

International labour standards: The challenges of the 21st Century

1. The year 2000 is no doubt as good a time as any to reflect afresh on why the International Labour Organisation should have come into being in the 20th Century and why it should continue into the 21st. At the top of the list of answers to both questions is *international labour standards*.

2. It is not just nostalgia which might lead to a brief retrospective on 1919. Naturally, the humanitarian considerations in favour of more decent working lives, which had been becoming more and more difficult to ignore since the end of the previous century, provided an idealist as well as a practical orientation for a different kind of international organisation alongside the League of Nations. Of course, it was also the particular political environment in Europe around 1917 to 1919 which nurtured the insight that the labour movement - and, to maintain equilibrium, employer interests - could and should be embraced in policy-making and decision-taking at both international and national levels. But it was the creative genius behind the notion that a system of international standard-setting in the labour and social sphere could be the means of harnessing these social forces in order to serve those human objectives, while at the same time addressing the demands of *international trade* and thus economic development, which was to be the defining characteristic of the ILO.

3. All of this strikes similar chords in the year 2000 to those echoing from eighty years ago. Plainly, though, the aura of the past which is often perceived around international labour standards is not something which appeals much in the new era. So the main challenge now has to be to isolate the elements of the normative complex likely to prove most viable, relevant and adaptable to conditions in, say, the next eighty years or so.

I. Social dialogue, tripartism and consensus

4. The tripartite composition of the ILO remains crucial to the standard-setting function for at least three reasons. First, it is obvious that, when discussion is to centre on conditions in the workplace, people with practical experience of the subject matter are the best equipped to know what the problems are and what might be the best ways of trying to address them. This is certainly the case as regards technical work processes (occupational safety and health, working time, etc.); but those workers and employers are also going to have the sort of realistic approach to more wide-ranging aspects of working life (such as wage and benefits systems, collective bargaining, employment and training systems) which must colour more general policy-making.

5. Secondly, it is as employers and workers that people have to function within the context of the prevailing labour standards. They are naturally going to do this more willingly and effectively - and the standards themselves are going to be implemented more satisfactorily - when it is they themselves who have taken part in the determination of their contents and they are not merely faced with a set of regulations imposed from above.

6. A third, slightly different, point is that a tripartite approach to all kinds of

social and labour questions is one which seems to be rather more favourable to consensus-creation - and, arguably, implementation - than other modes of operation. The catalogue of international labour standards is full of examples of where the ILO's tripartite structure has facilitated progress: some of the early instruments adopted immediately after the First World War and in the 1920's are little short of epoch-making in the story of human rights development¹; and the period after the Second World War was most fertile of all, with a succession of Conventions laying down concrete obligations on the foundation of the thinking behind the 1948 Universal Declaration of Human Rights². This, then, is economic and social standard-setting with a strong civil and political flavour. In fact, the civil and political overtones of the Organisation's tripartite structure are so strong, that the whole concept of *social dialogue* eventually tends towards a qualitative change, in which the traditional social partners (employers' and workers' organisations) strive to increase their representativeness by reaching out to other non-governmental civil bodies and social organisms (which poses the ILO a challenge of a different order).

II. The breadth of international labour standards

¹E.g., the first child labour Convention - Minimum Age (Industry), 1919 (No. 5) - or the Forced Labour Convention, 1930 (No. 29).

²E.g., 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). Not far behind these came the Equal Remuneration Convention, 1951 (No. 100), the Abolition of Forced Labour Convention, 1957 (No. 105), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

7. Assuming that an historical perspective is not necessarily the most attractive, perhaps one which takes in the very wide scope of the ILO's instruments will help. The fundamental "core" is now considered rather solid and complete, following the adoption of the two basic child labour Conventions³. In 1993, the Governing Body pinpointed four other Conventions⁴ as priority ones on which frequent reporting was desirable, and it is easy to see why. Labour inspection is a key function of administration, since the whole body of labour legislation and regulations on all substantive matters depends on either good will and a law-abiding spirit in the workplace or effective enforcement mechanisms. Active employment policy should be the vehicle for promoting full, productive and freely-chosen employment: Convention No. 122 is the prime example of those instruments in the form of an international labour standard which create valuable obligations on the State but are essentially conceived in terms which establish a framework adaptable to countries at all stages of development⁵. And Convention No. 144 is another framework Convention (almost unique, by the way, in that it lays down no actual *labour* standards itself), providing this time for mechanisms appropriate to national conditions in each country, so as to ensure tripartite consultation on all international and national aspects of substantive labour standards.

