



International
Labour
Organization

THE TEETH OF THE ILO

THE IMPACT OF THE 1998 ILO DECLARATION ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK

Kari Tapiola





THE TEETH OF THE ILO

THE IMPACT OF THE 1998 ILO DECLARATION ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK

Kari Tapiola

Foreword

Kari Tapiola brings to this account of the origins, adoption, and implementation of the 1998 ILO Declaration on Fundamental Principles and Rights at Work the eye of the trained historian, the inside knowledge of one of the key actors in the whole process, and the insights that come from his wealth of international experience in most areas that relate to international labour standards.

The result is a great deal more than a simple narrative of how the Declaration came into being, and what use has been made of it, although that story is well told and records the contributions and mistakes (my own included) of a wide range of personalities.

The reader will also find some profound reflections on how the multilateral system tackled over many decades some of the toughest issues in international social and economic policy.

Those reflections come together in Kari's own checklist on "the ILO way" of doing things, which is a telling response to the ILO's alleged lack of teeth and rejoinder to those who may conclude that while the ILO operates quite well in practice it can't possibly do so in theory. The checklist resonates strongly with my own repeatedly expressed view that, on key rights issues, the ILO works best when it combines "principle and perseverance".

This study offers a wealth of national examples and practical detail about how "the ILO way" plays out and in real life. It shows that just like its adoption, the twenty years of implementation of the Declaration have seen stops and starts, changes of direction, and the need for creative thinking and adaptation.

But it has produced extraordinarily important results. Having been a party to the intense, sometimes angst-ridden debates of 20 years ago about the wisdom of negotiating a Declaration of principles and rights which could risk diluting or undermining the content of existing Conventions, the

balance sheet of achievement today is overwhelmingly positive. The conclusion has to be that the 1998 Declaration was not only the right response to a specific conjuncture, but a much needed statement of human rights at work and vehicle for their promotion, and that it has produced lasting benefits.

While the worst forebodings regarding the impact of the Declaration have not materialized, the twenty years since its adoption have seen the notable acceleration of ratification of the fundamental rights Conventions. Moreover, each of the four categories of the fundamental principles and rights has found its place in the UN 2030 Agenda for Sustainable Development.

Twenty years on, the Declaration continues to prove its value in the unfinished struggle for universal respect of fundamental rights at work.

Guy Ryder
Director-General
International Labour Organization

Copyright © International Labour Organization 2018

First published 2018

Publications of the International Labour Office enjoy copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts from them may be reproduced without authorization, on condition that the source is indicated. For rights of reproduction or translation, application should be made to ILO Publications (Rights and Licensing), International Labour Office, CH-1211 Geneva 22, Switzerland, or by email: rights@ilo.org. The International Labour Office welcomes such applications.

Libraries, institutions and other users registered with a reproduction rights organization may make copies in accordance with the licences issued to them for this purpose. Visit www.ifro.org to find the reproduction rights organization in your country.

Kari Tapiola

The teeth of the ILO - The impact of the 1998 ILO Declaration on Fundamental Principles and Rights at Work / International Labour Office, Fundamental Principles and Rights at Work Branch (FUNDAMENTALS) - Geneva: ILO, 2018.
ISBN: 978-92-2-030894-3 (print), 978-92-2-030895-0 (web PDF)

Also available in French: *La Déclaration relative aux droits et principes fondamentaux au travail de 1998 - Un levier puissant pour l'OIT* (ISBN 978-92-2-030896-7 (print), 978-92-2-030897-4 (web PDF), Geneva, 2018; and Spanish: *La Declaración relativa a los principios y derechos fundamentales en el trabajo de 1998 - Una poderosa herramienta de la OIT* (ISBN 978-92-2-030898-1 (print); 978-92-2-030899-8 (web PDF), Geneva, 2018.

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the International Labour Office of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

Information on ILO publications and digital products can be found at: www.ilo.org/publns.

Printed in Switzerland

Preface

Every time I am engaged in discussion about the international labour standards of the International Labour Organization (ILO), a question invariably comes up. Someone in the room will say: “But actually, you do not really have teeth, do you?” The ILO will be seen either as the old lady of the multilateral system, wagging her finger at those who have misbehaved, or as a toothless monster. I call this the “dental work question”, and this short history of the ILO and fundamental principles and rights at work is an attempt to answer it.

When the Declaration on Fundamental Principles and Rights at Work was adopted at the highest level, by the annual International Labour Conference in June 1998, there were many mixed feelings about it. Both political and legal concerns were expressed. How could a solemn reaffirmation of labour rights be effectively used in managing the globalizing economy? Would it strengthen the enforcement of human rights at work, or could it soften them instead?

Like the Universal Declaration of Human Rights, adopted by the United Nations exactly half a century earlier, the ILO Declaration on Fundamental Principles and Rights at Work was seen as a “soft law” instrument. The 1948 Universal Declaration was built on the wave of political aspirations after the human destruction during the Second World War. Its social provisions were inspired by the ILO’s 1944 Declaration of Philadelphia, which reasserted and updated the aims and objectives of the ILO. Up to this day, it remains the cornerstone of law and practice for human rights.

The most eminent lawyers involved in the activities of the ILO looked at the new Declaration on Fundamental Principles and Rights at Work in December 1998. They recognized that it was a Declaration, not a new Convention. Just like the Universal Declaration of Human Rights, it amounted to a political resolution. The members of the Committee of Experts on the Application of Conventions and Recommendations

stated that they looked forward to the additional opportunities the Declaration would give to implementing ILO standards and their underlying principles.

Every item of “hard law” has started as an aim, a claim and a resolution. Where it was recognized, human rights law was strengthened and given new opportunities by the 1948 Universal Declaration of Human Rights. Virtually all of the subsequent human rights law is based on it. In the labour sphere, the 1998 Declaration of the ILO on Fundamental Principles and Rights at Work assumed a similar role.

There is no simple formula to determine when pressure works better than encouragement. Logically, assistance and cooperation exclude the use of trade or investment sanctions. If no alternative to sanctions is provided, there is little motivation to be constructive. On the other hand, if the option of sanctions is altogether excluded, the motivation will be limited as well. Anyone who has been involved in collective bargaining, which includes the possibility of strike action, will understand this. Credible threats, in turn, can be met only by credible promises.

The navigable way usually lies in constructing procedures, strengthened by a codification of the most important principles that could be derived from the Constitution of the ILO. Within less than a decade after the end of the Cold War, this dynamic produced the Declaration on Fundamental Principles and Rights at Work. In another two years, the follow-up mechanism for this Declaration was in place. For the world outside the ILO, the Declaration provided the criteria for defining the labour standards that were considered to be fundamental. Within the system, it opened up new ways of dealing with the application of standards and good labour practices while “doing things the ILO way”.

In this text, I tell the story of how the fundamental principles governing labour relations were defined and subsequently implemented. The consensus was founded on the contents of the four categories of these principles and rights: freedom of association and the right to collective bargaining, the elimination of forced or compulsory labour, the effective abolition of child labour, and elimination of discrimination in employment and occupation.

This narrative takes place both in the rarefied air of international standards setting and in the messy realities of their implementation. It is easier to connect the dots after the fact than in the heat of action. Yet this can lead into reconstructing events with the full benefit of hindsight and knowledge of how they turned out. When written by someone who has been involved in the process, it also lends itself to either reinterpreting or justifying the decisions that were made.

Part of the time I was an active participant of one of the groups, the Workers. Then I moved to its secretariat, the International Labour Office, and found myself in the middle of the negotiations. From both perspectives, negotiating processes are a roughly equal combination of strategic views, tactical movements, and pure hazard. The same can be said of the implementation of the agreements that are finally reached.

I frequently return to two pieces of guidance given by the Chairperson of the Confederation of Finnish Trade Unions, Niilo Hämäläinen, who in 1972 hired me at the tender age of 26. I was given the somewhat daunting task of trying to build bridges between the ideologically and politically diverse trade unions of the Western and the Central and Eastern European countries. My new boss assured me that it is not prohibited to use common sense. And when nothing else helps, tell the truth.

To those who will have their own versions of the 1998 Declaration on Fundamental Principles and Rights at Work and its Follow-up, I can but refer to another teaching from my early trade union years. A negotiator should have a thick skin and a selective memory.

Contents

Foreword	ii
Preface	v
Acknowledgements	xi
1. The declarations of the ILO	1
2. Two centuries of labour rights	5
International roots of labour law	6
A social dimension	8
Multinational enterprises	10
The trade and labour standards link	11
The groundbreaking role of child labour	14
3. Six years of negotiation	19
Bringing the social clause debate to the ILO	19
The first institutional follow-up	21
The Copenhagen formula	23
The Declaration emerges	25
The WTO answer from Singapore	27
The consultative process	29
The negotiations in June 1998	32
Fundamentalism versus an incremental approach	37
4. Making the Declaration work	47
The new reporting system	48
The expert-advisers	49
Describing and measuring progress	52
Global Reports as the flagship	53
Longing for more interactive debates	56
5. Shifting realities and perceptions	57
The surge in technical cooperation	60
The Forced Labour Programme	62
Freedom of association	63
The many facets of discrimination	64

6. Making use of teeth on the ground	67
Inducing political will for change	69
The ILO method	72
1. It is going to take time – there are no quick fixes	72
2. The ILO is not going to go away	73
3. Dealing with issues as technical matters	73
4. Study the signs carefully	74
5. Facts and demystification	75
6. Monitoring as a special tool	76
7. “Fly under the radar”	77
8. Entry points and creating space	78
9. Devise procedures for cooperation and consensus	80
10. Mechanisms and institutions	80
11. Provide incentives for governments	82
12. Engage the social partners	83
13. The ownership of change	85
14. Don’t let go	85
7. Twenty years later	87
The contribution of the 2008 Declaration	87
The challenges ahead	91
Targeting sectors and groups	92
Integrated approaches	93
How to identify the rights aspects of all ILO programmes	94
Further need for statistics and data	96
The goal of universal ratification	98
Fundamental versus other standards	100
Rights and the enterprise	102
Trade and labour standards today	107
8. Epilogue: The big picture	109

Acknowledgements

I wish to thank the Chief of the Fundamental Principles and Rights at Work Branch of the ILO, Beate Andrees, for her initiative and guidance in the production of this text. I have revisited the last two decades with her and many of her predecessors: Roger Böhning, Zafar Shaheed, Anne Trebilcock, Lee Swepston, Kamran Fannizadeh, Guy Thijs, Constance Thomas and Corinne Vargha. I enjoyed working together with them in this delicate area of human and labour rights.

A particular mention of appreciation is due to Francis Maupain. As Legal Adviser, he was both the brain and the pen behind many responses and innovations when globalization hit the ILO. Francis provided the strategic guidance for the 1998 Declaration exercise while I was concentrating more on tactical manoeuvres. Throughout the process, we coped the best we could with the inevitable unforeseen hazards.

I have solicited, and benefited from, the views of various colleagues in addition to those mentioned above. A definitely non-exhaustive sample includes Karen Curtis, Manuela Tomei, Dan Rees, Dimitrina Dimitrova, Stephen Pursey, Dan Cunniah, John Ritchotte, Kevin Cassidy, Tim De Meyer, Lisa Wong, Maria Luz Vega, Deepa Rishikesh, Susan Hayter, Shauna Olney, Martin Oelz, Simon Steyne, Panudda Boonpala, Phillip Fishman, Claire La Hovary, Akira Isawa, Drazen Petrovic, Caroline O'Reilly, Snezhi Bedalli and, of course, the ILO historian Dorothea Hoehtker. A special thanks to the keeper of the ILO archives, Remo Becci.

As to the special role of IPEC, I would be amiss if I would not also mention Assefa Bequele, Gerd Gust, Werner Blenk, Frans Röselaers, Alice Ouédraogo, Gek-Boo Ng and Michele Jankanish, with whom I worked closely. I recall with warmth the gentle but firm prodding of the German Government representative on the Governing Body, Ursula Voskuhl. Of our partners, a decisive role belongs to Kailash Satyarthi, who

brought the Global March to the ILO and has insisted not only on rescuing children from work but working on the answer: education. Kailash has truly earned his Nobel Peace Prize.

I wish to particularly recognize those with whom we have done real work on the ground: Iftikhar Ahmed, Alan Boulton and Oktavianto Pasaribu (Indonesia), Wael Issa (Egypt and Georgia), Richard Horsey, Steve Marshall and Piyamal Pichaiwongse (Myanmar), Jonas Astrup, Anton Hausen, Oxana Lipcanu, Harri Taliga and Stephen McClelland (Uzbekistan), Oksana Wolfson and Lisa Tortell (Belarus and Zimbabwe), Roger Lecourt and Zsolt Dudas with his whole team (Georgia), and Ricardo Hernandez Pulido (Colombia). Bill Simpson is the source for the notion of “doing things the ILO way”.

Especially useful have been the insights of the current Deputy Director-General of the ILO, Moussa Oumarou, who at a decisive time headed the Programme to Support the Implementation of the ILO Declaration on Fundamental Principles and Rights at Work (PAMODEC, in its French acronym) in his native Niger and other African countries.

Other former Declaration collaborators include Dr Tauqir Shah, now Ambassador of Pakistan to the World Trade Organization. In addition, I specially thank Ambassador Htin Lynn of Myanmar in Geneva for suggesting the diplomatic formulation of “countries that have special issues”.

Without the cooperation between the Employers and Workers this exercise would not have worked. On the Employers’ side, Ed Potter is the last left in action of the team that negotiated the Declaration in 1998. Now retired Workers include, in particular, Ulf Edström, whose insights on standards policy in the post-Cold War time I have abundantly made use of, and Jerry Zellhoefer. Some of the decisive actors are no longer with us: Mark Moher, Bill Brett, Jean-Jacques Oechslin, Bob White, Charles Gray, Marc Blondel, and Abe Katz. Abe and Bryan Noakes were instrumental in pressing for a meaningful Declaration in the ILO. Indispensable Employers and Workers were Bryan Noakes, I.P. Anand, Ashraf Tabani, Cornelia Hak, Rolf Thüsing, Daniel Funes de Rioja, Leroy Trotman, Christian Agyei,

Tom Owour, Ebrahim Patel and Ursula Engelen-Kefer. I also wish to mention Halimah Yacob, today President of Singapore.

I have fond memories of exchanges with the Industrialized Market Economy Countries (IMEC) group, which was a main partner before being taken over by the expanded European Union. The Canadian IMEC coordinator Jean Perlin had a decisive role, just as Debra Robinson after her. I would like to mention Mathilda Hartwell (United Kingdom), Andrew Samet, Charles Spring, Julie Misner and Joan Barrett (United States of America), Tuuli Raivio and Niklas Bruun (Finland), and Björn Jonzon and Kerstin Wiklund (Sweden). Hemant K. Singh and Lakshmidhar Mishra of India left their mark in the process. Of the Ambassadors in Geneva, particularly active for what became the Declaration were Arundhati Ghose (India), Werner Höynck (Germany), Roderick Lyne (UK) and Nobutoshi Akao (Japan). The more sceptical view was valiantly defended by Ambassadors Mounir Zahran (Egypt), Mounir Akram (Pakistan) and Antonio De Icaza (Mexico).

While working on this text I had a fruitful discussion with Zahoor Awan, General Secretary of the Pakistan Workers' Federation. I also wish to thank Stephen Benedict of the International Trade Union Confederation (ITUC) and pay my tribute to his late predecessor Janek Kuczkiewicz. The more persons I mention, the more are left out although they share considerable degrees of guilt by association in this exercise.

Finally, I wish to put on record that Guy Ryder, as Secretary of the Workers' group, was involved throughout the period leading up to the negotiations. He is one of those who later appears in many roles: Director of the Cabinet of Juan Somavia; General Secretary of first the International Confederation of Free Trade Unions and then the merged International Trade Union Confederation; Deputy Director-General and since 2012 Director-General of the ILO. With his permission I have referred to some of our exchanges on all continents over the last three decades. Guy continues to speak of the work on fundamental rights on the ground in a particularly insightful and convincing way. This work is not carried out in laboratory conditions; it means that you get your hands dirty in a reality that always is messy.

1. The declarations of the ILO

Declarations have a special and rare place in the history of the ILO. Part XIII of the Treaty of Versailles, which was the original 1919 Constitution of the ILO, was not primarily a political statement. It was a blueprint of how an international organization to set and oversee labour standards would operate. In addition, it created a unique organization where governments shared decision-making with employers' and workers' representatives. Annexed to the Constitution was a statement of principles. In 1946, these principles were replaced by the Declaration of Philadelphia on the aims and purpose of the ILO, which had been adopted two years earlier.

A Declaration can be defined as a formal and solemn instrument that is "suitable for rare occasions when principles of lasting importance are being enunciated". This was the way the 1998 Declaration on Fundamental Principles and Rights at Work was introduced. A Declaration does not bring about new principles; it clarifies existing ones and adapts their application to political and structural change, thus maintaining the relevance of the work of the Organization.

In dealing with conflicts of interest, the procedure is as important as any statement made on the substance of those interests. Aims are set out in statements of principles that nourish the body of labour standards. But after the inevitable bark, the bite is in the procedures that are set up to ensure that political statements go beyond rhetoric.

Over the decades, much attention has been paid to the specific form in which the ILO expresses the consensus of governments, employers and trade unions on labour and social policies. The way in which this is carried out in an infinite variety of real-life situations has been less explored.

Over almost a hundred years, the ILO has adopted five Declarations. With the exception of the Philadelphia Declaration, I have been in one way or another involved with each of them. My role regarding the Declaration concerning the Policy of Apartheid of the Republic of South Africa, adopted in 1964, was limited to the late stages of its follow-up and, finally, its abrogation. It was my privilege to propose in November 1993, on behalf of the Workers' group, that the Declaration be shelved. Conditions for direct assistance to the democratic trade unions and employers of South Africa had finally become feasible.

My path crossed briefly the Declaration on Equality of Opportunity and Treatment for Women Workers of 1975. More below on this. I have been considerably more involved with the other three: the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), adopted in 1977 by the Governing Body of the ILO; the 1998 Declaration on Fundamental Principles and Rights at Work; and the 2008 Declaration on Social Justice for a Fair Globalization.

The first Declaration of the ILO was adopted in Philadelphia in 1944. A full year before Second World War came to an end, it recapitulated and refined the labour principles on which first reconstruction and then decolonization were carried out. Two years later it replaced the statement of principles of the original Constitution.

The 1964 Declaration against Apartheid focused on the racial discrimination system of South Africa. It would have remained a mere political statement if the ILO had not combined it with an intensive programme of action. Its follow-up consisted of regular reporting by both the constituents of the ILO and the Office, and an annual examination in a committee of the International Labour Conference. Decisions on further action were taken by the Conference itself.

In time, this encompassed technical cooperation with liberation movements and with the trade unions and employers. The process was not given up until South Africa had democratized and returned in 1994 into the fold of ILO member States.

In 1977 the Governing Body of the ILO adopted a Declaration on what had become a highly controversial international issue: multinational enterprises and social policy. Through this Tripartite Declaration, the Governments, Employers and Workers agreed on how to apply the principles of good management and industrial relations at a global level. The Declaration was adopted by the Governing Body, which dealt with the question of multinational enterprises after the World Employment Conference in 1976 could not agree on moving towards a Convention on the issue.

The tripartite MNE Declaration was adopted a year after the Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises. In the same way as the voluntary instrument of the OECD, it not only established benchmarks for good management practices but also came with a follow-up mechanism. These two instruments demonstrated how a regular follow-up process at the international and national levels can render a voluntary instrument effective.

The context in which the MNE Declaration was negotiated can be compared to that of the Declaration on Fundamental Principles and Rights at Work. The world economy had become confronted by a new phenomenon that had unexpected economic, social and political consequences. Like globalization later on, multinational enterprises shook the established balance, and they provided significant threats and opportunities. In addition, both Declarations have follow-up mechanisms that continue to be implemented and refined.

In 1975, the International Labour Conference adopted a Declaration on Equality of Opportunity and Treatment for Women Workers. The first International Women's Year had been proclaimed by the United Nations, and the Declaration was transmitted to a United Nations conference that took place in Mexico City shortly after the ILO's annual gathering.

The Declaration was adopted at a politically difficult time, and it did not gain the same status as the other ILO Declarations. I mention it because I had a personal although very fleeting connection with it as a voting Worker delegate at the Conference. The preamble of the draft Declaration

referred to the New International Economic Order, which had been proclaimed a year earlier in a United Nations General Assembly resolution. Adding the word “social” in the text had rendered it more compatible with the ILO’s mission.

Even so, the paragraph was opposed by the Employers’ group and the main industrialized countries, led by the United States of America. In the final Conference plenary session, with a vote by show of hands, the new United Nations concept prevailed. As the Declaration was an input to a United Nations process, follow-up measures in the ILO were not foreseen. The most concrete outcome was the impetus that the Conference discussion gave to the Workers with Family Responsibilities Convention, 1981 (No. 156).

In this account I shall concentrate on the aspirations and the process that led to the adoption of the 1998 Declaration on Fundamental Principles and Rights at Work by the International Labour Conference in June 1998. Much space is given to how it actually was made to work. The implementation of the Declaration produced the consensus on the Declaration that prevails today.

I need to warn in advance that I shall not be able in this account to give the 2008 Social Justice Declaration all the attention it merits. Upon its negotiation, I shared the responsibility for it in the Office in the same way as ten years earlier. The Social Justice Declaration has given additional force to its predecessor from ten years earlier. I continue to believe that this latest Declaration should be seen as a guide on how to apply the principles of the Philadelphia Declaration in the contemporary world.

2. Two centuries of labour rights

The 1998 Declaration on Fundamental Principles and Rights at Work was a response to a “double whammy” after the fall of the Berlin Wall. The collapse of the confrontation between market economies and state-controlled systems was followed by an opening of global markets. Democracy was being rapidly installed in former totalitarian States, and one-party rule was undone in much of the developing world. Especially in francophone Africa, this led to a wave of trade union pluralism. One or another form of the market economy was everyone’s solution for development and prosperity. Negotiations started for replacing the General Agreement on Tariffs and Trade (GATT) by a powerful organization that could govern the expanding international trade.

