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Political Resolutions in the International Labor Organization: The Experience since 1964
Les résolutions de caractère politique à la Conférence internationale du travail

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Article abstract

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The resolution[1] has traditionally been used as an instrument for expressing a consensus of opinion in the International Labor Organization (ILO). In recent years, however, resolutions have been used increasingly to promote partisan political views in the Organization. This use of political resolutions is symptomatic of power shifts in the composition of the Organization; they are but one element of increasing politicalization of the ILO. This paper will examine the difficulty in defining a "political" resolution, analyze the increased use of political resolutions in the ILO, and discuss various attempts made to restrain their use and minimize their disruptive influence[2].

THE PROBLEM: POLITICIZATION

The ILO is a specialized agency within the United Nations family charged with the improvement of working conditions throughout the world. Founded in 1919, the Organization convenes an annual International Labor Conference to draft international labor standards, authorize technical assis-

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  1 The "resolutions" and resolution procedure referred to throughout this paper is that described in Article 17 of the Standing Orders of the International Labor Organization. Article 17 provides that delegates to the annual International Labor Conference may submit resolutions not related to topics already on the Conference agenda to the Director-General of the Organization for consideration by the Conference.

  2 Torsten LANDELIUS discussed the problem of political resolutions in his *Workers, Employers, and Governments: A Comparative Study of Delegations and Groups at the International Labor Conference, 1919-1964*, Stockholm, AB P.A. Norstedt and Sonen, 1965. His text is now outdated, however, it shall be referred to several times in this paper.

tance programs, and give general guidance to the educational and research efforts of its secretariat, the International Labor Office. The Organization is constitutionally mandated to perform a range of specialized functions to improve the lot of wage and salary earners. Because much of this work requires cooperation among governments, employers, and workers, a tripartite system of representation is used, bringing together delegates representing these often conflicting views. This system is unique among UN agencies as it combines the partisan interests of private voluntary organizations[3] as well as the international interests of the national polity[4].

The "functionalist"[5] theory of the workings of international organizations contends that nation-states seek supranational organization in order to realize objectives which are common to all yet involve complex problems whose amelioration requires cooperation across national boundaries. Because the issues dealt with by the organization are circumscribed by its members, the international cooperative effort ought to trensend the scope of national politics. While each nation-state is influenced by domestic and international political pressures, a commitment to international objectives minimizes conflict in the international organization. For example, members of the ILO have agreed to support the economic development of lesser developed countries through the International Labor Office. While the spirit of international cooperation exists for this goal and a plan of action may ultimately be agreed upon, delegates will nonetheless debate specific aid programs according to pressures generated by partisan objectives.

Politicization of specialized international organizations occurs when the functional processes of the organization, the ILO resolutions procedure, for example, are used for purposes outside of the organization's specialized competence[6]. The result is a distortion of the process in question and controversy in the specialized international forum. Hence, when the subject matter of resolutions in the ILO turns away from labor standards, technical assistance, research, or other programs and topics which members deem to be within the Organization's supranational competence, then the resolution seeks to realize national rather than the ILO's specialized international objectives. Similarly, blocs of like-minded nations may ally to accomplish

3   Labor unions and employer, trade associations.

4   For a full discussion of the workings of the ILO, see G.A. JOHNSTON, *The International Labour Organization: Its Work For Social and Economic Progress,* London, Europa Publications, 1970.

5   MITRANY, David, *A Working Peace System,* Chicago, 1966, for a full explanation of the functionalist view of specialized organizations.

6   LYONS, Gene M., David A. BALDWIN, and Donald W. McNEMAR, "The 'Politicization' Issue in the UN Specialized Agencies", in *The Changing United Nations: Options For The United States,* David A. Kay, ed., New York, The Academy of Political Science, 1977, p. 81.

their own partisan objectives. As a result, controversies arise regarding the propriety of the resolution. These controversies absorb the time and attention of the Organization, eventually having a detrimental effect on the execution of the Organization's tasks.

The concept of a specialized, mission-oriented, international organization implies that members of the organization recognize its limited jurisdiction and authority. Essentially, the creation of specialized organization requires that issues beyond an organization's jurisdiction be reserved for other specialized agencies or the political organizations of the UN family. Member states may, of course, attempt to modify the organization's jurisdiction through constitutional processes[7]. However, until the jurisdiction is reexamined and altered, the introduction of issues outside the constitutionally recognized confines of the organization will tend to have a divisive impact. Such is the case with political resolutions in the ILO.

Definition of a Political Resolution

Political resolutions have existed in the ILO throughout its history[8]. It has not been until recently, however, that such resolutions have had a significant impact on the workings of the Organization. As Western hegemony in the Organization has diminished, the potential for differing views of the propriety of particular resolutions has increased. Since 1964[9] power in the ILO has shifted so drastically that resolutions of a political nature have sometimes become disruptive of the International Labor Conference. This disruption results from the conflict between the broad interpretation of the ILO's jurisdiction held by Eastern European and Third World nations and the more narrow interpretation applied by the "old guard", the industrialized market economy nations[10] of the West.

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7 For an analysis of Soviet motivations for joining the Organization see Ernst B. HAAS, *Beyond The Nation-State, Functionalism* and *International Organization,* Stanford, Stanford University Press, 1964, pp. 228-233.

8 For examples of political resolutions between 1950 and 1964, see International Labor Conference Proceedings from the following years at the page indicated: 1950: 415, 1950: 416, 1951: 520, 1951: 522, 1952: 452, 1955: 537, 1955: 541, 1956: 594, 1957: 605, 1958: 215, 1960: 578, 1960: 595, 1961: 681, 1961: 682, 1961: 683, 1962: 624, 1962: 633.

9 The year 1964 is not selected arbitrarily. In 1963, the Group of 77 was officially formed as an interest bloc in United Nations Organizations; the last amendment of the resolutions procedure was made in June 1963; LANDELIUS concludes his study of the ILO, including comments regarding the resolution procedure, after the 1964 Labor Conference; in 1964 official discussions concerning structural reform of the Organization began; and the last exercise of preliminary control over political resolutions occurred at the 1963 Conference. In these ways 1964 marked a turning point for the Organization and an ideal starting point for this paper.

10 Henceforth, "IMEC", industrialized market economy country.

It is difficult to define political resolutions objectively. It is possible, however, to develop and apply certain criteria upon which a determination may be made. Three such criteria are used here.

Political resolutions often inspire conflict among the Organization's members. Controversy may develop over the interpretation of a constitutionally established jurisdictional norm. The degree to which a resolution is controversial *may* define the degree to which its concern represents the political motives of a particular nation or multi-national bloc rather than the concerns of the Organization. This element of "controversialness" must be distinguished from the conflict that normally arises between the interests of the tripartite groups.

A second clue to politicization can be found in the sources of support and resistance given to resolutions. The involvement of various constituent groups in a resolution's sponsorship, debate, and vote may help define the source of controversy which arises over its adoption. In discussing whether a particular resolution is political, we may refer to the support or resistance given to that resolution by *political interest* groups such as Western or Eastern blocs, and the Group of 77, as well as the traditional *economic interest* groups recognized in the ILO's formal composition — employer, worker, and government representatives. For example, a resolution sponsored by the employer, worker, and government representatives from Hungary, Czechslovakia, and the Ukrainian SSR concerning the reconversion of the armaments industry with a view to ensuring world peace and safeguarding the employment of workers affected, may well reflect the desire of the Communist bloc to have the ILO take a position on disarmament.

Several general propositions may be made about sponsorship, voting patterns, and debate:

1. Worker delegates have always sponsored a large majority of the resolutions brought before the Conference because they are "challenging" party within the tripartite system of the ILO.

2. Resolutions with wide support across political and economic interest group boundaries are often non-political resolutions as they represent the aspirations of delegates from varying political persuasions.

3. Sponsorship along geographic or political boundaries may be more indicative of a political resolution than sponsorship along the tripartite economic interest group lines.

4. Voting records showing bloc voting on specific resolutions may, to the degree they can be reconstructed, be indicative of a clash of political interest.

Lastly, politicization may be determined by the content and language of the resolution itself. Although this third criterion is the most subjective, four categories of resolutions may be distinguished in helping to make a reasonable assessment of a resolution's political nature.

