

detailed legal obligations for ratifying states.¹⁸ These Conventions are so-called "promotional" Conventions, "whereby individual ratifying States undertake to pursue stated objectives, but by methods that are left largely to their own discretion, as is the timing of the changes made."¹⁹

Moreover, exceptions to general principles are allowed. Convention 111 allows ratifying countries to treat some workers differently.²⁰ Article 5 reads "Any Member may, after consultation with representative employers' and workers' organizations, where such exist, determine that other special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities of social or cultural status, are generally recognised to require special protection or assistance, shall not be deemed to be discrimination." And Convention 100 allows individual states to determine what is work of equal value. Hence, the Conventions allow for national determination, there is no well-defined international obligation. So, even if trade sanctions were available, as the ILO Conventions stand it is not clear how trade measures could be used, since there is no clear international legal standard to enforce. You would have a system with "teeth", but nothing to bite. Conversely, it is another matter if some advocates of a trade-linked social clause believe it would allow them to use trade sanctions to enforce their view of social justice. Each country, no doubt, would see its affirmative action or equality of wage efforts as working toward a noble goal. Unfortunately, other countries or protectionist interests may not have similar views.

¹⁸In respect to the concept of "basic" rights, the Director-General of the ILO recently observed that "the delineation of these rights, especially equality of treatment, has not yet been fully settled. How they are ultimately delineated in fact depends on the reasons why each of them should be seen as unconditional, and on the consequences of their definition in a particular way." International Labour Office, "The Social Dimension of the Liberalization of International Trade," Contribution to the G7 Employment Conference submitted by the Director-General of the International Labour Office. April, 1996.

¹⁹International Labour Office, International Labour Standards, 1978, p.24.

²⁰The purpose of this paper is not to debate the alleged merits or injustices of affirmative action measures. It is to signal that this debate is an inherent element of considerations linking core labour rights (the concept) or core labour conventions (the existing ILO Conventions) with trade measures.