8. Only slightly further afield, a larger group of Conventions (and perhaps a handful of Recommendations) emerge which elaborate on various other essential components of a *decent work*⁶ régime. In the ILO of the year 2000, this concept

³Minimum Age Convention, 1973 (No. 138), and Worst Forms of Child Labour Convention, 1999 (No. 182).

⁴Labour Inspection Convention, 1948 (No. 81); Labour Inspection (Agriculture), 1969 (No. 129); Employment Policy, 1964 (No. 122); and Tripartite Consultation (International Labour Standards), 1976 (No. 144).

⁵Convention No. 122 is also one of an interesting few which provide for dialogue (consultations) outside the employer and worker sphere - in this case, with "persons affected" by the policies and measures in question. See Article 3 of the Convention.

⁶For the general introduction to this concept, see Decent Work, Report of the Director-General, International Labour Conference, 87th Session, Geneva, 1999.

would in any event merit at the very least a short digression. But in fact there is no diversion at all from the present theme of a viable and vital system of international labour standards. The idea of *decent work* takes on board the overwhelming fact of economic globalisation - with the transformation of the nature of enterprises, not least by dint of new information technologies and the now almost universal acceptance of market forces as a determinant. It then balances it with a changing social consciousness, in which social division and exclusion are perceived as both unjust and counter-productive. Its singularity is, in the right hands, its capacity to identify both the components of a tolerable and sustainable working life and the means of securing it. By its focus on the four-fold strategic objective of promotion of rights at work, employment, social protection and social dialogue, it sets the scene for concerted action on all the elements of work which can be said to be decent.

9. The Conventions which assist in this task will thus include ones dealing with the more general responsibilities of a labour administration⁷, particularly that of extending its functions into more informal types of employment where a regulatory culture does not operate. The main Conventions⁸ and Recommendations⁹ describing in greater detail how employment policies can be formulated and implemented will also appear. Then there will be a judicious representation of the leading Conventions on social policy¹⁰, wages¹¹, occupational safety and health¹², working time¹³, home work¹⁴, labour clauses in public contracts¹⁵, occupational

⁷Labour Administration Convention, 1978 (No. 150): see especially Article 7. See also Labour Statistics Convention, 1985 (No. 160).

⁸Employment Service Convention, 1948 (No. 88); Human Resources Development Convention, 1975 (No. 142); Private Employment Agencies Convention, 1997 (No. 181); Termination of Employment Convention, 1982 (No. 158); Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159).

⁹Employment Policy Recommendation, 1964 (No. 122); Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169); Job-Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189).

¹⁰Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117).

¹¹Minimum Wage Fixing Convention, 1970 (No. 131); Protection of Wages Convention, 1949 (No. 95).

¹²Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148); Occupational Safety and Health Convention, 1981 (No. 155); Chemicals Convention, 1990 (No. 170).

¹³Weekly Rest (Industry) Convention, 1921 (No. 14); Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106); Holidays with Pay Convention (Revised), 1970 (No. 132); Paid Educational Leave Convention, 1974 (No. 140); Part-Time Work Convention, 1994 (No. 175). See also Reduction of Hours of Work Recommendation, 1962 (No. 116).

¹⁴Home Work Convention, 1996 (No. 177).

¹⁵Labour Clauses (Public Contracts), 1949 (No. 94).

health services¹⁶, prevention of major industrial accidents¹⁷, migrant workers¹⁸, indigenous and tribal peoples¹⁹, seafarers²⁰. The income aspect of social protection is at present undergoing fresh examination in the ILO, but in any comprehensive view of *decent work* reference can certainly be made to some basic standards here too²¹.

10. There can be more, of course. But one fact which must be put over more effectively is that the catalogue of international labour standards contains instruments of several different kinds. Some Conventions enshrine *principles and rights* regarded as fundamental; some describe social and labour *policies* together with modes of operation, structures and procedures for implementing them; some suggest precise *regulations* to deal with workplace problems; some combine these elements. What is not correct is to suppose that all labour standards are about regulations in the work place, with the implication that "labour standards" necessarily raise labour costs and lead to loss of competitiveness. Many of the above - relating, for example, to employment policy or occupational safety and health - will, on the contrary, tend to have rather favourable consequences for enterprises in terms of, among other things, productivity. Nor is it too much to argue that international labour standards in general contribute to sustainable development.

¹⁶Occupational Health Services Convention, 1985 (No. 161).