The first category includes resolutions concerning current or proposed programs and activities of the ILO or international labor standards set by the Organization. These may be termed *functional resolutions*. While it is possible that some of these resolutions are proposed for political reasons, their result, nonetheless, reflects the mission of the Organization.

A second category includes resolutions promoting a particular course of action or concerning a topic clearly outside of the ILO's franchise as set forth in the Organization's Constitution. Although sponsors of these *non-germane resolutions* may have motivations that are congruent with the ILO's goals, the fact that these topics are outside of the ILO's responsibilities makes them disruptive of the Organization's functions. These may be considered political resolutions because they cause conflict within the Organization by opening discussion on topics upon which member states have not given the Organization authority to act.

The third category includes resolutions calling for or implying the condemnation of a government for the violation of standards or ideals allegedly within the ILO franchise. The opportunity for political pronouncement is inherent in these *condemnatory resolutions*. Because the condemnation may address an issue within the jurisdiction of the ILO, the content and historical context of the measure must be carefully examined in order to determine its intent. An example of the difficulty posed by this type of resolution will be discussed latter.

The fourth category of resolutions includes those concerning the structure and organization of the ILO. Over recent years an impetus has developed to restructure the ILO to accomodate it to a changing international order. Political motivations may be involved in these *structural resolutions*. In fact, the topic of structural reform has divided the Organization for more than 20 years[11].

By analyzing a resolution in terms of three criteria — controversy, lines of support and resistance, and content — a determination may be made as to whether a resolution serves the interest of partisan political blocs in the ILO or the Constitutionally established objectives of the Organization[12].

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11 See Note 36, *infra*.

12 For similar use of "political content and controversy" as criteria for distinguishing between "political issues" and "trade union issues" brought before the ILO's Committee on Freedom of Association, see HAAS, *op. cit.*, p. 388.

Trends in the Use of the Resolutions Procedure Since 1964

Since 1964 the resolution as an instrument of organizational consensus has undergone dramatic change in quantitative as well as qualitative terms. The resolutions have been used with greater frequency and success to pursue the interests of individual nations and multi-national groups — to the disregard of issues which the Organization was originally formed to address. In this sense, adopted resolutions serve as an index of majority concerns within the Organization, while draft resolutions[13] serve as an index of concerns among the various constituent groups of the Organization. The changing orientation of the ILO is shown by the success of political resolutions during various periods in recent years. This success is evidenced by the increased visibility of political resolutions in the debate of the Organization and the greater likelihood of their adoption at the annual International Labor Conference. For this reason, the analysis presented here focuses on the resolutions submitted and adopted over the years.

Table A indicates that the number of functional resolutions adopted by the plenary, as well as the total number of resolutions adopted, has generally fallen since 1964. This can be attributed to the time taken up by the increasingly controversial quality of some resolutions submitted to the annual Conference.

For example, in 1969, only one resolution was adopted by the Conference; it empowered the Office to examine the labor and trade union situation in Spain. In 1973, no resolutions were adopted by the plenary; one resolution regarding the condemnation of Israeli authorities for various labor policies was, however, vigorously debated. Although the resolution was not adopted, the controversy it created took up so much time in the Resolutions Committee and plenary that the Conference was unable to take up other resolutions. In 1975, the first resolution to be considered by the plenary condemned labor policies in Chile. Controversy over this resolution in Committee foreclosed consideration of all resolutions in the plenary that year. And in 1980, debate in the Resolutions Committee over the resolution condemning Israeli settlement policies lasted nine of the fourteen days allocated for the Committee's work[14]. These four years attest to the impact con-

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13 Draft resolutions are those resolutions submitted for Conference review but not adopted.

14 International Labour Organization, *Proceedings of the 1980 International Labour Conference,* Geneva, ILO, 1980, Provisional Record 43, p. 2. Henceforth reference to Conference proceedings prior to 1977 will be noted for example, as CP 1971:8 (Conference proceedings, year, page). Subsequent to 1977, the Record of Proceedings of the International Labour Conference contains a Provisional Record of the Conference Proceedings (PR); a list of corrigenda to the Provisional Record; and the authentic texts of Conventions and Recommendations and the resolutions adopted by the Conference. See p. III of *Record of Proceedings,* Geneva, ILO, 1978. Henceforth, the Record of Conferences after 1977 will be cited as CP/PR 1980, 43:2 (Conference Proceedings, Provisional Record, year, number, page).

troversial resolutions have on the conduct of Conference Proceedings: political resolutions may create a roadblock to consideration and adoption of functional resolutions.

It becomes evident, however, when comparing various years in Tables A and B that the mere *bulk* of non-germane, condemnatory, and structural resolutions submitted to the Conference does not necessarily preclude consideration of functional resolutions. In 1970, five functional resolutions were adopted. Despite the adoption of one Western sponsored condemnatory resolution in 1971, three functional resolutions were adopted in that year. And in 1972, four functional resolutions were adopted in addition to one resolution, sponsored jointly by Western and Eastern delegates condemning Portugal for trade union policies in colonial territories.

Apparently it is a combination of factors in the international political environment, e.g. relations between East and West, North and South, forthcoming decisions regarding various international relations, recent developments between allied nations, etc., that will determine first, whether a controversy will develop over the language of a resolution and, second, whether the conflict is disruptive enough to result in the blockage of other work in the plenary.

It is interesting to note in Table B the quantities of resolutions submitted in each of these four categories. Functional resolutions are most frequently submitted, followed by condemnatory, structural, and non-germane. Table A shows that functional resolutions make up the majority of resolutions adopted by the Conference followed by condemnatory, non-germane and structural resolutions.

While the West has matched Eastern European and Third World sponsorship of condemnatory resolution, the West has consistently out-stripped Eastern European and Third World contributions in the functional category. This may be a result of Western attempts over the years to demonstrate the "proper" sort of resolution that ought to be sponsored by delegations to the ILO[15].

The condemnatory resolution poses particular problems because they provide the opportunity for member states to score political points by levelling embarrassing charges against other states for infractions which *appear* to fall within the ILO jurisdiction. The degree to which charges are justi-

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15 Note the U.S. government's sole sponsorship of the 1980 resolution concerning Zimbabwe. Conference debate was highly lauditory of this resolution; its "pure" nature seems a striking example of that country's attempts to show the "proper" resolutions for the Conference. It is interesting that American interests have been served by Zimbabwian stability and that the United States has begun a substantial aid program with the new African nation.

fied, the historical context of the resolution, and the manner in which the condemnation is made must be considered, in addition to the three other criteria outlined above, in determining if the particular resolution is, *in fact,* politically motivated. The potential conflict and disruption engendered in the condemnatory resolution, as illustrated below, warrants special consideration.

Condemnatory Resolutions: The Anti-Israel Resolutions

In 1971 the worker delegates from the Syrian Arab Republic and Mauritania submitted a resolution to the Conference concerning "the policy of discrimination and violation of freedom of association practised by Israel in occupied territories."[16] The resolution was priority ranked[17] by the Resolutions Committee tenth out of sixteen resolutions and was not considered outside the Committee. In 1973 a substantially similar resolution was submitted, this time sponsored by the *worker* delegates from the Syrian Arab Republic and the Libyan Arab Republic, as well as by the *employer* delegate from Iraq. The 1973 resolution was ranked first out of 21 resolution. In the plenary, however, the resolution died for lack of a quorum. The resolution was resubmitted for a third time in 1974. Ranked first out of fifteen resolutions, the resolution was finally adopted by the Conference.

The anti-Israel resolution is illustrative of the most disruptive sort of resolution. The resolution was extremely divisive, although it concerned an issue which appeared within the jurisdiction of the Organization. The language and historical context[18] of the resolution, as well as the limited and obviously partisan nature of its sponsorship, raised cries of politicization. While each successive submission of the resolution mustered greater degrees of support, each submission of the resolution resulted in greater disruption of the Conference. For example, in 1971 the resolution was not dealt with in the plenary because of its low priority ranking. In 1973, dispute over the propriety of the resolution caused cancellation of one sitting of the plenary and foreclosed consideration of other resolutions. In 1974, the resolution was acted upon swiftly and decisively albeit over protest from various Wes-

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16   CP 1971:8.