The end of the Cold War era required answers to questions on both the functioning of a global market economy and the way in which the ILO’s original mandate, international labour standards and their supervision, functioned. The standards debate had been simmering at least for a decade. The claim was made by some that when communism was gone, there was no more need for the ILO.

The ILO had, of course, been established partly in response to the Russian Revolution. Regulation in general and the worth of international labour Conventions in particular were questioned. Upholding human rights in the world of work had been a bulwark against totalitarianism. With the end of this historical confrontation, there seemed to be a promise of happiness and prosperity for all, with markets regulating themselves. Or at least many neoclassical scholars thought so.

The 1990s were an intensive crossroads of hopes and fears. The end of the Cold War heralded democracy through a free market economy. Promises of prosperity seemed to open up for developing countries, pushed ahead by technology and abundant labour. In the old industrial world, work and

production was increasingly liable not only to be moved around but to go to less developed locations, both regionally and globally.

“Un train peut en cacher un autre”. The warning to look out for the train behind the nearest one is familiar to all those who have been at a French railway station. While the world was figuring out how to deal with the awkward movements of the post-Cold War train, it did not immediately see the “globalization express” that surged full speed from behind it.

When production and workplaces started moving on a global scale, it became evident that behind the walls and barriers now coming down, old problems persisted. Child labour, forced labour, discrimination at work and restriction of workers’ rights to organize had not gone away. With the new trade opportunities, they were rapidly affecting the competitive positions of countries and industries. The need for labour standards was in no way dead. After the first wave of unhindered globalization in the nineteenth century, and the subsequent World War that social, economic and political tensions produced, the same question had led to the founding of the International Labour Organization.

International roots of labour law

Two centuries ago, labour law emerged from a concern with industrialization, with the replacement of slavery by a wage-earning working class. Working conditions were both a moral and an economic issue. They determined not only the humane treatment of workers but competitive advantages and disadvantages of companies and countries.

The fear of unfair competition had been driving international labour law since the 1830s. In hearings for factory legislation in Britain in 1833, an industrialist, Charles Hindley, did not waver in his belief in the capacity of labour and technology of the English weaving industry over its competitors. But he added that “the excessive competition of foreigners [could] endanger our trade unless we employed our people longer than was advisable for their comfort and the good of the society”.

Hindley continued: “I think it would be as proper a subject of treaty with foreign nations as the annihilation of the slave trade.” In his judgement, “if a factory bill be good for this country, it ought to be good for other nations”.

Another emerging strand was the desire of working people to organize and speak up for themselves. For the powers that be this carried the danger of disruption and uprisings. Slaves had revolted even in the Roman Empire. The nineteenth century was a time of uprisings and revolutions. A rapidly urbanizing working class was a new, incalculable factor.

The acceptance of the workers’ right to organize and take collective action proceeded at a slower pace than the concern for working conditions and unfair competition. The Prussian Industrial Code of 1845 proclaimed that “the combinations of wage earners menace the existence of factories, are likely to provoke tumults and riots, and threaten public security”. Against this background, the manifesto by Karl Marx and Friedrich Engels three years later calling on workers of the world to unite was hardly reassuring.

The logic of the workers’ right to balance the power of an employer through joint action was recognized by no less an authority than the seventeenth-century apostle of free trade, Adam Smith. But the acceptance of organizing developed slowly over the next hundred years. Trade unions were viewed with more mistrust than political parties. Unions could exercise power and control over labour through concentrated demands and the threat of collective action. They were also seen as monopolies that prevented free competition. Their answer, that labour is not a commodity, finally made its way into the anti-trust Clayton Act of 1914 in the United States. From there it was carried into the first Constitution of the ILO, which was drafted by a commission chaired by the head of the United States’ trade unions, Samuel Gompers.

Tripartite cooperation was a novel international concept in 1919. It fitted into a liberal view of solving conflicts. The deal that had emerged during the war was: industrial peace on the home front, with as a quid pro quo participation of trade unions and employers in peacemaking. The threat of revolution and its export from Russia added to the urgency of finding

compromise solutions with the workers. Trade unions were invited to the Paris peace negotiations, which produced an organization based on cooperation and included capital in the form of organized employers.

The basic logic has survived to this day, as trade union leaders continue to emphasize that those who share in the pain should also share in the gain. One of the primary tasks of international labour standards is to remind decision-makers that the second part of this equation is as important as the first. Yet, genuine tripartite cooperation was slow to take off at the national level before the threat of a new world war had materialized.

A social dimension

When the ILO was set up in 1919, it embodied a much desired social dimension for peace and economic development. In a similar way, after the Second World War, social justice and its method of labour management and tripartite cooperation were applied to reconstruction. Cooperation had managed conflict on the home front during two world wars and was applied to reconstruction as well. In the industrialized world after 1945 the result was more than thirty years of growth. Tripartite cooperation was further made use of as the democratic way to promote development in a postcolonial world – where democracy was competing with an authoritarian model.

Coming to the 1970s, growth started to dwindle due to a number of factors: the oil crises, slower European growth compared to the United States, debt problems, and uneven development between industries and economic sectors. The successor to the European Recovery Program (or Marshall Plan), the OECD, introduced in the very beginning of the 1980s a public discussion on rigidities and flexibility of labour markets in particular.

In the magazine *Foreign Affairs*, a leading authority on management, Peter Drucker, explained in April 1986 that not only was change on its way – it had arrived. One of its features was that the traditional link between the employers and the work collective had been cut off.

The advent of new information and communication technology had impersonalized the relationship between the manager and the workforce,

which had previously been on the basis of negotiations and continuing consultation. At a conference in Stockholm in 1990 I listened to Percy Barnevik, head of the Swedish-Swiss company ABB, who crystallized this new reality by saying that due to new technology, all he needed to do was to travel around the world with his assistant, his computer, his telephone and his fax machine. He could plug into the company's information flow and control it from anywhere. Three decades later, the telefax has become virtually obsolete, and the phone and the computer have merged. But the new parameters have only been solidified.

With systemic change, the search for economic growth and social justice was confronted by a simple question that originated in the South. Could those in the hitherto better-off North really be surprised that the world was divided between the rich and the poor, those with opportunities and those without it? After all, this was the reality that great Latin American authors had been describing all along.

After the Berlin Wall came down, one reaction was to say that labour standards, which had helped democracy – and guaranteed both private business and trade union rights – were no longer needed. The fight was over. Some employers were ready to wave goodbye to the ILO. Others asked how it could now contribute to new private markets and jobs in them. The workers saw what was happening as a threat, with low-wage competition not only from the South but also from the near East of Europe.

In the mid-1990s in New York City it was difficult to find any affordable garment that had not been produced in Central America or South-East Asia. In Europe, consumers grew alarmed that they might be buying products manufactured by children. Low-cost production was assisted by technological and organizational change throughout global business activities. But it would be too simplistic to call this social dumping.

Companies started to move. This led first to new opportunities in former communist countries, which gave them a big welcome. Yet many enterprise activities soon moved on to the emerging – and the less emerging – parts of the developing world. High-tech investments went to China; low-tech to South and South-East Asia and Central America. Opportunities were passing by Eastern and Central European countries.

A search was on for a social dimension of the new economic world order. An equivalent of the creation of the ILO in 1919 as well as the reconstruction process after the Second World War would be needed. They had produced the social policy principles and labour standards that served as a guideline throughout decolonization and the Cold War. The nearest thing to a new global settlement appeared to be the negotiations for transforming GATT into the World Trade Organization (WTO). In this context, the idea of a “social clause” was resurrected.

Multinational enterprises

Two decades earlier, another acute issue of globalization had come up: the need to deal with multinational enterprises. In the ILO, the options were either binding international rules through an international labour Convention, or using some voluntary instruments and procedures to promote respect for acceptable corporate behaviour.

Following the involvement of a multinational enterprise in the coup d'état in Chile in September 1973, it was accepted that the behaviour of such business entities had to be somehow overseen by the international community, including the ILO. Multinational enterprises could move production, profits and jobs and upset the policies of countries into which they had expanded.

This new transborder phenomenon required going beyond the application of international standards through national law. However, the views on how to do this diverged. The question was, should multinational enterprise activities be regulated by the application of international binding rules – if such were feasible – or by strengthening the principles governing their behaviour?

A proposal for an international labour Convention on multinational enterprises was turned down in June 1976 by the World Employment Conference of the ILO, conducted within the annual International Labour Conference. The discrepancy between international principles and their application to private entities could not be overcome. The ILO (and others dealing with the issue, specifically the United Nations and the

OECD) had to opt for a voluntary instrument with an institutionalized follow-up system. In addition, it was not to be adopted by the annual Conference of the ILO but its executive, the Governing Body.

In the ILO, the 1977 MNE Declaration came with a procedure for settling disagreements over its application. This, however, excluded cases of freedom of association, as they would have strayed into the area of competence of the special complaints-based procedure that had existed since 1951 through the ILO's Committee on Freedom of Association. At the same time, regular consultations that took place in the OECD on its Guidelines for Multinational Enterprises showed that nearly all cases that came up from the trade union side were precisely on freedom of association and collective bargaining rights.

It was realized gradually that institutional follow-up could render a voluntary instrument effective. The OECD's Guidelines for Multinational Enterprises, which paralleled the Declaration adopted by the ILO's Governing Body, demonstrated that a follow-up could work. Allegations of violations of the MNE Guidelines were regularly submitted to, and discussed with, the OECD. The Trade Union Advisory Committee to the OECD presented them as detailed "cases", including the names and other details of enterprise behaviour.

The OECD governments dealt with these cases as "issues" on which a clarification of the meaning of the MNE Guidelines could be given. One of them even led to an important amendment of the Guidelines, which ruled out bringing in strike-breakers from foreign entities of the enterprise. I was rather intimately involved with all of this, because I chaired the Trade Union Advisory Committee delegation at the multinational enterprise consultations with the OECD from 1980 through to 1996.

The trade and labour standards link

The logic of a social clause in trade policies derives from the preamble of the 1919 Constitution of the ILO, which states that "the failure of any nation to adopt humane conditions of labour is an obstacle in the

way of other nations which desire to improve the conditions in their own countries”. This is one of the early recognitions of economic and social interdependence.

The aim of a social clause was to condition trade expansion and liberalization with the observation of international labour standards. Employment and labour standards had been included in the Final Act of the United Nations Conference on Trade and Employment (the Havana Charter), 1948, which was to provide for the establishment of the International Trade Organization. It recognized that “unfair labour conditions, particularly in production for export, create difficulties for international trade”. States could legitimately take action to counter such difficulties.

However, the International Trade Organization never came into being. What emerged was the General Agreement on Tariffs and Trade (GATT), which was a treaty but not an organization. Article XX of the GATT rules allowed for restricting trade on grounds of serious human rights violations that endangered life and health, but it had never been used.

The call for a social clause had been made in the statement of the International Confederation of Free Trade Unions to the first United Nations Conference on Trade and Development in 1964. It was based on the argument that free trade should equally be fair trade. This became one of the main bones of contention between the trade unions and the increasingly assertive group of developing countries. In the United Nations, the credo of this rapidly strengthening group was expressed in 1975 through the concept of a New International Economic Order.

The New International Economic Order was based on an unshakeable principle of government sovereignty. Many a leader during colonial times, when political dissent was prohibited, had received shelter in the trade unions. Later, some of them became wary of the rights that should be accorded to their potential challengers. Likewise, the compelled mobilization of workers for development purposes was often considered to be something quite different from the subjugation of labour under colonial rule. Trade unions called for an alternative “economic and social order”, which would have recognized human rights and the role of international

labour standards with international supervision. Many governments found this suspicious, even subversive.

Over the period of decolonization, bitter discussions took place between trade unions and developing country governments. The two groups had many interests in common. Both had been the underdogs of an imperial capitalist system. But the reluctance of governments to recognize human rights at work prevented a common front between them. An exception was the more accommodating view of the communist trade unions (represented internationally by the World Federation of Trade Unions), which consequently were looked upon favourably by a number of developing country governments.

An anecdote may be allowed here. In 1991, the head of the Zambia Congress of Trade Unions, Frederick Chiluba, was elected President of Zambia in the first multiparty elections held in the country. My predecessor in the ILO as Deputy Director-General, Heribert Maier, had once travelled to Lusaka to press for his release from jail. He and the General Secretary of the trade unions, Newstead Zimba, regularly participated in the ILO Conferences. Chiluba was the Workers' spokesperson in the negotiations for the Safety and Health in Construction Convention 1988 (No. 167), and Zimba was a Worker member of the Governing Body. Once Chiluba was elected President, he appointed Zimba to the post of Minister of Interior. When the Workers' group took leave of Zimba, its Chairperson, John Morton, pointedly reminded him not to put any trade unionists in jail.

On fundamental labour rights, the Workers' group of the ILO shared a philosophy with the democratic industrialized market economy countries. After the Second World War, tripartite cooperation had done its share in producing the growth and wealth of the OECD countries. This cooperation between business and labour had the tacit support of the employers, who had no desire to legitimize government interventions in business activities. The New International Economic Order called for strict control of multinational enterprise activities and often favoured nationalization of their operations. The group of socialist countries, led by the Soviet Union, was staunchly in favour of state control; this group had no independent employers.

A year before the 75th anniversary of the ILO, its Workers' group issued a call for both a world charter of workers' rights and a social clause. The proposal was drafted in September 1993 by the Worker spokespersons of the Governing Body committees, coordinated by the group secretary Guy Ryder. I was responsible for labour standards at the time, and my files show that I share a big part of the guilt for the drafting of the proposals. The Workers' group suggested that a world charter would specifically refer to the Conventions on forced labour, discrimination and freedom of association.

The second major initiative was that a social clause would be introduced in the GATT Treaty or, rather, in the new WTO. It was to concentrate on methods to resolve disputes by mutual agreement. "Only in intractable cases, where it proved impossible to arrive at settlement through such means would final resort be made to any form of trade sanction," said the Workers' group of the ILO Governing Body. The international and European trade union bodies soon associated themselves with the demands.

These calls for a social clause were accompanied by explanations that its purpose was to avoid the protectionist pressures that unacceptable labour conditions could provoke. This, however, was read in very different ways by countries – and companies – now seeking for the advantages of a universal market economy. For some the social clause was a call for trade restrictions and even sanctions, while for others it was a question of inserting a social dimension into the new global trade regime.

The groundbreaking role of child labour

An important piece of the puzzle appeared soon after the demise of state-controlled economies and the move to dismantle one-party States in the developing world. The issue of child labour was far from new. In 1819, the industrialist Robert Owen had presented a draft law on regulating working hours of children. The first Prussian law curbing child labour dated from the 1830s. It was encouraged by the military, which was dissatisfied with the supply of overworked and weak young recruits. One of the Conventions adopted at the first Conference of the ILO in 1919 set a minimum age for industrial work. The ILO returned to the issue in subsequent years.

In 1992 the ILO started a new technical cooperation programme to eliminate child labour. The International Programme on the Elimination of Child Labour (IPEC) was due to the initiative of German Christian Democratic Minister of Labour, Norbert Blüm. The issue of child labour had deep roots in Germany, and Blüm recognized it as a labour issue, although the recent concerns had not necessarily been voiced by the trade unions but by consumers, especially those buying carpets imported from South Asia. After the opening of global markets, it seemed all of a sudden plausible that department stores could abound with imported merchandise produced by children.

Both developing countries and the workers were at first wary of IPEC. Countries hesitated to work with the ILO on eliminating child labour because they feared that if the embarrassing problem was admitted, trade sanctions might be imposed by developed countries. Numerous proposals were floating around for stopping imports to Europe and North America of items made by children. Sovereignty arguments of the New International Economic Order had gone overboard with growing globalization. How the manufacturing process worked was no longer exclusively a matter for the countries where it took place.

While developing countries feared sanctions, the workers feared that dealing with child labour in an incremental way, through technical cooperation programmes, would devalue the importance of observing international labour standards. Not that the standards mechanism on child labour was particularly strong on this count. The Minimum Age Convention, 1973 (No. 138), had less than 50 ratifications at this point, and many considered it to be unwieldy or even obsolete.

The fears of the countries with child labour and those of the workers proved to be wrong. Governments came to realize that participating in an ILO programme gave them a powerful argument against trade sanctions. And the action on the ground against child labour underlined the need for a legal framework. It led in due time to carving out a new standard, the Worst Forms of Child Labour Convention, 1999 (No. 182).

IPEC was an action programme on the ground. It focused on children working in huge garbage dumps – the first project was the Smokey Mountain dump in Manila – as well as street children, minors subject to commercial sexual exploitation, and children working in brick kilns, carpet and garment manufacturing establishments, fisheries and tobacco plantations. In the beginning there was something of a raid-and-rescue model. Children were removed from work and sent to schools. If schools did not exist, or school transport could not be organized, teachers could be brought to where the children were.

A key device was the signing of a Memorandum of Understanding between the ILO and a participating country. This was the policy commitment of the country where IPEC programmes were carried out. It also provided for a tripartite national steering committee. After the initial six participating countries, soon over a hundred more in all continents became involved.

The process was not always smooth. On my first day as Deputy Director-General of the ILO, on 1 July 1996, I became deeply drawn into some delicate problems with the extension of the Memorandum of Understanding between the ILO and India. While India did not deny the added value of a visible international partnership, its priority was its own extensive programme against child labour and it did not want to be seen as dependent on IPEC. I suggested a formulation that recognized the “synergy” between India’s national programme and ILO-IPEC action. Our Legal Adviser’s Office pointed out that synergy was not a recognized legal concept. I replied that the Memorandum of Understanding was a political and not a legal tool anyway, and it was extended.

In terms of development policies, IPEC had the best of both worlds. Being on the ground meant that the ILO got its hands dirty with real work. Making use of traditional ILO tools – labour standards, administration, inspection – it then translated the action upstream into a national strategy. The programme concluded at an early stage that action was needed on two issues, namely education and employment policies. These came together in skills training.

Child labour was an emotional issue, and there was much competition from civil society organizations and the United Nations Children's Fund (UNICEF). Many new ILO-IPEC officials had worked in these fields but less so with labour issues. Yet there was enough work for all. I used to say to my colleagues that unless they were a cross between Jane Fonda and Roger Moore, they could not compete on the celebrity circuit; they were just as sexy as your average labour ministry.

The somewhat less flashy ILO still had institutional advantages. It knew the labour realities and the actors involved. The ILO had the experience of using laws, regulation and inspection. Child labour was an issue on which the ILO became associated with international campaigns for human rights and humanitarian causes. Some rather spectacular things were done, such as the Red Card against Child Labour campaign with the involvement of FIFA and, most visibly, cooperation with the Global March against Child Labour.

Civil society and trade union activists, together with children and former child labourers, descended with flags and banners on the opening session of the 1998 International Labour Conference. The occasion was the first discussion of the Worst Forms of Child Labour Convention. The Global March movement was headed by Kailash Satyarthi, who in 2014 received the Nobel Peace Prize for his action against child labour. I was responsible for running the Conference, and some tweaking of established procedures was needed to enable this unique demonstration.

IPEC developed research and statistical capacity to come to grips with the real extent of child labour and especially its worst forms. In due time, the Statistical Information and Monitoring Programme on Child Labour was introduced. Rapid assessments and on-site monitoring of child labour were conducted in several countries. Pioneering approaches included time-bound programmes, which through the Worst Forms of Child Labour Convention No. 182 were a first in international human rights law. Dealing with the trafficking of children also paved the way for the ILO's Forced Labour Programme some years later.

In his report to the 1994 Conference, the Director-General, Michel Hansenne, wrote: “It might be possible to exert greater pressure on exporting countries to reduce gradually the recourse to child labour (in export-processing activities), as called for by existing standards, if at the same time they were given some assistance to provide the children concerned with basic services, especially school facilities.” The notion of fundamental standards had extended to child labour not least because of the experience of IPEC. And IPEC had started to show how things could work on the ground.

IPEC provided the template for the implementation of fundamental labour standards in law and, especially, in practice. It was also an answer to those who were concerned that the ILO was ignoring the vast informal economy where many children worked.

3. Six years of negotiation

Michel Hansenne once observed that the negotiations that eventually led to the adoption of the Declaration on Fundamental Principles and Rights at Work and its Follow-up resembled an old Wild West movie. The little train was winding its way through rough territory. Armed bandits tried to stop and rob it. Indian tribes tried to prevent it from further invading their lands. Bridges were washed away by floods, and rocks fell on the tracks. But the train kept chugging on.

Bringing the social clause debate to the ILO

In his report to the 1994 International Labour Conference, entitled *Defending values, promoting change*, Hansenne decided to put the issue of a social clause on the table. As it was being discussed in all corridors and group meetings, it could just as well be brought into the conference hall. His observations on the social clause were only a small part of the report, but they attracted much attention.

Referring to the social clause, Hansenne outlined two alternatives for dealing with trade and labour standards. One of them was a procedure for self-evaluation and joint assessment of progress in member States, with a focus on respecting international labour standards while achieving growth and employment through increased trade. A “declaration and programme of action” could provide the framework for this.

Another alternative was an international labour Convention, by which member States would pledge to respect legal commitments they had already entered into and not to resort to unilateral trade restrictions. “States would undertake to abstain from applying unilateral trade restrictions ... in exchange for greater commitment by their trading

partners to strive towards the social progress expected from Members of the Organization.” The report considered that what then was still GATT would have to be involved in the measures to give effect to such a Convention.

Michel Hansenne’s wish to have a full airing of the social clause question was certainly granted. Nothing short of a firestorm erupted. The attack against the social clause was led by the South-East Asian countries, especially Malaysia and Singapore. It was pursued in the Resolutions Committee with a draft that would have had the ILO banned from ever discussing the item again. Most developing countries joined the front against the social clause. The Employers were against a social clause but now they let the Asian countries take the lead. The resolution opposing the social clause was not adopted, but no link between trade and labour standards was recognized in the resolutions adopted by the Conference.

