope of the organization of specific need, whether in the field of communication, cultural co-operation or economic development. The post-war world gives abundant illustration of various types of functional international organization - World Health Organization, Food and Agricultural Organization, International Civil Aviation Organization etc., - and in the evolution of these organizations, the ILO has provided the model. Each organization has its specific objectives and in the wake of their fulfillment functions of diversified character are adopted, which in themselves provide guide-posts for further progress. The activities of the ILO spread over more than fifty years, reveal that the ILO has made a constant endeavour to reorient its functions, adjust its structure and to amend its constitution, with a view to keeping pace with the ever-changing needs of international society, which perhaps forms the cornerstone for triumph of any functional international organization.

The functional principle in international organizations, of which ILO is the pioneer, essentially weens an acknowledgment of the fact that a direct frontal attack upon national sovereignty is not at present feasible but that a multitude of urgent tasks require the co-operation between nations in specific activities. The formal symbol of legal sovereignty remains. The States, in the exercise of their sovereignty, form and join international organizations by way of treaties. The successful functioning of the ILO amply demonstrates how the principle of "national sovereignty" has been hollowed out, eroding the concept of sovereignty in practice, though in theory the states remain the masters vis-a-vis international organization. The elaborate enforcement machinery envisaged in the ILO constitution to ensure compliance of treaty obligations of the member states in respect of international labour standards, the assumed powers to ask explanations from defaulting governments and to appoint 'Commission of Inquiry' where needed, go a long way in demolishing the concept of "absolute sovereignty".

The ILO is perhaps the only international forum in which there is an opportunity for the views of workers' and employers' organizations to be expressed by representatives of their own choice on a footing of equality with those of the governments. The credit of permitting

unofficial delegates or what may be called non-diplomats, representing home interests in labour and capital, to vote with similar representative citizens of other countries, independently of the action of the official diplomats representing the sovereign states, goes to the ILO - which is indeed a bold departure from the traditional canons of international law. The principle of functional group representation not only opened new vistas in the development of international organizations by breaking the monopoly once enjoyed by diplomats in representation in international organization, but also provided vigour and vitality to the organization itself. In fact, it has been rightly commented that the League of Nations which was simply a "League of Governments", could have silenced some of the criticisms by the more definite and formal recognition of the principle of functional representation for which the ILO could have furnished a model.

Until the establishment of the ILO, the individual - the 'common man' was essentially a pawn of international politics and diplomacy. He was not actively concerned or considered important in the innumerable wars or diplomatic deeds and treaties. However, with the dawning of the twentieth century, the welfare of the common man became a major concern in international politics. The ILO is the first international organization to concern itself with the welfare and betterment of the status of the common man,

and notably of the hundreds of millions of under-privileged workers both agricultural and industrial. Despite the fact that the organization, role and standards of labour and social security differ drastically, not only according to the level of economic prosperity and development reached by a particular country, but also according to the social and political role accorded to organized labour in the different political systems, the ILO has been able to adopt as many as 138 conventions and 146 recommendations, for acceptance and enforcement by member states. Perhaps, this has been possible because the organization has been able to command the 'faith' and 'confidence' of the common man in its working.

Thus we see that the contribution of the ILO to the development of international organization has been most significant and the ILO can be considered as one of the most valuable political assets of the whole United Nations system.

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