17   As will be discussed later in this paper, Article 17(5) of the Standing Orders of the Conference requires that the Resolutions Committee of the Conference determine the priority of resolutions to be brought before the plenary. The first five rankings are determined by Committee vote, the remaining resolutions are given a priority ranking by a Working Party of the Committee.

18   Middle East peace negotiations were underway in Geneva during this period.

tern delegations[19]. However, the adoption contributed to the list of griev-
ances which ultimately led to the withdrawal of the United States from the
ILO.

The language of the resolution as it developed between 1971 and 1974
shows the authors' intention of making a political pronouncement against
the Israeli government. The 1971 text referred to "the policy of discrimina-
tion and violation of freedom of association practised by *Israel* in occupied
territories." This contrasts sharply with the 1973 and 1974 texts which
avoided recognition of the Israeli state by referring, in 1973, to "the policy
of discrimination, racism, and violation of trade union freedoms practised
by the *Israeli authorities in Palestine* and the occupied territories" and, in
1974, to "the policy of discrimination, racism and violation of trade union
freedoms and rights practised by the *Israeli authorities in Palestine and in
the other occupied Arab Territories."*

Another difficulty with the resolution was its disregard for established
ILO procedure. Although the texts of the 1971, 1973, and 1974 resolutions
called for an Office investigation, they condemned the Israeli authorities
before an actual investigation had been made.

Following the adoption of the resolution in 1974, an ILO mission was
sent to the occupied territories. After investigating the situation in the area,
the mission issued a report of which was generally favorable to Israeli poli-
cies. Despite the outcome of the Office investigation, a resolution was sub-
mitted at the 1978 Conference concerning the implementation of the 1974
resolution, asking that the Director-General implement the 1974 resolution
in light of the provision of the Geneva Convention Relative to the Protec-
tion of Civilians in Times of War[20]. The 1978 resolution was not adopted
for lack of a quorum. Discussion in the plenary following the vote indicates
that a degree of backroom persuasion by Western groups may have influ-
enced the outcome of the vote[21]. This may very well have been related to the
fact that the United States withdrew from the Organization in November
1977. In fact, some believe that the 1978 vote resulted from the efforts of
Western delegations to show the United States that progress had been made
in de-politicizing the ILO in the seven months since their withdrawal from
the Organization. There is no certain way of determining whether this par-

19   In fact, a group of worker's members proposed an amendment to the resolution that
would have "replaced the title and text of the resolution, (yet) dealt with exactly the same sub-
ject." The amendment was found irreceivable by the Resolutions Committee after "the Chair-
man and the Committee voted not to hear the opinion of the Legal Advisor" in regard to the
legality of such an amendment. (CP 1974:414-417). See CP 1974:414-429 for discussion of the
resolution.

20   CP/PR 1978, 1:13.

21   CP/PR 1978, 35:13-14.

ticular vote influenced the United States' decision to return to the Organiza-
tion in 1980. It is certain that political resolutions were less successful and
visible at the 1978 and 1979 Conferences then they had been in the early
1970's.

However, another anti-Israel resolution, concerning Israeli settlements
in Palestine and other occupied Arab territories, was submitted at the 1980
Conference[22]. The resolution was ranked first by the Resolutions Commit-
tee[23] and, after several amendments[24], was adopted in the plenary[25]. Several
aspects of this resolution and its adoption are notable.

First, the resolution's original language was significantly amended in
committee in an effort to remove it from the category of resolutions which
blatantly condemn a member state before Office investigation. Hence, re-
ference to "United Nations resolutions condemning the Israeli settle-
ments"[26] was eliminated, a clause merely recognizing the existence of the
U.N. resolutions, citing its language verbatim was substituted[27]; reference
to the existence of an "Israelisation policy"[28] was omitted and replaced[29];
active language "(c)ondemning the establishment of Israeli settlements in
Palestine and *other occupied* Arab territories,"[30] was replaced with "(e)x-
press(ions of) concern at the establishment of Israeli settlements in Palestine
and *the occupied* Arab territories."[31] These efforts to "water down" the
condemnation may be viewed either as capitulation by groups which would
have blocked the resolution in the past, or as a realistic attempt by those
same groups to make more constitutionally acceptable resolutions whose
adoption seems assured. This author believes the latter is the more accurate
view.

Secondly, the resolution was adopted by secret ballot. Mr. Oechslin,
chairman of the employers' group and delegate from France, motioned for
a secret ballot on the question, ostensibly to protect freedom of expres-

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22   CP/PR 1980, 1:1.
23   CP/PR 1980, 39:1.
24   CP/PR 1980, 39:13-14.
25   CP/PR 1980, 43:30.
26   CP/PR 1980, 1:2.
27   CP/PR 1980, 39:30.
28   CP/PR 1980, 1:230.
29   CP/PR 1980, 39:30.
30   CP/PR 1980, 1:2.
31   CP/PR 1980, 39:31.

sion[32]. Mr. Morris, workers' delegate from Canada, seconded the motion[33]. The proposal has great significance beyond its being the first time a proposal for a secret ballot has been made at an International Labor Conference[34]. Knowing that all other avenues of blocking the resolution were closed, Western groups, traditionally opposed to anti-Israeli resolutions, attempted to use the anonymity of a secret ballot to defeat the resolution. In fact, the effort was almost successful: the final vote, requiring a quorum of 257 votes, was 249 votes in favor, 15 votes against, with 156 abstentions[35]. Seven additional abstention votes would have prevented a quorum and defeated the resolution's adoption[36].

Condemnations of Spain, South Africa, and Chile

One observes in Table B a significant number of condemnatory resolutions sponsored by Western delegations. Three of the eight condemnatory resolutions adopted by the Conferences between 1974 and 1980 were sponsored by worker members of Western delegations. As a means of comparison with the political, anti-Israeli resolution it is useful to examine the content of these three resolutions.

The 1969 resolution condemning Spain was sponsored by workers' delegations of seven Western European countries[37]. The resolution was composed of a preamble and three one-sentence paragraphs. The Conference was asked to note that an interim report had been made by a study group on the situation in Spain, that the report had been communicated to the Conference, and that the Governing Body should consider the report. This resolution condemning Spain was sponsored by workers, phrased in language which respects the investigatory procedures of the Organization, concisely stating the facts and presenting the Organization's position regarding further action. The resolution met with no opposition in the plenary[38].

32 CP/PR 1980, 43:24. The vote was in accordance with Article 19, Paragraph 11 of the Standing Orders. Part of Article 19 reads "(v)otes by secret ballot shall be counted by the Secretariat under the direction of three returning officers, nominated respectively by the Government, Employers' and Workers' groups." In an attempt to infuse political interest groups into the Organization's formal recognition of tripartite interest groups, Mr. El Fattal, Government delegate of the Syrian Arab Republic, asked that "in order to observe justice and neutrality and objectivity... the Chairman of the Group of 77 should be one of the returning officers for the vote by secret ballot." The request was denied. See CP/PR 1980, 43:26.

33 CP/PR 1980, 43:25.

34 CP/PR 1980, 43:26.

35 CP/PR 1980, 43:30.

36 See note 43, infra.

37 Federal Republic of Germany, Austria, United Kingdom, Belgium, France, Norway, Denmark.

38 CP 1969:465, 538.

The following year, 1970, the government delegate from Spain was the sole sponsor of a resolution concerning the right of reply of representatives of member states attending sessions of the Governing Body as observers[39]. The resolution complained that the Governing Body did not yield to observers the right to speak "... even when their country is directly criticized." This 1970 resolution was ranked eleventh out of twelve and was not considered by the Committee[40]. This draft resolution was no doubt in response to the previous year's condemnation.

The 1971 resolution condemning South Africa set out to generally "condemn the continued suppression of fundamental human and trade union rights in several countries."[41] South Africa was used as the sole example of a nation practising apartheid policies. Interestingly, no active clauses refered to South Africa, only the preamble of the resolution condemns South African policies. Authority for the condemnation is taken from anti-apartheid resolutions adopted by the General Assembly, the Security Council, and other United Nations bodies[42]. The resolution could have addressed itself to the issue of apartheid without the illustrative mention of South Africa. This fact leads to a conclusion that interest group politics motivated the resolution, despite its seemingly humanitarian focus. This resolution shows that, on occasion, worker delegates of the Western Bloc have used the resolution procedure for political purposes[43].