Why was this such a divisive issue that it even led to an attempt at killing the notion for all time to come? Virtually all developing countries wanted to keep the issue of labour standards out of the new trade regime. Even mentioning them had the smell of conditioning free trade on the respect for labour standards. Globalization was finally going to give the emerging countries some long-sought returns. Any social clause could call into question the comparative advantage arising out of lower wages and labour costs. They felt that the goalposts were being moved. Topmost was the fear of trade sanctions.

Employers rallied against any attempts at curbing their activities in the world economy, which now lay more open than at any time – possibly with the exception of the heyday of imperial colonialism. The New International Economic Order had gone out of the window with globalization, but an insistence on absolute state sovereignty lingered on. Yet, multinational enterprises had shown that this sovereignty was often quite relative.

At that specific point in time, the views on the social clause were roughly as follows: Asia and North Africa were fiercely against; Latin America (with some notable exceptions) and southern Africa were sceptical but not entirely hostile; most of the industrialized countries – led by the United States – were in favour; and the Workers stood by their original social clause proposal. The Employers were against but did not wish to push the

question out of the ILO. They were convinced that if the issue was not dealt with satisfactorily within the ILO, it would continue to haunt the new WTO.

Central and Eastern European countries were out in the cold in this discussion. The way transition had proceeded frequently ignored social concerns, and the broader globalization agenda only deepened this omission.

Each group had its nuances, too. The Indian Worker member of the Governing Body opposed the idea but offered not to speak on it outside the group. The French and Belgian Employers were not hostile to a trade and labour standards link. Although the European Union was in favour, the United Kingdom was strongly against.

In his opening speech, the President of the 1994 Conference, Charles Gray, Workers' delegate of the United States, recalled the "workers' bill of rights" that had been contained in the Treaty of Versailles. He reminded that this section, which was replaced in the Constitution in 1946 by the Philadelphia Declaration, covered fundamental workers' rights "which have a direct link to international trade and economic relations. They guarantee freedom of association and the right to organize and bargain collectively, non-discrimination and the elimination of forced labour and child labour."

This was echoed in speeches by Workers' delegates as well as the United States Secretary of Labour, Robert Reich. The 1994 Conference debate served to clarify the scope of the labour standards that the discussion was about. This was when the four fundamental categories definitely appeared: freedom of association, elimination of forced labour, abolition of child labour and elimination of discrimination in employment and occupation.

The first institutional follow-up

The passions involved in the social clause debate ran high. Just the two words – let alone the notion that sanctions could be involved – had become toxic. Michel Hansenne proposed that the Governing Body set up a working party on the social dimensions of the liberalization of international trade. It would review national policies, based on voluntary studies carried

out through cooperation between the ILO and the tripartite constituents of the countries concerned. This was a variation of the possible procedures Hansenne had sketched out in his report. The other possibility, a Convention – especially one involving the GATT, which was mutating into the WTO – appeared clearly to be excluded.

Hansenne's proposal led into a prolonged debate in the Governing Body, which exceptionally stretched out from the Friday into the weekend. The Working Party on the Social Dimensions of the Liberalization of International Trade was in the end set up as a Committee of the Whole, open to all member countries and not only Governing Body members.

The mandate of the Working Party was continuously revisited. The debate touched on the importance of core labour standards but did not link them with international trade. The Working Party became a multipurpose forum for a substantive discussion, which the Governing Body otherwise lacked. The Committee on Employment and Social Policy of the Governing Body had become a high-level ping-pong match between the Employers and the Workers, but the problems of globalization were outside its scope. The Working Party reached out to the rest of the multilateral system, the WTO included. It could be used as a forum for prominent guest speakers.

A consensus was developed on a peer review process, although such reviews have never sat quite comfortably with the ILO. The usual ILO experience of a peer review is what takes place in the Conference Committee on the Application of Standards, where conclusions are drawn on the laws and practices of individual countries. As a rule, this is more of an adversarial process than consensus building.

The Working Party satisfied those who preferred to have a more comprehensive approach than one concentrating on labour standards. Already in early 1995, discussion on trade sanctions was banned. The Workers went along with this reluctantly. Then when some orators ventured to speak against such sanctions, the Workers quickly raised a point of order, as all talk of sanctions, for or against, was prohibited.

In the camp opposing the social clause, this gag order was prematurely taken to mean that the issue was dead. In actual fact, it was pursued through other channels than the forum that had been set up following the 1994 Conference debate.

Soon after Juan Somavia took office as Director-General of the ILO, the title of the forum was changed to the Working Party on the Social Dimension of Globalization. Probably the most prominent achievement of the Working Party was to prepare the ground for the World Commission on the Social Dimension of Globalization, which Somavia convened in 2002.

The Working Party did examine the two questions that had given rise to the social clause debate: trade liberalization, and employment and working conditions. But the question of whether they should be linked together, and how, continued to press for an answer elsewhere.

The Copenhagen formula

In 1992 the United Nations Economic and Social Council entrusted its Chairperson Juan Somavia, then Ambassador of Chile, with the task of convening a World Summit for Social Development. Somavia had remained in exile after the 1973 coup d'état and, among other things, participated prominently in the work of the United Nations on multinational enterprises. Later he had returned to Chile and played a role in the transition towards democracy.

The ILO replied to the United Nations by getting actively involved in the preparations for the Summit. In June 1993, the Workers and Employers together impressed on Hansenne and Somavia that they had to cooperate. The social partners were afraid that an important agenda, which should belong to the ILO, could be pursued outside it and without its full participation.

The Governing Body set up a small working party for the Summit preparations consisting of five Government members, five Employer members and five Worker members. This was the official membership. The interest in the topic was so intense that at its March 1994 meeting, there were over 70 persons in the room.

The International Labour Conference adopted resolutions on the World Summit for Social Development in 1993 and 1994. First, it instructed the ILO to play a central role in the Summit on questions related to employment and the alleviation of poverty. Then the Conference produced a resolution calling for recognition of “the primary competence of the ILO regarding core themes in the preparation for, conduct and follow-up to the Summit”. Much emphasis was put on the participation of Employers’ and Workers’ advisers in national preparations and the official delegations to the Summit.

The resolution said less about the substance. At the same time another resolution, marking the 75th anniversary of the ILO, noted “the particular importance of ILO Conventions covering fundamental rights, including Conventions Nos. 87, 98, 100, 29 and 105, and 111”. Child labour was not yet on the radar screen.

In the summer of 1994, I met Somavia in Helsinki when he was on one of his tours to promote the Summit. I told him that his Summit could not ignore the social clause proposal. He replied that if you – meaning the Workers – brought the social clause to the Summit, you would sink the high-level conference. Somavia used to call the social clause one of those “good bad ideas” that sound simple but create havoc.

The Summit, in early March 1995 in Copenhagen, was the most prominent gathering of Heads of State and Government to date. Juan Somavia could rightfully be proud of what he had achieved. Employers and Workers had many of their representatives appointed as advisers in the delegations, although usually at the cost of their own organizations. With the official delegations, observers and civil society activists, the number of Summit participants was some 20,000 people. This was five times the size of the annual International Labour Conference.

A special trade union meeting took place in the conference centre. It was addressed by both Hansenne and Somavia. The full-day event was arranged on the delegates’ side of Copenhagen’s Bella Center. The other side of the conference complex housed the large number of representatives of non-governmental and civil society organizations who had come to present their views to the Summit. That side looked distinctly more colourful than

the official premises, most of which were divided by curtains into tiny cubicles occupied by the national delegations.

Some time passed after the Summit before the final version of its outcome document was published. In one long sentence, in paragraph 54(b) of the action programme, governments were asked to enhance the quality of work and employment by “[s]afeguarding and promoting respect for basic workers’ rights, including the prohibition of forced labour and child labour, freedom of association and the right to organize and bargain collectively, equal remuneration for men and women for work of equal value and non-discrimination in employment, fully implementing the Conventions of the International Labour Organization (ILO) in the case of States parties to those Conventions, and taking into account the principles embodied in those Conventions in the case of those countries that are not States parties to thus achieve truly sustained economic growth and sustainable development”.

That text was the basis on which the ILO Declaration on Fundamental Principles and Rights at Work was constructed three years later. The Copenhagen language might have done with some further editing. Further down in the same paragraph it speaks of both eliminating child labour and promoting the employment rights of minors. No clarification of what that reference meant has ever been given. But on international labour standards, the message was clear enough.

The contribution of the Copenhagen Summit was to settle the definition of the rights concerned and to link them to the instruments of the ILO. It confirmed that both ratifiers and non-ratifiers had obligations regarding these categories of rights. But the Summit did not draw operative conclusions on who would implement this commitment and how. The WTO had become functional on 1 January 1995 without any provisions on labour standards.

The Declaration emerges

The ILO followed up the Social Summit with a ratification campaign launched in the name of the Director-General in May 1995. At that time, only 21 countries had ratified all the seven Conventions referred to in Copenhagen. The campaign included the Minimum Age Convention,

1973 (No. 138), which had a somewhat insecure status as it was a technical Convention that did not have the characteristics of most human rights instruments. This was an added reason to bring child labour into the trade and labour standards discussion.

Once the contents of the fundamental labour standards had been settled in Copenhagen, the focus returned to the modalities. New normative action was excluded, and gradually the idea of a solemn Declaration gained force. For the different strands leading to the Declaration, the 1996 Conference became a kind of a dry run. There was a general discussion on employment policy, with Ed Potter of the United States as the Employer spokesperson. The discussion produced consensus conclusions but strenuously avoided the trade and labour standards link.

The Conference also produced a resolution on child labour, which, among other things, had the merit of anticipating the Worst Forms of Child Labour Convention. There was another circle to be squared. Should the ILO move full speed ahead on the elimination of all forms of child labour, or could it agree that while this was the general aim, some forms were more urgent and needed immediate action?

The resolution supported the progressive elimination of child labour and, at the same time, stressed the “need to immediately proceed with the abolition of its most intolerable aspects”. The Employers were chaired in the Resolutions Committee by Steve Marshall from New Zealand. I chaired the Workers’ group in the Committee, two weeks before joining the International Labour Office. On the Government side, a particularly prominent negotiator was the Deputy Permanent Representative of India, Hemant K. Singh, who continued to be active throughout the negotiations over the next three years.

The ILO was coming to a concrete phase, when the idea of a Declaration had been advanced and was being discussed. A first draft was drawn up by the Australian Employers’ delegate, Bryan Noakes. The substantive contents of Noakes’ proposal and the social clause proposal, as voiced by the Workers at the 1994 Conference, were strikingly similar.

At the time, the Workers' particular focus was the aim of strengthening the surveillance of forced and child labour and discrimination. The Committee on Legal Issues and International Labour Standards of the Governing Body was examining ways of extending regular standards supervision. The main alternatives were extending the mandate of the Committee on Freedom of Association to the three other categories or creating a new Governing Body committee on child and forced labour and discrimination, modelled on the Committee on Freedom of Association. Both would have covered ratifiers and non-ratifiers alike.

The mood of the Governing Body was: no new instruments, no new supervisory mechanisms. Ultimately the Committee on Legal Issues and International Labour Standards had no appetite for expanding supervision in the traditional ILO sense. By that time I had joined the Office as Deputy Director-General. I recall the feeling of abandonment with which the Committee shelved the proposals for new procedures. Another way had to be found.

Exploring a follow-up based on reporting by governments and constituents was fully compatible with the ILO's methods and Constitution. When the Constitution was updated in 1946, after the demise of the League of Nations and the emergence of the United Nations system, the right to request information from all member States had been further strengthened.

This is covered by Article 19 of the ILO Constitution, which is a unique provision among intergovernmental organizations. The ILO already could regularly ask non-ratifiers to report on their efforts and obstacles they had to ratification. This was for the purpose of the general surveys that the Committee of Experts on the Application of Conventions and Recommendations carried out. Now the use of this provision was extended into hitherto uncharted territory.

The WTO answer from Singapore

Things sped up. The next Ministerial Conference of the WTO took place in Singapore in December 1996. Michel Hansenne received an invitation

to the meeting. The next day he was uninvited. Some prominent members of the General Council of the WTO objected to the invitation because of its implied link to the question of labour standards. Hansenne observed himself that if he had gone to Singapore, few would have paid much attention. He would have been one of well over a hundred speakers. But when he was uninvited, everyone became interested in the ILO. The Legal Adviser of the ILO, Francis Maupain, was sent to Singapore to listen and report back.

The outcome of this Ministerial Conference owed much to the agility of the Malaysian Trade Minister of the time, Rafidah Aziz. She accompanied Prime Minister Mahatir bin Mohamad to the ILO Conference in 2002. Our discussion over lunch turned to the origins of the Declaration. Aziz told me that while chairing the WTO session in Singapore, she formulated the version that her colleagues finally accepted.

Of course such drafting was accompanied by serious lobbying, with suggested formulations that no doubt reached the main negotiators, in the same way as with the Social Summit in Copenhagen in 1995. In such situations rule number one is, write your proposal on a piece of paper and get it to the negotiating table. All main groups had at least one friend around that table. These days it is easier done by smartphones than by sending scraps of paper around.

The WTO Ministers stated: “We renew our commitment to the observance of internationally recognized core labour standards. The International Labour Organization (ILO) is the competent body to set and deal with these standards, and we affirm our support for its work in promoting them. We believe that economic growth and development fostered by increased trade and further trade liberalization contribute to the promotion of these standards. We reject the use of labour standards for protectionist purposes, and agree that the comparative advantage of countries, particularly low-wage developing countries, must in no way be put in question. In this regard, we note that the WTO and ILO Secretariats will continue their existing collaboration.”

As the meeting was over in Singapore, the ILO in Geneva became aware of the outcome. It excluded WTO action and referred the issue to the ILO. It pledged to continue the “existing cooperation” between the two secretariats. As no cooperation existed, this was the state that should continue. A few years later, in an informal meeting with the ILO, Director-General Michael Moore of the WTO said that if he as much as suggested to his General Council a friendly football match between the secretariats, even that would be turned down.

Upon learning about the outcome of Singapore, Michel Hansenne called me to his office. He said that it was now clear that the WTO would not do anything on labour standards. It was up to the ILO to take action.

The outcome of the Copenhagen Summit was intact. Yet, it was far from clear whether all of the WTO Ministers wanted to move the issue of the relationship between trade and labour standards to the ILO so that something meaningful would happen. Some wanted to get rid of it, not only in the WTO but in the ILO as well. This had been the thrust of the unsuccessful proposal in 1994 for a Conference resolution banning further discussion on the social clause in the ILO. Both views were present in Singapore, and their relative weights determined what happened next.

The consultative process

This was an intensive consultative period. Ambassadors had started informally discussing the situation in Geneva. The Canadian Ambassador Mark Moher was one of the generous hosts of these luncheon gatherings, which included both proponents and opponents of a trade and labour standards linkage. Francis Maupain and I attended a number of these meetings at which different options were aired. Regional groups started following the debate. We needed to keep the Employers and Workers abreast of what was happening and continue to solicit their views.

One likes to think that tripartism comes with intensive consultations. In practice this is not always true. Labour markets and diplomatic negotiations do not function in the same way. “Thinking out loud” can be difficult when dealing with positions drawn up by groups that have different and even contradictory views.

With Employers and Workers, we established a practice of informal consultation, usually over two days, with the chairperson, group secretaries and one participant per region from both groups. This amounted to some 12 persons with a tight programme: briefing by the Office, internal discussions, bilateral discussions, separate discussions with the Office, a joint dinner at the Geneva Intercontinental Hotel (which took care of my annual representation allowance), again more separate and joint meetings, and finally a session all together. We soon added the Chairperson of the Committee on Legal Issues and International Labour Standards and then the Government regional coordinators to some meetings with the social partners. No formal decisions or joint reports were made.

Later, “non-papers” were prepared by the Office to guide discussions. The secretaries of both non-governmental groups would inform Francis Maupain and myself of their groups’ often quite sceptical views on these non-papers. We made sure that their papers included both acceptable and contentious points, which were presented as options and not proposals.

The Employer and Worker negotiators were later brought together with Government representatives, who had vacillated between first encouraging the two partners to reach bilateral agreement and then criticizing the Office for conspiring too much with them. The Office avoided full tripartite consultative meetings. The first one we convened was a disaster: no one would think aloud in front of others.

This was a reminder that group dynamics have their special features. On a later occasion – restructuring the Governing Body in 2006 – the only way ahead was for the chairperson to present a carefully negotiated proposal, which was accepted only on the condition that no one made any statement on it. Explaining a position means putting reservations on record; if one group does it, all others need to do so, and in the end everyone is back at square one.

The report of the Director-General to the 1997 Conference was titled *The ILO: Standard setting and globalization*. As in 1994, the issue of fundamental rights was presented in a broader context of standards policy. As earlier, it was essentially drafted by Francis Maupain. The report suggested how the possibilities offered by the Constitution and the Declaration of

Philadelphia could be used. “A declaration or any other text enshrining principles might help to extract from Conventions the universally acknowledged essence” of the fundamental rights without undermining the Conventions themselves.

Such a strategy called for the inclusion of a concrete follow-up mechanism. One example was the complaints procedure of the Committee on Freedom of Association. Yet Hansenne reminded the constituents in his report that nothing obliged us to copy that Committee’s procedure, if another route would be more acceptable.

The report discussed another proposal, for social labelling. This caused a new outburst of strong reactions but little subsequent action.

For its credibility, it had become urgent that the ILO elaborate its strategy for the promotion of fundamental rights. The 1997 give and take was crucial. The form of the follow-up of any Declaration and its use became the main question. Would it be a new kind of supervisory mechanism targeting individual countries or not?

Once the idea of a Declaration had been accepted, the rest was about linkage and use. For the Workers, the Declaration became acceptable only if it led to efficient across-the-board implementation of all four categories of fundamental standards. The Employers did not want new mechanisms, which could make use of the jurisprudence generated by the existing supervision of Conventions or produce new legal interpretations. But they did want something effective enough to keep the issue out of the WTO. It started becoming clear that the main function of a Declaration would be to authorize the arrangements that would be put into place for its implementation.

Governments wanted to keep both the ILO and the new WTO functional. They listened to the echoes of the discussions between the Employers and Workers with some concern. To them, some of the words that were used, like “filtering” a complaint or “triggering” action, sounded very much like a new supervisory procedure. The same went even for the reference the Director-General made in his 1997 Conference report to “casting light” on the situation in specific non-ratifying countries. By that time, the

differences between employers and workers narrowed considerably, and the main disagreements remained between the governments.

The WTO had scheduled its next Ministerial Conference for May 1998. If by that time there was no sufficient prospect of how the ILO would deal with it, the issue would come back to haunt all concerned. Each ambassador in Geneva was aware of this. For procedural reasons, the option of placing the issue on the agenda of the 1998 ILO Conference had to be examined at the Governing Body in November 1997. The deadline for the “go or not” question was approaching. The rest would be about what would be done.

The Office knew only too well that the moment there was a draft text on the table, a good number of actors would happily start shooting it down. For some time there was a draft of a kind in my office, which Government representatives and the constituents could read but which could not be copied or distributed. Such a cloak-and-dagger approach might not be possible with the technologies used twenty years later. Back then, no one had a mobile device with which they could snap a picture of this well guarded text and instantly send it to their groups.

Procedural requirements were fulfilled, and the Governing Body took a definite decision in March 1998 to put the issue on the Conference agenda with the cautious title, *Consideration of a possible Declaration of principles of the International Labour Organization concerning fundamental rights and its appropriate follow-up mechanism*. All differences had been aired both in the Governing Body and in informal consultations. Many of them had been resolved in the process, but not all.

The negotiations in June 1998

The setting promised a particularly complex negotiation process. Each main group had its own aim and interest. The Workers wanted a method to ensure the respect for fundamental labour standards when jobs were seriously threatened by the changes in trade and investment flows. The Employers realized the importance of the issue, which affected businesses as well, but they did not want Conventions to become binding in countries that had not ratified them. In practice, their experience was that once a

Convention is ratified, governments tend to push over the full responsibility for its implementation to the business community.

Industrialized OECD countries wanted to ensure that the concerns of workers and consumers, including unethical production and job losses, were addressed, and that there was coherence between the ILO and the WTO. The developing countries were split into two groups, both of which rejected trade conditionality. In the majority were those who respected rights and agreed with further measures in the ILO, and those who not only wanted to keep the issue away from the WTO but had no desire for new mechanisms strengthening the ILO. Countries in transition sailed in between, conscious of wanting to keep investments coming.

At the 1998 International Labour Conference, the Committee for Fundamental Principles and Rights at Work was chaired by the experienced ambassador, Mark Moher of Canada, the Employer spokesperson was Ed Potter from the United States, and the Workers were led by Bill Brett from the United Kingdom. Politically this was an entirely incorrect trio of three Anglo-Saxon white men that would not be acceptable today. This lack of gender balance was in no way mitigated by the secretariat, which was headed by Francis Maupain, Lee Swepston and myself. A promise was made in good faith to try to find some geographical or gender balance through selecting a rapporteur, but in the end even that function was assumed by Ambassador Moher.

The Committee decided to first discuss the follow-up, then the wording of the Declaration and finally its title. All groups had their issues, and each one had its committed insiders, who were either in favour of or against what was being proposed. With innumerable subgroups, to call this – or, indeed, any other – session of the International Labour Conference a three-ring circus is a gross understatement.

The question of the title determined the main concepts. The text was settled between the Employers and the Workers. What had started as a call for workers' rights became rights at work, recognizing that the workers were not the only ones to have rights. "Core" or "basic" labour standards sounded better when they were called "fundamental". The word "principles" was used to make a distinction with the more specific "rights".

Principles came first in the title to emphasize that they were constitutional aims that all member States should strive to realize. Rights denoted the obligations of enforcement that individual States had assumed through the ratification of Conventions.