¹⁷Prevention of Major Industrial Accidents Convention, 1993 (No. 174).

¹⁸Migration for Employment Convention (Revised), 1949 (No. 97); Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).

¹⁹Indigenous and Tribal Peoples Convention, 1989 (No. 169).

²⁰Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147).

²¹See the Social Security (Minimum Standards) Convention, 1952 (No. 102); the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168); and now the Maternity Protection Convention, 2000 (No. 183).

III. Ratifications

1. At the same time, it should be obvious that, when the whole list of (as at 1 July 2000) 183 Conventions and 4 Protocols - with in all 6,763 ratifications²² - and 191 Recommendations looms on the horizon, there is a crying need for simplification. One approach to this is a sort of constitutional housekeeping involving the *withdrawal* of obsolete Recommendations and Conventions which can never come into force, and the *abrogation* of certain other obsolete Conventions²³. A simple and immediate way of simplifying, though, is to make the whole scenario less "busy", by ceasing references to unhelpful non-disaggregated statistics, and selecting instead the instruments which lay down real obligations for States or give guidance which is actually relevant and useful.

11. Steps have been taken in this direction since 1979²⁴, when the first distinctions were drawn by the Governing Body of the ILO between Conventions regarded as ones to be promoted on a priority basis and other Conventions. The

²²See Report III (Part 2), International Labour Conference, 88th Session, 2000.

²³*Abrogation* of Conventions which are in force was the object of the Instrument for the Amendment of the Constitution of the International Labour Organisation which was adopted by the 85th Session of the Conference in 1997 but which, for want of ratifications, is not yet in force. The first *withdrawals* of obsolete Conventions took place at the 88th Session in 2000, in respect of five Conventions adopted in the 1930's which never came into force. The possible withdrawal of 20 obsolete Recommendations is on the agenda of the 89th (2001) Session.

²⁴See Final Report of the Working Party on International Labour Standards, ILO Official Bulletin Vol. LXII, 1979 (Series A). This was reviewed 8 years later: Report of the Working Party on International Labour Standards, ILO Official Bulletin, Vol.LXX, 1987 (Series A).

latest stage in this process, which was resumed in a slightly different form in 1995 by a Working Party of the ILO Governing Body on Policy regarding the Revision of Standards, has enabled the identification of some 68 Conventions, 3 Protocols and 60 Recommendations considered to be "up-to-date"²⁵. ILO publications and compilations have of course long featured the instruments regarded as most relevant. But the large numbers of ratifications held out as significant have not yet been purged of all of the ones which do not carry any actual substantive obligations (in particular, Conventions not in force either at all or for given countries, and Conventions which only bring formal revision of final Articles concerning matters such as requirements for coming into force). Doing that in a way which analyses the meaningful obligations on States would give a more comprehensible and clearer image of each country's and the world's real commitment to international labour standards.

²⁵GB.277/LILS/WP/PRS/1/1 provides a detailed summary of the situation as of March 2000. Convention No. 183 and Recommendation No. 191 concerning maternity protection can now be added to the list of up-to-date instruments. The count here is not the same as that described in paras. 7 to 10 above in relation to *decent work*, because there the starting point is the "core" Conventions and the movement is outwards: contrariwise, the Working Party starts from the totality and moves inwards. Furthermore, the 68 +1 do not include several Conventions which are in force and which create meaningful obligations on States, but which have been revised by more recent Conventions on the same subject - the latter being, Q.E.D., more "up-to-date".

12. Is there, then, a further problem in a weakened willingness among member States to ratify ILO Conventions? Although it is certainly possible to point to lower numbers of ratifications of many of the more recent Conventions, ratifications of the fundamental and several other Conventions have in the last five years increased rather impressively²⁶. It cannot, moreover, be assumed that absence of ratification means a Convention is necessarily given no effect. Besides, there is an inescapable mathematical logic in diminishing numbers of new ratifications of older Conventions: the more ratifications of, say, Convention No. 87 are registered, the fewer remain to be registered - so that a rate of something like 10 per year can surely not be sustained for long (especially since it is clearly the countries with the most serious difficulties which will take longest to reach that stage). In this case, a slower rate of ratification is really a sign that qualitative as well as quantitative progress has been made. This is a point which has perhaps not been put across too well.

