

conventions set out above, with the exception of occupational safety and health conventions, the U.S. has only ratified the abolition of forced labour - Convention 105. For this paper's purpose the TUAC proposal could serve as a working set of "core" ILO Conventions.

Adequacy and Transparency of ILO Conventions

This paper is not a comprehensive legal analysis of the seven "core" ILO Conventions or how well they capture the concept of basic human rights as set out by the UN's International Bill of Human Rights. The purpose of the Commentary is much simpler: it is to question, and invoke thought about the assumption that the ILO "core" Conventions are sufficiently defined and universally understood to allow easily for the effective use of trade sanctions as an enforcement instrument.¹⁰ The paper suggests that there should be cause to pause for reflection on embracing existing ILO Conventions as de facto adequate legal instruments for the possible use of trade sanctions or other punitive measures.¹¹ Hence, the title of this paper - Look Before You Leap.

Freedom of association is considered the most fundamental of labour rights. The aim of Convention 87 is: "The right, freely exercised, of workers and employers, without distinction, to organise for furthering and defending their interests."¹² The aim of Convention 98 is: "Protection of workers who are exercising the right to organise; non-interference between workers' and employers' organizations; promotion of voluntary collective bargaining." Yet the scope of this freedom is not without controversy. The "right to strike", for example, is not specifically set out in any ILO Convention or Recommendation.¹³ To consider establishing a mechanism that allows

¹⁰In this regard, it is insightful to recall that the North American Agreement on Labor Cooperation (NAALC) commits each country (Canada, Mexico, and the United States) to enforce its own labour laws.

¹¹There is also the question of in practice what is being effectively enforced. How the existing ILO core conventions are implemented and enforced are an important component for any serious discussions.

¹²International Labour Office, Summaries of International Labour Standards, 1988, p.5.

¹³The Employers' group of the ILO and several governments disagree with the interpretation of the Committee on Freedom of Association concerning the right to strike. OECD, Trade and Labour Standards, COM/DEELSA/TD(96)8, January 1996, p.96. Lucile Caron has also noted "the kind of jurisprudence which has evolved over the years with respect to freedom of association and which, in