It would be tedious to give a blow-by-blow account of what happened. In the lengthy discussions, three main questions emerged. Each group had a special interest in one of them. Consequently they were in a terrain where compromises were difficult, and yet agreement of one or another kind from them had to be wrought.

For the Employers, a key question was the link between Conventions and principles – again, the binding nature of the principles was not a way of promoting the legal aspects of Conventions. Accepting the principles of the Conventions would not mean accepting all of the rich jurisprudence produced over decades by the standards supervisory mechanism.

For the Workers, the main problem was the last part of the draft, which paraphrased the statement of the WTO Ministerial Conference in December 1996 and pledged that the Declaration would not be used for protectionist purposes or denying legitimate comparative advantages. Guy Ryder, later the Director-General, was then Secretary of the Workers' group. On the first day of negotiations he said to me that the Workers would never accept the Singapore language. I replied that before this was over, the Workers would not only accept it but even defend it. This was one prediction that actually turned out to be correct.

For the Governments, the question was of a few lines of text in the preamble on multilateral cooperation. They could be construed as a link between the ILO and other international organizations – other parts of the United Nations system, the Bretton Woods institutions and the WTO. None of the organizations concerned were named, though. The debate was dominated by the fear of conditionality and sanctions. Lurking behind it all was the possible link with the 800-pound gorilla in the room, the WTO. The Committee became the biggest concentration of WTO ambassadors ever seen in an ILO meeting.

In the end, the Committee broke down. It had already gone beyond its deadline. The Employers and Workers had come to an agreement while Governments turned around in circles. Ambassadors were disagreeing with one another both in the meeting room and in the corridors. On the last Saturday at midnight, the Workers' group walked out – with the full sympathy of the Employers. During the following Sunday, innumerable informal contacts took place. Delegates and advisers were sneaking in and out of my office in the otherwise quiet Palais des Nations. Ambassador Moher was at work with Francis Maupain.

The result was a take-it-or-leave-it proposal made by the Chairperson. It adjusted somewhat the original draft in response to the concerns of the three groups. While not perfect, the changes were designed so that in the name of a consensus they could be accepted or at least not opposed by the different groups. In this way, the participants could live with the outcome without explicitly supporting all its details.

Ambassador Moher's proposal was distributed early on Monday morning with an ultimatum that it had to be agreed upon by the end of the day. An intensive day of debate started in the Government group, where the decisive divide resided.

The Government group was chaired by the Japanese Ambassador Nobutoshi Akao, who after the Conference became Chairperson of the Governing Body. The Government delegates met for a decisive discussion on Monday 13 June. The tone was set by an exchange between the Chairperson of the group and a leading "sceptical" ambassador. The latter claimed that the Singapore language was not strong enough; he wanted to see all conditionality, social labelling and consumer boycotts banned. Ambassador Akao replied that he would support those demands in the WTO, but his colleague should not endeavour to get in the ILO what he had not obtained in the WTO.

A clear majority of the Government group rallied behind Ambassador Moher's proposal. So did the Employers and the Workers, for whom the new text, and the circumstances of its proposal, offered an honourable way to agree to the compromises it contained. By the end of the day the

text had been adopted, but only after several votes with similar outcomes had rejected all amendments to its disputed passages. The WTO ambassadors were unfamiliar with ILO procedures, and some of them were shocked at the ability of Employers and Workers to even outvote their representatives. Details of the high tensions that all of this produced were not to be found in the final report of the Committee to the plenary sitting of the Conference some days later.

The Conference plenary produced its own drama. The last day of the Conference went on and on, and delegations started to leave. When finally the President of the Conference, Jean-Jacques Oechslin, was about to bring the gavel down on what seemed to be a consensus, the Egyptian Labour Minister, Ahmed El-Amawy, walked up to the podium, waving his country's nameplate, and called for a vote. On behalf of the Workers' group, Bill Brett immediately called for a record vote. Then he turned around and saw that the conference hall was more than half empty.

A frantic scramble ensued to bring back departing delegates from the cafeterias and other corners of the Palais des Nations. Fortunately, many delegates were still hanging around in the coffee bars. True or not, I was told at the time that some voting badges were recuperated from the airport, which is mercifully close to the buildings of international Geneva.

Watching the electronic vote proceed slowly on a monitor on the podium of the Conference was a hair-raising experience. The result was 273 votes in favour, none against, and 43 abstentions. As the quorum was 264, with the margin of not more than 9 votes the approval thus became valid. The opposition, expressed through abstention, was geographically clear: Egypt and the Gulf countries, Mexico, and a string of South and South-East Asian countries.

The Declaration was thus adopted. However, at best this heralded a new stage in the continuing consultations, which now turned to the question of the modalities of its implementation. It would be fair to say that while there was a clear majority for the Declaration, the present consensus emerged only when the follow-up was shaped and made operational. More informal negotiations were needed; other innovative solutions had to be found.

Fundamentalism versus an incremental approach

The ILO had demonstrated that it could handle an issue that had haunted the globalization debate for a number of years. The immediate pressure was off the WTO. Yet the WTO's next Ministerial Conference in December 1999 in Seattle was partially disrupted by anti-globalization demonstrators, which showed that feelings continued to run high.

The Declaration served immediately as a benchmark. Kofi Annan, the Secretary-General of the United Nations, incorporated the four categories of rights into his proposal for a global compact on multinational enterprises. Annan was convinced at the World Economic Forum in Davos in January 1999 by the incoming Director-General of the ILO, Juan Somavia, to play it safe and adopt the language of the ILO Declaration for the labour clauses of his initiative.

With the adoption of the Declaration, fundamental rights at work in all member States were now subject to examination by one or another ILO procedure. Particularly gratifying was a reaction Michel Hansenne, Francis Maupain and I received from United States Senator Daniel Patrick Moynihan. He had intimate knowledge of the ILO, as he had written his doctoral thesis on United States and ILO relations in the early years. When we explained the reach of the Declaration to him at a luncheon hosted by Ambassador Edward Moose in Geneva, Moynihan started clapping his hands. This was what he had always hoped the ILO would do.

There were serious concerns, too. This was “soft law”, and the fear was that applying it to core principles, which had already been expressed in international labour Conventions, would weaken their application or provide an excuse for not ratifying the Conventions concerned. This was the same discussion as two decades earlier on multinational enterprises. When a legally enforceable international solution is not available, a comprehensive follow-up is the way to make a voluntary instrument efficient.

The discussion on the legal nature of the Declaration continued through exchanges between Francis Maupain and the United Nations human rights expert Philip Alston. Many concerns of a theoretical or doctrinal nature were voiced. Alston feared that the Declaration had somehow

shaken the foundations of the international labour and human rights edifice. What he did not recognize was that referring to the principles of the Conventions, and not only to their provisions, allows for broadening their scope in the light of changes and developing realities.

The worst fears about a weakening of the normative system were further allayed by new standard setting, including the virtually unanimous achievement of the Maritime Labour Convention, 2006 (No. 186), to say nothing of the massive increase in ratifications of not only fundamental but other Conventions in the years following the adoption of the Declaration.

International labour standards have emerged from the “soft law” of political and social claims, resolutions, decisions, and experiences of the application of policies. Human rights law is built and applied on the principles of the 1948 Universal Declaration of Human Rights. But the concern of the more “fundamentalist” camp was that by now following up Conventions with a Declaration, the result would be a watering down of the application of the instruments. While this concern was rational before the follow-up procedures became apparent, the fears did not materialize.

Just a year later the Declaration gave a significant impulse towards adopting the new Worst Forms of Child Labour Convention (No. 182). This Convention became the most ratified Convention in ILO history. It had been anticipated throughout the preparations for the Declaration. In 1999, a certain critical mass of delegates who had negotiated the Declaration in the previous year migrated to the Committee on Child Labour. Starting with the title, the draft of the Convention was readjusted to enable ratification by a maximum number of countries of the world.

Countries might have had problems with the immediate abolition of hazardous work of children, but they could subscribe to the need to take urgent action for its elimination. The focus was not whether they succeeded immediately or not, but whether they undertook meaningful action and became accountable for it.



The Global March involved hundreds of civil society activists, trade unionists, children and former child labourers, who started a march from all continents and arrived in Geneva for the opening of the 1998 International Labour Conference. Director-General Michel Hansenne addressed the marchers, who entered the conference hall after the opening session. At the table is Jean-Jacques Oechslin, President of the Conference, and on the left are Bill Brett for the Workers and I.P. Anand for the Employers.

Credits: ILO/Crozet, Marcel.



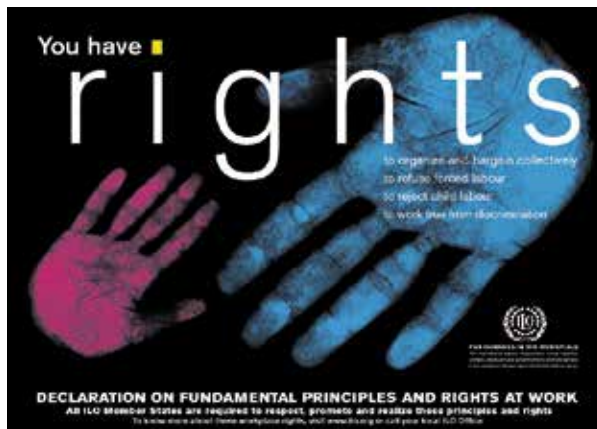
The Declaration expert advisers met every January from 2000 to 2008 to write their introduction to the Annual Reports on non-ratified Conventions. In the picture, from left to right: Front row (sitting): Thelma Awori (Uganda-Liberia), Jean Jacques Oechslin (France), Maria Cristina Cacciamali (Brazil). Back row (standing): Ahmed El-Borai (Egypt), Maria Nieves Confesor (Philippines), Robert White (Canada), followed by ILO officers Momar Ndiaye, Zafar Shaheed, Lee Swepston and Kamran Fannizadeh.

Credits: ILO.



With democratization in Indonesia, trade unions could again hold a rally on 1 May. In 2003, an ILO programme was launched in the beginning of May, and Muchtar Pakpahan invited me to address his rally in Jakarta. Pakpahan is leaning his head against the side of the truck, on my left. I used to call this picture “A Deputy Director-General on a field visit”. The next day we had some hours of open discussion, under Chatham House rules, between employers, workers and the government so that all the accumulated problems could be put on the table and addressed.

Credits: ILO.



Different kinds of awareness raising material have been produced for the Declaration. One of the early ones was a poster, designed for the use of trade unions at workplaces. It was for use in Workers' programmes, but the reference to organizing rights annoyed the employers. The Legal Advisor's office found no fault in it. The poster was translated and used in many languages in the 2000s.

Credits: ILO.



The French-financed programme for promoting the Declaration (PAMODEC) helped Niger to solve a longstanding issue of slavery once its real extent had been clarified. In November 2011, 240 local chiefs participated in a forum to eradicate forced labour. The criminal code was modified. In the picture, some of the traditional chiefs gathered in 2015 for a meeting on forced labour with a former head of PAMODEC, Moussa Oumarou, who today is Deputy Director-General of the ILO.

Credits: ILO/Crozet, Marcel.



A high-level tripartite ILO mission visited Myanmar in 2012, when significant change was taking place. From the left, Drazen Petrovic (ILO Legal Officer), Luc Cortebeeck (Chairperson of the Workers' group), Greg Vines (Chairperson of the Governing Body) and behind him Brent Wilson (Deputy General Secretary of the International Organisation of Employers), Daw Aung San Suu Kyi, Steve Marshall (ILO Liaison Officer), Guy Ryder (Deputy Director-General), Tim De Meyer (ILO standards specialist) and Piyamal Pichaiwongse (Assistant Liaison Officer). Soon thereafter Daw Aung San Suu Kyi came to the International Labour Conference as a special guest speaker, and most of the restrictions on Myanmar's participation in the ILO were removed.

Credits: ILO.



In 2010 the ILO visited a village in Aunglang township, Myanmar, whose inhabitants had complained about forced labour. The authorities first directed the mission to a neighbouring village, which was all prepared to receive the ILO. The Liaison Officer, Steve Marshall, however, realized that we had been taken to a village that had a conflict over land with the complainants. He instructed the cars to proceed to the right village further down the road. The other villagers followed, and eventually we listened to the versions of both sides. Even if their original plan did not work, the authorities were satisfied that the ILO met with both sides.

Credits: ILO.



On 13 November 2017, the Government of Uzbekistan had its first meeting with a group of human rights defenders in the ILO project office in Tashkent. In the picture, from left to right: Uktam Paradaev, human rights activist; Nina Kolybashkina, World Bank; Erkin Mukhitdinov, First Deputy Minister of Labour and Employment Services; Kari Tapiola, ILO; Shukhrat Ganiev, human rights activist; Vika Kim and Steve Swerdlow, Human Rights Watch; Elena Urlaeva, internationally well known human rights activist; Arslanbay Uteпов, human rights activist; Jonas Astrup, head of the ILO monitoring team in Uzbekistan.

Credit: ILO/Oxana Lipcanu.

4. Making the Declaration work

Establishing the follow-up to the Declaration made another consultative process necessary. The follow-up had to be operational by early 2000, and decisions on such things as the shape of the reports as well as how to obtain information had to be solved well before that.

We briefly thought that the rightful place for the follow-up was the Governing Body's Working Party on the Social Dimensions of the Liberalization of International Trade, which was set up in 1994, but then we had to think again. This alternative was mentioned by Michel Hansenne at his last Governing Body session in November 1998, together with possibly involving the team dealing with multinational enterprises. No way – the Working Party had settled down to its own routine, and the Declaration did not fit into it.

The negotiations took place at a juncture between two Directors-General, at and between Governing Body sessions in November 1998 and throughout 1999. A new wave of excitement was created by the “Decent Work” approach, launched by Juan Somavia, who took office as Director-General before the March 1999 Governing Body. Decent Work was a concise way to express the strategic aims of the ILO: employment, social protection, rights at work and social dialogue. In practice, this approach strengthened the original plans on how to follow up the Declaration. Two new “in focus” programmes were started – one on child labour, which incorporated IPEC, and another on the Declaration.

The programme and budget of the ILO and the structure of the Office were reviewed. As Deputy Director-General, and then Executive Director, I had inherited a promise to have five professionals for the work on the Declaration. They were appointed in late 1999 and did their best while the main focus of the Organization was elsewhere. In semi-retirement, Francis Maupain continued to assist with the design.

Consultations on the follow-up were mainly about the reporting systems, which contained many details for all devils to reside in. Complaints had been made for years about the burden of reporting to the ILO's standards supervisory bodies. Even in the richest countries, only a handful of officials prepare the reports required by the ILO's supervisory bodies and the Constitution. The new follow-up threatened to become an additional task.

Yet the main suspicion was that despite all that was said and done, the result could still be a new supervisory procedure. Getting at the non-ratifiers could become a new channel for complaints, conclusions and recommendations.

The focus was to be on technical cooperation. But one question that soon came up was, would this be cooperation for the purpose of achieving the ratification of fundamental Conventions or would it aim at their implementation even if there was no ratification? These are different animals. The former is more legally oriented; the latter is a question of broader and resource-intensive interventions in the labour market and the social and economic policies of recipient countries.

The new reporting system

The Declaration follow-up contained two reporting procedures: the Annual Report on situations in which the fundamental Conventions or some of them had not been ratified and the Global Report covering all countries. The report forms for the Annual Report had to be sent out early enough in 1999 for the report to be available for the Governing Body in March 2000. The first Global Report had to be prepared for the 2000 Conference. The first technical cooperation programme – on freedom of association and the right to collective bargaining – was to be submitted to the Committee on Technical Cooperation of the Governing Body in November 2000.

Continuous engagement of non-ratifiers was the new tool produced by the Declaration. Originally, the Annual Reports as examined by the Governing Body were to feed into the Global Report, which, in turn, would furnish the Conference with a kind of parallel to the Committee of Experts' report. The difference was that this reporting would not be on compliance

with precise legal instruments but on efforts to realize the constitutional principles that these Conventions expressed. The Global Report would provide the basis for technical cooperation programmes to assist the efforts of these countries.

This original scheme had been ditched already in November 1997 when the Governing Body decided that the proposed Global Report would cover both ratifying and non-ratifying countries. This came as something of a surprise to the Office. Two indispensable Government representatives agreed on this point: Andrew Samet of the United States and Hemant K. Singh of India. Both countries were notoriously reluctant to ratify Conventions. They were solidly in the pro-Declaration camp but at the opposite ends of any trade and labour standards debate.

The expert-advisers

The immediate steps were to establish report forms for non-ratifiers and to set up an independent group of expert-advisers, as they were termed, to assess them. The report forms tried to focus on efforts towards realizing the principles instead of legal compliance with rights. The reports were then submitted to the Declaration expert-advisers, who provided a substantive introduction to them.

After some delicate negotiations, the group was constituted. It was evident that a sufficiently clear distinction between this new group and the Committee of Experts had to be made. Nieves Confesor, former Labour Minister of the Philippines, agreed to chair it. I had worked with her earlier when she was Chairperson of the Governing Body. We had regular early morning meetings, with very cold air streaming from the air-conditioner, South-East Asian style. I caught the worst cold I can remember. But it was fun to work with her.

Nieves was always cheerful and had her heart in the right place. In 1998, she was the losing candidate in the election for the Director-General. Nevertheless, Juan Somavia had no problems with her chairing the expert group. The Employers had all but promised an expert status to Jean-Jacques Oechslin, who retired after several years of chairing the

group and had also presided over the 1998 Conference. A former Canadian trade union leader, Bob White, was the expert-adviser with the Worker background.

The Governing Body settled on a figure of seven expert-advisers. This made it possible to cover the five regions and Employers and Workers. Gender was paid attention to, and the group consistently had a majority of women, which is rare with any international panel.

While the expert-advisers were not to be primarily lawyers, juridical expertise was provided by Ahmed El-Borai, the head of the legal specialists panel of the Arab Labour Organization. In 2011, after the revolution in Egypt, he served as Labour Minister. In the presence of Juan Somavia in Cairo, El-Borai presented a new law on freedom of association. Subsequent developments, however, were less than favourable to his initiative.

I offer full disclosure of why the group became labelled “expert-advisers”. In my earlier professional life, back in 1976 in the United Nations Centre on Transnational Corporations, I had been given the task of setting up a panel of “persons with profound knowledge” to assist the new United Nations mechanism on multinational enterprises.

They represented business, trade unions and academic circles. One of them was Juan Somavia, later Director-General of the ILO. They were first referred to as “profound persons”, as per their given mandate. When they met, they all begged to be called something else. I suggested “expert-advisers”, and they immediately concurred. Now, nearly a quarter of a century later, it seemed safe to bring the same title into use again.

Once the report forms for the review were approved and replies started coming in, preparing a compilation of the Annual Reports provided more challenges. The rate of response was reasonably high. The expert-advisers did complain that the rate was low, but in all honesty, not much more could have been absorbed by the small secretariat. On the brighter side, a number of countries that had not supported the

Declaration in the 1998 vote at the Conference were now sending reports. The reply rate fluctuated over the years, but in general it remained high. Whatever promises were made not to increase the reporting burden, as far as non-ratifiers were concerned in the early stages they were not exactly honoured. But there was a reasonable prospect that once a baseline for each country had been established, future reports would be much simpler to draft.

Some countries insisted that the Office should not edit or summarize their reports; they had to be published in full. Trade unions had difficulties making a distinction between information on how a principle was promoted and complaints that trade union rights had been violated. The International Confederation of Free Trade Unions, making use of its reporting rights, sent extracts from its annual survey of trade union rights to both the Committee of Experts for the traditional supervisory system and the new group of expert-advisers for the Annual Reports.

This made for a lengthy compilation, even after omitting some specific information that contained complaints. On the basis of this compilation, an introduction was drafted for the expert-advisers at their first meeting in early January 2000.

The meeting was not easy for the Office. The new expert-advisers' group did not want anything of the draft prepared for them. The Office was obliged to listen for about a day to their views, and a new text was constructed out of this brainstorming. Complaints and legal assessments were excluded. But the expert-advisers considered firmly that individual countries should be mentioned whenever there seemed to be a significant issue.

The first report served as a model for what was to come. The expert-advisers warned that in the future, they would not shy away from highlighting concrete country situations that they saw as particularly problematic. Later on, this would in practice focus on forced labour in China and freedom of association in the Gulf Cooperation Council countries. Both were followed up by technical cooperation programmes, albeit on a limited scale.

Describing and measuring progress

The consultations before the adoption of the Declaration had established that the follow-up would not judge the attitude of member States. Neither was it to compare countries with one another. Any assessment of change – hopefully progress – was to be made in comparison with the situation in the country itself. The first expert-advisers’ report started calling for better indicators so that countries could measure their own results towards the common goal.

The reports were reasonably well received by the Governing Body. The fact that the Employers and Workers had “their” members in the expert group helped. Some concerns of double scrutiny – by both the new procedures and the regular supervisory system – lingered on. The naming of countries was questioned, but on the other hand this provided for examples of good practice.

Some initial criticism was directed towards “established practice” – the right of international employers’ and workers’ organizations to submit independently their views, as they did to the regular mechanism of ratified Conventions. The practice was staunchly defended by both groups.

Over less than a decade, with more and more ratifications coming in, the number of countries covered by the Annual Report dropped to under 10 per cent of the total membership. Even the United States ratified the Worst Forms of Child Labour Convention (No. 182). In 2017, India ratified this Convention as well as the Minimum Age Convention (No. 138). This closed the biggest remaining gap in the child labour Conventions.

Invariably, there was just so much that could be done and reported on within a year. In due time the expert-advisers themselves started saying that their shelf life was coming to an end. The group met for the last time in 2008. Annual Reports have continued to be made available to the Governing Body.