13. Ratification matters because it creates a legal obligation on the State. Therein lies no doubt one of several interesting challenges for a normative organisation such as the ILO, in the sense that the creation of international legal norms which bind States ought to be a concern not only of the ILO and the States in question but - in different ways - of other actors in the multilateral system. In particular, it is sometimes striking that some international organisations, such as financial institutions, may not have regarded the fact that a given State is bound by the obligations of a given international labour Convention as any constraint on new advice or obligations with which they face a State. One example might be where a developing country bound by Convention No. 81 to ensure the operations of a labour inspection system is placed in the impossible position of obtaining monetary or financial help only on the condition that it reduce government spending on labour inspection and fail to discharge its obligations under that Convention. In a multilateral system where the rule of international and national law, as well as the indispensable role of social and labour standards in the achievement of sustainable development and even short-term competitiveness, is to be given greater weight, there may be an argument here which could perhaps be put more strongly.

IV. The Declaration on Fundamental Principles and Rights at Work

²⁶See GB 277/LILS/5 (March 2000), which indicated a total of 167 new ratifications of the seven fundamental Conventions in that period. As of July 2000, the total is nearer 180, in addition to 30 ratifications of Convention No. 182 - a record for the first year of any Convention.

14. In any event, perception in this area came in the 1990's to fix on a failure of the ILO to respond to contemporary needs. Specifically, not all (the most important) Conventions had been ratified by all (the most important) States, which were therefore not held to account for themselves when failures of implementation occurred. More generally, international debate in the context of economic globalisation - notably at the 1995 World Summit for Social Development in Copenhagen - re-focussed attention on basic workers' rights and the centrality of the goal of full, productive and freely-chosen employment; and - notably by way of the 1996 Ministerial Conference of the World Trade Organisation in Singapore - on the role of the ILO in relation to labour standards. The Declaration adopted by the International Labour Conference in 1998 was the ILO's response.

15. The principles and rights identified by the Declaration are those dealt with in the fundamental Conventions on (a) freedom of association and collective bargaining; (b) forced or compulsory labour; (c) child labour; and (d) discrimination in employment and occupation²⁷. The way forward reaffirmed by the Declaration is, first, advisory services and technical cooperation in order to promote ratification and implementation of the fundamental Conventions; and, second, assistance in promoting the principles even in the absence of ratification. This, then, constitutes an ILO contribution to strategy for creating a climate propitious to economic and social development. The key tools in this strategy are indicated in the Follow-Up which forms an integral part of the Declaration: regular reporting under article 19(5)(e) of the ILO Constitution on unratified fundamental Conventions leads to examination by a specially created group of experts and then the Governing Body²⁸; and a global report by the Director-General each year on one of the four categories of fundamental principles and rights leads to a discussion at the Conference²⁹.

²⁷That is to say, Conventions Nos. 87 and 98; 29 and 105; 138; and 100 and 111. As regards child labour, Convention No.182 has since been recognised as belonging to this list.

²⁸See Review of annual reports under the Follow-Up to the ILO Declaration on Fundamental Principles and Rights at Work: Part I (Introduction by the ILO Declaration Expert-Advisers to the compilation of annual reports, Geneva, March 2000) in GB.277/3/1; and Part II (Compilation of annual reports by the International Labour Office) in GB.277/3/2.

²⁹See Your Voice at Work (Global report under the Follow-Up to the ILO Declaration on Fundamental Principles and Rights at Work), International Labour Conference, 88th Session, 2000, Report I(B).

16. For the present purpose, the Declaration process can perhaps be seen as both a stimulant and a manifestation of a process long-since engrained in the ILO *Weltanschauung*, but clearly in need of restatement. That is precisely the process which consists of deciding at the international level what are the common standards, principles and rights which should operate throughout the world; of pinpointing obstacles in the way of applying them at the national level; and of doing practical things to overcome those obstacles. Certainly the Declaration brings new advantages of higher visibility, greater universality and improved potential for practical action. At the same time, it is sometimes useful to emphasise the continuity of this process. With the partial exception of Convention No. 138, the fundamental Conventions had already obtained high rates of ratification before 1995, and the campaign for universal ratification of them launched by the Director-General of the ILO in May 1995 had already provoked a very good level of new ratifications. The idea of regular government reporting on implementation, plus consideration by an independent expert body as well as the tripartite International Labour Conference, is over 75 years old and has continued to produce palpable results. And the notion that technical cooperation should draw on the provisions of international labour standards and should be used to help member States fulfil standards-related obligations had already been gaining currency. The process of which the Declaration is a part, then, logically flows back into the broader stream of normative action as a means of promoting economic and social development; and the question is again how the *modus operandi* of international labour standards responds. So, there are more ratifications of fundamental Conventions: what consequences does this bring?