The 1974 resolution condemning Chile is most pertinent in our quest to clearly define political resolutions. This resolution had *plural roots:* three separate resolutions were originally submitted to the Conference, one sponsored by a group of Eastern European workers, one by the worker delegates

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39 CP 1970:19.

40 CP 1970:600. Parenthetically, in 1971 the Spanish Government delegate sponsored, without co-sponsors, four functional resolutions. They concerned action of the ILO to promote economic and social progress in agriculture in developing countries; social policy required by geographical mobility of workers; employment protection and safeguards for under-privileged workers; and hours of work and rest period of aircraft crews. The fact that the Spanish government delegation to the ILO sponsored so many functional resolutions in 1971, just two years after a condemnation of Spanish labor policies and one year after an attempt at rule making through resolution, leads one to consider whether these resolutions were not aimed at showing that the Spanish government still aspired to the true spirit of the ILO.

41 CP 1971:809.

42 CP 1971:808, paragraph 8 of the resolution.

43 The resolution was sponsored by a contingent of Western worker delegates from Sweden, Belgium, Japan, France, Canada, the Federal Republic of Germany, the United Kingdom, and Norway.

from Belgium, and one by a group of Western European workers[44]. These three texts were ultimately combined into one[45]. Each of the three proposed resolutions had a certain degree of political rhetoric: the Eastern version was outstanding in this way, the Belgian submission ran a close second, with the Western version a distant third. The Western text avoided inflammatory language, citing the repulsion of an ILO Fact-Finding and Conciliation Commission on Freedom of Association by Chilean authorities as justification for (1) calling upon the Chilean authorities to cease violation of human and trade union rights and (2) excluding Chile from participation in ILO technical cooperation activities and operational programs pending the visit and report of the Commission[46]. Both the Belgian and the Eastern European resolutions cite particular, often documented, cases of infractions by Chilean authorities; the Belgian text then asks that the procedure governing the Commission be amended to enable it to carry out its mission *outside* of the country, while the Eastern version goes no further than imposing sanctions similar to the Western text.

While there are differing degrees of hyperbole in each of the resolutions the consensus of opinion remained that an investigation of the Chilean situation was necessary. The sovereignty of the Chilean state was not questioned, nor did the resolution mention outright "the continued violation... of human rights..." as compared with the anti-Israeli resolution of the same year. The anti-Israel and Chilean resolutions also differ in that the former was broadly phrased citing no specific infraction by authorities, while the later, in its final form, cited specific, documented action taken by authorities to limit human rights. These differences are significant: they support the proposition that different condemnatory resolutions can be distinguished as more or less political by an observation of the groups within the Conference supporting and resisting the resolution and an analysis of the language of the resolution and its implications. This analysis may be applied, with varying degrees of certainty, to determine whether other types of resolutions are politicized.

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44 Respectively, the sponsors were from Poland, Bulgaria, Czechoslovakia, Romania, German Democratic Republic, Byelorussian SSR, USSR, Ukrainian SSR, and Hungary; Belgium; Austria, Sweden, Switzerland, United Kingdom, Mexico, Norway, and Denmark. See CP 1974:10-11, 14-16.

45 CP 1974:808-809.

46 CP 1974:15-16.

CONTROLS AND RESTRAINTS

If it is accepted that political resolutions deter the ILO from its mission, then the issue is whether preliminary control should be exercised over resolutions in order to sift the functional resolutions from the political.

The desirability of compromising totally free and unrestrained use of resolutions by imposing preliminary control upon resolutions has been debated before the International Labor Conference on several occasions. The points of contention have been limits on the control power, where and when such power should be exercised, and in whom authority for withholding resolutions should be placed. As a result of this ongoing debate, procedures and practices have evolved in the Organization for the purpose of suppressing the submission of political resolutions and minimizing the disruption they cause.

This section shall discuss the development and exercise of rules for the preliminary control of political resolutions. The final section shall discuss the most recent attempts — from 1964 to the present — at expanding the degree of preliminary control exercised over political resolutions.

Control Through Established Rules

Several procedures embodied in Article 17 of the Standing Orders, the rules regulating the operation of the Organization and Conference, are aimed at challenging the submission of political resolutions. It is not the purpose of this paper to discuss the evolution of the resolutions procedure prior to its latest amendment in 1963. However, in explaining deficiencies in these provisions an exposition of various attempts to establish and exercise parliamentary control would be useful.

One trend is abundantly clear: the orientation of majority power in the Organization has slowly changed, resulting in both the evolution of preliminary control procedures and their fall into disuse. In more precise terms, the industrialized West dominated the resolution of preliminary control rules and in the exercise of those rules[47]. As the balance of power in the Organiza-

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47   HAAS, *op. cit.,* pp. 139-168, outlines the ideology of the ILO from 1919-1948. In these pages, HAAS posits that the ILO was a creation of Western industrialized market economy countries aimed at "defusing" radical labor movements by taking concerted action to improve the conditions of working life and the working people. Today control of the ILO remains important to Western capitalist countries, if not solely for historic continuity and to avoid capitulation to Socialist bloc and Third World demands, but also to continue this "traditional" work of the Organization. Over the years the West has used its dominance to promulgate rules to reinforce their hegemony in the face of changing power relationships in the international domain.

tion began to shift, existing preliminary controls fell by the wayside. Today, it appears increasingly unlikely that an *effective* procedural amendment can be agreed upon. Rulemaking does not appear to be the means to solve the resolution problem.

Preliminary Control by Governing Body Officers

Prior to 1922 there were no specific provisions in the Standing Orders regarding resolutions. Amendments to the Standing Orders were made in 1922 and 1930 establishing the basic framework for committee examination of resolutions submitted to the Conference.

The first hint that preliminary control might be necessary came in a report by the 1939 Committee on Standing Orders. Noting that the rules as they stood required that "any resolutions" deposited in accordance with the rules:

ha(d) to be distributed to the delegates automatically, ... the question which the Governing Body (and the Committee) had to consider was whether it would not be desirable to provide some preliminary control over resolutions.

The Governing Body came to the conclusion that some such control was required and that it could best be exercised by submitting the resolutions to the Officers of the Governing Body before the opening of the Conference and by providing that they should be published and distributed to the Conference unless the officers of the Governing Body decided unanimously to the contrary. This would give a Guarantee that the wishes of one group could not be overruled by the other two groups[48].

This is the origin of Article 17, Paragraph 1, sections (2) and (3), giving the Director-General power to withhold circulation of resolutions with the unanimous support of the Officers of the Governing Body.

Unfortunately, the Committee Report does not outline the origin of concern over the need for parliamentary control[49]. One may hypothesize

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48 CP 1939:408.

49 The original suggestion that preliminary control should be exercised was offered by the Swiss government delegate at the 1938 Conference (CP 1938:435). The 1938 Standing Orders Committee of the Conference could not come to a decision on first inspection of the proposal; they referred it to the Governing Body. The question was discussed by the Standing Orders Committee of the Governing Body and then by the Committee on Standing Orders of the 1939 Conference (CP 1939:250). The proposal was adopted without comment (CP 1939:250). The Report of the 1939 Committee on Standing Orders does not provide the debate on the proposal. Finally, the debate of the Governing Body's Standing Orders Committee of February 1939 is not provided in the text. The motivation of Mr. Renggli's (the Swiss delegate) proposal is not demonstrated (Governing Body Minutes, February 1939:104). The Report of the Committee does not mention political resolutions: it does mention concern over the final decision-making authority regarding restraint of resolutions and the impact of that process on the tripartite groups.

from the limited record of debate in the Conference and Governing Body that the concern was not based on a fear that the resolution procedure was becoming politicized. Fairness to the tripartite groups was important in the minds of the 1939 Governing Body delegates[50], interest groups rather than geographic or political affiliation still served as the dividing mechanism between Conference participants. The increasingly tense political period of the late 1930's may have contributed to the amendment's acceptance.