When negotiating the follow-up, provision had been made for the participation of non-members of the Governing Body if questions relating to them were discussed. But as the ILO had found in other contexts, allowing

the governments the possibility of explaining themselves often resulted in their choosing not to do so. Under the Annual Report examinations in March every year, this has never happened. The discussions first took place through the device of setting up a Committee of the Whole but they were soon taken over by the Governing Body itself.

Global Reports as the flagship

Global Reports were established for each of the four categories of principles and rights in turn. The Global Report was drafted under the responsibility of the Director-General, and there was no template. Of the alternatives, issue based or country based, we chose both. The same principles as for the Annual Reports applied – no complaints, but countries were liberally mentioned as examples. The Global Report gave sufficient examples of positive and less positive situations. Again, any measurement of progress was to be seen against the stated aims and capacity of the country concerned.

The Global Report was discussed in the plenary of the International Labour Conference. The plenary discussions do not end with formal decisions, and thus concrete conclusions were dealt with by the Committee on Technical Cooperation of the Governing Body, in the form of draft programmes on each of the four categories of fundamental principles and rights.

The first Global Report in 2000 was on freedom of association, and it set the pattern for the rest. Drafts varied between what looked like a legally oriented general survey and a version of a trade union rights report. In the end Guy Ryder, then head of the Office of the Director-General, and I finalized the report together. Drafting support was given particularly by Stephen Pursey and Susan Hayter. Susan suggested the title, *Your voice at work*. The question of “voice regulation” was originally a South African concept.

This reporting allowed us to discuss countries and actual problems, sometimes in detail. The decision that the Global Report would cover all countries turned out to be helpful. It was now perfectly acceptable to analyse the outcome of cases that had been examined by the Committee of

Experts and the Conference Committee on the Application of Standards, without reopening them but focusing on how they had been dealt with later on.

There were some strong reactions. The labour ministers of the Gulf Cooperation Council invited the Office to a discussion after the first Global Report debate. The meeting was led by the Minister from Bahrain who asked: “Are we really that bad, and if so, is there something you can do?” To both questions we said, yes.

What followed was an exploration of possible technical cooperation with the Gulf countries, ranging across all four categories of rights as time went on. There had been no trade unions in Oman. In less than a decade we attended the founding congress of a central trade union body in Muscat. The Office advised Bahrain on the drafting of new labour legislation.

The Saudi Arabian Workers’ delegate at the Conference had been the personnel chief at Saudi Aramco. He was duly replaced by a person elected by the new Workers’ Committee of the enterprise. A royal decree of Saudi Arabia was its first official recognition of international labour standards, setting a minimum age for camel jockeys at 18 years. Qatar went further: it replaced children on camels by robots. One of them was exhibited in the Palais des Nations during the annual Conference.

In 2001, Director-General Juan Somavia was discussing freedom of association in Riyadh with the then Crown Prince Abdullah when military action in Afghanistan started. Immediately thereafter, Somavia and his advisers attended a Gulf Cooperation Council labour ministers’ meeting in Bahrain. The Director-General recognized willingly that the Gulf countries had special issues. The Minister of Bahrain requested that we would not consider them too special.

Only a few countries reacted to how they had been dealt with in the Global Reports. Usually they wished to correct the record through their speeches in plenary. The question became more complicated with quantitative information on child labour. Some of the countries that reacted privately were not the “usual suspects”: they were industrialized southern European

countries, stung by figures showing that they, too, had child labour. They asked for a rectification and were told that this could be done if official figures were produced. They never called back.

The first report on freedom of association produced, not surprisingly, a considerable amount of criticism. Employers felt that the Office continued to misunderstand the difference between principles and legally binding Conventions. Workers mounted a strong defence of trade union rights. Many governments commented on what the report said about them.

A year later, the report on forced labour received what one could call an enthusiastic response. Speaking on behalf of the Employers, Ed Potter noted that the “egregious violations” arising out of forced labour needed to be identified and attended to. They were not isolated cases, as the report demonstrated that 60 member States of the ILO were involved in the trafficking of persons as sending, transit or receiving countries. The proposal for a new ILO action programme was welcomed, and the Irish Minister of Labour presented there and then the outline of such a programme.

The reports were treading a fine line between describing legal violations, which belonged to the supervisory mechanism, and examples of policy failures and attempts to correct them. The Global Reports on child labour updated estimates on child labour. The earlier estimates from 1995 of some 250 million child labourers globally were revised downwards, with a decrease of some 20 per cent in 2002. The trend continued, showing that the figures reflected a real drop instead of better computing methods. The reports started giving the message that progress actually was possible.

The Employers made a coordinated worldwide presentation on the fourth report, discrimination at work, on good corporate practices. In the beginning some Employer representatives had been hesitant to accept that private entities would be dealt with. But soon, the emphasis on “best practices” took over.

Longing for more interactive debates

While the reports were well received, the format of the Conference discussion was less successful. We tried to be innovative, within the tight limits of the standing orders of the Conference. During the discussion on child labour, a former child labourer testified from the gallery. We tried panels and guest speakers. This was innovative enough, but it had the collateral effect of pushing regular speakers further down towards the dreary end of the day. Exchanges became somewhat wearisome, even if there was a final phase in the discussion where conclusions were solicited. Usually this meant final speeches by the Employer and the Worker spokespersons.

Active exchanges were few and far between. We were reminded of the fact that usually, lively exchanges in the plenary are less than welcome. The most significant interactivity on the Declaration had been the final vote in 1998. Three years later Minister El-Amawy of Egypt, who had called the vote, spoke in the plenary and described the Declaration as a “global and objective document”.

No debating formula could survive the death valley of, in particular, the afternoon and early evening of a plenary session when the list of speakers is still long and participants drift out of the room once they have spoken. Nevertheless, over a 12-year period, each Conference had a dedicated discussion on one of the four categories of fundamental rights. This produced a wealth of information, on best and not always best practices, and insight into how to approach problems. In addition, one of the outcomes was that panel discussions have become a regular feature of the Conference plenary debates on other items, too.

5. Shifting realities and perceptions

The way in which the follow-up to the Declaration was implemented did not correspond to any prepared script. The system became operational at a time when ratifications of fundamental Conventions had started to rapidly increase. The ratification campaign of the ILO, which started after the World Summit for Social Development in Copenhagen in 1995, was producing results. Other factors conspired to push early action along.

A frequent criticism of the standards system was that although Conventions were adopted, many if not most of them were not ratified. To avoid this, the Worst Forms of Child Labour Convention (No. 182) was negotiated with the specific aim of getting the maximum number of ratifications. There was even some competition as to who might be the first to ratify, which was won by the Seychelles. Soon thereafter, the ratification of the United States – a rare event – was signed by President Bill Clinton in the middle of a tumultuous WTO Ministerial Conference in Seattle.

A new prestige aspect appeared. South-East Asian countries – apart from the Philippines – had been deeply sceptical of the Declaration and had not voted for it. After the change of regime in Indonesia, in December 1998 the ILO arranged the first fundamental principles and rights at work seminar in Indonesia. The ILO Regional Director, Michiko Horiuchi, obtained Japanese financing for a tripartite Asia-Pacific seminar on the Declaration.

Choosing Jakarta was symbolic. After the Asian financial crisis, the long Suharto period came to an end with a financing package imposed by the International Monetary Fund that included as a condition the ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). The ILO had prepared a note to the Managing Director of the International Monetary Fund, Michel Camdessus,

who personally conducted the negotiations for assistance to Indonesia. Very soon afterwards the leader of the independent trade union SBSI, Muchtar Pakpahan, was released from prison.

The ILO Country Director, Iftikhar Ahmed, had defied United Nations instructions to evacuate at the height of the crisis. He was there to welcome Pakpahan to freedom. In December 1998 Iftikhar and the Labour Minister, Fahmi Idris, set up a meeting with the transitional president B.J. Habibie, who contemplated a table of ratifications of fundamental ILO Conventions by Asian countries. To the dismay of Habibie's technocratic mind, Indonesia was not near the top of the list.

Habibie looked at Iftikhar, Michiko Horiuchi and me and asked: "Can we make a deal? If I promise that by next June, we will have ratified all these Conventions, will you promise to help us to implement them?" I replied that this could be done if there was a tripartite national mechanism to back up the implementation.

Iftikhar also said that there would soon be another fundamental child labour Convention. Habibie promised that it, too, would be ratified. The Indonesian delegation brought the ratifications to the next Conference. Habibie's successor, Abdurrahman Wahid, saw to it that Indonesia was one of the first countries to ratify Convention No. 182 on the Worst Forms of Child Labour. This time it was ratified by a democratically elected parliament and not by presidential ordinance. One of the first comprehensive Declaration programmes was soon thereafter started in Indonesia. It helped in adjusting legislation and practice and engaged the new and traditional trade unions and employers in social dialogue. When later, in December 2004, a tsunami devastated the shores of Aceh, the ILO helped with labour displacement and job opportunities.

The "we ratify and the ILO helps to implement" approach was rapidly followed by Cambodia. In due time, this assistance on labour rights in Cambodia grew into what today is the Better Work Programme of the ILO. It combined the monitoring of all four categories of the Declaration and working conditions in the textile and garment sector.

In December 1999, on the sidelines of another Declaration seminar, the Cambodian Trade Minister Cham Prasad asked the ILO to get its act together on a programme for labour conditions so that the free trade agreement with the United States could work. This Declaration seminar apparently was the biggest international meeting held in Phnom Penh until then with banners over the streets containing quotes from the Declaration in Khmer and English.

In due time, the result of the Cambodian démarche was the Better Factories Programme and, eight years later, the Better Work Programme supported by the ILO and the International Finance Corporation of the World Bank.

IPEC had already demonstrated how technical cooperation could be combined with the application of standards. The Committee of Experts and the Conference Committee on the Application of Standards had started to recommend technical cooperation. Many countries had traditionally felt that both law and practice should be fully aligned with the Convention before its ratification took place. But was it really necessary to have everything settled by the time of ratification? Could ratification be accepted as a demonstration of political will and commitment, to be followed by measures for implementation?

There was another reason driving ratifications. A lot of uncertainty surrounded the new follow-up for non-ratifiers. It required reporting every year, and no one knew how these reports would be presented and used. The doubts about the new process made it tempting to escape into the familiar framework of supervision of ratified Conventions.

In June 1998, the then seven fundamental Conventions had 862 ratifications. In 1995, only 21 countries had ratified all of them. At that time the focus was on how many ratifications had been made. It soon changed into counting how many ratifications were still outstanding. In 2010, with eight Conventions and a total of 1,319 ratifications, this left 145 ratifications to be sought after. By the end of April 2018, the number of missing ratifications was 124. This does not include the 2014 Trafficking Protocol to the Forced Labour Convention, 1930 (No. 29), of which more will be said later.

However, the strong rise in ratifications left the freedom of association Conventions – the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) – largely untouched. Although their ratification has increased, about half of the working population in the world is still outside their legal coverage.

The surge in technical cooperation

It is routinely agreed that technical cooperation should be guided by the needs of a specific country. Due to the nature of the international labour standards system, however, needs are also defined by the standards supervisory bodies. In addition, the views of the tripartite constituents frequently clash. And when the aim is technical cooperation, those who finance it – the donor countries – tend to have very definite views.

Since the North American Free Trade Agreement (NAFTA) came into effect in 1994, the question of labour clauses in such agreements had become increasingly topical. NAFTA had a side agreement on labour conditions. The United States was developing free trade agreements with Bangladesh, Cambodia and Jordan and wanted to have labour standards included in them.

Significant donor countries had been in favour of a trade and labour standards link, and they had hoped that the WTO would recognize this in some way. Yet against the light of the international debate, the Declaration had been adopted with the specific promise, derived from the WTO's Singapore conclusions, that free trade would not be linked to fundamental labour standards. Thus the technical cooperation under the Declaration should, in principle, keep away from the domain of international trade.

What happened was that under the Declaration especially freedom of association programmes spread to different areas of social dialogue and good management practices, including enterprise development. They were not always explicitly called fundamental labour standards programmes.

This was fine. I am a strong believer in the cat theory of the Chinese leader Deng Xiaoping. The colour of the cat is infinitely less important than whether it catches mice or not.

The Global Reports became the flagship at the Geneva end, but at the same time the Declaration started to have its own life in the regions. It provided a framework for dealing concretely with the most delicate international labour standards issues, which earlier had been a domain restricted to the supervisory bodies.

Initially donations to the ILO exceeded the immediate capacity of the small group of officials dealing with the Declaration. They also went beyond the absorptive capacity of some of the countries that donors wished to assist. In the process, assistance was increasingly aimed at the implementation – and not the ratification – of Conventions. Consequently, the needs went beyond what the International Labour Standards Department of the ILO and the standards specialists in the field offices could satisfy.

To avoid failing to deliver on schedule, implementation spread across programmes. In the field, links were forged between the Declaration and a variety of activities such as gender promotion, social security, skills training, enterprise development and productivity. Links with social dialogue and employers' and workers' activities were easily worked out, but others defied traditional silo mentalities. In no planned way, this fostered a "One ILO" approach.

The attraction of child labour remained. IPEC received four times more funds than freedom of association, forced labour and discrimination together. The Global Report of 2002 on child labour became the most sought after publication of the ILO. Three years later, the annual inflow of donations attained a peak of US\$ 70 million. In the mid-1990s IPEC had gone through a burst of donor attention, which now hit the new Declaration programmes. The ILO thus had some experience in utilizing its structure and networks for accelerated delivery.

The combination of available resources and identified problems produced a good and often innovative mix. In Ukraine, work on a new Labour Code was combined with promoting gender equality. In the Caribbean – not exactly a region plagued with fundamental principles and rights problems – pioneering enterprise and employment programmes got a boost from the available funds. A whole new world opened up with the recognition in Brazil that forced labour was a reality that could be openly dealt with.

The Forced Labour Programme

I have been wrong on a number of issues but seldom as much as on technical cooperation for abolishing forced labour. No doubt on the basis of my speaking notes, presenting the follow up options in November 1998, Michel Hansenne stated that forced labour “required action of a legal order; it was not, therefore, part of the same complex” as the other three categories of the Declaration. IPEC already existed, and in the immediate future we anticipated constructing new programmes on freedom of association and discrimination.

I was wrong. With globalization, forced labour had become a moving target. Without the Declaration, forced labour would not have become an item for technical cooperation. At the same time, the awareness of the issue of trafficking was rapidly growing, just as had taken place with child labour some ten years earlier. The Director of the Declaration secretariat, Roger Böhning, outlined a technical cooperation plan for the first Global Report on forced labour in 2001. It was supported by the advocacy skills of Roger Plant, who later headed the Special Action Programme to Combat Forced Labour.

This new Forced Labour Programme benefited from the IPEC experience on child labour. Action on forced labour had particularly strong support from the United Kingdom and Ireland, where two centuries earlier, anti-slavery consciousness and the movement for humane conditions for industrial workers were born.

The Forced Labour Programme was set up as a direct consequence of the 2001 Global Report. Four years later, the next forced labour report produced both quantitative estimates – 12.3 million globally – and the notion of a global alliance against forced labour. The third one, in 2009, combined an estimation of the cost of forced labour with arguments for further mainstreaming government and institutional action at national and international levels, in both sending and destination countries. The Global Report developed the catchy notion of the “cost of coercion” in terms of exploitation, through unpaid wages and recruitment fees. The illicit profits were later estimated to be US\$ 150 billion per year. The programme made it clear from the beginning that forced labour concerned all countries; in many cases, trafficking concerns the most developed economies.

Freedom of association

The Committee on Technical Cooperation of the Governing Body discussed the programmes, which were covering old ground in new ways, looking at each of the four categories from a promotional cooperation angle. IPEC had existed since 1992, and it was brought under the same management as the rest of the Declaration follow-up in 2012. A new programme was set up on forced labour. But donors were less interested in financing similar programmes on freedom of association and the right to collective bargaining or discrimination at work.

Freedom of association served as the original impulse of projects that soon developed into social dialogue, labour law, collective bargaining, industrial relations, capacity building for employers’ and workers’ organizations, and dispute resolution. The projects were designed to emphasize the freedom of association rights of both workers and employers. Indonesia was a textbook example of how recognizing trade union rights led to an extensive social dialogue programme.

Solving freedom of association issues can produce rapid and tangible results. Trade union leaders have been freed from detention in Poland and

in Indonesia under ILO pressure. Government-imposed single-union systems have evolved into trade union pluralism. Employers' organizations have been created where earlier there were only state structures. Trade unions have been brought into the mainstream of policy consultations. But once the door is opened, each country is confronted with a host of practical questions.

In Indonesia, new ways of settling labour disputes involved unexpected partners, such as the military and police. They had regularly been called in to end a labour dispute. The Indonesian police authorities produced a training video instructing the police not to impose a solution in the event of a dispute, but instead to lead workers and management to the bargaining table. They should leave the room once bargaining started.

The means adopted to get the message out were not without controversy. A poster on rights of workers, including organization rights, was produced in a multitude of languages. The poster was designed to be put on the union noticeboard at workplaces, and it deeply annoyed the employers. Its assertion that "you have the right to organize" could not be legally contested. The poster also endeared the United States trade unions to the Declaration, as the AFL-CIO (American Federation of Labor and Congress of Industrial Organizations) had originally feared that the outcome of the ILO process would be too "soft".

At the same time, employers made use of the Declaration, too. In particular, the patriarch of the Indian employers, I.P. Anand, arranged a Declaration conference in Kolkata in 2003 to bring the message of negotiations and consensus to a radical public. Over the years, I was invited several times to India to explain the message of the Declaration. India was one of the countries that from the beginning had supported the aims and approach of the Declaration on Fundamental Principles and Rights at Work over the more legally binding supervisory approach to ratified Conventions.

The many facets of discrimination

Discrimination proved to be difficult to pin down. One of the reasons was that while trade law – which was at the origin of the social clause

debate – often covers forced and child labour, freedom of association and also minimum wages and occupational safety and health, discrimination was usually not specified in the early use of free trade agreements, although later ones refer to it together with the other categories. It may have been more implied than expressed as a political priority. Consequently, it did not directly come up in trade and investment issues in the same way as it had during the time of the apartheid regime in South Africa.

Discrimination has been more linked to the reduction of poverty and an approach of “not leaving anyone behind”. Especially due to multiple and accumulated forms of discrimination, it has proven to be particularly resistant to measures which in themselves have been generally acceptable. Laws on equal remuneration and against occupational segregation have been enacted, but gender discrimination in particular persists. In some parts of the world (for instance all Asian countries), demographics and family policies have led to stagnation and even reversal of earlier encouraging trends.

It has been reasonably easy to obtain universal condemnation of child and forced labour. The same ardour has not accompanied identified forms of discrimination. The issue has multiple layers and a hierarchy of disadvantages, which produce various levels of domination and oppression. It has proved difficult to find one “stop button” that could reach all shades and contexts of a phenomenon that decidedly is not black and white.

Gender discrimination was a growing issue decades before, and independent of, the Declaration progress. As the Global Reports have shown, it is a moving target – or rather targets, to which not only gender, race, age and religion but also migration, HIV and AIDS, disability and refugee status add their weight. Laws can only help so much. Income security, access to education and work, health and safety, and participation in society and its institutions must be addressed.

The Office originally proposed to focus the Declaration programme on racial and ethnic discrimination at work and equal remuneration. In order not to duplicate work, an internal task force was suggested, with a coordinator to serve as the first port of call for constituents seeking

help and advice. However, such an early helpdesk approach did not easily lend itself to large technical cooperation programmes. In addition, programmes against discrimination can rather easily focus on gender or race, but other forms can become much more sensitive, particularly when moving to issues of religion, political opinion or sexual orientation. If it is difficult to even talk about an issue, you cannot devise technical cooperation programmes on it.

As an example of what can be done, PAMODEC started at its inception by devising with the constituents plans against discrimination at work in eight countries in francophone Africa. In due time, PAMODEC covered 17 countries in Central and West Africa and six others in the North African and Middle East area.

6. Making use of teeth on the ground

The ILO Declaration on Fundamental Principles and Rights at Work of 1998, and the Social Justice Declaration of 2008, have stressed that the comparative advantage from lower levels of labour costs should not be questioned when freedom of association exists, when remuneration and conditions of work are freely negotiated, and when they reflect the real state of the economy. Growth through expanding trade is liable to increase prosperity. However, if wages and rights at work are kept artificially low for trade purposes, then the rules of fair trade are violated. Usually economic results are not forthcoming either.

I have had more than once an exchange with Pascal Lamy, the former Director-General of the WTO, on whether the ILO has teeth or not. To his claim that we could bark but not bite, I have replied that if he shows two cases that the WTO “teeth” had solved, I would produce at least twice as many cases solved through the ILO method.

I wish to recognize that Pascal Lamy has an impeccable understanding of the complex trade and labour standards issue. He was one of the first persons to acknowledge the added value of the 2008 Social Justice Declaration, which not only contained the clause against protectionism but also specifically the pledge that comparative advantage should not be forced through lowering labour standards. In a public debate, he said that “now the ILO has raised the bar”.

The question of teeth should be seen through this prism. The ILO has used its teeth on fundamental principles and rights at work through a process of identification, deliberation, review, and then concrete action. The technical cooperation to deal with fundamental rights has been insufficiently discussed, maybe because of its delicate nature. We are dealing with “countries with special issues” who need special tools and engagement. One of them is reconciling international labour standards and technical

cooperation for development. The view on normative work has suffered from a number of misunderstandings. Over decades, with the expansion of the reporting and review mechanism of the ILO, many sophisticated and targeted recommendations for action have been produced. Yet the scope of developmental problems eludes short-term remedies. We have been led to think that the very nature of standards and development exclude one another. Development is in its nature incremental while standards are seen to be absolute.

As a result, the application of standards has been projected in a black and white way. It is assumed that either they are fully applied or they are not. The room for shades of grey – or for gradual illumination – is not seen to be there. This view has been further strengthened when transitional standards have been available, as their effect has rather been to stop at a minimum level instead of reaching out to full compliance.

