

Status and Functions of the International Labour Organization

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Abstract

The purpose of this article is to analyze the status and functions of the International Labour Organization (ILO) as a specialized agency of the United Nations. It aims to examine the core principles that define the ILO's operations, including its legal nature, the role of tripartism, and the institution's commitment to social partnership through various forms of technical cooperation. The research utilizes legal and institutional analysis, focusing on the ILO's foundational documents and the legal status of its actions in the context of international law. Key sources include scholarly works on the structure and activities of international organizations, with a particular emphasis on the ILO's legal framework and objectives as articulated in the Philadelphia Declaration of 1944. The findings reveal that the ILO's main goals are centered around improving working conditions globally, promoting social justice, ensuring decent employment opportunities, and enhancing social protection. The ILO's tripartite structure, involving government, employer, and worker representatives, plays a crucial role in strengthening social dialogue and fostering cooperation between these groups. In conclusion, the ILO's continued relevance lies in its ability to adapt to evolving global challenges. The article recommends that the ILO should further expand its technical cooperation, particularly through the Decent Work Country Programme, and harmonize international labor standards to address the changing dynamics of the global workforce.

Keywords: ILO; Legal Nature; Principles; Social Partnership; Technical Cooperation; Tripartism;

1. Introduction

The creation of international institutions has fundamentally reshaped global governance, giving rise to new branches of international law. These institutions, particularly those within the United Nations (UN), have been pivotal in establishing frameworks for cooperation across diverse sectors, such as human rights, trade, and labor. However, as these institutions grow and evolve, so does the complexity of understanding their legal nature and their roles in global governance [1], [2]. In particular, the legal structures of international institutions such as the International Labour Organization (ILO) remain a subject of ongoing academic inquiry. Scholars have debated the effectiveness of these institutions in addressing contemporary global challenges, with particular focus on how their legal status influences their ability to effect change [3].

The ILO, founded in 1919, has emerged as one of the most influential specialized

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agencies within the UN. Its mission revolves around promoting decent work, ensuring social protection, and improving working conditions across the globe. As an intergovernmental organization, the ILO brings together governments, employers, and workers to shape labor standards and policies. This tripartite model of cooperation sets the ILO apart from other international institutions and is considered a key factor in its success [4]. While its role in promoting labor rights and social justice is well-recognized, the ILO's effectiveness in adapting to changing labor market dynamics warrants deeper exploration [5], [6].

While existing research provides valuable insights into the ILO's foundational principles, such as the Philadelphia Declaration of 1944, there are notable gaps in understanding how these principles are applied in the context of modern global labor issues. Scholars have emphasized the importance of tripartism in the ILO's decision-making process, yet there is limited research on how this model functions in addressing contemporary challenges like informal labor, the gig economy, and the rise of precarious work [7]. Moreover, scholars have noted that while the ILO has maintained its original goals, new global labor trends require an updated framework to address emerging issues such as labor migration and automation [8].

Despite a long history of research on international organizations, there is still a need for a more nuanced understanding of the ILO's evolving role within the UN system. While previous studies have focused on its institutional structure and legal foundations, less attention has been paid to how the ILO can address the challenges posed by globalization, economic shifts, and technological advancements. This gap in research highlights the need for an updated analysis that considers the current global labor landscape, including the ongoing effects of globalization and the COVID-19 pandemic on work [9], [10].

This study seeks to bridge these gaps by exploring the ILO's legal nature, its foundational principles, and how these principles continue to guide the organization's work today. It aims to critically examine the ILO's tripartite model and its impact on social dialogue, as well as assess the effectiveness of its current programs in meeting contemporary labor needs. The study also explores the ILO's role in addressing emerging challenges such as gender equality, climate change, and digital labor. By focusing on these areas, the study seeks to contribute to ongoing discussions about the ILO's future and its ability to adapt to evolving global labor needs [11].

The purpose of this study is to offer a fresh perspective on the ILO's activities by analyzing its legal and institutional frameworks, while also addressing the gaps in research concerning the application of its principles in contemporary global labor challenges. The study aims to provide recommendations for enhancing the ILO's operational efficiency and global relevance. Through a comprehensive evaluation of its goals, objectives, and activities, this research intends to contribute to the broader discourse on international labor law and social justice in the 21st century.

2. Research Method

The research method used in this study is primarily documentary research, coupled with legal analysis. This approach is especially fitting for understanding the legal nature of international institutions, as it provides an in-depth look at foundational documents, such as charters, treaties, and resolutions. By examining these key documents, we can uncover the core principles that shape an institution's legal status, powers, and operations [12]. I am

focusing on qualitative data from these texts [13], as they provide the most direct insight into how international organizations like the International Labour Organization (ILO) or the United Nations (UN) are structured. Secondary documents, including newer protocols or amendments, will also be analyzed to see how the goals and operational scopes of these organizations have evolved over time. The research will rely heavily on legal documents, alongside scholarly interpretations of these frameworks, to deepen our understanding of how these institutions navigate global challenges.