Because the rule lacks specific criteria upon which a determination of irreceivability may be made, the Director-General and Officers of the Governing Body have never made use of it. Instead of creating a "common law of resolutions", Office and Governing Body leadership have chosen to leave restraint to the discretion of Conference participants. While this policy avoids the possibility of censure of the Director-General or calls of unfair exercise of authority by affected delegates and governments, its ineffectiveness has become apparent.

Article 17(7) — Control by the Resolutions Committee

In 1959 the Resolutions Committee was given greater authority to determine the receivability of resolutions. An early criticism of the *political use* of resolutions was made in the 1957 Office report concerning the workings of the Organization[51]. In the past, the Resolutions Committee had had the power to find the adoption of a resolution inexpedient or the Conference incompetent to handle the resolution. However,

... (b)efore concluding that the Conference is not competent, or that the adoption of a resolution is inexpedient, the Resolutions Committee necessarily consider(ed), to a greater or lesser extent, the substance of the resolution; the conclusion reached by the Committee is subject to debate by the Conference and such debate may be as well as that concerning a resolution reported favourably by the Committee[52].

By making the Committee decision on receivability non-debatable in the plenary, the 1959 Conference hoped to close the gap that had developed in the efficacy of the old rule. The 1959 amendment is today embodied in Article 17(7) of the Standing Orders.

Article 17(7) gives the Resolutions Committee the power to block a resolution. These rules have been used on only four occasions: during the 1959 and 1960 Conference. In each instance the resolution was probably

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50   International Labor Organization, *Minutes of the 86th Session of the Governing Body of the International Labor Organization,* Geneva, ILO, 1939, p. 104. Henceforth referred to as GB 1939, 86th Session: 104 (Governing Body Minutes, year, session, page).

51   GB 1957, 137th Session: 138-139.

52   *Ibid.,* p. 139.

suppressed by a Western voting alliance[53]. During the past 20 years, however, Article 17(7) has not been used, certainly not for want of disfunctional resolutions but rather because of the inability to muster the necessary votes in Committee.

Preliminary Control Through Priority Setting

The final complement to the array of preliminary control rules was recommended to the 1963 Conference by the Ago Committee, the 1962 Working Party on Standing Rules. Under the proposed amendment, a ballot would be taken by the Resolutions Committee to determine the priority of the first five draft resolutions; a Working Party comprised of three representatives of each group would then rank the remaining draft resolutions. Despite opposition from Eastern European members, the amendment was adopted at the 1963 Conference, becoming Article 17(5) of the Standing Orders.

The Ago rule is difficult to explain as a device for the control of political resolutions. While at the time of its adoption the 1963 rule may, justifiably, have been seen as a means of expediting the work of the Resolutions Committee during the Conference, it has had the effect of establishing a *de facto* limit of five resolutions to be acted upon by the Conference. However, since 1963 voting patterns have changed drastically in the Organization, making it possible for controversial resolutions to find their way to the top of the priority list. Once controversial resolutions are given priority amongst the top five resolutions, polemic debate in both the Resolutions Committee and the plenary has bogged down consideration of resolutions lower on the priority list. In sum, the rule has failed as a restraint procedure and only slightly succeeded as a means of expediting Conference review of resolutions.

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53   It is impossible to definitely determine which groups or alliances voted for or against these proposals as they were not recorded votes; nor were there speakers for and against the quashing motions named in the record. However, a look at the nature of the quashed resolutions is revealing.

In 1959, 17(7) was used on three resolutions, two concerning the reduction of unemployment through the elimination of barriers to international trade, submitted by East European delegations, and one concerning the prohibition of undesirable movements of population and workers submitted by the government delegates from the United Arab Republic (CP 1959: 640-643). These resolutions were moved inexpedient on motions proposed by an Italian and a Canadian delegate respectively (CP 1959:641-642).

In 1960, 17(7) was applied to a resolution submitted by the Polish and Bulgarian workers delegates concerning the activities of the ILO on behalf of economic and social progress facilitated by disarmament (CP 1960:685-587).

None of these resolutions involve the direct condemnation of a member state; rather they fall into Category II, non-germane resolutions.

Landelius noted an interesting phenomena after the first application of the Ago rule at the 1964 Conference[54]. Considering the content of the resolutions as priority ranked by the Committee vote and the decisions of the Committee's Working Party, Landelius concluded that resolutions ranked in the upper five positions were not "of interest to the East European delegates." However, the resolution ranked seventh, submitted by the USSR government delegate concerning the program and structure of the ILO, was of interest. After examining the debate in the Resolutions Committee, Landelius believed that:

... the Eastern European representatives were thus obliged to wait until the Committee had considered six resolutions of no concern to them. Certainly they could have participated in the discussion on the first six resolutions and presented amendments. But this would have prolonged the deliberations, creating a risk that their own proposals would not be considered. This situation led to an unusual state of affairs in comparison with earlier sessions. Aside from some cross remarks regarding the results of the ballot, there was hardly any East European participation during a week and a half[55].

After the Committee considered the Soviet resolution the "discussion assumed the (verbose) character it had at the preceding sessions." Ultimately, this resolution, ranked seventh, was adopted by the Conference.

Table C shows that in several years between 1964 and 1970 when resolutions of political interest to Eastern European countries were not priority ranked among the top five resolutions, the plenary found time to act upon more than five resolutions. Taking Landelius' observation one step further, one may hypothesize that when the Eastern Bloc was unable to vote resolutions "of interest" into the top five positions, expeditious debate allowed the plenary to take action on them.

As the voting power of the Group of 77 and the Eastern European Bloc became consolidated, particularly since 1970, resolutions of interest to those groups could be ranked in the top five through the established voting procedure. Consequently, prior to the 1980 assemblage the Conference had not acted upon six, seven, eight, or nine resolutions, like in the years 1965, 1966, 1967, and 1964 respectively. In light of this clear trend and the 1980

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54 LANDELIUS, *op. cit.,* pp. 190-191.

55 *Ibid.*

Conference Record, discussion of six resolutions at the 1979 Conference was extraordinary — not indicative of a change in the trend[56].

Note also that in a significant number of years between 1970 and 1980 less than five resolutions were considered by the plenary. In each year a political resolution can be cited as the cause of the backlog: in 1973 it was the anti-Israel resolution; in 1975 the problem was the Chilean resolution; in 1977 a resolution aimed at strengthening tripartism caused by controversy; in 1978 another anti-Israel resolution held up consideration of other resolutions; and in 1980 another anti-Israel resolution created a disruption.

The 1980 Labor Conference provides a startlingly obvious view of the use of priority setting by Conference political interest groups. For the first time, the Resolutions Committee issued a majority *and* minority ranking of those resolutions given priority below the top five. A review of Table D, noting the title of the resolution, its content, sponsorship, and ranking shows that the minority report gave higher priority to resolutions whose content boarder on the fringes of ILO responsibility. The continued shift in voting power accounts first, for the mere occurrence of a minority report at the 1980 Resolutions Committee, and second, for the adoption of the anti-Israel resolution in the plenary[57].

This brief examination of the rule promoted by the Ago Committee dramatically illustrates the fact that rules adopted to afford the opportunity for preliminary control of resolutions are relics of the days of Western power in the ILO. Along with the Conference rules for establishing a quorum[58], the Standing Orders have not provided a means of stopping the political manipulation of the Organization.

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56 The Chairman of the 1979 Resolutions Committee aptly noted that that year's Committee achieved results, the likes of which have not been "witnessed for very many years." (CP/PR 1979, 43:23-24). The Committee failed to pass a condemnatory resolution on to the plenary (CP/PR 1979, 43:20) and sent five functional resolutions to the Organization's membership for consideration. All were adopted. (CP/PR 1979, 43:23-24). However, this record must be looked at in light of other factors: the continuing effort among several ILO members to rectify problems which led to the withdrawal of the United States from the Organization, and the on going negotiation of proposals relating to structural reform of the Organization. These two activities may have contributed to the decrease in controversy during the 1979 Conference. One may speculate as to the influence of these two factors.

