

Conclusions

Looking ahead, particularly with a view to the 1996 WTO Ministerial Conference in Singapore, we can begin to develop some thoughts on how to approach the trade-labour interface. Though the agenda for the Ministerial has yet to be finalized, several countries have expressed an interest in placing discussion of a social clause on the agenda. What could the Ministerial aim to achieve? First, it could deliver an understanding that any potential social clause would address "core" labour rights. A social clause in a trade context would not encompass the principles or embodiment of the principals into ILO Conventions, of working hours, wages or benefits. The distinction between "core" rights and other standards needs to be explicitly accepted internationally.

Secondly, the Ministerial could recognize that it is premature to negotiate linkages of ILO "core" labour Conventions and WTO trade rights and obligations. This cannot be overstated. There is a real danger that the linkage of often generally stated ILO obligations for ratifying states, with the WTO's relatively more defined and concise rules could be exploited by protectionist interests. The current ILO conventions do not embody the transparency and predictability of the GATT and the WTO.

This points to a need for legal clarification of the scope of the ILO "core" Conventions. Prior to any discussion of trade sanctions as an enforcement mechanism there is a need to elaborate on the internationally agreed content of the ILO Conventions. The clarification of "core" labour rights is a task for the ILO, not the OECD, and certainly not the WTO. Without even considering the actual effectiveness of trade sanctions to alter a state's behaviour²¹, to attempt to negotiate a set of WTO trade rules to enforce the ILO "core" conventions as they stand could well be a recipe for disaster.

If there is to be an institutional linkage with the WTO it is apparent that the ILO Conventions would need to be reviewed. For at least some of the "core" labour rights Conventions there appears to be a clear requirement for a new convention. This is particularly true for "child labour" which, as discussed above, deals with minimum ages and not exploitation. Yet revising conventions would be a long and complex process, and raises the question of the political will of countries (and of business and

²¹Robert T. Stranks, "Economic Sanctions: Foreign Policy Foil or Folly?", Policy Staff Commentary No. 4, Department of Foreign Affairs and International Trade, May 1994.