V. Supervision

17. The ILO's supervisory procedures amount to one of the best guarantees you can have that international labour standards will be applied³⁰. In their essence they are not complicated. Member States of the ILO have an obligation under article 22 of the Constitution to supply regular information on the legal and other measures taken to meet the requirements of the Conventions they have ratified. The Constitution recognised in 1919 that voluntary ratification should be a necessary step between the adoption of Conventions by the Conference and the coming into force of the State's obligation to implement them; and this is one of the timeless facts of life which dictated the approach to the Declaration taken by the Conference in 1998. The government reports containing that information are examined by the Committee of Experts on the Application of Conventions and Recommendations, which functions on principles of independence, impartiality and objectivity and, wherever there are problems of implementation, addresses comments to the governments concerned³¹. The main part of this objective analysis is subsequently examined by the tripartite Conference Committee on the Application

³⁰See in general Handbook of procedures relating to international labour Conventions and Recommendations, International Labour Office, Geneva, Rev.2/1998.

³¹The most recent report is in Report III (Part 1A), International Labour Conference, 88th Session, 2000.

of Standards³², at which government representatives in the most serious cases are invited to answer the criticisms made. This procedure has since 1964 contributed to 2,230³³ cases where satisfaction has been attained in respect of problems raised, as well as many other uncounted positive developments. The regular supervisory procedure is supplemented by special complaints procedures. The article 19 procedure for reporting on unratified Conventions is used each year for different (non-fundamental) Conventions and applies to Recommendations too³⁴.

18. Several factors contribute to the success of this system. The main one is the happy combination of impartial expert review followed by tripartite discussion of difficulties. The former depends on dedicated and sustained servicing of the Committee of Experts, which involves active, comparative legal expertise and the capacity to conduct dialogue with the States concerned through informal channels as well as the formal supervisory exchanges. The latter invokes the social and more political arguments and pressures which may be necessary in order to help bring about the legal (and more political) changes within a State which will in turn lead to recognition of the problem of application and the taking of concrete measures to deal with it. Employers' and workers' organisations are a vital part of this, both through their participation in the Conference and through exercise of their less well-known power to make observations on problems of application for the consideration of the Committee of Experts. So far so good. Now for the complications.

³²See Report of the Committee on the Application of Standards, International Labour Conference, 88th Session, Geneva, 2000, Provisional Record 23 (Parts One and Two).

³³See footnote 31, para. 100.

³⁴See footnote 31: the Committee of Experts makes a separate General Survey of the subject concerned, which appears as Part 1B of its report. The most recent General Survey was on tripartite consultation.

19. The 1919 Constitution provided for annual reporting on all ratified Conventions. When total ratifications are into the thousands, this is clearly neither feasible nor desirable. Governing Body decisions over recent decades - to space out article 22 reports first every two years then every five except for Conventions such as the fundamental and priority ones where reporting remains two-yearly but may be more frequent if the Committee of Experts so considers or where reports are already overdue or have not replied to previous requests for information - have thus had the very regrettable consequence of making the reporting system complex to the point where it borders on the arcane. This is in itself a serious shortcoming in a system which has to be transparent, understandable and attractive to all concerned if it is to serve its purpose to the full. In addition, it means that the system constantly risks failure to pick up in adequate time significant problems of application of non-priority Conventions (including ones referred to in paragraph 9, above, which help define the notion of *decent work*) where reporting is normally only five-yearly. Thus, in the third place, the volume of undifferentiated reporting and analytical work resting on the shoulders of government administrations and national employers' and workers' organisations as well as the International Labour Office and the supervisory bodies may cause severe difficulties in dealing even with fundamental Conventions.

20. The developments which culminated in the adoption of the Declaration in 1998 hold other lessons too. One is the confirmation that there is still a strong consensus around the need for normative action *including supervision*³⁵ in the social and labour sphere. Another - which should surprise no-one - is that constituents and administrations of all kinds require greater focus and prioritisation in such normative action. A third - which may be the greatest task of all before the Office in terms of strategy, programming, implementation of objectives and operationalisation of the concept of *decent work* - is that priorities and plans of action for technical cooperation should be determined by reference to both fundamental principles and

³⁵The terms "normative" and "supervisory" are of course not entirely apt in the context of the Declaration. But the recognition of obligations, principles and rights contained in the body of the Declaration and the follow-up devices contained in its Annex are arguably at least analogous to normative and supervisory process.

rights at work and, more widely, embrace respect for and aim to promote international labour standards³⁶.