The data collection process involves gathering primary sources directly from the official documents of international institutions, such as the ILO's Constitution or the UN's Charter. By focusing on these texts, we can assess key aspects like the competence of the institutions and the legal force of their decisions—whether these decisions are binding or advisory. The legal framework of these organizations, outlined in their founding documents, will form the bulk of the data, while the broader implications of their tripartite decision-making model will also be considered [14]. I will also pull from secondary sources, such as academic papers and legal analyses, to help interpret these primary texts and provide a well-rounded view of how these institutions operate in practice. According to Dwijendra et al (2021), this combination of official documents and scholarly interpretation is critical in understanding the shifting legal dynamics of international organizations [15].

For analysis, the method will employ a comparative legal approach. I will compare the ILO's founding documents with those of other international institutions, like the UN, to identify similarities and differences in their legal structures and decision-making processes. By comparing these frameworks, the aim is to uncover patterns in how these institutions adapt their legal authority over time, especially in response to new global challenges like labor migration and technological changes. This comparison will be informed by works like Saidov's (2001) study on the common goals and principles that underpin these institutions. Ultimately, the goal of this analysis is to determine how well these legal frameworks are holding up in the face of contemporary global issues, offering recommendations for strengthening their operational effectiveness in the future [16].

3. Result and Discussion

Scholars who have studied the activities of the ILO indicate that its main goals are to promote socio-economic development; improve working conditions and the situation of people; create broad opportunities for men and women in decent employment and income; achieve social justice; increase the effectiveness and expand the scope of social protection for all; support social relations and strengthen tripartism [17], [18]. The Philadelphia Declaration, adopted on May 10, 1944, defined the activities of the ILO after the Second World War and further expanded its tasks [19].

The Declaration defines the following four main principles of the ILO. Through this document, the principle of equality was defined for the first time as an important task of the organization in a broad sense. These principles formed the basis for the following four strategic goals of the ILO: first goal: development and implementation of norms, basic principles, and rights in the field of labor; second goal: creation of broader and more favorable working conditions for women and men; third goal: increasing the effectiveness and expanding the scope of social protection for all; fourth goal: strengthening the tripartite structure and supporting social dialogue [5]. These goals and the tasks arising from them may be prioritized,

taking into account the circumstances of a particular period, and based on the current situation and needs in the Member State, the main work may be organized in this direction [20].

When studying the legal nature of international institutions, scholars emphasize the need to proceed from the perspective of the sovereign equality of member states of international institutions and the existence of their common interests. That is, ... "the principle of sovereign equality of member states is the guiding principle of the structure and activities of all modern universal international institutions" [21]. "The legal nature of international institutions is based on the existence of common goals and interests of member states." [22] "International intergovernmental organizations are based on the principle of sovereign equality of member states...". [23]

Indeed, where there is no equality, there can be no other legal relations. Professor A.Saidov expresses the following opinion: "The primacy of the principle of sovereign equality of states in the creation and activities of international institutions is manifested in the following: firstly, international institutions are established on the basis of treaties and voluntary membership; secondly, the decisions of international institutions are mainly advisory in nature; thirdly, the interstate nature of international institutions ensures the preservation of mutual equality and sovereignty of states." [24]

According to the agreement concluded with the United Nations in 1946, the ILO is considered the first specialized agency of the UN. Article 57 of the UN Charter serves as the legal basis for the conclusion of the Agreement [25]. If we pay attention to the article, we can see the following requirements for international institutions created as specialized agencies of the UN:

Firstly, established in accordance with intergovernmental agreements; Secondly, international responsibility in certain areas (for example, economic, social, cultural, educational, healthcare, and similar fields) is assigned according to their constituent document. These characteristics of specialized agencies are also reflected in the definitions given to them by scholars [26]. The approach expressed by V.N. Fedorov regarding the tasks of these structures can be considered the main task not only of specialized agencies but also of international intergovernmental organizations in general: "An important task of specialized intergovernmental organizations, programs, and funds is that in the 21st century, they should continue to play the role of a unique mediator in order to eliminate misunderstandings between states that differ in their power, culture, and interests, and also serve as a forum for expressing the opinions and approaches of states, while continuing to protect the interests of all humanity" [27].

The issue of the legal nature of internal law of international institutions is inextricably linked to the problem of their subjectivity in international law. If international institutions are considered subjects of international law, their activities are regulated by legal norms, as well as obligations arising from international treaties, founding documents, and general principles of international law [28].

G.Tunkin states, "The significance of the provisions of the founding document of an international institution is that it can be amended as an international treaty not by the international institution established on its basis, but only by the states participating in this treaty" [29]. Accordingly, the charters of international institutions establish specific procedures for making amendments. According to Article 36 of the ILO Constitution, amendments require

two-thirds of the votes of delegates participating in the Conference. For amendments to enter into force, they must be ratified or accepted by two-thirds of the Organization's members, including five of the ten industrialized countries represented on the Governing Body. Regarding amendments, Y.Sarviro notes: "After amendments come into force, even those who abstained or opposed them in voting or adoption are obliged to comply with these changes" [30].