The Conference Committee on the Application of Standards usually suggests changes in both law and practice. It asks the governments in June for action and a prompt report back. The deadline for reporting is the beginning of September. With the exception of shelving a law or releasing a detained trade union leader, it is rare to have significant change over the months of July and August. The effect can be the creation of unreasonable expectations.

In actual fact, the standards supervisory bodies do in practice take an incremental approach, even if the ways in which they express their assessment of compliance would appear to be limited to a yes-or-no question. When legal compliance with a standard is addressed, the principle must remain unequivocal, even when common sense says that the result cannot be immediately achieved.

I am trying to demonstrate that the follow-up to recommendations of the supervisory bodies and the follow-up to the 1998 Declaration increasingly pursue the same pattern. It is thus logical that examples one can give are cases that have originated in either the regular supervisory mechanism or the Declaration follow-up, or both.

Technical cooperation for fundamental rights also goes beyond correcting what has been detected by the standards supervisory mechanism. It reaches levels that, on the surface, may not seem linked to standards and rights. It engages many actors who are coping with a reality well beyond the formal conclusions of international bodies or, indeed, national authorities and courts.

Inducing political will for change

Applying technical cooperation to fundamental rights usually leads to changes in the policies, behaviour or even composition of governments. It is an art unto itself to draft a programme through which a government accepts that it has to change. Making a diagnosis is important. Gaining acceptance is equally important.

As long as the desired change can be attributed to a lack of capacity, it is reasonably easy to accept that time is needed. The notion of time-bound programmes on child labour was well received at their inception. When problems are due to weak political will, and entrenched power structures, the issue becomes trickier.

Many factors conspire to frustrate the process of international enforcement of collective and individual rights. They range from poverty and an acute lack of resources and resistance to change by established power structures to the unwillingness of being told by others – especially by foreigners – what should be done.

The standards supervisory system of the ILO is excellent for catching the implementation gaps in labour rights just about everywhere in the world. It is not an exaggeration to say that the ILO has the knowledge of the situation of any country, irrespective of the ratification of international labour Conventions. But concluding the process with a diagnosis is like a doctor sending a cancer patient back home. Usually the real story starts once the diagnosis has been made.

At first sight it should be easy to conclude whether there is a deficit of political will or of capacity. If trade union action is seen to be anti-governmental, or if the military extracts forced labour, or if discrimination

against minorities – or majorities – is enshrined in the law, a political decision can change it. If, on the other hand, the root causes are poverty, ignorance, inherited labour practices, the lack of opportunities and development, and inequality in society, the situation is different. Supervision can usefully point out deficits, but it does not necessarily point out the remedy.

Employment cannot be produced by decree, but trade union rights and cooperation between labour market partners can. Poverty cannot be decreed out of existence, but policies for a fair sharing of wealth can be announced and pursued. Illiteracy has for centuries successfully been fought by political will.

The question of political will is crucial, as it determines the kind of remedies that are feasible. A lack of capacity, knowledge and resources is something other than insufficient political will. But looking at specific cases, it becomes clear that the distinction can sometimes be a line drawn in water.

In this respect, the Commission of Inquiry on Zimbabwe in 2009 was an instructive exercise. It had been set up because both the employers and the workers were disgusted that the government refused to cooperate with the ILO and did not attend the session where its case was discussed. They lodged a joint complaint, which led to the establishment of a Commission of Inquiry. But by the time the Commission started its work, the political opponents in Zimbabwe had been compelled to sit together in a coalition government.

The Commission first made an introductory visit to Zimbabwe to ensure a sufficient comfort level for carrying out the inquiry. During its actual work, the Commission heard a large number of witnesses on violence. This violence, including torture, had been directed at demonstrating trade union members. The main scene was the police station following demonstrations. The Commission of Inquiry now drew conclusions at a time when such violence had been suspended.

The top-level conflict between President Robert Mugabe and Prime Minister Morgan Tsvangirai and their two parties did not repeat itself at the level where labour relations were carried out. The Labour Minister and her Deputy came from opposing camps but basically agreed with one another. So did the officials, who now could have had their concerns heard. Members of both rival camps expressed similar desires and asked for assistance and cooperation. The recommendations of the Commission of Inquiry could be transformed into a technical cooperation programme. In retrospect, the best legacy in Zimbabwe probably has been the capacity of labour authorities to work together.

Another example is the case of child labour, which cannot be ended without engaging the education system. As some Latin American countries have shown, channelling resources into supporting effective universal education is a workable solution (for instance through conditional cash transfers or paying parents to keep their children at school). In many cases, the biggest problem is that the alternative – education and training – has not been available. In former Soviet republics, child labour has been solved relatively quickly because the countries have inherited an education system that can absorb all children.

Political will is indispensable but it gets you only so far if the capacity to implement it is not there. The real work usually starts only after the national strategic levels have taken the decisions to honour fundamental rights. At that stage, a large grey zone can open up between central government and local authorities. The picture is much more nuanced than that of an evil government suppressing its people.

One example demonstrates the complexity of the issue, and it is by far not peculiar for Myanmar which has been much discussed in this context. Forced labour in Myanmar has had two main facets. One was the use by the military of people as porters and, at worst, human minesweepers. Such an issue can be solved through orders prohibiting the practice. But there are everyday occurrences whereby a village leader receives contradictory orders: a road is to be built, with no additional resources, and forced labour is prohibited. It is not difficult to guess which of the two orders will be given priority.

The ILO method

This is where doing things “the ILO way” comes in. After the Khmer Rouge left, the ILO engaged in building roads in Cambodia, including those connecting the sites at the famous temple complex at Angkor Wat. Some questioned why the ILO would carry out such an activity. To such criticism, Bill Simpson, then Director of the East Asia Multidisciplinary Team of the ILO in Bangkok, gave the answer: we demonstrated that roads can be built in such a way that the workers earn sufficient pay and fundamental international labour standards are observed.

In the light of the experience over the last two decades, assisted by the experience of the 1998 Declaration follow-up, some features of successful ILO engagement can be identified. In addition to the Declaration and IPEC, they have been used by other programmes, such as the Better Work Programme. They have been and are increasingly applied to solving problems identified by the regular standards supervisory bodies.

The following is my personal checklist, developed over three decades of interaction with countries that have had special issues with fundamental principles and rights at work.

1. It is going to take time – there are no quick fixes

It is necessary to realize that an intervention means going in for the long haul. It calls for patience. The long detentions of such human rights leaders as Nelson Mandela and Daw Aung San Suu Kyi give an idea of what we are dealing with. The actual moment of change may be quick, but its gestation period is long. But often its follow-up is even longer.

The attitude of “never” has to be overcome. I recall a discussion with a Labour Minister of Sri Lanka on export processing zones. His view was that the government had to maintain competitive wage levels and limits to organization rights. I replied that he should not give the message that the government policy was the end of the story for ever more. He could well say what was possible today, and leave the way open for negotiated

improvement when the economic performance got better. My counsel was, do not get hung up on what you cannot do – say what you can do now and remain ready to discuss future developments.

2. The ILO is not going to go away

Negotiators may get fed up and frustrated, but the ILO will not give up cases of fundamental rights. In 1964, South Africa tried to escape by leaving the Organization. It found out that the ILO had even more elaborate mechanisms to recommend action on violations in a non-member country, especially as racial discrimination was an issue of employment and workplace rights.

The cases that come up in the ILO's processes, whether the Conference Committee on the Application of Standards, the Committee on Freedom of Association, or other special procedures, can go on for decades. Forced labour in Myanmar was observed for the first time by the ILO in 1964, nearly five decades before results in its elimination were acknowledged. The case of the prohibition of trade union membership in the United Kingdom Government Communications Headquarters (GCHQ) was discussed continuously by the supervisory bodies for nearly a decade until organizing rights were restored by a Labour Government in 1997.

3. Dealing with issues as technical matters

The ILO is not in the business of regime change. It deals with sensitive issues as technical matters of applying internationally agreed labour standards. This is a distinct advantage. Profound and delicate problems can be dealt with in a way that is not possible for a body with an explicit human rights mandate. The ILO has a mandate to deal with the authorities in place, and denying their legitimacy is not a helpful way of starting a negotiation. You cannot suggest cooperation to a regime in order to make it go away.

It was only with South Africa before democratization that the ILO could not work with the government. United Nations and other policy constraints also prevent dealing with Hamas in the Gaza Strip. Elsewhere, the ILO has

regularly spoken not only with ministries of labour and social affairs, but also with the military, the police, ministries of justice, defence and the interior, and judges. And of course, the ILO has unique access to civil society through the employers' and workers' organizations.

Sometimes it seems that ministries for foreign affairs, which normally are in charge of international relations and human rights issues, do not quite know what to do with the ILO. Labour ministries are often not really at the core of government decision-making. But empowering labour ministries in the full field of their activity has been one of the long-term goals of the ILO.

Labour, employment and social affairs ministries are in general not keen on maintaining high levels of tension. Labour conflicts tend to invite other public authorities, including law enforcement, to intervene in their sphere. When methods of dispute settlement function, the promise of guaranteeing social peace gives more space for labour authorities.

4. Study the signs carefully

However important the dialogue with ministers and other high-level officials is, it should be extended down the decision-making chain. The desk officer may not have a say on human rights but she or he is a key person in the chain. This officer usually writes the first draft of any government response and can thus encourage, or frustrate, remedial action.

Another practical question is the credibility to be given to statements of intention and roadmaps drawn up by governments. One example is the generals' roadmap to democracy in Myanmar. There was no way to endorse it, but it could not be ignored, either. The Myanmar Government did not even allow in 2009 the devastating cyclone Nargis to affect the date of the elections it had announced. While not explicitly provided for, the release of Daw Aung San Suu Kyi from detention took place pretty much at the time anticipated by the roadmap.

The existence of the roadmap enabled one to see in time when the military government itself was preparing to arrive at amending the Constitution, which is where fundamental rights at work tend to be determined. Forced

labour and freedom of association usually come up in constitutions. Advice can then be given in time on drafting language that would not create or perpetuate a problem. The aim should be to discuss drafts and not only already approved laws, to prevent problems instead of having to repair them. In Myanmar, this included freedom of association, on which there was practically no recent experience.

Advice can also be given to courts. Under a Declaration programme in Pakistan, critical information, which ranged from citations of the Quran to local academic and journalistic analysis, helped the Shariah Court to confirm and proclaim that forced and bonded labour were against Islamic principles.

5. Facts and demystification

Surveys, statistics, monitoring and research should be tailored to meet the need of gaining public understanding of an issue. Once the real size and nature of an issue is grasped, it usually becomes manageable.

One instructive example has been the way in which feudal remnants of slavery in Niger were dealt with in the early years of the Declaration follow-up. In 2001, the ILO in collaboration with the Ministry of Public Administration and Labour, social partners, UNICEF and the United Nations Development Programme organized the first national forum on forced labour and fundamental rights with traditional chiefs of Niger. This took place through PAMODEC, which dealt with implementation gaps in francophone Africa. Subsequent surveys demonstrated that the figures advanced by civil society groups were vastly inflated. More measured figures and subsequent local and national action calmed the debate and allowed for a change of course.

In Uzbekistan, qualitative and quantitative surveys paved the way for a realistic assessment of the extent of child and forced labour in the annual cotton harvest. The public starting point was both familiar and improbable. While Uzbekistan officially was in denial, the international civil society campaign driving the issue maintained that virtually all of cotton farming was based on compulsion of children and adults. In addition to monitoring, a realistic assessment made it possible to start dealing with the issue, helped

by political democratization in the country. In September 2017, the President of Uzbekistan, Shavkat Mirziyoyev, stressed in his speech at the United Nations General Assembly the cooperation between his country and the ILO on eliminating child and forced labour.

6. Monitoring as a special tool

Especially with child labour programmes, on-site monitoring can be particularly effective. The first computerized system was produced for the ILO in 1996 by the former head of the Dutch Labour Inspectorate, Rijk Van Haarlem. It focused on children in the garment and textile factories in Bangladesh. Many IPEC and other programmes adapted the methodology. It caught the interest of the Conference Committee on the Application of Standards, which suggested monitoring cotton fields in Uzbekistan due to employer allegations of the worst forms of child labour.

On-site monitoring has sometimes been thought to aim at creating “child labour free” zones or workplaces. The reality, however, is that credible monitoring will continue to find problems that have to be dealt with. Even in the best of circumstances, rules will be violated and accidents will happen. The main issue is prevention and demonstration of how to do it. To have a “catch the thieves” attitude is often harmful, especially if monitoring for child or forced labour risks exposing the identified victims to retaliation. The approaches of the ILO and many civil society activists differ on this point.

The real role of monitoring has never been to measure the problem but to demonstrate how to deal with it. It has a healthy activist streak and satisfies the desire to see something tangible. It demonstrates how the physical removal of children from work can be done. Monitoring also underlines the fact that when withdrawal of children from labour takes place, there is an immediate need for an alternative, which is mainly education. This

conforms with the logic of minimum age standards, which has been, since the first Conventions of the ILO in 1919, first school, then transition to work.

One of the early lessons from child labour and Declaration programmes was that however important “rescue and removal” measures are, they will not be enough unless both law and practice change. Removing children from hazardous work one by one takes an eternity. Any initial advances must be followed by moving upstream and getting an increased buy-in from the local cooperation partners.

The aim should be to arrive at sober acceptance of a problem without unnecessary assertions of culpability. The fact that potential violations are surveyed and lead into remedial action should be sufficient recognition that there is a problem that is being dealt with.

7. “Fly under the radar”

Labour ministries may have less authority than treasuries but they often have a certain room and competence for manoeuvre.

During my first visit to Nay Pyi Taw in 2008, the Labour Minister of Myanmar, Aung Kyi, said: anything I can decide we can do. If I have to go higher up, then there may be a problem. We used this channel as best we could, and through it we later got five workers’ activists out of detention, with the understanding that there had been an administrative mistake and the issue would not be given publicity.

One should not be too greedy either. With Myanmar, the general rule was that each visit would produce one tangible result – a decision, a decree, or the release of a labour activist. It was necessary to weigh carefully what message to give on priority action. Asking everything at once usually gives nothing in return.

8. Entry points and creating space

The ILO started monitoring for child labour in football stitching in Sialkot, Pakistan, in 1997. The local manufacturers of surgical tools were interested in similar action. Yet their view was that allowing unionization would destroy the industry. We suggested that we start together with child labour and see where we get from there. Trade unions are part of the Sialkot industrial relations scene today.

Presence and space need further explanation. The importance of ILO presence played a role when the time came for the Declaration against Apartheid to be abrogated and the international action programme turned into technical cooperation on the ground. Democratic trade unions and the employers of South Africa had already for some time been calling for ILO to be present in the country again, but the ILO was not supposed to assist the apartheid government. In 1992, at a conference in Harare, we hit upon a negotiator's dream formula. My Employer counterpart, Cornelia Hak, and I suggested that the ILO could give assistance to "democratic workers' and employers' organizations in South Africa". This wording left open the question of where assistance would be given. In little time, a first technical cooperation mission landed in South Africa.

The Commission of Inquiry on Forced Labour in Myanmar had not been allowed to enter the country and interviewed exiled or clandestine witnesses in the border areas. When the government took no steps to implement the Commission's recommendations, the 1999 ILO Conference increased pressure through an emergency resolution denying Myanmar participation in ILO meetings and technical cooperation. The exception was technical cooperation for the purpose of eliminating forced labour.

This exception became the bridge to a dialogue. Visits to the country were called "technical cooperation missions". In 2001, Myanmar accepted a high-level ILO team, led by the former Australian Governor-General, Sir Ninian Stephen, to review the situation. After unannounced visits around the country with a chartered airplane, the mission proposed that the ILO would have a permanent representative in the country to help with forced labour.

After our involvement in getting the Declaration follow-up moving, Juan Somavia had instructed Francis Maupain and myself to negotiate with the Ambassador of Myanmar in Geneva, Mya Than. An agreement on the placing of a Liaison Officer in Yangon was reached in 2002. Later we negotiated a project for building roads, as a way to demonstrate how this could be done without forced labour. The project was also to have a kind of an “ombudsman”, to whom complaints on the use of forced labour could be made.

This project did not survive the turbulence in 2003, when Daw Aung San Suu Kyi was again restricted to her house and our negotiating partners were removed. Later we revived the idea of an ombudsman through a mechanism for complaints on forced labour run by the ILO Liaison Officer. This legitimized citizens’ action to demand their rights and increased the space for doing so. Again, the negotiations were conducted in Geneva with the new Ambassador, Nyunt Maung Shein. We have been blessed with a consistent string of competent ambassadors.

Some people were shy to complain, but they were aided by “facilitators”, many of whom were civil society activists. This created a legitimate space for citizens to claim their rights. The Liaison Officer was there to advise whether a complaint seemed to have merit but also to shield the complainants. After all, in an earlier case the Supreme Court of Myanmar had cancelled seven death sentences because the trial had referred to contacts that one of them had with the ILO Liaison Officer, whose calling card was one of the pieces of evidence for the prosecutor. The Supreme Court recalled that all citizens of Myanmar had the right to communicate with the ILO.

In labour relations, space is created by accepting the rights of alternative organizations, mainly trade unions but also employers’ organizations. The cases of Poland and Belarus led – in different contexts – to recognizing trade union pluralism. A Declaration programme in Egypt helped to establish an independent trade union organization some years before the Arab Spring. The programme in Indonesia was essentially about coexistence and cooperation when the single-union structure under military oversight had lost its monopoly.

9. Devise procedures for cooperation and consensus

When the aim is to promote coexistence, it is always better to start with modest ambitions. When government ministers and leaders of trade unions or employers do not know one another, or if they know one another only from the media, simply getting together can be an achievement. This has been the ILO experience since 1919. Decades later, even in leading industrial democracies, trade union leaders who sit on the Workers' benches in the ILO can still be perceived as something of "enemies of the people". There is a lot of distrust, and ignorance, which can be bridged only by creating personal contacts.

Sometimes the most that can be reached is a one-sentence statement of intention to seek cooperation, written on a scrap of paper. When societies transit from totalitarianism to democracy, they need to be gently but consistently reminded that having different visions and contradictory interests is perfectly allowed. A consensus imposed from the top by authoritarian regimes melts away when democratization proceeds. Often what is needed is the first step. At that stage, full-fledged tripartite cooperation often is a bridge too far.

At some stage, dialogue between hostile (or estranged) parties will be needed. I have been involved in meetings between the government and its leading critics, both between the Government of Myanmar and an exiled trade union leader and between the Government of Uzbekistan and human rights activists. These can be turning points where parties agree to address concrete issues (and move on to discussing them in their own language). Both cases have given credit to the government, and their interlocutors have gained new legitimacy, which in turn comes with new responsibilities.

10. Mechanisms and institutions

Mechanisms for social dialogue existed in Tunisia, and this was the main reason why the transition in the country that launched the Arab Spring in December 2010 was successful. The trade unions and the employers' organizations were duly recognized, with other key civil society organizations, by the Nobel Peace Prize. In Brazil, the new government

set up after the election of President Luiz Inácio Lula da Silva requested assistance to strengthen the institutions dealing with child and forced labour problems, and this led to another large and successful Declaration programme. The ILO supported the creation and training of mobile inspection teams, which soon inspected the most remote places of the Amazon as well as factories in urban areas. More than 52,000 forced labour victims have been identified through these inspections over the years. The project in Brazil served also as a catalyst for expanded South–South cooperation and exchange of good practices across the world.

Dispute settlement mechanisms and labour inspection are typical ILO tools. Dispute settlement presumes the recognition of freedom of association and, at the very least, independent representation of the complaining side. The mediation structures have also to be genuinely independent. If management suggests mediation between its favourite union and an independent one, the outcome is bound to be doomed. Some years of conflict in the education sector of Georgia has confirmed this. Any mediation between trade union groups calls for special procedures in each case. Bringing them to some kind of formal mediation is usually counterproductive.

A decade of working together in Georgia has shown that a winning formula consists of amendments to the Labour Code, mediation for settling disputes, restarting labour inspection, and institutionalizing national tripartite cooperation. During an annual labour standards conference, arranged by the German Friedrich Ebert Foundation, Guy Ryder – then Deputy Director-General of the ILO – made a convincing case for mediation. Soon we were training the first group of labour mediators. I had already been wondering whether the word “compromise” existed at all in the Georgian language. The whole process in Georgia started with one sentence on a scrap of paper, drafted in Tbilisi in October 2008 by the Labour Minister and the leaders of trade unions and employers. It took four hours and almost a bottle of Chivas Regal.

Feedback and complaints mechanisms can start informally and develop structured channels. They need better knowledge and communication and a minimum of favourable personal chemistry. They also require that all parties to a conflict be ready to skip publicity in favour of negotiations in good faith.

11. Provide incentives for governments

Strangely enough, the most compelling argument for implementing fundamental principles and rights at work are often not sufficiently listened to and understood. Decent industrial relations are not only good for industrial or global peace. They also make business sense. More often than not, countries start facing problems when this is ignored. Poor governance, lack of understanding and bad practices all conspire to lead into labour rights violations. At the same time, they also risk leading into further radicalization – “declaratory” trade unionism instead of genuine give and take. The best incentive should be to avoid this from the beginning. But as this seldom happens in the real world, other incentives will have to be devised for remedial action.

The traditional standards supervisory mechanism may seem like a collection of Damocles’ swords. The expectation is that the threat of negative publicity and eventually such measures as trade or other sanctions will pressure governments to comply with international labour standards. Finding a solution is in everyone’s interests. Removing sanctions once they have been enacted is always more problematic than preventing them. To keep on talking may not be a great answer, but it is better than a closed door.

There are quid pro quos. Promises without action have a short life. But it is of utmost importance, at an early stage, to get onto a trajectory that demonstrates that interaction on the ground works and is not only, as some professional participants in inspection missions have said, “magnificent cinema”. To avoid such cinema, it is indispensable to have an ILO presence on the ground.