57 CP/PR 1980, 39:2.

58 The rule requires that the sum of the votes for and against a resolution be equal to at least a majority of the delegates officially registered at the Conference. If this number is not obtained the resolution is defeated for lack of a quorum. This has been problematic because delegations have abstained from voting on a resolution rather than casting a negative vote, resulting in the resolution's defeat for lack of quorum. See also CP/PR 1980, 43:20.

ATTEMPTS AT CONTROL THROUGH STRUCTURAL REFORM

Since 1964, the Organization has shifted the forum for discussion of resolution procedure modification from the Standing Orders Committee to Committees on Structure. Ironically, it has been through the 1964 resolution calling for structural reform of the ILO that the most recent attempts at amendment of the resolution procedure has been sought[59].

Efforts in 1967

The aim of the 1963 Ago Amendment not having been realized, further proposals were presented in 1967 to curb the use of political resolutions and to expedite functional resolutions. However, these amendments, aimed at revamping the priority setting procedure through subcommittee work and reinforcing the Director-General's preliminary control authority, did not address the shifting power in the Organization which made possible the increasing prevalence and annoyance of political resolutions.

In 1967, the Governing Body's Working Party on Structure dealt with two proposals aimed at improving the workings of the resolutions procedure so as to "reduce the danger that resolutions in which there is considerable interest... may not be considered for lack of time."[60] The first proposal asked that the Director-General initiate discussions between sponsors of similar resolutions with a view toward consolidation of texts. The second suggested that the Resolutions Committee create a subcommittee to review noncontroversial resolutions with a view to the submission of widely agreed upon texts to the full Committee. Upon consideration, the Working Party felt that procedures already existed within the Organization to make the changes suggested by the proposals. Hence, no amendment of Article 17 was recommended to the General Conference.

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59   The 1964 Conference adopted a resolution calling on the Director-General to develop a report and analysis of questions of the Organization's structure. In the resolution, Mr. Borisov, government delegate from the Soviet Union, asked that the Governing Body consider proposals for change of the program and structure of the ILO (CP 1964:817). Borisov's original text asked that a committee of the General Conference be established to consider specific proposals submitted to the 47th and 48th Sessions of the Conference (CP 1964:600). The reform called for by the Soviet delegate was aimed at making the Organization more responsive to the Socialist and Third World countries — an objective pursued by the Group of 77 in all the UN family organizations. Work toward structural reform began in November 1964 and continues today.

60   *Report of the Director-General, Supplement, Fourth Report of the Working Party of the Governing Body of the International Labor Office on the Program and Structure of the ILO,* Geneva, ILO, 1968, p. 9.

The Working Party also considered an amendment proposed by the Director-General. The proposal would have reinforced the authority given the Director-General in Article 17(2 and 3) by sanctioning his withholding of resolutions submitted to the General Conference which were not express-ed in "parliamentary language". Exactly what was meant by the phrase "parliamentary language" is unclear. However, the Working Party con-cluded that the Director-General was authorized by the existing language of Article 17 to withhold such resolutions from the Conference. For the first time since the creation of Article 17(2 and 3) some substance was given to the Director-General's authority.

In declining the Director-General's request for inclusion of the "parlia-mentary language" rule in Article 17, the Working Party did express its opinion that resolutions not phrased in "parliamentary language" are but "one type" of resolution with respect to which the Director-General's authority may be applied[61]. The Working Party did not expound on other types of resolutions warranting exercise of the Director-General's authority.

Since 1974: Toward the "Committee of Seven" Solution

Between 1968 and 1977 no meaningful discussion of the resolution pro-cedure took place in the various committees on structure[62]. In the 1977 Gen-eral Conference Committee on Structure, the question of resolutions was discussed thoroughly — in terms of the mission of the Organization and the increasing occurrence of resolutions irrelevant to the legitimate work of the Organization. With the experience of several condemnatory resolutions still fresh, particularly the anti-Israeli resolutions, the approach taken by the Committee resulted in the question: Accepting that certain resolutions should be excluded from the purview of the ILO, how would such a deter-mination be made?[63]

The difference between this approach to the problem and others taken during previous discussions is seen in the report of the 1977 Committee. For

61 GB 1965, 163rd Session: 83.

62 Although in 1970 a proposal was made to the Conference Committee on Structure asking that the entire priority order of resolutions be determined by a vote, no consensus was reached in discussions of this amendment and nothing became of it.

In 1969 an item concerning the program and structure of the ILO was placed on the agen-da. After several committee sessions, the 1971 Conference suspended discussion of all struc-tural issues, including the resolutions procedure, until the 1973 General Conference. During the intervening year "informal discussions" were to take place amongst and between the various groups, looking ultimately for a breakdown in the impasse. After the resumption of formal discussion it was not until the 1977 General Conference that the resolutions issue was discussed again.

63 CP 1977:751.

the first time, the Committee members accepted the fact that the ILO is a specialized UN Organization and that certain resolutions are outside of the Organization's scope of authority. They also accepted the idea that the condemnation of a member state should only follow an investigation of accusations[64]. In light of the acceptance of these principles and despite the Committee's inability to reach consensus on actual amendments, the plenary extended that mandate of the Working Party for another year and asked that a report be made to the 1978 Conference.

While major differences continued with regard to other proposed structural changes, the recognition of guiding principles for the amendment of Article 17 was a major step forward. It not only represented movement after several years of standstill in the Committee but also the beginnings of the tactical realignment of the Group of 77 and the Soviet bloc. For the first time, the Soviet bloc as well as the Group of 77 emphasized that amendment of the resolutions procedure was only part of the larger structural reform of the ILO[65]. Compromise bargaining would be facilitated by linking the individual questions of structural reform. An analysis of the final group of amendments to emerge from the Committee shows that this "packaging" of proposals has contributed to the strength of the Soviet and Group of 77 position.

To date a final package of amendments has not been ratified by the plenary. However, remarkable progress toward structural reform was made in the 1978 Conference. Some consensus was reached on the question of resolutions procedure[66]. Under the resultant proposal, a compromise between IMEC and the Group of 77, the Director-General is given power to withhold circulation of resolutions "of a condemnatory nature against a member state." A Committee of Seven, comprised of the Officers of the Conference as well as one representative each from the worker, employer, and government groups, is given ultimate authority to withhold such resolutions from the Conference. The Committee of Seven must determine if the resolution "condemns a member state on grounds which are not based on the conclusions of an examination of the matter in accordance with an established ILO procedure." Upon such a finding the resolution need not be circulated. However, the Committee may, by a majority of at least five members, circulate such a condemnatory resolution in cases of "extreme

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64 CP 1977:752.

65 CP 1977:750-759.

66 Between October 1977 and June 1978 the IMEC countries and the Group of 77 were able to reconcile differences on specific proposals of the amendment of Article 17. The resulting proposal focuses on the receivability of resolutions condemning a member state. See CP/PR 1978, 2:22.

urgency or where the procedures already under way demonstrate that no concrete result can any longer be counted on the part of the state concerned."[67]

As consensus was finally announced on the terms of the compromise, the USSR government delegate to the Working Party on Structure announced, on behalf of the socialist countries, that they would abstain from discussion of all questions of structure as long as no solution had been agreed upon in relation to Article 7, composition of the non-government groups[68]. Several socialist delegates voiced their disapproval of the 1978 compromise, calling it undemocratic and contrary to the Constitution of the Organization[69].

As a result, the Government delegate from the USSR proposed a new amendment to Article 17 at the November 1979 meeting of the Working Party on Structure[70]. Two concerns were addressed by the proposal: that according priority to only five resolutions deprived delegates of the opportunity of having their draft resolution considered by the entire Conference and that receivability of condemnatory resolutions should be determined democratically — in the plenary[71].

Limited support for the proposal arose in the Working Party. Members believed that allowing the full Resolutions Committee to accord priority to all draft resolutions would not significantly assist in the Work of the Committee, especially considering the success of the 1979 Conference in adopting six resolutions. It was generally felt that the Conference should not entertain in any way resolutions which condemned a member state; authority to determine receivability would best be placed in special committee[72].

At the end of the 1980 Conference, amendment of Article 17 was one of two questions left to be settled by the Committee, hence, a final compromise proposal for ILO structural reform could not be made at the 1980 Conference. The mandate of the Committee on Structure was extended for another year in hopes of reaching agreement on a final package of amendments acceptable to all[73].

