state immunity (before national courts), for which the Commission presented a draft in 1991, and which has been on hold in the Sixth Committee ever since.

The current working program of the ILC includes the following topics:
- responsibility of international organizations,
- reservations to treaties,
- shared natural resources (oil and gas),
- effects of armed conflict on treaties,
- expulsion of aliens,
- obligation to extradite or prosecute,
- immunity of State officials from foreign criminal jurisdiction, and
- protection of persons in the event of disasters.

For several important areas of international law (e.g. protection of human rights (→ Human Rights, Protection of), international environmental law (→ Environmental Law, International), international economic law (→ Trade, International Law of), special, separate institutions are assigned with the formulation of rules, that is, in areas in which certain political as well as “technical” obstacles are considered to stand in the way of treatment by the ILC, the Commission somehow being a body composed of “generalists”. Many observers see in the increasing specialization of international law and in its growing → regionalization, both promoting the development of international law regimes considering themselves as more or less autonomous, a challenge for the continued existence of universal international law. Hence, in addition to dealing with topical issues of the day, the ILC will have to pay more and more attention to the preservation and consolidation of the general international legal basis of international relations.

Bruno Simma

Lit.: 1. The most important documentary source of the work of the ILC is the Yearbook of the International Law Commission, which comprises two volumes, the second of which is divided into two parts. Volume I contains the Summary Records of the ILC sessions; volume II/part I contains the documents relevant for the respective sessions, particularly the reports of the Special Rapporteurs, while part II contains the Annual Report of the ILC to the General Assembly (which is already published in advance as Supplement No. 10 to the General Assembly Official Records in time for the discussion of the ILC work in the Sixth Committee of the General Assembly);

Internet: Homepage of the ILC: www.un.org/law/ilc/index.htm (information on membership, sessions, programme of work, ILC statute, conventions and draft conventions, commission reports and other documentation).

ILO – International Labour Organization

The International Labour Organization (ILO) was founded in 1919 together with the → League of Nations in the framework of the post-World War I peace negotiations. After the end of the Second World War and the dissolution of the League of Nations, ILO concluded an agreement with the United Nations in accordance with Article 57 and Article 63 of the UN Charter (→ Charter of the UN) and thus became the
ILO – International Labour Organization

first specialized agency of the United Nations (→ Specialized Agencies) in 1946.

Purposes and Activities

ILO was designed as a means to safeguard fair international competition and to prevent “social dumping” by maintaining minimum labor standards in the workplace on an international legal basis. It is to facilitate social achievements and improvements of working conditions, by introducing them on the basis of reciprocity. It is built upon the conviction, expressed in the ILO Constitution, that “universal and lasting peace can be established only if it is based upon social justice”. The 26th General Conference of ILO, convened in Philadelphia to adjust ILO to the post-World War II era, expanded the Organization’s goals and included among them the respect for human rights, the fight against unemployment, distributive justice and social security. According to its mission statement, “the ILO is dedicated to bringing decent work and livelihoods, job-related security and better living standards to the people of both poor and rich countries. It helps to attain those goals by promoting rights at work, encouraging opportunities for decent employment, enhancing social protection and strengthening dialogue on work-related issues”.

Throughout its history, ILO’s main activity has been regulatory (→ International Law and the UN): conventions and recommendations should, according to the ideas of its founding fathers, form an International Labour Code. While recommendations offer a non-binding framework for national legislation, conventions are legally binding on all member states which have ratified them. The states parties have to report annually on the implementation of the treaty obligations within the framework of an ILO monitoring procedure. In addition to these reports, procedures of representation (by any workers’ or employers’ organization) and complaint (by governments or International Labour Conference delegates), as set forth in the ILO Constitution, are meant to guarantee compliance with ILO conventions. However, these procedures do not provide for sanctions in case of continued non-compliance. Their central effect – as often in human rights mechanisms under international law – is thought to be the negative publicity involved in the proceedings of ad hoc committees (to examine representations) and commissions of inquiry (established to investigate complaints), creating pressure to force the reluctant state to abide by its obligations under international law.

ILO has adopted a number of important conventions concerning issues such as the prohibition of forced labour (1930), freedom of association (1948), equal payment (1951), non-discrimination (1958), and prohibition of the worst forms of child labor (1999). Originally, the primary objective of ILO’s legislation was to guarantee safe working conditions. More general questions of social security were soon added to the spectrum of the Organization’s fields of concern: ILO adopted, for example, conventions on social security – the Social Security (Minimum Standards) Convention 1959 (ILO Convention No. 102) – and on the rights of indigenous peoples – the Indigenous and Tribal Peoples Convention 1989 (ILO Convention No. 169).

To date, a total of 189 conventions have been adopted, while some have been revoked. A number of the ILO conventions can be considered international customary law, and have thus gained universal applicability.

In the course of decolonization during the 50s and 60s of the 20th century, an operative accent complemented the older normative focus. Technical cooperation with developing countries became an important activity of the ILO, in which it cooperates with other subdivisions of the UN system, most particularly the United Nations Development Programme → UNDP in carrying out projects of development aid, aiming for example at the setting up of occupational health and safety departments, so-