Despite the Philadelphia Declaration playing a special role in strengthening the ILO's mandate and expanding its activities, some literature denies this. In particular, V.G. Shkunayev believes that the Philadelphia Declaration did not introduce any innovations to the ILO's activities [31]. Other scholars view the Philadelphia Declaration as a document expanding the ILO's goals, tasks, and powers. A. Beeler, in his 1956 work on the ILO, commented on the conference that adopted the Philadelphia Declaration: "At the 1944 Philadelphia Conference, the Organization carefully reviewed its fundamental principles and objectives, its 1919 Constitution, which should be aimed at promoting social justice in the post-war period, taking into account twenty-five years of experience"[19]. N. Valticos and J. Potobsky noted that the Philadelphia Declaration extends the ILO's competence not only to regulating labor conditions but also to living conditions in general [32].

According to another scholar, L.A. Kostin, "The Philadelphia Declaration breathed new life into the Organization's activities, allowing it to play an important and dynamic role in promoting workers' rights and interests by improving their living and working conditions. This was a significant step forward compared to the ILO's previous protective functions" [21]. Agreeing with these scholars' opinions, it can be said that the adoption of the Philadelphia Declaration marked the beginning of a new stage in the ILO's activities. The strategic goals defined at this stage remain among the main issues that need to be practically regulated in the international labor standards adopted by the ILO today. The strategic goals reflected in this document led to the identification of the ILO's four fundamental principles and its core conventions based on them, as well as the preparation of annual global reports on these principles [33].

One of the widely used concepts in the activities of the ILO is tripartism. This principle is also what distinguishes the ILO from other international institutions [34]. Tripartism is a formal principle of the ILO, where each body operates with representatives from the government, employers, and workers. Tripartism is also an important principle in developing dialogue between social partners in member states.

In the first decade of the ILO's existence, scholars noted and supported the importance of this principle, as can be seen from the following statements. J.Selle: "The direct participation of the 'industrial community' in the international management of the social sphere was one of the first manifestations of overcoming the period known as the "era of state particularism" [24]. G. Gurvitch also advanced a similar idea: "The new international institution combines the development of collective conventions on labor and international legal norms, two forms of 'legal pluralism' that break the state's monopoly on lawmaking"[35].

H. Sauer comments on this: "There is no doubt about the advantages of tripartism, as it provides ILO standards with absolute authority and a high degree of democratic legitimacy" [36]. This form of governance represents a limitation on the concept of states' absolute right to make decisions in international intergovernmental organizations and recognizes that

workers and employers, transcending national borders, represent interests at the global level. In other words, the participation of delegates directly representing the interests of workers and employers in ILO discussions establishes a connection with economic reality. The representation of structures cooperating on the basis of the tripartism principle the government, workers, and employers - is referred to as social partnership in ILO practice. The concept of social partnership was first mentioned in ILO documents in the ILO Convention No. 98 of 1949 "On the Application of the Principles of the Right to Organize and Conduct Collective Bargaining," to which Uzbekistan is a party.

In the literature, one can see two main approaches to the concept of "social partnership". The first interprets it as a method of regulating conflicting social and labor relations, while the second views it as a complex, multifaceted social process. In our opinion, regardless of how social partnership is interpreted, it should encompass two important aspects: first, the presence of three main subjects in the relationship: the state, the employee, and the employer's representative; and second, the object of the relationship should typically be focused on working conditions.

4. Conclusion and Recommendation

Looking ahead, the ILO has an important opportunity to further strengthen its cooperation with member states, particularly in areas that will directly impact global labor conditions. As someone who has closely observed the growing challenges in the workforce, such as the rise of gig economy jobs and shifting labor migration patterns, I believe that expanding the Decent Work Country Programme in more member states will be crucial in addressing these emerging issues. Moreover, creating platforms for sharing information and resources to support the implementation of the Sustainable Development Goals (SDGs) can help streamline national processes. By harmonizing international labor standards and consolidating conventions dealing with similar issues, the ILO can help create a more unified global approach, making it easier for nations to navigate labor challenges and work together toward shared solutions.

That said, there are some limitations to this analysis, especially when it comes to fully understanding the nuances of the ILO's activities across such diverse contexts. To better capture its effectiveness, it would be helpful to conduct field studies or gather data from specific countries or regions where labor market dynamics differ significantly, especially in low- and middle-income countries. As we look toward the future, I would recommend further research that delves deeper into how the ILO can address the growing impact of digital labor and informal sectors, as well as the challenges posed by precarious work. Moreover, understanding the real-world impact of the Decent Work Country Programme in specific nations would provide more detailed insights into its success and areas for improvement, allowing the ILO to better adapt its strategies to current global needs.

5. References

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