

"The biggest fight exploded over Article 35 in the ILO constitution, called 'the colonial article.' Under it a colonial power has certain choices as to how it will implement a convention within a colony. The fight was over whether there should be a clause exempting colonial powers from automatically applying the provisions of the convention in their colonies. The French and the British became very touchy. A Canadian was committee chairman in 1958—Arthur Brown, Deputy Minister of Labour—and I got into a big fight with him on this.

"The final vote in June 1958 produced an overwhelming majority for us—we needed to win a two-thirds majority of those voting. The Canadian government finally voted for the draft instrument. So it came into force in 1958, and Canada ratified the Convention in 1964. Ratifying countries have to report every two years to the ILO on its implementation.

"Conventions have an effect, regardless of whether governments ratify them.... When Canada drafts labour legislation, officials look around for precedents, at British or American laws or at ILO or other international covenants. Moreover, delegates who attend international conferences become familiar with the issues and help bring about legislative changes in their own country. But if they are not ratified, nothing is obligatory.

"Conventions in themselves are not a cure-all; but the whole basis of international organizations is to develop what a former ILO director-general, Wilfred Jenks, called 'the common law of mankind.' There has been a continuous struggle, to carve out for the international jurisdiction something that can only be taken away from the narrow national jurisdiction. No country in the world will give up its ultimate right to proceed on the basis of its own interests, even though it will pay lip-service to all sorts of desirable objectives. What became fashionable among internationalists for a while was the functional approach: since we cannot agree on the big issues of war and peace and trade, let's start agreeing on smaller issues—safety in the workplace, obligatory school systems, abolition of torture and slave labour (national sovereignty wouldn't be affected if you do away with such-abhorrent practices)—and the logic is that countries will get used to the idea that you can carve out certain things for 'the common law of mankind.'

"After a long life, I've come to believe in the incremental approach, in substance, no matter how small, and not just in the mere shifting of commas and semicolons around documents. I am a believer in reaching out for great objectives—the sky is the limit, because we must work for a world without poverty, injustice and war. But we should not be despondent if we achieve only a small measure of success."