21. The moral of this story seems to be that the supervisory processes should focus themselves more. It would no doubt be putting it too crudely to say that they should concern themselves only with a select group of Conventions relating to fundamental principles and rights and a *decent work* régime. However, there are, equally, clear arguments for a greater *give-and-take* vis-à-vis international labour standards: *giving* guidance on precepts by which decisions on technical cooperation and advisory services should be offered by the Office - *taking* into consideration the prevailing feelings of constituents as to the real priorities; *giving* information to constituents and the field structure on the difficulties of implementing standards - *taking* notice of how the practical problems arise and progress which is achieved in terms of the knowledge/service/advocacy trilogy of the ILO's modes of action.

22. One way of refocussing might be for the supervisory bodies to adopt a more "country-centred" methodology. This would imply some presentational changes, an endeavour to put to the member States a more coherent and cogent statement of the problems of application in a way which each State can more readily assimilate. It would have to derive, furthermore, from a greater *give-and-take* between the Office's work in servicing the supervisory bodies on the one hand and its technical cooperation and advisory work relating to employment, social protection and social dialogue on the other.

³⁶See Annex to the Declaration, Part III.B.2; and Resolution concerning the role of the ILO in technical cooperation (Conclusions, Para. 4), adopted in 1999 by the 87th Session of the Conference.

23. A suitable occasion for this kind of reorientation might be the review of the article 22 reporting system expected in 2001. The current periodicity of reporting on ratified Conventions (basically, two-yearly or five-yearly, but with various exceptions) was decided in November 1993³⁷ and came into operation in 1996 for a trial five-year cycle. It has unfortunately not yet produced any appreciable rise in the percentages of reports actually received³⁸, while States' new commitments, especially to the fundamental Conventions, have nevertheless continued to increase. The national administrative burden of reporting is a significant one not only for developing countries, while the capacity of the Office to discharge the tasks associated with servicing the supervisory bodies is sorely stretched. A move towards a radical simplification of the reporting system could be very welcome, then: a system where each government would owe just one report each year but that report would include all *necessary* information on problems arising under *all* ratified Conventions is quite conceivable.

24. This kind of approach might in fact be found to enhance the credibility and widespread respect persistently accorded both within member States and among other international organisations to the ILO's supervisory mechanisms, with their prudent mix of independent expert review, tripartite dialogue and special complaints procedures. It may be that, in a "country-centred" rather than a "Convention-centred" perspective - that is, one which tries to see the problems of application more from the point of view of the member State and its constituents as well as from that of the international organisation -, the supervisory system finds it somewhat easier to prioritise, to concentrate on the most important issues, while making itself less esoteric and more accessible.

³⁷GB.258/6/19

³⁸Following highs of over 80 registered into the 1980's, the percentage of reports received in time for the session of the Committee of Experts was 61.4 in November 1999, compared with 63.3 in 1996, although there are some signs of the fall bottoming out: see footnote 32 above, Part Two, statistical table D (page 23/124). Still, reporting performances continue to stand up well to comparison with figures for human rights instruments in other international organisations.

VI. New kinds of international labour standards?

25. The approach in all of the above is to try and build a bridge away from the international standard-setting born of an industrialising world and struggling for relevance to countries at all stages of economic, social and political development towards a normative construct which will survive in a new century characterised more by economic globalisation and a rather different international architecture. One way in which the ILO is perhaps succeeding in adapting itself is by re-designing its mid- to long-term objectives and looking anew at the tools it might use to achieve them³⁹. Given their history, international labour standards remain the object of a shared commitment among the ILO's constituents, although there is now an undoubted perception that they should have a qualitatively greater visibility, effectiveness and relevance⁴⁰. This leads to exploration of new means by which they might be translated into real changes in the workplace⁴¹, and debates as to the form as well as the content of future instruments which might be adopted in the ILO. The evolution of this subject has not yet ceased.

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³⁹See, e.g., Decent Work (footnote 6 above); and GB.276/PFA/9 (November 1999): Programme and Budget Proposals for 2000-01: Approval of the detailed budget and further development of strategic budgeting.

⁴⁰Reply by the Director-General to the discussion of his Report, International Labour Conference, 88th Session, Geneva, 2000, Provisional Record 25.

⁴¹The desire for non-legislative means is one reason for the renewed emphasis on collective bargaining as a way of fixing working conditions; but other voluntary means might also be sought.