Once after the Conference, I invited the Chairpersons of the Employers’ and Workers’ groups of the Conference Committee on the Application of Standards for dinner. In addition to a relaxing meal, I wanted to raise an issue. When the Office was negotiating, the government concerned often felt that whatever they did, the Conference Committee would not recognize improvements. I asked Luc Cortebeek and Ed Potter whether they could give more consideration to recognizing at least some steps, even

modest ones, to enable the Office to keep on negotiating. Luc looked at me a little bit wistfully and then said that recognizing progress was not exactly in the DNA of the Workers' group.

Negotiating the end of sanctions has to be done seriously. In 2012, the ILO Conference undid most of its restrictions on the participation of Myanmar. These had also been the basis of the trade sanctions on Myanmar imposed by the European Union. Intensive shuttling between the Myanmar delegation, the European Union and the Workers' group was needed to ensure that the Conference concluded with the right wording to end the special ILO restrictions and in due time the European Union sanctions.

12. Engage the social partners

Preparing a country for change – let alone transition – means having a view of where and what independent employers' and workers' organizations should be. The ILO is not neutral on this. The logic of both its Constitution and standards is that the preferred option is organizing. This is why the first Director-General of the ILO, Albert Thomas, concluded in the early 1920s that one of the immediate tasks of the ILO was to support trade unions because the weakest group needed the most attention. Yet at times, especially during transition, employers can be the weak party, just as labour ministries can be most in need of support.

Wherever possible, tripartite solutions should be explored. Each one of the three constituents is a part of the solution. This is not always simple. Trade unions and employers' organizations may be weak or divided between themselves, and it may be difficult to get them all to agree. On the other hand, sometimes, as in South Africa, Swaziland and Zimbabwe, they actually have common views, which they have learned to pursue in national labour commissions.

Especially with the passionate debates in the ILO on Colombia, I had the feeling of being a magician with two top hats – out of one came a rabbit that said “tripartite agreement”, while out of the other you could pull a rabbit that said “high-level mission”. Any ILO mission holds discussions

not only with government authorities but also with national employers and trade unions. A high-level tripartite mission allows for a dialogue with the leaders of the social partners in the countries concerned.

Various examples are Colombia, Guatemala, Myanmar, Republic of Korea and more recently Qatar. There may not be functional tripartism, or even trade unions, but such missions serve as a link to the tripartite supervisory bodies of the ILO. They can also help in creating the space for further national action, as demonstrated by the quite recent action programme and opening of an ILO office in Doha, Qatar, for assistance with working conditions and workers' rights. After years of heated debate and threats of boycott over the rights of migrant workers, who are building installations for the FIFA World Cup of 2022, institutional solutions are being put into place.

In Colombia we spent three days in November 2007 in a full tripartite discussion. The question was not only of rights but also literally of the lives of trade unionists. Hundreds of trade union leaders and activists were among those killed by both leftist and right-wing extremist violence. The concern was that this violence was intentionally used to target trade unions. At the same time labour disputes got stuck in national instances. Despite attempts to assist in solving them, they were increasingly sent by the trade unions to the ILO. If the trust in and capacity of national courts falter, complaints will inevitably be addressed to international bodies.

In Colombia, discussions with the ILO covered not only national dispute settlement mechanisms and facilitating court cases but also such issues as the use of armoured vehicles and armed guards to protect union leaders.

While pragmatism is necessary, explicit or implicit non-union models must be avoided. The ILO has rules that cover situations where trade unions do not exist, but this should not be perpetrated. Support should be in line with the Workers' Representatives Convention, 1971 (No. 135). Workers councils or workers representatives in some countries may perform a role that in others is taken by trade unions, but they are not automatically nascent workers' organizations. They should not become an impediment when circumstances permit a more representative structure.

13. The ownership of change

Activities have to survive changes of government in the countries concerned. If this does not happen, there will be much repairing to be done when transition has taken place. If the desired change ends when an ILO programme or project is terminated, the investment has failed.

The principle that change must be owned by the governments and employers' and workers' organizations is particularly important when communicating about it. The question is not about what ILO experts are saying – it is about what the national and local constituents are saying. The same rule applies as to collective bargaining. All partners should have sufficient ownership of the results, if they are to be promptly implemented.

The best way to reach a public is through messages from the government and employers' and workers' leaders, carried forward by the local institutions that implement policies on the ground. It is not useful to have the ILO say too much; the constituents should be the ones delivering the message. I have sat at meetings where trade union or employers' leaders, or indeed high government officials, have made an argument that has been carefully prepared with ILO advice. On these occasions some of my colleagues have been taken aback that the input of the ILO has not been recognized. But that is not when international assistance should be heralded. That is the moment when ownership of how to apply a principle and right is asserted.

This is actually inherent in the way the standard supervisory bodies function. The Committee of Experts is less liable to trust an assessment by ILO officials than evidence produced by the governments and social partners. Wisely enough, the supervisory bodies only quite exceptionally base their conclusions on reports by the Office, and this as a rule only in cases where they have asked for such reports.

14. Don't let go

Sometimes things do not work out, and you feel like you are back at square one. Then the best advice is that of an old Frank Sinatra song: pick yourself up, dust yourself off, and start all over again. I recall a meeting in Tbilisi with the Prime Minister of Georgia on restoring labour inspection.

He explained all the economic and political concerns that the notion of labour inspection evoked. It reminded him too much of the way in which “inspection” was done during the Soviet era, as well as the later use of tax inspection against new business leaders. Our delegation came back to the hotel somewhat crestfallen, only to find that the Prime Minister’s Office had just announced on the Internet that steps would be taken for inspecting enterprises with the aim of improving occupational safety and health. One thing that I agree with Lenin on is that sometimes you need to take one step backwards in order to then take two steps forward.

7. Twenty years later

Two decades after the adoption of the Declaration allow for taking stock. We have had twelve Global Reports and an equal number of technical cooperation plans. There have been 18 years of annual reports, and more recently two rounds of general discussions with conclusions on recurrent items have been carried out by the Conference. The basics have been set out, programmes have been designed and implemented, and – as child labour statistics showed – results were not only measurable but were actually materializing.

The Declaration set the benchmarks on fundamental principles and rights at work. They are all covered in the United Nations Social Development Goals. The tools to make a diagnosis of the labour rights situation of every country which participates in the world economy are available, both for the ILO and for the rest of the multilateral system. Their use needs to be further refined.

I shall first make a short flash-back to ten years ago and look at the Declaration on Social Justice for a Fair Globalization. After that, I shall use the 2017 recurrent item discussion at the International Labour Conference as a basis for a number of comments on where we seem to be at this juncture of anniversaries of the Declarations, and where we might be heading.

The contribution of the 2008 Declaration

Change in the landscape and the architecture has decidedly taken place. Capping several years of assessments, analysis and action on the Decent Work approach and the social dimension of globalization, the Conference adopted in 2008 after a two-year procedure a new Declaration. This Declaration on Social Justice for a Fair Globalization merits more than

this passing reference in the narrative. In fact, it would need a complete story of its own. It was a way of updating the messages of the Philadelphia Declaration in an increasingly turbulent world.

The aim was to achieve more coherent application of the strategic objectives of the ILO. On the procedural side, it proposed a regular assessment by the Conference of how the ILO's programmes were working so that the evolving needs of governments, employers and workers were being addressed.

The starting point was somewhat awkward. Employers refused to enshrine the basic concept of Director-General Juan Somavia, "Decent Work", in the title of the Declaration. This could be trumped only by invoking the need for both social justice and fair globalization. This time around the title was the last issue settled by the Conference Committee.

The effect for the follow-up of the 1998 Declaration was that the Global Reports were replaced with a regular Conference discussion on all four categories of rights together. Instead of an annual session of the Conference plenary, there would now be at regular intervals a full Committee, working throughout the Conference, with the mandate to draw conclusions and propose action. Recurrent discussions on fundamental principles and rights at work took place at the Conferences of 2012 and 2017.

When the Social Justice Declaration was negotiated, there was no similar international pressure to that of the debates on trade and labour standards in the 1990s or on multinational enterprises in the 1970s. The ILO was not called upon to provide a solution to an acute problem in the multilateral system. But there was a need to review the functioning of the system. The Declaration was a (useful) reminder of the functions of the ILO, but it turned out to be somewhat longer than originally planned. Yet in the words of Ebrahim Patel of South Africa, who chaired the Workers' group in the final negotiations, "it has jewels in it".

In one important respect, the Social Justice Declaration completed the logic of the pledge not to use labour standards for protectionist purposes, formulated in the statement of the WTO Ministerial Conference in 1996

and later carried over to the 1998 Declaration. The full message now stated that the violation of the principles and rights of the 1998 Declaration “cannot be invoked or otherwise used as a legitimate comparative advantage”.

In other words, labour standards should not be used for protectionist purposes, but their violation could not give legitimate trade advantages. This was the raising of the bar that Pascal Lamy immediately recognized.

The main institutional innovation was agreeing to have regular discussions at the International Labour Conference on all strategic objectives of the ILO. Henceforth each facet of Decent Work would be regularly visited to assess and decide what was needed. This covered also future standards action, which could in this manner be first signalled by the Conference before being taken up in more detail by the Governing Body, which in turn sets the agenda of the Conferences.

The recurrent items would thus also guide the decisions on future standards action. Francis Maupain, who played a decisive role in animating the negotiations for the Social Justice Declaration, and I were painfully well aware of the difficulties for the setting of the Conference agendas because there was no coherent process anticipating future needs.

There is already evidence that both Declarations together are likely to have a positive effect on standard setting. In 2014, the Conference adopted the Protocol to the Forced Labour Convention (No. 29), which also rendered the colonial era clauses of the Convention obsolete and expanded its coverage to prevention as well as prohibition of forced labour. This question arose in the first recurrent review of fundamental principles and rights at work.

Trafficking had exponentially increased with globalization, but it was not explicitly covered by the earlier forced labour instruments of the ILO. The Protocol and the accompanying Recommendation were negotiated with full Employer and Worker involvement. They incorporate such recent concepts as due diligence and remedies, which are important for business engagement.

Another case has been the Social Protection Floors Recommendation, 2012 (No. 202), which was essentially prepared by a recurrent item discussion on social security. There was a desire to move forward also on the normative ground with policies along the lines of the Social Security (Minimum Standards) Convention, 1952 (No. 102). The Social Protection Floors Recommendation recognized the limits of a quantitative approach to determining minimum levels of social security in a world of wide economic disparities but where progress should be made for establishing realistic and decent universal social security coverage.

Freedom of association was given a high profile in the Social Justice Declaration, which states that freedom of association and the right to collective bargaining are particularly important for attaining the four strategic objectives of Decent Work. This is fully in line with the Philadelphia Declaration, in which freedom of association and tripartite cooperation share the first article with the well known statements that “labour is not a commodity” and “poverty anywhere is a threat to prosperity everywhere”.

However, freedom of association is not embraced by all in the same way that it was reaffirmed in the Social Justice Declaration. It remains the most contested of the four principles and rights at work. Inequalities and discrimination are increasingly transparent and call for action. But while we thus better appreciate the need for dignity for individuals in social life, the role of collective dignity remains on shakier ground. This key aspect of social justice is guaranteed by freedom of association and the right to collective bargaining. Recently it even seems to be less accepted than the other three categories.

Many of the paths that the original freedom of association programmes under the Declaration evolved into have been followed with recognized success. This concerns social dialogue, consultation mechanisms, dispute settlement, participative management methods, occupational safety and health measures, productivity improvement and job creation. But for some reason there is stubborn reluctance to trace these activities back to their original roots: the principles and rights on freedom of association.

The focus has shifted, logically enough, upstream towards exploring themes of action and categories with implementation gaps. At the same time concrete country examples of problems and their solutions are not discussed in the same way as earlier. The searchlight on the most egregious cases, as also the Employers agreed in 2001, will continue to be used by the standards supervisory mechanism, especially after the surge in ratifications. But this risks leading into a situation where once immediate action has been introduced, and technical cooperation measures start giving results, no equally powerful focus remains on the progress that has been achieved or, as the case may be, problems encountered. Finding and improving best practices beyond the minimum is also needed for the sustainability of fundamental rights that have been attained.

The challenges ahead

As indicated earlier, I am using the most recent conclusions of the recurrent item discussion on fundamental principles and rights at work as a basis for some reflections of where this voyage has taken us.

Two decades ago, ambassadors were disputing for weeks whether the ILO could, in the Declaration, even mention links and cooperation with other organizations. The latest conclusions (ILO Conference, 2017) explicitly state that it should “leverage partnerships with other UN agencies, the Organisation for Economic Co-operation and Development, the World Trade Organization, and other international organizations in order to strengthen policy coherence and mobilize support for the full realization of the fundamental principles and rights at work”.

In the beginning, the direct link of the 1998 Declaration to enterprise behaviour was suspect. Now collaboration should be promoted with the United Nations High Commissioner for Human Rights and the United Nations Guiding Principles on Business and Human Rights. Decidedly, we have come a long way.

Targeting sectors and groups

From early on, one of the big issues has been the informal economy, where most of the workforce – and most of the problems – were found. The ILO had explored this area for decades, for instance through the World Employment Programme in the 1970s. But there were hesitations on the extent to which the fundamental principles and rights should be an entry point. After the adoption of the Declaration, Employers advised against too much emphasis on the informal economy. But by 2012, work on the informal economy had become a priority for all groups. The first joint programme of action in 2012 on all four categories recalled that most of the violations of these rights occurred in the informal economy.

Other sectors have also been focused on. First there was much attention to export processing zones, which gradually has turned to supply chains in the global economy. This has also further linked the question of policies and practices of multinational enterprise activities to fundamental rights at work. Even the possibility of developing new standards – the major bone of contention of the late 1970s – has again been evoked.

Traditionally, an enumeration was made of “vulnerable” groups: women, youths, minorities, ageing workers, migrants, religious and ethnic groups, and so on. This approach has been criticized because it tends to simplify and compartmentalize the problems these groups encounter. The 2017 recurrent item conclusions refer to the future of work initiative, global supply chains, export processing zones, non-standard forms of employment, migrant workers, rural workers, workers in the informal economy, and fair recruitment. All of these have their own, often overlapping, groups of working women and men who have special protection needs.

These exercises tend to produce shopping lists of old or new areas to be covered. Usually these lists start with the traditional vulnerable groups and then extend to emerging new ones. This is within the logic of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111): it is a sign of the way in which labour standards remain a living matter.

One serious emerging issue is that of fragile States in conflict. The ILO and its working methods were born out of conflict, but they were

tailored to address this on the home front and while preparing for reconstruction. Yet, labour aspects of humanitarian assistance are not untrodden ground for the ILO. Albert Thomas and Fridtjof Nansen opted for cooperation on managing refugee flows at a time when some 2 million people were displaced due to the convulsions of the Russian Revolution. From this involvement, there is a direct line to today's engagement in assistance to the refugees from the violence that has engulfed the Syrian Arab Republic.

Discrimination against indigenous communities was a factor in Guatemala, where a long and bloody civil war was ended, although temporarily, in 1995 by negotiations where one of the major features was the approval and ratification of the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169). The effort was duplicated later on – another demonstration that ILO standards can be tools for both development and peace.

In 2017, the issue of fragile States was fairly comprehensively addressed by the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205). It was adopted to replace a narrower Recommendation adopted towards the end of the Second World War.

Integrated approaches

Through the recurrent reviews and in line with the emphasis of the Social Justice Declaration, integration has become a significant goal. The ILO's objectives are “inseparable, interrelated, and mutually reinforcing”. When action should “take into account the interlinkages between the four categories of principles and rights and the other three strategic objectives”, as the 2017 Conference conclusions reaffirm, the entire web between them and the other Decent Work objectives needs to be covered.

In one of the early brainstorming session with the African Region, in 1999 in Dakar, we outlined a scheme of interaction between the four categories of fundamental principles and rights at work and the four objectives of Decent Work. PAMODEC, the French-financed Declaration promotion programme, followed this model, which was somewhat

improvised, to put in place the follow-up quickly and absorb the immediate generous consequences of donor interest. The PAMODEC approach allowed for making a comprehensive assessment of the state of each category of fundamental principles and rights. Thus priorities for action in each participating country could be agreed upon.

The four categories of the 1998 Declaration are the cornerstones that keep erect the normative edifice of Decent Work. Cornerstones have to be interconnected, but they cannot be merged. Each one has its own role in the totality of Decent Work. They should produce a virtuous cycle of measures that can ensure that no one is left behind and that everyone has an equal opportunity to exercise his or her rights.

Any rights-based foundation needs more than one cornerstone as the basis on which its structure stands. Searching for what is most fundamental can turn into a chicken and egg debate. For ILO action, freedom of association is indispensable, and organizing makes collective bargaining meaningful. Children at work or forced adult labourers are denied these rights. But arguably, equal opportunities for conditions of life and work are a primary need of each individual – including for using their right to organize.

In the end, we do not really need programmes on fundamental principles and rights that are tailored to each form of Decent Work deficit. Rather, we have to find the way in which such customized programmes can best make use of the fundamental principles and rights at work.

How to identify the rights aspects of all ILO programmes

The first recurrent review in 2012 stressed in its conclusions that all four categories of the Declaration should be systematically considered when Decent Work Country Programmes are prepared and integrated in them. These programmes are the main tool for technical cooperation by the ILO at the country level. Although they should reflect the interrelation of all strategic objectives, in most cases they do not specifically address the

deficits of fundamental rights at work. The two main reasons for this arise out of external and internal causes – national policies and institutional considerations.

There is reluctance by most countries to include controversial issues in development programmes. This is despite the respect for legal standards, which in certain regions, such as Latin America, is high. While the Declaration follow-up is tailored towards solving problems through cooperation, not sanctions, the issues are often nationally divisive, and tripartite consensus on solutions is elusive. Applying development policies to a problem without reasonable agreement on a solution may seem like inviting trouble.

ILO officials in the field may understandably be reluctant to engage in controversial issues. Field offices are in a difficult position if they are expected to play an active role in a controversial issue identified by the standards supervisory bodies. If the ILO cannot offer an integrated approach – diagnosis plus solution – there will be a serious problem. It does not help to say what is wrong without being able to say what to do about it.

Each ILO intervention should be guided by the relevant standards. However, remedying deficiencies in the implementation of fundamental rights at work is not within the remit of the ILO's standards supervisory system, as its primary role is to examine problems. Identifying the fundamental rights element of any given programme does not make it into a labour standards programme. Neither does this have to be a contradictory procedure. Doing things the "ILO way" is about cooperation, capacity building, awareness raising and also prevention. It is not about "naming and shaming" – an often used concept that personally I would like to consign to the dustbin of history.

This goes for constitutional and legal reform, too. If the fundamental labour rights aspect is not built in from the beginning, it cannot be introduced later on. This would be like throwing yeast into the oven when

the bread is already being baked. Three years after the adoption of the controversial Labour Code in Georgia, its author, Minister for Economic Development Kacha Bendukidze, tried to convince me that he needed more time before social rights could be brought back again. But despite its relaxation of trade union rights, the Code was clearly neither creating jobs nor bringing in foreign investment.

Fundamental rights – in this case those of trade unions – need to be accepted at the beginning and not at some later “sufficiently mature” stage. They should be part of the design, just as roads and social infrastructure ought to be constructed in a manner that guarantees a decent minimum of income and freedom.

Further need for statistics and data

Never mind the reputation of statistics as a way of proving lies and justifying any policy option, issues need to be quantified. Most people have only a vague idea of what is being talked about. “Everyone does it” may mean that 10–15 per cent of people do it. Quantifying an issue continues to be essential for turning a political issue into a technical one.

One of the most useful contributions of the ILO has been the quantification of issues. Data collection and analysis was one of the original functions of the Office when it started working in 1920. In recent years, our communications experts have been particularly hungry for figures. Numbers are the one way to cut through the often complicated exercises of explaining labour standards trends.

Child and forced labour statistics were developed. The 2002 Global Report on child labour set the baseline for further estimates. It reviewed a 1995 figure of 250 million; broke it down into categories; and has continued developing the global assessment. This made it possible to draw conclusions on the kind of action that brought results, such as conditional cash transfers to keep children at school.

After an estimation of the extent of forced labour and trafficking, the ILO turned to calculating the cost of forced labour to the economy, dispelling the belief that forced labour could be profitable. Surveys also showed the

benefits of voluntary recruitment. In Uzbekistan, voluntary cotton pickers were found to be considerably more productive than those who were under some kind of coercion.

The two recurrent item discussions on fundamental principles and rights have underlined the need for developing a methodology for assessing the extent of various forms of discrimination in employment and occupation. One of the well documented figures is the persistent pay gap between women and men. Further indicators should be able to show wage and education gaps between other identifiable groups with weak protection. The business case against discrimination needs to be fortified beyond what has been done on gender issues. The Global Reports revealed the cumulative nature of discrimination, but multiple discrimination is hard to capture with statistics.

Statistics on freedom of association remain elusive, as the most often quoted one – unionization rate – is not reliable and cannot be matched by figures on organization of employers. Yet the first Global Report on freedom of association offered an interesting scheme on “representational gaps” between countries, based on the differences in the unionization rates and coverage of collective bargaining. Cost–benefit analyses were applied to good industrial relations, in particular in terms of productivity, showing that collective bargaining has a strong positive correlation with economic growth and performance. A good number of the early Declaration programmes had a link to production, innovation and enterprise development because their starting point had been freedom of association and the right to collective bargaining.

Finding quantitative indicators for freedom of association is notoriously difficult. A mainly downward trend in trade union membership is not necessarily mirrored by that of collective bargaining coverage. Few figures for the density of employers’ organizations are available. One possible indicator, the number of labour disputes, can show increase due to political and social relaxation and newly available information. It is not always clear whether such information proves a change for the better or the worse. Although countries should not be compared, strike statistics between a democratic or democratizing country and an authoritarian country will lead to misleading conclusions.