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67 CP/PR 1978, 2:28. A final compromise on the IMEC/Group of 77 proposal, regarding a time limit of 24 months for Office investigation of condemnable activities was reached at the 1980 Conference. See CP/PR 1980, 4:1.

68 CP/PR 1978, 2:36.

69 CP/PR 1978, 33:25.

70 CP/PR 1980, 4:4.

71 CP/PR 1980, 4:4.

72 See discussion of Working Party on Structure, CP/PR 1980, 4:5-7; Committee on Structure, CP/PR 1980, 40:5-8; as well as plenary discussion, CP/PR 1980, 40:5-8.

73 CP/PR 1980, 44:9.

The Amended Resolutions Procedure

The failure of attempts to amend or exercise the controls embodied in the current resolution procedure results from the changes taking place in the ILO since 1964. Generally, members of the Organization have not been able to decide what new type of restraint ought to be made available, to whom, and under what circumstances. Specifically, the increasing number of Third World delegations along with various blocking techniques exercised by Eastern European delegations have foreclosed the possibility of quick development and adoption of control rules by the Western industrialized countries. The amendment of Article 17, as proposed to the 1978 Conference has much to be desired in terms of the objective of restraining political resolutions.

The restrictions provided in the 1978 amendment are limited. The proposal addresses condemnatory resolutions to the disregard of the other forms of political resolutions. In light of the timing of the proposal, it seems probable that its formulation reflects a concern to avoid resolutions like that concerning Israel in 1974. Unless existing rules of control are applied more liberally, the way remains clear for other types of politically motivated resolutions to disrupt the Conference. There is little reason to believe that there will be a turnabout in the past neglect of preliminary control rules.

Furthermore, the amendment may have the effect of finally outlining the condition under which the Director-General may exercise authority already established for him in Paragraph 1(2), Article 17 of the Standing Rules. The 1967 statement of the Working Party of the Governing Body specifying "one type" of resolution that may rightly be withheld by the Director-General may go to naught in light of an additional provision outlining a procedure for restraining condemnatory resolutions; the 1978 amendment may effectively eliminate any prospect for the Director-General's exploration of existing authority.

Lastly, the compromise reached in the 1978 proposal must be considered in light of the total structural reform package to be presented by the Committee on Structure at the 1981 General Conference. A review of the proposals as they stand shows that the IMEC group has made concessions every issue pertinent to structural reform, with the exception of the resolutions procedure — and even here compromise was accepted[74]. It is possible that in searching for some remedial action to correct the problems specified in the Kissinger letter of 1975[75], the IMEC group focused their efforts upon

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[74] CP/PR 1978, 2. See also CP/PR 1980, 44.

[75] This letter was the official notice of the United States' intention to withdraw from the ILO.

"winning" one highly recognizable prize for the United States — amendment of the resolution procedure that had irritated American involvement in the past.

CONCLUSION

Since 1964 the political resolution has posed increasing difficulty to the Constitutional responsibilities of the ILO. Political resolutions that were once disregarded or restrained before being seriously considered by the International Labor Conference are increasingly being found amongst those deemed most pressing by members of the Organization. While controversy has not given way to consensus over the propriety of these resolutions, the growing power of the Group of 77 and the Socialist Bloc in the Organization has made possible the increased presence of political resolutions. Furthermore, these powers have blocked attempts at procedural change and the application of existing procedures to check controversial political resolutions.

Central to the problem of political resolutions is a declining recognition and acceptance of the ILO's function as a specialized UN Organization. Despite declarations to the contrary, differing views exist among member state as to the role of the Organization: controversy over the receivability of resolutions has become an index of the differing understandings of the Organization's purpose. Acceptance of the Constitution of the Organization, implicit in membership in the Organization, no longer means leaving behind certain foreign policy objectives of national interest. The result has been the expression of national interests in an instrument once reserved for concerns which the Organization considered of specialized international interest.

The exercise of rules has, on occasion in the past, helped the Organization avoid the disruptive impact of political resolutions. However, rules seem to be losing their effectiveness in detering political resolutions.

Perhaps a change in this situation will come with the structural modifications resulting in a future International Labor Conference. Although it is highly improbable, perhaps political resolutions will lose their undesirability as a result of radical structural reformation of the Organization. If this is the case, the Organization will lose its specialized character and become yet another meeting place for nations squabbling over their international political difficulties.

The International Labor Organization, may however, take a turn toward moderation, without the assistance of additional rules. *If* the ILO's

technical assistance programs and other specialized activities become inter-
rupted by growing politicization, perhaps nations will moderate their jabs at
political foes and get on with the business of the Organization. However,
this too is an unlikely prognosis for with the return of the United States in
1980, the Organization's budget has been replenished; budget cuts no longer
threaten important programs.

The rejection of the 1978 anti-Israel resolution and the functional use
of the resolution procedure at the 1979 Conference may be a sign of a new
trend away from politics, rather than a fleeting response to Western disap-
proval — symbolized by the withdrawal of the United States from the
Organization. However, the return and success of the anti-Israel resolution
at the 1980 Conference points toward a different conclusion: political reso-
lutions will remain, their disruptive influence dissipating only after they
become an expected presence at the annual Conference.

Whatever the future course of the ILO, resolutions will no doubt re-
flect the general movement of the Organization; for this reason resolutions
ought to be carefully watched and thoughfully considered by concerned
commentators.

TABLE A

Number of Resolutions in Each Category Adopted by the
International Labor Conference
1964 — 1980

YEAR	Functional	Non-Germane	Condemnatory	Structural	TOTAL
1964	5	1	0	1	7
1965	5	0	1	0	6
1966	6	0	0	0	6
1967	4	1	1	0	6
1968	4	1	0	0	5
1969	0	0	1	0	1
1970	5	0	0	0	5
1971	3	0	1	1	5
1972	4	0	1	0	5
1973	0	0	0	0	0
1974	3	0	2	0	5
1975	0	0	0	0	0
1976	WORLD EMPLOYMENT CONFERENCE				
1977	2	0	0	0	2
1978	2	0	0	0	2
1979	5	0	0	0	5
1980	2	0	1	0	3

TABLE B

**Origins of All Resolutions Submitted to the International Labor Conference
1964 — 1980**

CATEGORY:	I Functional			II Non-Germane			III Condemnatory			IV Structural		
ORIGIN:	E	W	T	E	W	T	E	W	T	E	W	T
1964	1	3	6	—	—	—	—	—	1	3	2	4
1965	1	2	2	1	—	—	1	—	1	1	—	—
1966	3	7	1	—	—	—	—	—	—	—	—	—
1967	—	6	1	1	—	—	1	—	1	—	—	1
1968	1	5	3	—	—	—	2	3	—	—	1	—
1969	—	—	—	—	—	—	—	—	—	—	—	—
1970	—	6	2	—	—	1	1	3	—	—	1	—
1971	1	7	3	—	—	1	2	3	1	—	2	1
1972	2	14	2	—	2	—	4	4	—	—	2	—
1973	7	12	1	1	—	1	—	—	1	1	—	—
1974	3	9	4	—	—	4	2	1	2	—	—	—
1975	4	11	3	—	—	—	2	1	—	—	—	—
1976	2	—	—	—	—	—	—	—	—	—	—	—
1977	4	5	1	3	1	—	—	—	1	—	—	—
1978	2	9	2	1	2	—	—	—	1	—	—	—
1979	1	6	5	1	—	1	—	—	1	—	—	—
1980	3	10	1	1	—	—	—	—	2	—	—	—

E — Eastern European   W — Western Bloc   T — Third World

Inclusive of all resolutions listed as "communicated to the Conference" in the Record of Conference Proceedings. Committee and plenary action is not reflected. Withdrawal of resolutions and combination of similar resolutions is not reflected. Where a resolution was co-sponsored by a mix of Eastern, Western, and Third World countries, the affiliation of the majority is shown. Where the majority cannot be determined, the Western or Eastern affiliation is counted, not the Third World.