At one stage my colleagues and I were calculating how many trade union activists the ILO, through its supervisory mechanism and direct interventions by the Office, got out of detention. We ended up with a rough estimate that varied from 40 to 400 a year. Even these figures hide quite different situations. There are long detentions of a few leaders and cases where a large number of demonstrators would be locked in over the weekend, only to be released by the courts once the ILO had intervened. This was the pattern in Zimbabwe.

A Declaration programme promoting freedom of association and good labour relations in Jordan led into doubling exports and, within seven years, tripling the number of global brands sourcing from the factories concerned. In Cambodia and Jordan, the programmes helped to salvage the textile, garment and footwear industry. The results validated the argument that fundamental rights improved productivity and welfare in these sectors.

The goal of universal ratification

The ratification campaign for fundamental Conventions can be seen as one of the significant successes of the Declaration follow-up. Yet it needs to be taken with a pinch of salt.

Concern with a lack of ratifications of newer Conventions in particular has marked the standards policy debate since the end of the Cold War. Criticism came especially from Nordic countries, which regularly ratified new Conventions. They felt penalized when their shortcomings were brought to light while the majority of ILO member countries had low rates of ratification and thus immunity from the supervisory mechanism. A veteran representative of the Nordic trade unions on the Governing Body from 1996 to 2009, Ulf Edström from Sweden, has invested much time in studying the issue.

Ulf got the Nordic trade unions to regularly survey reasons for non-ratification and then engaged the Nordic tripartite ILO committees in it. According to the surveys, the main obstacles are or have been uncertainty

about the compatibility of new ILO standards and European Union directives; a preference for general instead of sectoral Conventions; a reluctance to change well developed national legislation; relatively minor details that tend to impede ratification; and the amount of reporting that ratifications call for.

The number of new Conventions has been falling since the 1980s, and ratifications have been slow in coming. As mentioned earlier, one of the first questions after the fall of the Berlin Wall was whether the ILO and its standards were still needed. However, the trade and labour standards debate altered this negative trend. The role of standards was recognized, and the ratification of Conventions became an acceptable aim again.

When countries got into the habit of ratifying fundamental Conventions, they looked at other ratifications, too. The blockage of the early 1990s was overcome. Ratifications could now be seen as a sign of international acceptability and a legitimate request for assistance for implementation. As a delegate from a Gulf country said in the 2012 recurrent item discussion, “while ratification was not sufficient on its own to guarantee workers’ rights, it was an important door to better working conditions and productivity”.

The main lesson learned is that each instrument has to be followed up by sustained action, advice and assistance. Ratification campaigns work, as the child labour Conventions, the Maritime Labour Convention, 2006 (No. 186), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), have shown. The Minimum Age Convention (No. 138) was poorly ratified until it was brought into the campaign after Copenhagen as the fundamental Convention on child labour. Not following the adoption of a standard with promotion is comparable to dumping a product outside the factory door, and expecting consumers to beat their way to get it. This is a Stalinist marketing method that works only if there is an acute penury of a vital commodity.

In a situation of 90 per cent ratification, the ratification campaign for fundamental Conventions invariably becomes fixed on individual countries.

The aim is to fill the holes. At least two thirds of all missing ratifications should reasonably be achieved quite painlessly. Five of the six countries that have not yet ratified the Worst Forms of Child Labour Convention (No. 182) are small Pacific island States, which will come round to ratifying it (the sixth one is Eritrea).

Any targeted campaign will focus strongly on freedom of association and collective bargaining. This invites more pressure on countries where circumstances and obstacles are long-standing and well known. Experience has shown that arguments arising out of federal state competencies as well as those for specific categories of workers (mainly public employees) can be overcome. Still, some discrepancies cannot be explained away, and unlike other international treaty regimes, the ILO does not accept reservations to ratifications. This would be drilling holes in the bottom of the boat.

In old times, on the shores of the Gulf of Bothnia there was a saying: the salmon is so valuable a fish that it is worth trying to catch it even if you do not succeed. This may be true for ratification campaigns, too. They may be like the aim of full employment – while it may not be entirely attainable, it still is the only acceptable target.

If I could imagine a different system of measuring application, I would analyse the labour law and practice of each country against the body of Conventions, irrespective of ratification. We would probably find out that non-ratifiers have a higher rate of compliance than we might think, while all ratifiers continue to have problems. This is an indication that ILO standards have an effect well beyond the number of ratifications. In addition, if there is no ratification but no contrary legislation, the Conventions can be used as a guide for national law and practice. But we may not yet be ready for this kind of system.

Fundamental versus other standards

It has never been easy to set priorities. The foremost demand of an international trade union conference held in Bern in October 1917 was the freedom of movement for workers and the prohibition of recruiting them

abroad under individual contracts. Later, just prior to the Paris peace negotiations, another labour conference, also in Bern, proposed that the prospective League of Nations should strengthen productivity, improve workers' education, promote social legislation, improve international distribution of the necessary raw materials and organize international, financial and trade relations.

The principles annexed to the 1919 Constitution of the ILO reflected the main demands of the trade union movement: freedom of association (then known as “the right to combine”), social security, working time arrangements, regulation of home work and the protection of children and women. But not everything was on that list. When outlawing slavery in the late 1920s, the League of Nations assigned to the ILO the task of dealing with other kinds of forced labour.

There has been a lingering feeling that the fundamental rights outlined by the Declaration stopped short of, and somehow even devalued, other key ILO targets. Still, the ensuing technical cooperation programmes showed that the implementation of fundamental principles and rights at work invariably extended deep into all strategic objectives of the ILO.

Recently, more has been said about the “rights to” occupational health and safety, a living wage, and social security and protection. Seen against the implementation of the 1998 Declaration this is logical. It reflects a general trend in the international community towards classifying objectives as rights. Each one of the fundamental rights reaches out to employment policies, industrial relations, social security, labour protection, occupational safety and health, labour administration and inspection, and wage and employment policies.

Another example is the effect that child and forced labour programmes have had on standard setting. As many of the solutions called for the empowerment of women and girls, they also contributed to the preparation and adoption (in 2011) of the Domestic Workers Convention (No. 189). This continued the trend of addressing the most intolerable situations with urgency. This will be continued with the instruments against violence at work, currently under preparation.

A historical example of linkages is the Triangle Shirtwaist factory fire in New York City in March 1911, in which 146 garment workers died. Of them 126 were mostly young immigrant women, trapped in workshops with locked doors. The tragedy spurred factory safety legislation, and it played a role in the rise of the International Ladies Garment Workers' Union.

The issue was not only safety but also empowerment of the workers to act to express their concerns. Over a hundred years later, in April 2013, the same pattern was repeated in Dhaka, Bangladesh, when the collapse of the Rana Plaza factory killed 1,135 workers. However, it seems that remedial action has focused more on health, safety and inspection than on organizing workers to protect their lives. Safety and health issues will never be adequately addressed unless the workers can defend themselves.

In this respect, it is more than appropriate that the 2017 conclusions instruct the ILO to explore further the relations between the 1998 Declaration and safe and healthy working conditions.

Rights and the enterprise

The social clause discussion was conducted at the macro level. The same goes for standards, laws and policies. What happens at the enterprise level? The Managing Director of the Swedish Employers' Federation, Ulf Laurin, is remembered for his stinging criticism of the standards mechanism in the early 1990s. But he made certain other observations, too. He asked what the ILO's "business idea" was and what it meant for the individual entrepreneur. How does the ILO help him or her?

An Assistant Director-General with an Employer background was appointed for enterprise activities, and the enterprise programme got a boost. At the time the ILO Conferences still had an annual Resolutions Committee. The Employers had started proposing a statement promoting "the spirit of enterprise". The Workers first opposed this with vehemence, but every year the support for the Employers' draft gained more ground. Finally the two groups produced a merged resolution on the role of enterprises in employment growth and the creation of full, productive and freely chosen employment.

The joint draft was adopted in one reading in June 1992. I chaired the Workers' group in the Resolutions Committee at the time, with Guy Ryder as my group Secretary. Today I look somewhat nostalgically at the last operative paragraph of the resolution, which instructs the ILO to develop enterprises in a diversified and efficient market economy – without “unnecessary regulation and excessive bureaucratic interference” – and to promote freedom of association and free and voluntary collective bargaining.

Early Declaration programmes reached out to both enterprises and trade unions. The utility of fundamental principles and rights was demonstrated to boardroom managers in Asian and Latin American countries. Programmes for small enterprise development were designed to create decent jobs and increase productivity and competitiveness. Conferences, training and awareness raising for both enterprises and trade union organizations were organized in all regions. Employers became actively involved in child labour programmes as well as eliminating discrimination at workplaces on the basis of HIV/AIDS.

This could have been the time to reverse the 1920s comparison by Albert Thomas of the ILO to a train, where workers drive the engine; governments sit in the carriages; and employers are at the brakes to make sure that the train does not fall off its rails. This may have made sense a century ago, but after all the global structural and political change of the last three decades and the opening up of a global market economy, it is not helpful to assign to employers a merely obstructionist role.

How ready is the ILO for developing further an employer vision? Traditionally employers were collective bargaining specialists who knew all about trade-offs in terms of dollars and cents. This kind of bargaining will always be needed at one level or another. But in a changing world, there is also need for a strategic vision that business and trade union leaders can develop together. There needs to be space for an employer vision, so that one part of the Organization does not reach out to pull the brakes of Albert Thomas's train.

As Jean-Jacques Oechslin points out in his history of the International Organization of Employers, in 1919 for them tripartism was an unsolicited and even somewhat dubious gift. But it had the potential of ganging up with the workers against undesirable government policies. This is what happened in the ILO at the time of the Cold War.

In certain ways, especially on fundamental principles and rights at work, it also happened when the systemic confrontation was over. This was an essential factor of the dynamism that transformed a bitter debate on the social clause into a consensus around the 1998 Declaration.

Four decades ago the question of multinational enterprises was one of the most controversial issues around. Yet today, there is an explicit consensus between the two groups on the role and promotion of the MNE Declaration adopted in 1977 by the Governing Body. And there is a consensus, including among employers, on fundamental principles and rights at work.

One of the emerging roles of the ILO should be to facilitate concrete resolution of conflicts that have an international dimension, not only at the level of international and national law but also at the primary level of business and labour. One such tool has been the Helpdesk for confidential use of all employers and especially managers of multinationals who wish to get advice on expected standards of behaviour. At first workers were concerned about the correctness of such advice but now this facility is accepted.

There are literally hundreds of voluntary codes and agreements, all different from one another. At an OECD Conference soon after the adoption of the Guidelines and the MNE Declaration of the ILO, the question was raised of how to cope with a multitude of regulations and company codes. The only answer was that everyone needs to feel comfortable with expressing and adapting their rules, but a certain minimum uniformity of these rules and their common understanding is needed. After 1998 this has called for at least referring to obligations under all four categories of the Declaration and not least that on freedom of association and the right to collective bargaining.

The MNE Declaration's original focus was on good management principles. It was drafted before the opening of global markets after the Cold War revealed the extent of supply chain issues. This Declaration said little about forced or child labour, which emerged over time as a threatening reality of subcontracting and global supply chains. The MNE Declaration and the OECD MNE Guidelines were adjusted in 2000 to the new reality of global management processes.

Transnational social dialogue is mentioned in the conclusions of the recurrent item discussion of 2017. This shows that we have come far since a furious debate broke out in 1978 over the misconceived notion of “multinational collective bargaining”. The notion was simplistic, but it keeps on spooking even though over the last forty years it has become clear that instead of “multinational collective bargaining”, the focus has to be on international information and consultation arrangements.

This is where the benchmark role of the fundamental principles and rights at work has come in, as international framework agreements between multinational enterprises and trade unions demonstrate. The Declaration on Fundamental Principles and Rights at Work offers an agenda for follow-up between the parties directly concerned. Its message is conveniently also compatible with the United Nations Global Compact and the Guiding Principles on Business and Human Rights.

The further use of the MNE Declaration of the ILO can produce interesting results. Its revised follow-up envisages company–union dialogue as well as voluntary procedures for examining disputes. The emphasis is on tools for facilitation and compromises. The experience of the earlier follow-up of both the OECD MNE Guidelines and the ILO MNE Declaration has been taken into account. Requests for interpretation of the Declaration in a specific case are not intended to duplicate the procedures of the Committee on Freedom of Association or the regular supervisory bodies. While requests usually would arise out of a specific enterprise situation, they would have to be supported by employers' and workers' organizations. This also means that the outcomes can have a wider significance.

This will no doubt call for further balancing. When a specific disputed case (for the first and last time) went in 1994 up to the Governing Body, its Subcommittee on Multinational Enterprises was not able to pass judgement on the action of an individual company. As with the OECD MNE Guidelines, the foreseen interpretations would have to be not on a specific company but on the intention of the Declaration. Still, such an interpretation should facilitate finding a solution between the direct parties concerned.

The ILO methods can be used in other ways, too. A decade ago the Coca-Cola Company was faced with a “Killer Coke” campaign, which called for boycotting Coca-Cola beverages in universities’ vending machines. It argued that the bottling plants in Colombia made the company complicit with the killings of trade union leaders. Upon the joint request of the company and the global union federation representing international food workers, an ILO team was dispatched to report on labour conditions in these plants.

The report concluded that there were indeed problems in the labour relations in the sector. Deficiencies were identified in both management policies and internal union practices, but nothing indicated that there was a direct link with murders carried out by extremist groups. The report was published, the company and the global union federation were satisfied, and the boycott eased.

As the conclusions implied criticism of both sides, the Employers’ and Workers’ international organizations were not quite happy. Employer and Worker specialists had been involved in the inspection mission, and consequently they were asked to approve what amounted to a criticism of their constituents.

This is a reminder that tripartism, too, has its limits. Investigation and facilitation have to be neutral. A Commission of Inquiry under Article 26 of the ILO Constitution submits its conclusions and recommendations only for taking note of them – not for their approval. This should be kept in mind with assistance and facilitation in concrete disputed cases. An expert examination needs to be impartial. After that, it is up to the parties concerned to decide what to do about it.

Trade and labour standards today

Could the idea of a social clause come back? I have tried to show that the idea never actually went away, but a way to ride the tiger was found. It involved the ILO both as a benchmark and as a source of concrete solutions.

Discussing trade and labour standards is no longer taboo. The WTO can be mentioned in the ILO again, although it may still be more difficult in the WTO to speak about the ILO. As opposed to the situation in Singapore in 1996, cooperation is now taking place, for instance through joint studies on poverty and employment. The Directors-General are seen publicly together again.

An organization whose mandate is trade should not start setting rules on labour standards. If the WTO had developed a mechanism for interpreting international labour standards, chances are that in no time at all it would have come out with different conclusions than the ILO. The result would have been confusion in the multilateral system.

It is best for all that other international organizations do not get involved in the details of the discussion on labour standards. If they do, their first port of call should be the ILO. The potential for the ILO to deal sustainably with an issue through technical cooperation has helped to avoid many calls for banning imports of goods produced by child or forced labour.

The technical cooperation in Cambodia, which launched the Better Work Programme, was linked to an implementation of a free trade agreement with the United States. Negotiations for a trade agreement between the United States and Colombia were part of the background for the ILO high-level mission to Colombia, which I was asked to lead in 2007. Our report was first supposed to be confidential, for use by the constituents. But soon the Colombian Ambassador in Washington sent it out to all members of the United States Congress in support of approving the free trade agreement.

The United States and the European Union have explicitly recognized the role of the ILO in their trade preference schemes. ILO experts are regularly invited to hearings of the European Parliament's Committee on International Trade. When Georgia adopted the Labour Code in 2006, which effectively did away with collective bargaining rights, the trade unions' complaint to the ILO became an obstacle to economic cooperation with the European Union as well as trade with the United States. Social dialogue, mediation and labour inspection helped, and fundamental rights were restored to the Code.

Regional and bilateral free trade agreements have emerged with references not only to the ILO's Declarations but also to the underlying Conventions. Where dispute settlement procedures reach out to labour concerns, agreements such as the one between the European Union and the Caribbean countries go as far as to provide for the possibility of ILO involvement, even if such assistance has not yet been requested.

8. Epilogue: The big picture

The end of the Cold War was a time of systemic change. One-party rule was undone in Central and Eastern Europe, and walls were dismantled across the former world order. They had been walls of protection, often dubious, but they served to maintain a certain order. Once they were gone, the ways to promote social justice and the place of the ILO in the world economic and social system were being questioned. This had already begun with the debate on labour market rigidities and flexibility a full decade earlier.

At one extreme, the new reality was seen almost as an existential crisis. Traditional methods of regulation were being seen as ineffective or obsolete. Change was forced by new applications of technology and management methods. This was decisive for the collapse of communism and the systemic change of the end of the last century.

The focus on fundamental labour standards grew out of the search for the role of the ILO and its instruments in the new global context. This mirrored the way in which Edward Phelan, then Acting Director-General, had argued in 1941, successfully, for the role of the ILO and its principles in post-war reconstruction. Albert Thomas endeavoured to have the economic role of the ILO recognized in the emerging multilateral system but he had little success. The 1998 Declaration on Fundamental Principles and Rights at Work shows how social justice was challenged by systemic change and how use could be made of the potential of the Constitution and procedures of the ILO. Today, the ILO is a regular participant in the G20 group of the main world economies.

The 2017 Conference conclusions have what for me is an almost breathtaking reference to the need for coherence with the regular standards supervisory system of the ILO. The time is over for categorical demands for building a firewall between regular supervision and the Declaration

follow-up. The conclusions ask the ILO to pursue “the synergies between the follow-up to the 1998 Declaration and the work of the ILO supervisory bodies on the fundamental Conventions with development cooperation”. In other words, the implementation and assistance methods have become increasingly merged, producing the “teeth” that can be made use of today.

Ever since the early 1990s, a debate on the functioning of the ILO’s normative system has been conducted parallel to that on fundamental labour standards. Instruments have been reviewed. All aspects of the supervisory mechanisms have been or continue to be discussed. Standards define what social justice calls for. The suitable means of dealing with them have to be negotiated, and instruments that are adopted have to be promoted and supervised. The full cycle of standards starts with their identification and adoption and continues with their supervision and review. None of the many reviews of the standards system has done more than adjust and update the details of the ILO’s approach.

The history of the ILO could be written from the vantage point of the debates in the Governing Body on the agendas of future Conferences. The search continues for the best way to set the agenda of the Conference, which guides both standard setting and other action by the Organization and its constituents. In 2010, I turned over the troublesome but challenging dossier of future agenda items – one of the major questions to be decided by the Governing Body – to Guy Ryder when he became Deputy Director-General.

At the time I said that in 14 years I had found out at least as many ways in which the question should not be dealt with without hitting upon the right answer. This is where the recurrent item discussions, inspired by the Social Justice Declaration, should be able to help. As they assess how the various programmes of the ILO function, they should also suggest where a new or revised standard would be of particular use.

Each strategic objective of the ILO is based on identified labour standards. Labour market policies could not exist without standards. Neither could labour statistics. International labour standards are far more than legislation. They are a living entity at the foundation of social justice. No standard is applied in the abstract. The ILO framework both regulates and

encourages attaining the aims of social justice. Much experience has been acquired over the last twenty years of applying fundamental principles and rights to an infinite variety of national and local, industrial and occupational circumstances. This experience is there to be used for shaping and adapting further the standards instruments at our disposal.

The call for the business case of labour policies is understandable and legitimate. Equally understandable should be the labour case for good business and economic performance. This is where the heart of the matter is. It is also where freedom of association and effective collective bargaining are the answer.

I continue to be inspired by the Conference Delegation on Constitutional Questions, which in its report to the 1946 International Labour Conference in Montreal wrote:

Flexibility is the first essential of a good constitution. The circumstances in which it may have to be applied in the future cannot now be foreseen and are likely to change greatly in the course of years. Flexibility allows of growth and of adaptation to the needs and opportunities of the unknown future; rigidity is likely to result in frustration rather than progress.

With this quote, I rest my case for the potential – and indeed, the “teeth” – of the International Labour Organization to deal effectively with the application of its human rights mandate, that of global recognition and realization of fundamental principles and rights at work.

This book explains how the ILO faced the challenges of globalization to social and labour rights when the end of the Cold War and new information technology changed the practice of international economic relations and trade.

It traces the reaction to the continued use of child and forced labour, discrimination and denial of trade union rights. The result was the 1998 Declaration of the ILO on Fundamental Principles and Rights at Work. The ratification of the ILO Conventions on these rights has reached record levels.

The adoption of the Declaration by the International Labour Conference set the benchmarks for fundamental labour rights for the whole international system. But this was just the beginning of the story. Extensive technical cooperation programmes have been undertaken for implementing these standards in practice. They are based on an “ILO method”, which combines political will with better capacity to solve problems on the ground in varying and often complicated circumstances. The ILO has for nearly a century based its work on setting and implementing international labour standards through cooperation between governments, employers and trade unions. This book looks at some of the ways in which this has been carried out. It aims at drawing lessons from the experiences in a number of countries, such as Myanmar, Indonesia, Colombia, Niger and Uzbekistan. Two decades after the adoption of the Declaration, it points out to challenges in such different areas as the informal economy, supply chains, the management of world trade, and the daily work of enterprises, trade unions and labour administration.

About the author

Kari Tapiola (born 1946) worked as a journalist and trade union official in his native Finland. He worked in the United Nations Centre on Transnational Corporations 1976-1978 and was General Secretary of the Trade Union Advisory Committee to the OECD 1978-1985. He became a member of the Workers' Group of the ILO Governing Body in 1991 and joined the ILO as Deputy Director-General in 1996. He served as Executive Director until 2010 and retired from the ILO in 2014, continuing to follow the implementation of fundamental labour standards.

International Labour Organization
4 route des Morillons
CH-1211 Geneva 22 – Switzerland
Tel.: +41 (0) 22 799 61 11
Fax: +41 (0) 22 798 86 95
declaration@ilo.org - www.ilo.org/declaration

ISBN 978-92-2-030894-3



9 789220 308943