TABLE C

Ranking of Resolutions Sponsored by the Eastern Bloc

RANK	'64	'65	'66	'67	'68	'69	'70	'71	'72	'73	'74	'75 (a)	'76 (b)	'77	'78	'79	'80
20										X	X						
19										X	X						
18										X	X						
17																	
16	X																X
15																	X
14	X																
13												X		X			
12									X			X					
11											X			X			
10																	
9	X⌒						X										
8		X				⌒									X		X
7	X	X	X	X⌒	X									X			X
6		X⌒	⌒		X							X			X	⌒	
5		X		⌒					⌒	X⌒	X	X⌒					
4										X	X			X			
3			X		X								X	X	⌒		⌒
2													X	⌒			
1						X⌒				X⌒	X	X	X				

X — Resolution sponsored by a majority of Eastern Bloc Delegates; does not include resolutions that were combined with other resolutions.

⌒(cap) — Indicates the total number of resolutions considered in the plenary, not necessarily adopted. For example, 9 resolutions were considered in 1964, 5 resolutions in 1971, and 2 resolutions in 1977.

a — No resolutions were considered by the 1975 Conference.

b — The World Employment Conference was held in 1976.

TABLE D

Majority and Minority Ranking of Resolutions Submitted to the 1980 Conference

Resolution Concerning:	Majority Sponsor	Majority Ranking	Minority Ranking
Israeli Settlements in Palestine	T	1	1
Assistance to Zimbabwe	W	2	2
ILO Activities for Rural Development	W	3	3
Training of Managers in Developing Countries	W	4	4
Training	W	5	5
Women's Participation in ILO Activities	W	6	6
ILO Action on Behalf of Migrant Workers	E	7	9
Implementation of Full Employment Policies and Guarantee of the Right to Work	E	8	7
ILO Activities for Elimination of Child Labor	W	9	17
Alcohol and Drug Dependency at Workplace	W	10	16
Protection of Employee Inventors' Rights	W	11	15
Regime of Employment Stability in Panama	T	12	12
Duty-Free Export Zones	W	13	14
Reduction of Normal Hours of Work	W	14	13
Transnational Corporations, Social Policy and ILO Action Concerning the New International Economic Order	E	15	10
Economic and Social Consequences of Disarmament	E	16	8
Violation of Trade Union and Human Rights in El Salvador	T	17	11

Les résolutions de caractère politique
à la Conférence internationale du travail

L'Organisation internationale du travail est un groupement spécialisé des Nations unies chargée d'améliorer les conditions de travail dans le monde. Chaque année, l'Organisation convoque une Conférence internationale du travail pour mettre au point des normes de travail, autoriser l'établissement des programmes d'aide technique et orienter d'une façon générale les travaux de recherche et d'éducation du secrétariat de l'Organisation, le Bureau international du travail. De plus, les délégations nationales des États membres, composées de représentants des gouvernements, des employeurs et des travailleurs, présentent et adoptent des résolutions portant sur des sujets d'intérêt spécial pour les membres.

De plus en plus, depuis 1964, le thème de ces résolutions a été détourné des questions traitant des politiques du travail pour l'étude desquelles l'Organisation était mandatée de par ses statuts vers des débats se rapportant aux problèmes de politique internationale. Résultat: le temps et l'énergie de l'Organisation se trouvent ainsi entraînés vers l'examen de sujets qui relèvent de la compétence des organismes politiques des Nations unies. En outre, l'utilisation de l'Organisation pour promouvoir des sujets controversés a miné la confiance des certains États membres dans l'efficacité de l'Organisation.

Cet article fait ressortir la difficulté de définir ce que l'on peut considérer comme une résolution de caractère politique, analyse l'utilisation de plus en plus fréquente des résolutions de caractère politique au sein de l'Organisation et étudie les divers moyens d'en réduire le nombre et d'en minimiser l'influence nuisible.

La question de la politisation: la politisation des organisations internationales spécialisées se produit lorsque les mécanismes fonctionnels de l'Organisation, en l'occurrence, les résolutions du Bureau international du travail, sont utilisés à des fins étrangères à la compétence même de l'Organisation, ce qui entraîne une distortion des mécanismes et des controverses au sein de l'assemblée elle-même. Depuis 1964, les membres du BIT ont fortement différé d'opinion au sujet du rôle propre de l'Organisation. En conséquence, les résolutions ont de plus en plus porté sur des sujets étrangers à la compétence traditionnelle de l'Organisation. Bien qu'il y ait eu des résolutions de caractère politique depuis l'origine même du BIT, ce n'est que depuis la décennie 1960 que ces résolutions ont eu une influence sur le travail traditionnel de l'Organisation. La raison en est que le bloc oriental et le tiers-monde en sont venus à dominer numériquement l'Organisation et ainsi à se trouver en mesure de soulever, par le mécanisme des résolutions, des questions qui n'étaient pas du ressort du BIT.

La difficulté de définir les résolutions «politiques» est atténuée lorsqu'on les classifie selon certains critères, soit la controverse créée par la résolution, les groupes qui appuient une résolution ou s'y opposent ou le langage même de la résolution. Ce sont là les indices principaux qui permettent de considérer si une résolution donnée revêt un caractère politique. On retrouve quatre types ou catégories de résolutions à la Conférence internationale du travail: des résolutions qui se rapportent à l'activité de l'Organisation, dites résolutions fonctionnelles, des résolutions qui ne relèvent pas de la responsabilité de l'Organisation, des résolutions de blâme et des résolutions qui touchent la structure même de l'Organisation. Bien que l'on puisse déceler la présence d'énoncés politiques dans l'un ou l'autre de ces types de résolutions, les déclarations politiques sont surtout inhérentes aux résolutions de blâme.

Les tendances depuis 1964: le nombre des résolutions fonctionnelles, tout comme le nombre total des résolutions adoptées chaque année, a décliné d'une façon générale depuis 1964 comme le montre le tableau A. Cependant, une comparaison du tableau A et du tableau B indique que le nombre des résolutions qui ne se rapportent pas à l'activité propre de la Conférence n'empêche pas nécessairement l'examen des résolutions qui s'y rapportent.

Les résolutions de blâme sont celles qui ont soulevé le plus de difficultés parce qu'elles fournissent l'occasion aux États membres de marquer des gains politiques en portant des accusations embarrassantes contre d'autres États pour des infractions qui semblent être de la compétence du BIT. D'autres facteurs doivent être aussi considérés pour déterminer si les résolutions de blâme sont vraiment présentées à des fins politiques. Les récentes conférences confirment cette expérience.

Contrôles et restrictions

Au BIT, on a eu recours à plusieurs méthodes pour limiter les distorsions engendrées par des résolutions à saveur politique. Bien que le Conseil d'administration et le directeur général aient le pouvoir de retrancher de l'ordre du jour des résolutions, ils n'ont jamais exercé cette autorité. Par la suite, dans un effort en vue de rendre plus démocratique le processus de contrôle, l'on a tenté de donner l'autorité en cette matière au Comité des résolutions. Mais, comme le pouvoir des groupes non-occidentaux s'accroissait, les contrôles sont devenus inadéquats. Le fractionnement ultérieur des groupes de pression au sein de l'Organisation est responsable d'une distorsion encore plus grande soulevée par la présentation et, avec une fréquence accentuée, l'adoption de résolutions de caractère politique. Plus récemment, des tentatives en vue d'en arriver à une réforme des structures du BIT comprenaient des propositions destinées à favoriser la modification de la procédure des résolutions. Jusqu'à aujourd'hui, on n'a pas réussi à mettre au point un compromis acceptable quant à un ensemble global de réformes des structures.

Conclusion: Le problème des résolutions politiques est au coeur du déclin de la reconnaissance et de l'acceptation du rôle du BIT en tant qu'agence spécialisée des Nations unies. Les mutations survenues dans la structure du pouvoir depuis 1964 au sein de l'Organisation ont rendu possible l'augmentation des résolutions de caractère politique. De plus, les contrôles statutaires n'ont pas réussi à limiter les pertes de temps et l'adultération des principaux contenus dans les statuts. En conséquence, les résolutions de caractère politique, non seulement sont devenues un moyen de plus en plus utilisé dans les débats ordinaires de l'Organisation, mais elles sont aussi un instrument de politisation.